



**NUJ briefing**  
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### **Online sexism, cyber bullying and online abuse**

No journalist, male or female, expects zero criticism when posting an article online. Unfortunately it is becoming all too common for writers to face unwarranted abuse. Shielded by anonymity, online readers can send in the hardest of criticism. In particular, women journalists who post articles, blogs or tweets have become the targets of cyber bullies who use their anonymity to send sexually abusive and violent comments and on some occasions these have contained threats which have included rape and murder. Some journalists have also reported that some cyber abusers have produced tweets and face book pages purporting to be the journalist and have used these portals to send out abusive remarks in the journalist's name. Cyber bullies may spread lies and rumours about their target which can go viral in today's online community.

The NUJ believes that this abuse is online sexual harassment and intimidation which should be considered to be a criminal offence and dealt with accordingly. The NUJ believes that such abuse has nothing to do with freedom of speech but consists of aggressive, intimidatory views intended to stifle women's voices and sent by misogynist cowards who hide behind online identities. It is the very abusers who are threatening free speech, not the victims who demand justice.

The NUJ also believes that not enough is being done by social media sites or the police to confront this problem. Threatening violence or rape should be as illegal online as it is in person. We believe it is strange that the authorities can take someone to court for making a joke about a bomb in an airport on twitter but the same can't be done in cases where women journalists and commentators have received abuse which details, for example, which parts of a woman's body should be raped, how she should be violently murdered and/or what time a bomb will go off outside her house.

Dealing with such abusers is difficult. We cannot say that the advice we offer will solve the problem as those sending the abuse are not open to rational argument, otherwise they would not have sent the abuse in the first place or would respond to criticism and stop.

Dealing with bullies in any context is not an easy thing to do and there are always differing views on how to deal with the issue. We know from the experiences of some women that they prefer to fight back and confront the abuser, others have found that they prefer to ignore the abuser as they believe that the abuser is after such a response. We have therefore given as much advice as we can, offering differing suggestions. But the NUJ's general view is that whatever route is taken is always vitally important for those receiving the abuse to get support from other NUJ members and to use the union's support networks.

If you begin to be a target of repeated sexually abusive and violent comments or messages you may feel hurt, angry, helpless, isolated. These can lead to problems such as anxiety, depression and you may start to question your self-esteem. It is therefore vitally important that you contact and gain support from colleagues, friends, other NUJ members and talk over the problem. Other people may be experiencing the same treatment as you. Get emotional and practical support as soon as possible and contact the police in the UK or the Garda if you live in the Republic of Ireland. There is no guarantee that the police will take the

case forward but it's important that all women who are targeted in this way report the offence and even if the offender is not taken to court, the police may visit abusers to warn them about their future conduct and this may make the abuse stop. In Scotland, for example, police have charged individuals who have made threatening online abusive comments using laws on the breach of the peace.

In Scotland there have been a number of successful prosecutions for behaviour likely to incite public disorder, sectarian abuse, and stirring up hatred on religious grounds. A man was convicted of breach of the peace and jailed after posting a Facebook message urging people to "send bombs and bullets" to Celtic manager Neil Lennon. Another was convicted of breach of the peace for sending a message of a threatening and offensive nature to Twitter stating "Lawwell needs a bullet. Simples." - A reference to Celtic chief executive Peter Lawwell.

It is clear police have the powers to act. It is important that they are made aware of all the instances of online abuse and pressure should be applied to encourage prosecutions where appropriate. The NUJ believes that it is clearly in the public interest to prosecute when journalists are being intimidated to the extent that they are backing off stories or downplaying certain aspects, and can no longer fulfil their role to inform the public. It is obviously in the public interest to prosecute when such attacks impact on a free and democratic society.

**These guidelines are intended to assist NUJ members who have received such online abuse; they are for staff journalists and freelancers and also give some advice on online safety in general. As the problem is a relatively new one, we are all learning how to deal with it. As there is no specific legislation covering the problem - our reference to legal protections available in the areas covered by NUJ membership does not guarantee that any recourse to such Acts will be successful. Our recommendation to all NUJ members is that before embarking on any civil or criminal prosecution, members should consult their union for legal advice.**

