



**FSU**  
FREE SPEECH UNION

THE FREE SPEECH UNION  
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LONDON W1W 7LT

[FREESPEECHUNION.ORG](https://www.freespeechunion.org)

Mr B Joffe-Walt  
Mr B M Rattray  
Change.org Worldwide Limited  
c/o Kingston Smith LLP  
Devonshire House  
60 Goswell Road  
London EC1M 7AD

8<sup>th</sup> May 2020

By email to: [PD@mks.co.uk](mailto:PD@mks.co.uk)

Dear Mr Joffe-Walt and Mr Rattray,

I am writing to you in my capacity as General Secretary of the Free Speech Union because it has come to my attention that you have removed a petition started by one of our members, Mrs Kellie-Jay Keen (known more widely as Posie Parker) from your website at [Change.org](https://www.change.org).

Mrs Keen is a well-known campaigner who is engaged in a political debate on a live issue here in the United Kingdom. She came to your platform to be empowered to create the change she wanted to see. You wrote to Mrs Keen on 25<sup>th</sup> March 2020 to say that her petition had been removed because it constituted hate speech.

Details of both the proposed petition and your email rejecting it are attached to this letter.

The Union is very concerned that Change.org's decision to prevent Mrs Keen from submitting her petition is contrary to the right to freedom of expression under Article 10 of the European Convention on Human Rights and also to a proper interpretation and implementation of Change.org's Terms and Conditions.

## **The Facts**

In, or prior to, September 2019 Maria Beatrice Giovanardi started a petition aimed at Oxford University Press which called for, *inter alia*, the dictionary definition of woman to include "transgender woman".

After she had been alerted to that petition, Mrs Keen started a counter-petition on 25<sup>th</sup> March 2020. This called for the dictionary definition of "woman" to remain as "adult human female".

Later that same day, Mrs Keen's petition was removed from your site. You wrote to her claiming that this had been done because, "information you've included in your petition has been identified as hate speech".

In your email you stated that Change.org does not "allow content that attacks or maligns an entire class of people based on characteristics such as their age, color, disability, ethnic origin, gender identity, nationality, national

origin, race, religion, sex, sexual orientation, medical condition, or veteran status. As such, we have had to remove your petition.”

## Terms and Conditions for the Use of Change.Org

Your “Terms of Service”, dated 4<sup>th</sup> May 2018, state:

Change.org’s mission is to empower people everywhere to create the change they want to see. We’re an open platform because we believe more change happens when people with different backgrounds and perspectives can participate in the conversation.

Section 2 of your Terms of Service sets out a requirement for the content of petitions to be in accordance with your Community Guidelines and gives you discretion to suspend access to Change.org or to remove or edit a proposed petition.

Your “Community Guidelines” set out in nine clauses, some of which describe points of view which may “force” you to remove content or restrict user accounts. One of these is described as follows:

**No hate speech** - we’re fans of free speech, but we don’t allow hate speech. Hate speech is typically the advocacy of beliefs that attack or malign an entire class of people based on characteristics such as their age, colour, disability, ethnic origin, gender identity, nationality, national origin, race, religion, sex, sexual orientation, medical condition, or veteran status.

You do not accept liability for the content of petitions (clause 4) and require the user to hold you harmless for any losses arising out of the posting of any petition (clause 8).

We note that clause 9 purports to confer exclusive jurisdiction on the Courts of California. However, given that this is a contract with a British consumer this item is very unlikely to prevent Mrs Keen from enforcing her rights in an English Court and is probably unenforceable. In any event, given the international nature of Change.org’s business, Change.org presumably intends any requirement for lawfulness in its Terms and Conditions to apply to the country in which the consumer is residing.

## Unreasonable Exercise of Discretion

Freedom of speech includes the right to say things which other people might regard as dangerous or irresponsible. It extends to the right to voice controversial or unpopular opinions. The exercise of this right is vitally important to a thriving democracy and one of the basic conditions for each individual’s self-fulfilment. In *Handyside v United Kingdom* [1979-80] I EHRR 737 the European Court of Human Rights described the importance of freedom of expression in the following terms:

Freedom of expression constitutes one of the essential foundations of... society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10 [...] it is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no “democratic society.” This means amongst other things that every “formality”, “condition”, “restriction” or “penalty” imposed in this sphere must be proportionate to the legitimate aim pursued.

While the right to freedom of expression is qualified it is recognised that there is little scope for interference in questions of political speech or on debate of questions of public interest (see the European Court of Human Rights decision in *Vajnai v Hungary* (No.33629/06)).

The question of gender identity is currently the subject of parliamentary scrutiny in the United Kingdom, and Parliament is considering amendments to the Gender Recognition Act 2004. A draft bill is expected shortly. The public consultation on the proposed changes has only recently closed. The current importance of allowing a free and open public debate on these issues is therefore paramount. The debate has at times been bitter.

Change.org aims for its platform to engage with and influence decision-makers at the highest levels of government and business and to empower constituents both to engage with and influence public opinion by gathering support through petitions. In providing a platform with this aim, Change.org must surely recognise that its decisions have the potential to undermine the free exchange of ideas within society.

Given the nature of Change.org's service and the present importance of the public debate on gender identity, Change.org has failed to have sufficient regard to the right to freedom of expression when removing Mrs Keen's petition. In these circumstances, the right to freedom of expression must be given considerable weight.

## **Unjustified Infringement of Mrs Keen's Right to Free Speech**

Your decision to allow the petition of Maria Beatrice Giovanardi calling for the dictionary definition of woman to include "transgender woman" but to refuse a petition from Mrs Keen putting another point of view neatly demonstrates how unreasonable Change.org's position is. Ms Giovanardi clearly felt that the meaning of "woman" was a matter for debate and that a petition was necessary to garner support for her argument that transgender women are women. Why, then, did Change.org stop this debate from happening on its platform?

