

Written evidence for the Online Safety Bill Public Bill Committee submitted by the Domestic Abuse Commissioner

About the Domestic Abuse Commissioner

1. The Domestic Abuse Act establishes in law the Office of the Domestic Abuse Commissioner to provide public leadership on domestic abuse issues and 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; to identify adult and child victims and survivors, as well as perpetrators of domestic abuse; and to improve the protection and provision of support to people affected by domestic abuse from agencies and government, recognising the links and overlaps with wider forms of violence against women and girls (VAWG), including sexual violence.

Background

2. The Domestic Abuse Commissioner welcomes the opportunity to submit written evidence to the Public Bill Committee and supports the government's manifesto commitment to make the UK the safest place in the world to be online while defending free expression. However, as the Bill currently stands it fails to address any specific duties of care in relation to preventing domestic abuse and Violence Against Women and Girls (VAWG) online, endangering the government's objective, to increase user safety, being met.
3. The evidence is clear that women and girls are disproportionately affected by online abuse and harassment. Women are 27 times more likely to be harassed online than men¹, with 1 in 3 women having experienced online abuse perpetrated on social media or other online platforms at some point in their lives. Of these women 1 in 6 (16%) experienced this abuse from a partner or ex-partner.² Despite this extensive scale of domestic abuse and online VAWG, there is no explicit legislation to ensure large tech and social media companies take active steps to prevent the facilitation and enabling of online harms being perpetrated on their platforms.
4. The Domestic Abuse Commissioner understands that to include an exhaustive list of all domestic abuse harms and offences within the Bill would be limiting due to new terms and new harms regularly arising. However, the absence of coercive and controlling behaviour on the Priority Offences list is a missed opportunity to recognise the continuum of abuse that happens both online and offline. Technology provides perpetrators of domestic abuse with further tools to control, coerce and abuse.³ To list coercive and controlling behaviour as a priority offence will ensure tech companies have to tackle this behaviour and abusive content permitting the online space to become a safer place for victims and survivors of domestic abuse.

¹ European Women's Lobby (2017) Her Net Her Rights – Mapping the state of online violence against women and girls in Europe [hernetherights_resource_pack_2017_web_version.pdf](https://www.womenlobby.org/hernetherights_resource_pack_2017_web_version.pdf) ([womenlobby.org](https://www.womenlobby.org))

² Unsocial Spaces Refuge Report October 2021 [Unsocial-Spaces-for-web.pdf](https://www.refuge.org.uk/unsocial-spaces-for-web.pdf) ([refuge.org.uk](https://www.refuge.org.uk))

³ Unsocial Spaces Refuge Report October 2021 [Unsocial-Spaces-for-web.pdf](https://www.refuge.org.uk/unsocial-spaces-for-web.pdf) ([refuge.org.uk](https://www.refuge.org.uk))

5. Victims and survivors of technology-facilitated abuse have shared with the Domestic Abuse Commissioner the difficulty they have found seeking help from law enforcement. Survivors have even been advised by the police to come offline, as a “solution” to the abuse they are experiencing.⁴ If tech companies were to ensure that the online space is a safe place, the systematic removal of victims and survivors from online spaces would be significantly reduced.
6. Furthermore, due to the lack of an explicit reference to coercive and controlling behaviour or domestic abuse in the Bill, the practice of police minimising online abuse will continue. The failure to recognise the impact and seriousness of online abuse by law-enforcement has been raised by victims and survivors to the Domestic Abuse Commissioner.

Recommended Amendment

7. **Coercive and Controlling Behaviour (CCB) to be listed as a priority offence within Schedule 7: Priority Offences reflecting Part 6, Para 68 of the Domestic Abuse Act.**⁵
8. The Domestic Abuse Commissioner believes this amendment is necessary in order for companies to take responsibility and tackle online domestic abuse that is perpetrated on their platforms or facilitated by their technology. To list CCB as a priority offence would ensure that perpetrators of such offences are held accountable for their online actions.
9. Technology provides a means for perpetrators of Domestic Violence to enact coercive control that transcends fixed borders and boundaries.⁶ The range of ways in which technology and the online space can be used to facilitate and perpetrate abuse is broad, and can include but is not limited to, disclosing or threatening to disclose intimate images, installation of spyware for hacking and/or tracking applications or unauthorised access to accounts, devices, systems etc.⁷