#### **Online abuse:**

1. Try not to worry, or hesitate to post online or stop using social media. Easy to say when these messages may start to keep you awake at night, make you fearful to turn on your computer or phone but this is *exactly* what the abuser wants. Keep in mind that women who have been targeted get left alone eventually – the abuser, unfortunately, may look for another target or tire of abusing you.
2. Tell other people that you are being targeted. This will make you feel better, will share the problem and alert friends and colleagues so they are cautious about unusual postings/tweets etc which purport to be by you. It will make you feel less isolated. Many women have found that once colleagues and friends target the abuser, the abuse stops. Many abusers like the idea of an isolated victim. Once they realise this is not the case they may back off.
3. (i.) Make a decision as to whether you are going to respond to the abuser or not. If you feel that it will help discharge your anger and frustration, fight back. You'll probably find that the abuser doesn't respond to rational argument but if you do respond - do not use abuse yourself. Tell the abuser that the abuse has to stop. You may find that it doesn't stop the abuse and this may be the time when you decide to block or ignore.  
  
(ii.) Or, you may decide not to respond to the abuser however angry and upset it makes you. This is a personal decision but don't let it stop you posting online. To stop expressing yourself is exactly what the abuser wants.
4. Get support from other people to target the abuser. If an abuser is bombarded with responses they may retreat and leave you alone. It will also show the abuser that you have support. But make sure that your friends and colleagues do not also use abuse in return. This will undermine your case if you do take it to the police. Ask friends and colleagues to maintain a firm but non-abusive stance.

5. The first reaction when you receive abuse is to delete it but this is the wrong thing to do. Keep the evidence and if using social media sites report the abuse. Good, well organised sites should be able to detect abusers as they will have several online identities but usually the same ISP. Be relentless in your reporting as you can until the abuse stops. Use blocks where you can. Prolific abusers will change their online name and appear as someone else.
6. Report the abuse to the internet service provider (ISP) and keep copies of your reports. Remind the ISP of their duty to remove abusive comments and in the UK refer to a possible infringement of the Protection from Harassment Act 1997 (see below). If you live in Scotland you may also wish to refer to possible legal recourse under the Malicious Communications Act 1988. Scotland also has anti-stalking laws under the Criminal Justice and Licensing Act 2010 and indecent communications are covered by the Sexual Offences Act 2009. See below for more information on such legislation.
7. If you are staff journalist and receiving sexual and violent abusive comments in response to your online copy, your employer should take action via the moderation of the site. The site should have a statement which informs contributors that abuse of staff will not be permitted and that they will make all efforts to track down repeated offenders and ask the police to prosecute. Employers have a duty of care under health and safety legislation and should take all steps to prevent their staff from abuse.

In addition to protecting staff from abuse, employers should provide support to employees affected by such abuse. In Scotland, the NUJ has experienced situation where employers advise staff to delete social media accounts or to curtail their activity online rather than deal with the problem. As a union, we are demanding that our members are not prevented from engaging in their day-to-day employment if this entails using social media activities.

8. If management do not take sufficient action, speak with your chapel representative about the abuse and ask them to take it up on your behalf.
9. If you are a freelance, contact the NUJ freelance office or your local branch for support and possible legal advice. If you live in Scotland, contact the Scottish office in Glasgow, and if you live in Ireland, please contact the NUJ office in Dublin. All contact numbers can be found on the NUJ website:

[www.nuj.org.uk/contacts](http://www.nuj.org.uk/contacts)

#### **Useful information on legislation:**

**UK: CPS guidance on abusive communications states that these are capable of amounting to criminal offences if:**

1. They constitute credible threats of violence to the person.
2. Communications which specifically target an individual may constitute harassment or stalking within the meaning of the Protection from Harassment Act 1997.
3. Communications which may be considered to be grossly offensive, indecent, obscene or false.

#### **Scotland**

Scotland has its own legal system. The Crown Office will decide whether to prosecute if it is in the public interest. Criminal prosecution is possible under the common law for breach of the peace or threatening behaviour; anti-stalking laws under the Criminal Justice and Licensing (Scotland) Act 2010; indecent communications under the Sexual Offences (Scotland) Act 2009; and the Malicious Communications Act 1988. Prosecution may proceed under the Malicious Communications Act if the communication was threatening, containing or implying a threat to carry out a serious violent act against a person or persons, this would be treated as a "threatening communication".

For the offence of "improper use of a communications network" the message would have to be grossly offensive or of an indecent, obscene or menacing character.

There are also a variety of “hate” crimes in Scotland which mean aggravating features must be taken into account when sentencing. The Offences (Aggravation by Prejudice) (Scotland) Act 2009 protects individuals from prejudice on the grounds of disability, sexual orientation, or transgender identity. Other legislation also treats race and religious prejudice as aggravating features.

