



DEBATE PACK

Number CDP 2016/0138, 5 July 2016

Online abuse

Backbench Business Debate Commons Chamber, 7 July 2016

A backbench business debate on a motion relating to online abuse discussing bullying on social media and the internet will take place on Thursday 7 July 2016.

This debate was scheduled by the Backbench Business Committee following a representation from Mrs Maria Miller. The debate will be opened by Mrs Maria Miller and Simon Hart.

Their bid to the Backbench Business Committee may be heard on parliament.tv

By Danny Rogers
John Woodhouse

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Introduction

Online abuse, harassment and bullying can take a variety of forms.

According to the NSPCC, cyberbullying is an increasingly common form of behaviour that can involve the following:

- sending threatening or abusive text messages
- creating and sharing embarrassing images or videos
- 'trolling' - sending of menacing or upsetting messages on social networks, chat rooms or online games
- excluding children from online games, activities or friendship groups
- setting up hate sites or groups about a particular child
- encouraging young people to [self-harm](#)
- voting for or against someone in an abusive poll
- creating fake accounts, hijacking or stealing online identities to embarrass a young person or cause trouble using their name
- sending explicit messages, also known as [sexting](#)
- pressuring children into sending sexual images or engaging in sexual conversations¹

A 2016 NSPCC [report](#) on child safety in the UK found that in 2015/16 there were:

- 4,541 Childline counselling sessions where cyber bullying was mentioned - a 13% increase since 2014/15
- 1,392 Childline counselling sessions where sexting was mentioned – a 15% increase since 2014/15²

What does the law say?

England and Wales

The Government has said that “if something is illegal offline, it is also illegal online”³ and that existing legislation can be used to tackle online abuse.

Relevant offences include:

- stalking and “stalking involving fear of violence or serious alarm or distress” - sections 2A and 4A of the *Protection from Harassment Act 1997*, as amended by the *Protection of Freedoms Act 2012*
- harassment - section 2 of the *Protection from Harassment Act 1997*
- improper use of a public electronic communications network - section 127 of the *Communications Act 2003*

¹ NSPCC website, [Bullying and cyberbullying: what are bullying and cyberbullying?](#), accessed 5 July 2016; see also BullyingUK website, [What is cyber bullying?](#), accessed 5 July 2016

² Holly Bentley et al, [How safe are our children? The most comprehensive overview of child protection in the UK](#), NSPCC, 2016

³ See, for example, [HC Deb 29 October 2013 c236-7WA; PQ 224106 and PQ 224105, both answered 23 February 2015](#)

- sending indecent, grossly offensive, false or threatening communications - section 1 of the *Malicious Communications Act 1988*⁴

“Revenge pornography”

[Section 33](#) of the *Criminal Justice and Courts Act 2015* criminalised one particular type of online abuse in England and Wales: “revenge pornography” – “the sharing of private, sexual materials, either photos or videos, of another person, without their consent and with the purpose of causing embarrassment or distress”.⁵ Those found guilty can be sentenced to up to two years in prison.

Section 33 came into force on 13 April 2015.

The Crown Prosecution Service (CPS) has published [guidance](#) on prosecuting cases involving revenge pornography.⁶

The need for further legislation?

In February 2016, the Government [said](#) that it did “not intend to introduce specific additional legislation to address online harassment and internet trolling”.⁷

Also in February 2016, when asked about criminalising cyber bullying, the Government [said](#):

(...) We do not want to make any form of bullying a criminal offence as to do so would risk criminalising young people. In some circumstances that may be justified, but probably only in a limited number of very serious cases, for which there are already laws in place to protect people. Internet providers, schools and parents all have a role to play in keeping children and young people safe online...⁸

Revised Crown Prosecution Service guidelines

In March 2016, the CPS published interim [revised guidelines](#) on prosecuting offences “that may be committed by reason of the nature or content of a communication sent via social media.”⁹

A consultation on the revised guidelines has now closed. According to an April 2016 [parliamentary response](#), final guidelines will be published later in the year.¹⁰

Scotland

Relevant offences include:

⁴ [Section 32](#) of the *Criminal Justice and Courts Act 2015* amended section 1 of the 1988 Act so that prosecutions for the offence can be dealt with either in the magistrates’ court, or in the Crown Court. It also increased the maximum penalty when tried on indictment to two years’ imprisonment, or a fine, or both.

