



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

30 March 2012

S12.10

Submission to the Law Commission on *The news media meets 'new media'*

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 51 nationally organised societies and national members. It has 23 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action.

This submission has been prepared by the Public Issues Standing Committee based on information about NCWNZ's Facebook campaign.

Part 2 Speech harms: The adequacy of the current legal sanctions and remedies

1. How serious a problem do you think speech abuses are on the internet? eg cyber-bullying and harassment, harms to reputation or invasions of privacy. (chapter 7)
2. How effective are the non-legislative remedies that operate within online communities, including the systems of online reporting employed by social media sites such as Facebook? (chapter 7 at 7.144)
3. Do you think the law is currently able to deal adequately with these sorts of damaging speech when it occurs on the internet? (chapter 7.60)
4. Do you support the idea of an alternative tribunal able to provide speedy and efficient remedies for those who have been harmed by a criminal offence on line? (chapter 8 at 8.43)
5. Do you have any other comments on the proposals in this Issues Paper, or on its contents?

The scenario faced by NCWNZ was to have Facebook remove pages which promoted sexual and other violence against women. Examples of these pages are:

- "You know she's playing hard to get when your chasing her down an alleyway"
- "We're gonna have sex tonight. Why? Because I'm stronger than you are"
- "Punching your girlfriend in the ovaries so you don't have to wear a condom"
- "It's not rape, it's surprise sex."

Facebook has explicitly refused to put a stop to such pages on their site, indicating that¹, "It is very important to point out that what one person finds offensive another can find entertaining – just as telling a rude joke won't get you thrown out of your local pub, it won't get you thrown off Facebook."

¹ *Annie Othen Show, BBC WM Radio, 17.8.11*

Facebook does not believe that much of the content in question violates their terms of service. There are an abundance of offensive pages advocating, supporting and trivialising rape and violence against women on the site. Facebook spokeswoman Mia Garlick said² that the website wanted its users to be able to openly discuss issues while “respecting the rights and feelings of others. With more than 800 million people around the world expressing varying opinions and ideals using Facebook as a place to discuss and share things that are important to them, we sometimes find people discussing and posting about controversial topics,” she said. “Groups or pages that express an opinion on a state, institution or set of beliefs, even if that opinion is outrageous or offensive to some, do not by themselves violate our policies. These online discussions are a reflection of those happening offline, where conversations happen freely.”

From the 2,650 signatures gathered by NCWNZ, and the comments that have been added to the petition, it is evident that many people feel that this is not an appropriate stance for Facebook to take on this issue.

NCWNZ joined forces with groups in the US, UK and Canada who are campaigning on this issue to mount a concerted effort to pressure Facebook to remove the offensive pages. By petitioning, gaining press coverage and contacting advertisers, the international campaign had some success. A few pages were removed and several have been whitelisted by businesses which have pulled their advertisements from the pages. The page that sparked the campaign in New Zealand, the first listed above was taken down

An international ‘Day of Action’ was held in November 2011 to pressure Facebook to take down pages that promote rape, sexual violence, and violence against women. The action taken was to tweet at Facebook the names of pages that promote rape, sexual violence, and violence against women with the hashtag #notfunnyfacebook.

NCWNZ alerted Tourism New Zealand that their Facebook page was recommended on another page promoting rape. Tourism NZ immediately took it up with Facebook and the page was removed

Information received when NCWNZ began its campaign shows that other people have been waging their own campaigns to get Facebook to take down such pages. One person had success through targeting advertisers. The person notes whose advertising is appearing on the offending pages, then writes them an email with screenshots, asking them if they are aware where their advertising is showing up. This has brought positive responses, with one company pulling their advertising from Facebook pending investigation.

While a change might be effected through the non-legislative remedies that operate within online communities it takes considerable effort to achieve the removal of offensive material. As stated in chapter 7 of the issues paper, not everyone has the same definition of what is offensive and freedom of expression is fundamental to democratic freedom. If there is there is no protection for speech which is intended to incite racial violence, the same rules should be able to be used where physical or sexual violence is threatened.

Elizabeth Bang
National President

Beryl Anderson
Convener, Public Issues Standing Committee

² *The Press*, 19 October 2011