Any suggestion that Mrs Keen's petition to the contrary posed a threat to any person's safety, or a threat of sufficient gravity to be described as offensive (or unlawful) is misconceived. This is not a case in which any restriction on the right to free speech is justified. In *Harry Miller v The College of Policing* [2020] EWHC 225, Mr Justice Knowles considered the question of whether an opinion that sex was defined by biology could reasonably be regarded as grossly offensive and unlawful. He concluded very clearly that it could not. There is no reason to distinguish the conduct of Mr Miller in that case from that of Mrs Keen, save to say that Mr Miller's comments in that case were clearly more controversial than the restrained wording adopted by Mrs Keen in her proposed petition.

## **Conclusion**

Your decision to refuse Mrs Keen's petition is an unacceptable infringement of the principle of free speech. The content of her petition does not come anywhere near the threshold that would justify an interference with her freedom of speech. It does not threaten violence and cannot reasonably be said to affect any person's safety. While some may view the content as offensive, that in itself it is not a sufficient reason for excluding it from your platform. This is particularly the case given the present public debate on this very issue.

It is extraordinary that when dealing with a question of such present public importance, Change.org would apparently apply its discretion in favour of silencing one side of an ongoing public debate and that, in doing so, would choose to adopt a stance contrary to the law of the country in which the relevant user was based.

This is a clear and pernicious assault on Mrs Keen's freedom of speech. It undermines the public debate on gender identity in the United Kingdom. It also brings into question whether Change.org is a genuinely neutral platform when it comes to these important public debates or has its own political agenda it is seeking to promote.

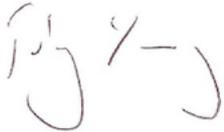
## Remedies

In order to maintain confidence in the integrity of your service as provided here in the United Kingdom we ask that you do the following within 14 days:

1. Reinstate Mrs Keen's petition
2. Publicly acknowledge that you acted in error and accept that Mrs Keen's petition was not "hate speech"

Please could you also confirm to us what steps you will take to ensure that your moderators have due and proper regard to the principles of free speech when they are carrying out their duties.

Yours sincerely,



Toby Young  
General Secretary  
The Free Speech Union  
[toby@freespeechunion.org](mailto:toby@freespeechunion.org)

**Keep the dictionary definition of woman to mean  
adult human female**

[kellie-jay keen](#) United Kingdom

**woman**

wʊmən

*noun*

**adult human female**

The dictionary definition of the word Woman to mean Adult Human Female is under threat. Already the word woman is evaporating from use in female healthcare, female products and female spaces. We are, apparently, the most accommodating humans. We would like to send a clear message to the Oxford English Dictionary that the word woman means Adult Human Female, and will never include men, males or boys. The very minimum a woman has to be is female.

We know that activists are seeking to include men in the definition of woman, it's been the plan right from the off. Definitions are essential to a functioning society, the definition of the word woman allows us to be protected in law and in our communities.

We know that the world is concerned about the Corona Virus, we are too, but due recent events we felt that this was the right time for this petition.



# Standing For Women



25 March · 🌐

With a pandemic virus gripping hold of the world we know that this could be timed a little better. However, recent news stories of activists trying to include "transwomen" as a sub category of the word woman in the Oxford English Dictionary has meant that we feel it's the right time to launch this petition. <http://chng.it/Kzt6LBZD95>

# woman

## wōmən

### noun

# adult human female



CHANGE.ORG

## Sign the Petition

Keep the dictionary definition of woman to mean adult human

**4,569**

People reached

**2,494**

Engagements

**Boost Post**

209

67 comments 69 shares



**Change.org** <change@a.change.org>

to me ▾

from: **Change.org** <change@a.change.org>  
reply-to: "Change.org" <reply.en-GB@reply.e.change.org>  
to: kellie-jay keen <kellie-jay@womanbydefinition.com>  
date: Mar 25, 2020, 1:52 PM  
subject: Verify your email to publish your petition  
mailed-by: a.change.org  
signed-by: a.change.org  
security:  Standard encryption (TLS) [Learn more](#)

**ange.org**

**o starting**

ition on Change.o

needs more people to stand up for the things



**Change.org Help Center** <help@change.org>

to me ▾

from: **Change.org Help Center** <help@change.org>

to: "kellie-jay@womanbydefinition.com" <kellie-jay@womanbydefinition.com>

date: Mar 25, 2020, 5:04 PM

subject: Change.org Help Center [ ref:\_00DA0ZSDH.\_5002124jtsd:ref ]

mailed-by: dyddzl4az8de.a-zsdhma4.na93.bnc.salesforce.com

signed-by: change.org

security:  Standard encryption (TLS) [Learn more](#)

 Important according to Google magic.

included in your petition

[www.](#)

allow content that attacks

maligns an entire class of people based on characteristics such as their age, disability, ethnic origin, gender identity, nationality, national origin, race, religion

Hello,

We're writing to let you know that information you've included in your petition has been identified as hate speech.

As explained in our [Community Guidelines](<https://www.change.org/about/community-guidelines>), we don't allow content that attacks or maligns an entire class of people based on characteristics such as their age, color, disability, ethnic origin, gender identity, nationality, national origin, race, religion, sex, sexual orientation, medical condition, or veteran status. As such, we have had to remove your petition.

While Change.org is an open platform, we have to make sure the platform is as safe as possible. Our [Community Guidelines](<https://www.change.org/about/community-guidelines>) and our [Terms of Service](<https://www.change.org/about/terms-of-service>) outline the rules for using Change.org, we suggest you read them.

Thank you for using Change.org, and do let us know if you have any questions.

Thank you,  
Change.org

From US Office/Help Desk