For background see: “[Internet trolls to face 2 years in prison](#)”, MoJ press release, 20 October 2014; Section 6.2 of Library Briefing Paper, [Criminal Justice and Courts Bill: Commons stages](#), 12 June 2014

⁵ Ministry of Justice (MoJ), [Revenge porn: the facts](#), February 2015; MoJ, “[New law to tackle revenge porn](#)”, 12 October 2014

⁶ http://www.cps.gov.uk/legal/p_to_r/revenge_pornography/index.html

⁷ [PQ 25115](#), answered 4 February 2016

⁸ [PQ 27104](#), answered 23 February 2016

⁹ http://www.cps.gov.uk/consultations/social_media_consultation_2016.html

¹⁰ [PQ 904467](#) [on Trolling and Online Abuse], 14 April 2016

- harassment – sections 8-11 of the *Protection from Harassment Act 1997* (as amended)
- threatening and abusive behaviour - section 38 of the *Criminal Justice and Licensing (Scotland) Act 2010*
- stalking - section 39 of the *Criminal Justice and Licensing (Scotland) Act 2010*
- improper use of public electronic communications network - section 127 of the *Communications Act 2003*¹¹

In addition to the above statutory offences, the common law offences of breach of the peace and threats can be used to prosecute online bullying and harassment.¹²

“Revenge pornography”

[Section 2](#) of the *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* creates a new offence of disclosing, or threatening to disclose, an intimate photograph or film.¹³ Section 2 is not yet in force.

Crown Office and Procurator Fiscal Service (COPFS) guidance

In December 2014, the COPFS published [guidance](#) on communications sent via social media “to provide clarity on when such communications will amount to criminal conduct”.¹⁴

¹¹ Scottish Parliament [written response](#), 10 April 2012

¹² Ibid

¹³ Further background to the 2016 Act is available from the Scottish Parliament [website](#)

¹⁴ “[Crown Office sets out social media prosecution policy](#)”, COPFS news release, 4 December 2014

2. Parliamentary Business

2.1 Debates

[Adjournment debate on Internet Abuse of Members of Parliament](#)

HC Deb 04 Nov 2014 | vol 587 cc800-4

[Westminster Hall debate on Cyberstalking](#)

HC Deb 06 May 2014 | 580 cc28-43WH

[Opposition day debate on Cyber-bullying](#)

03 Dec 2013 | vol 571 cc804-840

2.2 EDMs

EDM 25

CYBER BULLYING

That this House condemns cyber bullying, online harassment and trolling; notes with concern the detrimental effect it can have on victims' mental and physical well-being; further notes that much of this bullying is sexist, racist or homophobic in nature; calls on the Government to equip young people and other web users with education on how to recognise and report cyber bullying; urges the establishment of a support network for the victims of online harassment; and, given that a significant proportion of online harassment emanates from outside the UK, encourages the Government to work with its partners internationally to ensure the perpetrators of harassment cannot use jurisdictional issues as a means to escape responsibility for their actions online.

