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CARNEGIE UK TRUST SUBMISSION TO THE LAW COMMISSION CONSULTATION ON REFORM OF THE COMMUNICATIONS OFFENCES

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Carnegie UK Trust

Carnegie UK Trust was set up in 1913 by Scottish-American philanthropist Andrew Carnegie to improve the well-being of the people of the United Kingdom and Ireland, a mission it continues to this day. Carnegie particularly charged the trustees to stay up to date and the trust has worked on digital policy issues for some years. Carnegie has supported the work of Professor Lorna Woods and William Perrin developing a systems-based approach to regulation to tackle harms on the internet (specifically social media). A full reference paper[1] drawing together their work on a statutory duty of care was published in April 2019, just prior to the publication of the Online Harms White Paper (OHWP). In proposing a statutory duty of care backed up by an independent regulator, there are similarities between the Carnegie proposal and the approach adopted in the OHWP. At the recent debate on the government's online harms proposals in the House of Lords,[2] all three main parties recorded their thanks to Carnegie UK Trust for their work on online harms. We recommended, and the government partially adopted, a regulatory regime because the criminal law and its enforcement in many instances would be inappropriate and was widely recognised to be failing.

It would be a service to policy development if the Law Commission were to publish how, if at all, the Commission's thinking about the role of these new offences in the government's proposed online harms regime have influenced the Commission's consideration. In particular the Commission's thinking about how the proposed offences might fit into a statutory duty of care to prevent illegality in online services would be most helpful.

Question 1 We provisionally propose that section 127(1) of the Communications Act 2003 and section 1 of the Malicious Communications Act 1988 should be repealed and replaced with a new communications offence according to the model that we propose below. Do consultees agree?

Carnegie welcomes the proposal to reformulate the communications offences currently found in s1 Malicious Communications Act and s. 127 Communications Act: it is a parlous state of affairs where provisions of the criminal law manage to be both under- and over- inclusive. In this regard, however, we note also the role of the police, the CPS and the judiciary in recognising the harms caused by speech and flag the need for more training in this area to improve consistency in approach. We suggest that the formulation of the offences take this into account. Without commenting on the question of whether s 127 Communications Act would fail the legality test in Article 10(2) ECHR (which seems to us to be a highly fact sensitive question and has to make allowance for the common law[3]), greater clarity would mitigate the interpretative challenges, and improve the appropriateness of prosecutions in this area as

1 https://d1ssu070pg2v9i.cloudfront.net/pex/carnegie_uk_trust/2019/04/08091652/Online-harm-reduction-a-statutory-duty-of-care-and-regulator.pdf

2 https://hansard.parliament.uk/lords/2020-12-16/debates/1D51CE41-5856-4ED3-81F5-F8DC16963CE7/OnlineHarmsConsultation

3 See for example Sunday Times v UK, 26 April 1979, para 49

well perhaps as constraining the latitude allowed to relevant authorities[4]. As a general approach, we agree that it is preferable to link the elements of the offence to the harm committed (and the Carnegie proposal itself focussed on the harms created or exacerbated by social media platforms). In our view, much of the terminology currently used suggests the harm - if any - is to cultural values, and does not recognise on its face the potential serious negative impacts on individuals of some speech that does not fall within the categories of hate crime.

We note that the Report is not principally concerned with platform responsibility, though we also emphasise that the OHWP does not propose a liability regime for content hosted[5]. Moreover, there are currently many concerns about the effectiveness of some platforms' enforcement of their community standards, as evidence in this letter from a group of Peers to the Prime Minister earlier this autumn.[6] So while we accept the limitations of the criminal justice system, and indeed would be concerned about an over-ready criminalisation of speech generally, we are of the opinion that the level of criminalisation should not be influenced by a desire to relieve the burden on an already over-burdened system and that while education of all internet users is in principle valuable, this should not be a means whereby the primary responsibility of 'policing' abusive internet users should fall to their victims and may indeed not satisfy the State's obligations under Article 8 ECHR.

Question 2 We provisionally propose that the offence should cover the sending or posting of any letter, electronic communication, or article (of any description). It should not cover the news media, broadcast media, or cinema. Do consultees agree?

In principle, we commend what is a technology neutral approach in the proposed offence; to do otherwise risks (as the Report demonstrates[7]) the creation of arbitrary boundaries especially in the light of changes in technology, services and the way those technologies and services are used.

In the wide list of sending and posting, however, the Report does not consider automated systems. While some, which require human intervention at the point of despatch, would seem to be caught, we ask how the Law Commission envisages treating tools (including some bots) where such a close link does not exist.