Recommendations for Tech Companies

10. **The Domestic Abuse Commissioner recommends the inclusion of a Violence Against Women and Girls (VAWG) Code of Practice.** Tech companies should consider adopting the Code of Practice created by Carnegie UK, The End Violence Against Women Coalition, Glitch, NSPCC, Refuge, 5Rights and academics Lorna Woods and Clare McGlynn.⁸
11. The Online Safety Bill presents a unique and essential opportunity to address domestic abuse offences that occur within the digital space, many which overlap with wider forms of VAWG. Whilst the Domestic Abuse Commissioner recognises the challenges tech and social media companies may face in regulating DA and VAWG behaviours, the safety of DA and VAWG victims and survivors should be prioritised over logistical inconveniences for firms.
12. Internet companies must have clear and easy complaints procedures that can be accessed without difficulty or effort.
13. Internet providers should be required to publish thematic records which includes domestic abuse, relating to the number and type of complaints they have received, and the outcome of those complaints.
14. An intersectional approach to reporting, appreciating the converging lived experiences, causes and realities of Technology Facilitated Domestic Abuse (TDA), is necessary, particularly as the experiences of those suffering TFDA often experience a range of overlapping and intersecting forms of abuse (both online and offline), particularly individuals with protected characteristics or from marginalised groups.⁹ An

⁴ Unsocial Spaces Refuge Report October 2021 [unsocial-spaces-pdf \(refuge.org.uk\)](https://www.refuge.org.uk/unsocial-spaces-pdf)

⁵ [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2021/44/schedule/7)

⁶ Dragiewicz, M., Woodlock, D., Harris, B. A., & Reid, C. (2019). Technology-facilitated coercive control. In W. S. DeKeseredy, C. M. Rennison, & A. K. Hall-Sanchez (Eds.), *The Routledge international handbook of violence studies* (pp. 244–253). Routledge.

⁷ Computer Misuse as a Facilitator of Domestic Abuse May 2021 [Computer Misuse as a Facilitator of DA Home office FINAL report.pdf](https://www.refuge.org.uk/computer-misuse-as-a-facilitator-of-da-home-office-final-report.pdf)

⁸ Violence Against Women and Girls Code of Practice [VAWG-Code-of-Practice-16.05.22-Final](https://www.refuge.org.uk/vawg-code-of-practice-16.05.22-final)

⁹ Computer Misuse as a Facilitator of Domestic Abuse May 2021 [Computer Misuse as a Facilitator of DA Home office FINAL report.pdf](https://www.refuge.org.uk/computer-misuse-as-a-facilitator-of-da-home-office-final-report.pdf)

intersectional approach to reporting is essential to understanding the harms groups of people face on digital platforms, as forms of discrimination overlap with Black and minoritized women who are more likely to face abuse online.¹⁰

Recommendations for Police

- 15. The Domestic Abuse Commissioner recommends ensuring police forces have the capacity and specialised training to tackle online domestic abuse and VAWG.**
16. Police officers should be provided with a training package focused on online domestic abuse & VAWG including awareness of the connection and patterns between online and offline abuse in order to support better law enforcement responses.
17. Capacity should be built into police forces to deal with the extent and volume of online and digital domestic abuse.
18. In cases of online and technology-facilitated violence against women, being heard and believed by trained law-enforcement officers is a challenge. In responding to victims, responsibility for the abuse must be placed firmly with the perpetrator and there must not be an expectation that the victim changes their behaviour in order for the abuse to stop. A thorough risk assessment must be undertaken in order to identify wider patterns of abusive behaviour and to ensure the behaviour is not identified and responded to as a one-off incident, which by itself does not constitute a criminal act.¹¹

¹⁰ End Violence Against Women Coalition and Glitch (2020) The Ripple Effect: Covid-19 and the Epidemic of Online Abuse <https://glitchcharity.co.uk/wp-content/uploads/2021/04/Glitch-The-Ripple-Effect-Report-COVID-19-online-abuse.pdf>

¹¹ Computer Misuse as a Facilitator of Domestic Abuse May 2021 [Computer Misuse as a Facilitator of DA Home_office_FINAL_report.pdf](#)