18 May 2016 | 25 (session 2016-17)

Primary sponsor: Margaret Ritchie

EDM 1085

SAFER INTERNET DAY CAMPAIGN

That this House notes that 9 February 2016 is the annual, worldwide Safer Internet Day, which this year focuses on playing your part for a better internet; further notes that the UK Safer Internet Centre co-ordinates this campaign in the UK, which sees hundreds of organisations get involved to help promote the safe, responsible and positive use of digital technology for children and young people; recognises that Ofcom research has shown that 91 per cent of five to 15 year-olds live in households with internet access and over a third of all three to four year olds are now accessing the internet in their homes; further recognises

Bullying UK's figures that 56 per cent of young people have said that they have seen others being bullied online whilst 42 per cent have felt unsafe online themselves; highlights the work done by organisations like the NSPCC, Childline and Family Lives, among many others, that offer support to those who have been victim to online abuse; fully condemns all forms of cyberbullying and online harassment; asks for parents, guardians and carers to ensure that their children are well protected by helping educate them about dangers online; and congratulates the campaign on its ongoing success over the last few years.

08 Feb 2016 | 1085 (session 2015-16)

Primary sponsor: Margaret Ferrier

2.3 Parliamentary Questions

Asked by: Percy, Andrew

To ask the Secretary of State for Education, if she will take steps to ensure that all children are taught in schools about online abuse and how they should report such abuse to the police.

Answered by: Edward Timpson | Department: Department for Education

E-safety is covered at all key stages in the computing curriculum since its introduction in September 2014. Children in primary schools are taught how to use technology safely and respectfully, how to keep personal information private, and where to go for help and support when they have concerns about content or contact on the internet, such as online abuse or other online technologies. Pupils in secondary schools are taught a range of ways to use technology safely, respectfully, responsibly and securely, including protecting their online identity and privacy, how to recognise inappropriate content, contact and conduct and how to report concerns. All schools can choose to teach children about the dangers of social media in an age-appropriate way. Schools are also able to teach pupils about e-safety in personal, social, health and economic (PSHE) lessons. The PSHE Association's non-statutory programme of study for health and well-being includes ways of keeping physically and emotionally safe, including online.

26 May 2016 | c 37991

Asked by: Percy, Andrew |

To ask the Secretary of State for the Home Department, what discussions she has had with the Secretary of State for Education on tackling online abuse in schools.

Answered by: Karen Bradley | Department: Home Office

The UK Council for Child Internet Safety (UKCCIS) is co-chaired by Ministers from Department for Education, Home Office and Department for Culture Media and Sport. This brings together industry, law enforcement, academia, charities and parenting groups to help to keep

children and young people safe online. As part of this work, the UK's Communications regulator, Ofcom, published best practice guidance for social media platforms to encourage responsible practice from industry in December 2015.

The Department for Education recognises that educating young people is key to tackling cyberbullying and protecting children from online abuse. All schools must have a behaviour policy which includes measures to prevent and tackle all forms of bullying, including cyberbullying. To help schools to develop effective measures the Department for Education has produced advice which provides a definition of cyberbullying and outlines the steps schools can take to deal with bullying.

Search powers included in the Education Act 2011 have given teachers stronger powers to tackle cyber-bullying (via text message or the internet) by providing a specific power to search for and, if necessary, delete inappropriate images (or files) on electronic devices, including mobile phones. The Department has also issued advice for parents and carers on cyberbullying which specifies the tell-tale signs that it is happening and includes advice on what do when it occurs.

The Government has invested £3.85 million in a new phase of our This is Abuse campaign, which tackles abuse within teenage relationships and was launched in March. The National Crime Agency's Child Exploitation and Online Protection (CEOP) has developed a comprehensive education programme, called Thinkuknow, which provides targeted advice to children, parents and carers, including on how to use social media safely.

26 May 2016 | 37990

Asked by: Percy, Andrew

To ask the Secretary of State for the Home Department, how many cases of online abuse on (a) Facebook, (b) Twitter and (c) all other social media have been reported to the police since 2010.

Answered by: Mr John Hayes | Department: Home Office

The Home Office do not hold the information requested.

However, we have introduced an 'online flag' as part of the police recorded crime data collection. This allows police forces to record online instances of abuse and other crimes such as stalking, harassment, sexual offences and others. These offences could have taken place solely online, or had an online element to them. These data are currently still in development but will be published in due course. However, it will not be possible to split the data according to type of social media used (if any).