We agree that the media deserves special consideration because of its role in informing the public and holding those in power to account. This process may give rise to considerable discomfort or distress to those the subject of reporting, but it would rarely be in the public interest to criminalise this. The report notes in passing the possibility of a 'carve out'.[8] In this context we note that, given the development of online distribution channels, it is difficult to define the different elements of the media clearly. Referring to regulated media would not suffice. While there are regulatory regimes, not all the traditional media are members of such a regime (see e.g. The Guardian, the Financial Times). Choices made by the print media to remain self-regulated and outside a Leveson framework means that there is not a simple definition. Moreover, the democratisation of public speech means that actors beyond the traditional media actors may speak to large audiences in the public interest. This can be seen most clearly in prominent social media accounts that have more followers than major newspapers have readers. Rather than seek to define an exception relating to the media, which would quickly run into definitional difficulties and

4 Petra v Romania, 23 September 1998

5 Report paragraph 5.7

6 https://d1ssu070pg2v9i.cloudfront.net/pex/carnegie_uk_trust/2020/12/15115734/House-Of-Lords-Statement-Online-Harms.pdf

7 Report, Paragraphs 5.14 et seq

8 Report paragraph 5.66

potentially exclude other forms of public interest speech, our view is that the position of public interest speech, as usually found in the media, could be best dealt with through a public interest element to the offence, as proposed in 5.51(6).

Question 5 "Harm" for the purposes of the offence should be defined as emotional or psychological harm, amounting to at least serious emotional distress. Do consultees agree? If consultees agree that "harm" should be defined as emotional or psychological harm, amounting to at least serious emotional distress, should the offence include a list of factors to indicate what is meant by "serious emotional distress"?

The Carnegie proposal has recognised that the law in England and Wales (whether civil or criminal) does not adequately recognise the impact of speech and the harm that can be caused[9], especially where the speech could be deemed to fall within the category of political speech[10]. While the Report makes the point that it is important that the proposed offence is not too broad, we emphasise that there is another potentially beneficial side-effect of limiting the harms to emotional and psychological harm – of labelling clearly that words can cause profound hurt. We note the proposal to set the threshold for severity of harm to criminalise the speech as 'serious emotional distress'. In discussing our proposal for regulation, we distinguished between users of a platform and those who might be affected by its operation. Whilst the former should be (so far as reasonably practicable) be kept free from harm (of specified characteristics), the level of care for non-users was that of ensuring that they were not 'appreciably harmed'. It seems to us appropriate that the threshold in relation to criminal liability should be somewhat higher than for administrative law, though we are, of course, not aware of the position the Government will finally adopt on this. The positioning of the threshold at 'serious emotional distress' achieves that but care must be taken to separate the understanding of 'distress' in this context from distress in the context of the Protection of Harassment Act, which itself refers to the distress arising from conduct of a "seriously oppressive nature"[11] or links in to the idea of the victim being tormented[12]. The idea of distress has arguably been interpreted quite narrowly[13] to protect free speech so that if it were used as a starting point from which the higher threshold (for a lesser offence) were to be determined, then that could lead to an inappropriately high test. Consideration should be given to the structural inequalities with regard to race, sex and social class (amongst others) in the police, crown prosecution service and judiciary that might give rise to discrimination in the assessment of the experience of 'serious emotional distress' suffered by individuals outside the lived experience of criminal justice system personnel (see Stannard).

9 See generally Stannard, 'Sticks , stones and words: emotional harm and the English criminal law' (2010) 74 J. Crim L 533. This has been discussed in the context of the internet for the better part of a decade, see e.g M. Salter and C Bryden, '"I can see you": Harassment and Stalking on the Internet' (2009) 18 Information and Communications Technology Law 99; Z Akhtar 'Malicious Communications, Media Platforms and Legal Sanctions' (2014) 20 Computer and Telecommunications Law Review 179; L Bliss 'The Protection from Harassment Act 1987: failures by the criminal justice system in a social media age' (2019) 83 J. Crim L. 217

10 This issue arose in R (Miller) v The College of Policing and The Chief Constable of Humberside [2020] EWHC 225 (Admin) where Knowles J reached the conclusion that Miller's tweets, which included profane and/or unsophisticated language, were political speech requiring high protection, despite their impact on a group sharing a protected characteristic.

11 R v Smith (Mark) [2012] EWCA Crim 2566, para 16

12 R v Curtis [2010] EWCA Crim 123, para 2

13 L. Bliss 'The Protection from Harassment Act 1997: failures by the criminal justice system in a social media age' (2109) 83 Crim L 217; Stannard, "Sticks, stones and words: emotional harm and the English criminal law" (2010) 74 J. Crim L 533, p. 551

Question 6 We provisionally propose that the offence should specify that, when considering whether the communication was likely to cause harm, the court must have regard to the context in which the communication was sent or posted, including the characteristics of a likely audience. Do consultees agree?

We note that, by contrast to the New Zealand model, the Law Commission proposes to require the court to consider the context in which the communication was sent or posted rather than including a list of factors. Context, of course, could cover those factors but it raises the question for us as to whether rather more direction as to the nature of harms that are likely to occur, as well as their severity, could be introduced, which may also operate to limit discretion seen from an Article 8 and Article 10 ECHR perspective. The characteristics of the victim are relevant to the issue of harm, but it may be that the views of the victim should be expressly required to be considered where harm has arisen (this is not to suggest that the views should automatically be determinative in any case). We note the risk that such requirements could be considered requests for proof but suggest that this concern could be adequately dealt with by appropriate drafting.

