



**FSU**  
FREE SPEECH UNION

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## Government's draft Online Safety Bill a threat to free speech, warns FSU

Responding to the publication of the Government's draft Online Safety Bill, the Free Speech Union has warned that despite improvements it still poses a threat to online debate.

Toby Young, General Secretary of the FSU, commented: "This draft Bill poses a serious danger to free speech, bringing the content that journalists, newspapers and magazines create on social media within scope of a state regulator. Admittedly, it includes various protections for journalistic content, as well as content of democratic importance – and those protections are welcome – but an important line has been crossed nevertheless. The state has no business regulating the work of journalists, whether it's in a newspaper or on Facebook."

Despite some improvements, such as requiring companies like Google, Facebook and Twitter to "have regard to the importance of... users' right to freedom of expression within the law", the Bill will still mean those companies have to remove content that risks having "a significant adverse... psychological impact on an adult of ordinary sensibilities". Unfortunately, "ordinary sensibilities" isn't defined. Will that force social media companies and search engines to remove content that a majority of people find offensive? Don't forget, Galileo's contention that the earth revolved around the sun was offensive to a majority of people 500 years ago. Will Ofcom fine Facebook if it fails to remove posts putting forward controversial scientific hypotheses that might upset the majority of its users?

Ofcom, an unelected quango that has often failed to defend free speech, is not the ideal body to regulate social media. This year alone, the £130 million-a-year state regulator increased the number of "protected characteristics" in its broadcasting code from four to 18, advising broadcasters that "hate speech" now included "all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, social origin, sex, gender, gender reassignment, nationality, race, religion or belief, sexual orientation, colour, genetic features, language, political or any other opinion, membership of a national minority, property, birth or age".

Toby Young added: "As we highlighted in our recent report, *You're On Mute: The Online Safety Bill and what the government should do instead*, the Bill does little to tackle genuine harms such as the distribution of child pornography or instructions on how to make bombs – content that's already

illegal and banned on social media – and instead risks censoring swathes of online content that’s perfectly legal.”

“We do not doubt the good intentions of those behind the Bill, but under the guise of keeping us ‘safe’ it poses a serious risk to freedom of expression. No one should be banned by social media for exercising their lawful right to free speech.”

**Notes to editors:**

The Free Speech Union is a non-partisan, mass-membership public interest body that stands up for the speech rights of its members.

A copy of *You’re On Mute: The Online Safety Bill and what the government should do instead* – co-authored by the Free Speech Union’s Dr Radomir Tylecote, Victoria Hewson of the Institute of Economic Affairs, Matthew Lesh of the Adam Smith Institute, and Dr Bryn Harris of the Free Speech Union – is available [here](#).

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