26 May 2016 | 37988

Oral questions on Internet Trolling and Online Abuse

14 April 2016 c 495

David Rutley (Macclesfield) (Con)

6. What steps the Crown Prosecution Service is taking to increase prosecution rates for internet trolling and other forms of online abuse.

Michael Fabricant (Lichfield) (Con)

7. What steps the Crown Prosecution Service has taken to increase prosecution rates for internet trolling and other forms of online abuse on social media; and if he will make a statement. [904468]

The Solicitor General (Robert Buckland)

The Crown Prosecution Service recently revised its publicly available social media guidelines. They are subject to a current consultation, which will result in the publication of finalised guidelines on serious offences later in the year.

David Rutley

Does my hon. and learned Friend agree that the effect of online abuse on mental health can be damaging, particularly among young people? Will he urge the social media sector to engage with the CPS and other agencies to root out poor behaviour and signpost the support that is available to victims in law?

The Solicitor General

Online abuse can sometimes be worse than face-to-face abuse, because it is all-pervading and does not end at the school gates or allow for privacy at home. The Director of Public Prosecutions has met several social media providers, and the CPS will continue to work with them on measures to improve the reporting and prosecution of such abuse.

Michael Fabricant

Even I have been trolled on Twitter. I do not know whether it was Momentum or someone else, but people have doubted the provenance of my hair. Can you believe that?

However, a friend of mine has a young son of 16 who has also been trolled on Twitter. He did not take it as lightly as I do and the poor boy has harmed himself, which is a serious matter. I was interested to hear the Solicitor General's reply to my hon. Friend the Member for Macclesfield (David Rutley), but what steps can we take to deter young

people from bullying other young people on Twitter, Facebook and other social media?

The Solicitor General

I am naturally reticent to trespass upon the bailiwick of my hon. Friend's hair, so I will confine my remarks to the serious issue he raised about the mental health impacts on young people. Work is being done on training so that CPS prosecutors can enable victims and users to report abuse and, in particular, to ensure that offending content can be removed by providers.

Tom Elliott (Fermanagh and South Tyrone) (UUP)

What action is being taken in schools in conjunction with the Department for Education to try to curtail the amount of online abuse aimed at young people?

The Solicitor General

The hon. Gentleman will be aware that a massive amount of work is being done by not only the Department for Education, but the third sector on cyber-bullying and its effects on young people. The combined approach that is being taken in schools the length and breadth of the country is not only alerting young people to the dangers, but empowering them to make complaints, so that they do not have to suffer in silence.

Asked by: Sheerman, Mr Barry

To ask the Secretary of State for Education, what recent discussions she has had with internet service providers on preventing sexual abuse, cyber bullying and social media abuse of young people on the internet; and whether that industry adheres to a code of good practice on such matters.

Answered by: Edward Timpson | Department: Department for Education

I co-chair the UK Council for Child Internet Safety (UKCCIS), along with from the Parliamentary Under Secretary of State in the Home Office and the Parliamentary Under Secretary of State for Internet Safety and Security. UKCCIS is a group of more than 200 organisations drawn from across government, industry, law, academia, and charity sectors that work in partnership to help keep children safe online. The four main internet service providers are executive members of the UKCCIS Board and the Board regularly discuss the best ways to prevent all forms of online abuse.

Under the UKCCIS, the UK's Communications regulator, Ofcom, is leading a working group to develop best practice guidance for providers

of social media for emerging social media platforms to encourage responsible practice from industry, and ensure children using their services are able to do so in a safe and protected way. This guidance will be delivered shortly. All the key players are round the table in this important collaborative project, including Twitter, Facebook, Google, Ask.FM, MindCandy and Microsoft.

The government will continue to work closely with social media companies to make sure they are committed to protecting children who use their platforms.

