



Christina Rees MP and Sir Roger Gale MP
House of Commons
London
SW1A 0AA

07.06.22

Dear Christina Rees MP and Sir Roger Gale MP,

We are writing to you in your capacity as Chairs of the Public Bill Committee currently scrutinising the Online Safety Bill (the Bill). As a coalition of independent organisations committed to protecting freedom of expression and other human rights, we are deeply concerned by the fact that no human rights and free expression groups were invited to give oral evidence to the Committee.

The Bill has been described as a Censor's Charter. In a legal opinion, commissioned by Index on Censorship, Gavin Millar QC set out his view that the Bill does not comply with Article 10 of the European Convention on Human Rights and will "significantly curtail freedom of expression". More recently, Parliament's Joint Committee on Human Rights wrote to the Secretary of State for Digital, Culture, Media and Sport to express concerns about the impact that the Bill will have on freedom of speech online.

The legislation enlists social media companies to act as private online police who will have to adjudicate on the legality of online content and restrict what they deem illegal. Restrictions could mean taking down, removing, blocking or demoting content, or suspending users' accounts. In order to comply, at scale, this process will be automated using content moderation systems. As currently drafted, the Bill will undermine freedom of expression and the rule of law. Users are entitled to due process. While illegality may be clear and obvious in some circumstances, these companies are ill-suited to make complex determinations on the legal limitations on speech and will almost certainly over-remove online expression to avoid liability under the Bill.

The Bill also creates a new category of speech where the Government deems such expression to be "harmful". Under the threat of penalties, the legislation will cause online intermediaries to censor swathes of legal online discussion including in matters of general discourse and public policy. Harmful content is defined entirely by the Secretary of State who is also granted a host of executive powers throughout the legislation.

The Bill also poses serious threats to the right to privacy in the UK by creating a new power to compel online intermediaries to use "proactive technologies" to scan, surveil and restrict the content of all users on private messaging channels.

In the course of Committee Stage scrutiny of any Bill which engages human rights issues, it is paramount that those with expertise in such legal and policy areas are properly consulted so that members of the Committee are appropriately briefed in advance of the line-by-line consideration of the Bill. It is clear that this has not occurred on this occasion.

We remain willing to provide oral evidence to the Committee to assist its deliberations on these and other issues. We call on parliamentarians to pay particular regard to the human rights concerns throughout Committee Stage and would appreciate if this letter was shared with all members of the Committee accordingly.

Yours sincerely,

Mark Johnson - Big Brother Watch

Barbora Bukovská - ARTICLE 19

Jim Killock - Open Rights Group

Ruth Smeeth - Index on Censorship

Richard Wingfield - Global Partners Digital