This means that common law offences such as breach of the peace, motivated by malice or ill will towards an individual based on their disability, sexual orientation, transgender identity, race or religion can result in a higher fine or longer custodial sentence as the court must take that aggravating factor into account.

The Protection of Harassment Act 1997 has specific provisions applicable to Scotland. Breach of a non-harassment order made in civil proceedings is an automatic criminal offence with a maximum sentence of five years.

Civil remedies are also available under the Protection from Harassment Act 1997 and the Defamation Act 1996.

## **Ireland**

It may be possible to pursue an action under the Non-fatal Offences Against the Person Act 1997 which deems harassment to be when someone interferes with another's peace and privacy or causes alarm, distress or hurt. Unfortunately this, as far as we know, has not been tested in the courts.

## **Impersonation online:**

If someone starts to impersonate you online you should -

1. Contact the moderators and site managers to inform them that someone is impersonating you online. This sometimes has a successful outcome; however some sites may be slow in taking action.
2. Reclaim your identity. Contact the impersonator privately and ask them to stop otherwise you will go public. If this doesn't work, sign up to the site and reclaim your identity. Challenge the impersonator in public and ask them to stop impersonating you. This may work or the abuser may thrive on the attention. You have to weigh up the pros and cons of signing up to an obscure online community for the sole purpose of fending off an imposter. You may, of course, feel differently, if it is a large, popular site.
3. Use your journalistic skills! Write about your experience of someone impersonating you. This will make you feel better, get it out to the people who matter to you, and let those who have fallen for the deception know the truth.
4. If the situation is getting out of hand, you may have to consider legal assistance and you should contact the NUJ for advice.
5. Remember the online community is huge, and impersonating you on an obscure online forum may reach very few people. If, on the other hand, it is being done on a popular forum, you will need to take action.
6. Dealing with this situation can be tricky and can make you anxious and stressed. Get support from colleagues, friends and NUJ members. The more people who can post that you are being impersonated the more people will learn the truth and it will make the impersonator lose control of the situation. They may decide that the bother of impersonating you isn't worth it once the trick has been exposed.

## **General Guidelines on online safety:**

1. Be careful about what you post online. Don't give details that might lead to someone being able to guess the area where you live. For example a tweet about a particular named bar or restaurant "at the end of my street" will give too much information away. A post online will remain for all to see. Remember profile postings, even when deleted, may still be accessible on archived web pages.
2. Maintain the privacy settings on your Facebook page on a regular basis – be careful on what is available for all to see and read. Think about this before you post and limit public information.
3. Think about using a separate email address to register with networking and blogging sites and use one that does not have your full name and does not contain information about the month or year you were born and other personal information.
4. Consider who are your 'online friends' and remember that some people may not be who they say they are.
5. Use abuse report buttons to register violation of the site terms and conditions.
6. Never publish your email, telephone number, mobile or home address.

### **If it goes beyond online harassment:**

The number of stalking cases is, thankfully, few, but if your abuser does go beyond cyber bullying and harassment and somehow finds out where you live or work, this may constitute stalking. You should keep records of the incidents and contact the police or Garda as soon as possible. If the person is targeting you at work, you should speak to your employer who has a duty of care under health and safety legislation to protect you at work. This may involve the employer reviewing or enforcing security procedures and instructing staff about visitors etc. Employers would also be expected to arrange for support of affected employees. The NUJ would provide such support for freelancers.

Stalking is not legally defined in the UK or Ireland but Section 2A (3) of the **Protection from Harassment Act 1997 (UK)** gives a number of examples of stalking as follows:

- a) following a person,
- b) contacting, or attempting to contact, a person by any means,
- c) publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person,
- d) monitoring the use by a person of the internet, email or any other form of electronic communication,
- e) loitering in any place (whether public or private),
- f) interfering with any property in the possession of a person,
- g) watching or spying on a person.

In Scotland, anti-stalking laws are covered by the **Criminal Justice and Licensing (Scotland) Act 2010**. This states that the offence of stalking occurs when a course of conduct is engaged in that has the intention to cause fear or alarm.

In Ireland the offence of harassment is governed by Section 10 of the **Non-fatal Offences Against the Person Act 1997**. This includes use of the telephone to harass, harassment by persistently following, watching, pestering, besetting or communication. Under this legislation a person is deemed to be harassed when he or she acts intentionally or recklessly, seriously interferes with another's peace and privacy or causes alarm, or causes distress or harm.