22 Dec 2015 | 20313

Oral questions on Harassment Online

15 Oct 2015 | vol 600 c486

Andrew Bridgen (North West Leicestershire) (Con): What support the Government provides for lesbian, gay, bisexual, and transgender people who receive abuse or harassment online. [901572]

The Minister for Women and Equalities (Nicky Morgan): The Government are absolutely clear that abusive and threatening behaviour online, whoever the target, is unacceptable. What is illegal offline is also illegal online. My Department has funded the development of a new website—Stop Online Abuse—which launched on 17 June. It provides advice on action that individuals, particularly LGBT people, can take against offensive, damaging or threatening content online and in other media.

Andrew Bridgen: As part of my casework I have been contacted by a teenager who is fearful of telling friends and relatives that he is gay. Such young people may be at particular risk of bullying. What particular help is the Minister offering schools to support such cases?

Nicky Morgan: No young person should ever feel that they are not able to be honest about themselves and their sexuality for fear of bullying. Tackling all forms of bullying is a priority. We have awarded £2 million to charities and community sector organisations, to help schools tackle homophobic, biphobic and transphobic bullying. I have also had the privilege of visiting some schools that are tackling the issue head on, such as Eastbourne academy and Caludon Castle school in Coventry, which are both Stonewall champion schools.

Greg Mulholland (Leeds North West) (LD): One quarter of LGBT students at school say that they suffer online abuse. Is the Minister working with the Department for Education to provide proper advice to schools, and is she working with the National LGBT Hate Crime Partnership's excellent Speak Up campaign to tackle this particular form of bullying and hate crime?

Nicky Morgan: I am open to working with all organisations in order to stamp out this hate crime. I am lucky enough to hold two Government jobs and am able to bring them together on this particular issue and provide £2 million of funding to pilot projects across the country to work

with schools in order to stamp out unacceptable homophobic, biphobic and transphobic bullying. The secret seems to be to take a whole-school approach, with everybody from the head to the teachers and pupils knowing exactly that that sort of behaviour is unacceptable

Asked by: Simpson, David

To ask the Secretary of State for Culture, Media and Sport, what information his Department holds on how many Facebook profile pages based in the UK were closed down in 2014 following reports of online abuse and blackmail.

Answered by: Mr Edward Vaizey | Department: Department for Culture, Media and Sport

The Department for Culture, Media and Sport does not hold any information on the number of Facebook pages based in the UK closed down in 2014 following reports of online abuse and blackmail. We are working with social media companies to improve online safety and ensure they put appropriate measures in place to protect their users.

11 Sep 2015 | 8480

Asked by: Jamieson, Cathy

To ask the Secretary of State for Culture, Media and Sport, what representations he has made to Facebook about online abuse of people with autism.

Answered by: Mr Edward Vaizey | Department: Department for Culture Media and Sport

DCMS has not made any representations to Facebook about online abuse of people with autism. However, the Government is working closely with social media companies, including Facebook, to improve reporting mechanisms so that online abuse in any form can be addressed quickly, with accounts being closed as necessary.

14 Jan 2015 | 219975

Asked by: Bebb, Guto

To ask the Secretary of State for the Home Department, what recent discussion she has had with social media companies about anti-Semitic comments on social media forums.

Answered by: Lynne Featherstone | Department: Home Office

The Home Office, working through the Inter-Parliamentary Coalition to Combat Antisemitism which works to tackle all forms of hate crime, has engaged with leading social media companies, related industry representatives and community groups to discuss the issues of the personal harm caused by offensive material on the internet. This has included work as part of the anti-cyber hate working group. As part of this collaborative process, the group has produced and recently published 'Responding to the Challenge of

Cyberhate: Best Practices’.

This provides a useful tool to help internet service providers, social media companies and other internet industry organisations to challenge and counter online hatred, whilst recognising the importance of free speech. The government expects social media companies to have robust processes in place to promptly deal with a case when abuse is reported to them. This includes acting quickly to assess the report, removing content which does not comply with the acceptable use policies or terms and conditions that are in place, and where appropriate, suspending or terminating the accounts of those breaching the rules that are in place.

We have supported the development of True Vision, the police-led online reporting facility and information resource, which allows people to report internet hate material directly to the police.

The Government will continue to work with social media and the internet industries in the interests of the public, as we take online hatred very seriously. Online abuse is just as illegal as communications that are offline and anyone who has been a victim of internet abuse should not hesitate to contact the police.

03 Dec 2014 | 215619

3. Media Articles

Telegraph

29 June 2016

[Revealed: Labour MPs go to police over death threats after refusal to back Jeremy Corbyn](#)

Guardian

18 June 2016

[Vile online abuse against female MPs 'needs to be challenged now'](#)

Telegraph

10 June 2016

[Naked Snapchat video and sexual selfies: Welcome to the new frontier of bullying](#)

The Times

5 June 2016

[Trolls may frighten female MPs but they won't be silenced](#)

The Times

June 2, 2016

[We're all losers in torrent of online abuse](#)

The Times

1 June 2016

[MP was sent 600 Twitter rape threats in one night](#)

Telegraph

31 May 2016

[Facebook and Twitter promise to crack down on internet hate speech](#)

Guardian

11 April 2016

[Top tech firms urged to step up online abuse fightback](#)

The Times

30 May 2016

[MP tells of torment from online trolls](#)

Independent

26 May 2016

[Reclaim the Internet campaign to tackle 'colossal' scale of online misogyny](#)

Telegraph

24 May 2015

[Five internet trolls a day convicted in UK as figures show ten-fold increase](#)

BBC

31 May 2016

[Web firms pledge to tackle online hate speech](#)

The Times

16 April 2016

[Creasy's call to combat trolls](#)

BBC

14 April 2016

[Online abuse law shake-up urgently needed, Tory Maria Miller says](#)

Independent

30 March 2016

[Sexist bullying leading to girls keeping quiet in the classroom to avoid being labelled 'swotty,' claims teachers' leader](#)

Guardian

4 March 2016

[Online abuse: 'existing laws too fragmented and don't serve victims'](#)

Guardian

3 March 2016

[Twitter to train prosecutors in fight against online abuse](#)

Telegraph

24 May 2015

[Five internet trolls a day convicted in UK as figures show ten-fold increase](#)

BBC Magazine

20 October 2014

[Who, what, why: What laws currently cover trolling?](#)

4. Further Sources

- Culture, Media and Sport Committee - [Online safety](#), (HC 729) 2013-14
- Culture, Media and Sport Committee - [Online safety: Responses to the Committee's Sixth Report of Session 2013–14, HC517](#)
- Demos Report - [Misogyny on Twitter](#) , May 2014
- [Stop Online Abuse](#)
A charity organisation helping women and LGBT people who have experienced online abuse.
- Home Office Guidance on [Online abuse and bullying prevention guide](#) 20 March 2015
- [UK Safer Internet Centre](#)
- NSPCC website - [Bullying and cyberbullying](#)
- Childline website - [cyberbullying](#)
- Bullying UK website - [cyberbullying](#)
- [UK Council for Child Internet Safety](#) (UKCCIS) - UKCCIS brings together government, industry, law enforcement, academia, charities and parenting groups to help to keep children and young people safe online
- The Child Exploitation and Online Protection Centre (CEOP) - [CEOP](#) is part of the [National Crime Agency](#) and provides a [ThinkUKnow](#) website which gives a range of advice to parents, teachers and children (according to age group)
- [Stop online abuse](#)
- [True Vision website – bullying and harassment](#)
- [Victim Support – stalking and harassment](#)
- Halsbury's Law Exchange [Policing abuse in the online world – where does the law currently stand?](#) 6 March 2015
- Home Office – Research Report [The nature of online offending Explored from Crown Prosecution Service case files 20 October 2015](#)

- Reclaim the Internet <http://www.reclaimtheinternet.com/>

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