Question 8 We provisionally propose that the mental element of the offence should include subjective awareness of a risk of harm, as well as intention to cause harm. Do consultees agree?

And

Question 10 Assuming that there would, in either case, be an additional requirement that the defendant sent or posted the communication without reasonable excuse, should there be: (1) one offence with two, alternative mental elements (intention to cause harm or awareness of a risk of causing harm); or (2) two offences, one with a mental element of intention to cause harm, which would be triable either-way, and one with a mental element of awareness of a risk of causing harm, which would be a summary only offence?

The proposal envisages two routes to criminality: one in which there is an intention to harm; the other where the defendant was aware of a risk of harm. We question whether the requirement that the defendant be aware of a risk of harm captures all culpable behaviour. In the cyberflashing example in Chapter 6, it is argued, when considering the application of the general offence,[14] that Jack has no reasonable grounds for believing that Sonya had consented to/would welcome the photograph; while we agree with the end point, this seems to us to be different from the subjective awareness mentioned here. We note also the problem that in some communities, content that could be seriously harmful is justified for example as 'banter'; in such a situation would a claim that the speaker was consequently not aware of a risk stand? This potential issue is not addressed through the question of whether risk or likelihood of the harm eventuating is the better requirement. We share the concerns of the Law Commission with regard to the likely results of an 'either way' approach.

Question 12 We provisionally propose that the offence should specify that, when considering whether the communication was sent or posted without reasonable excuse, the court must have regard to whether the communication was or was meant as a contribution to a matter of public interest. Do consultees agree?

We refer to our comments in response to Question 2. In this regard we note that the phrase has specific relevance to the media sector. We note also that the phrase 'public interest' while open to interpretation has been the subject of much jurisprudence, including within the context of the ECHR.

14 Report, para 6.117 et seq

Question 13 We invite consultees' views as to whether the new offence would be compatible with Article 10 of the European Convention on Human Rights.

Clearly the existence of criminal penalties may constitute an interference with freedom of expression if we accept the chilling effect doctrine[15]. The application of the penalty in a particular case would constitute an interference but that would be assessed separately. When assessing the acceptability of such an interference, in principle the three-stage test of Article 10(2) ECHR should be applied; the report has covered these principles in chapter 2 and we do not repeat them all here. We would re-iterate that the requirement for legality, specifically that the law must be sufficiently clarity, does not require absolute certainty. The Court has accepted that a certain amount of vagueness may be inherent in the drafting of statues and determines certainty when taking into account relevant jurisprudence or guidance.[16] It accepts that clarity as to the meaning of the law may take into account the need for legal advice and the fact that words may have a range of marginal cases in terms of meaning does not automatically mean that, at their core, they are uncertain. Further, the level of precision required might vary depend on the content of the law and the field it is designed to cover.[17]

When considering the law, this assessment must be made in the light of conflicting rights, and taking into account the State's positive obligations to protect the right to speech of those silenced by an abusive communications environment[18], bearing in mind Article 14 ECHR which protects from discrimination as regards enjoyment of rights, as well as the Article 8 rights of those subject to abuse.

In its protection of 'private life', Article 8 ECHR is broad and extends beyond the protection of privacy. It protects also the physical and moral or psychological integrity of the person[19] as well as 'multiple aspects of the person's physical and social identity'[20] and the right to personal development, whether in terms of personality or of personal autonomy. In Beizaras and Levickas v Lithuania[21] the applicants, two young men, posted a photograph of themselves kissing on a public Facebook page triggering hundreds of virulently homophobic comments. There was no prosecution. This failure the European Court determined revealed a discriminatory frame of mind on the part of the relevant authorities and that there was a violation of Article 14 in relation to their Article 8 rights (seen as psychological well-being). States have moreover been held to have a duty to protect a person from cyberbullying by that person's partner.[22] The Court has of late become increasingly aware of the problem of domestic violence. In the same way that a State has a narrower freedom of assessment in relation to political speech under Article 10, that margin will be narrow under Article 8 when a particularly important facet of an individual's existence or identity is at stake, as can be seen in Goodwin v UK who challenged the UK government's lack of legal recognition of the change of gender for a post-operative transexual[23].

15 On the chilling effect of custodial sentences for defamation see e.g. Cump n and Maz re v. Romania [GC], para 116. Cf approach in R (Miller) v The College of Policing and The Chief Constable of Humberside [2020] EWHC 225 (Admin)

16 Gaw da v. Poland (app no 26229/95) 14 March 2002 and cases cited at FN 2 and 3.

17 Centro Europa 7 Srl v Italy (app no 38433/09), [GC] judgment 7 June 2012, para 142

18 Khadija Ismayilova v. Azerbaijan (app nos 65286/13 and 57270/14), judgment 10 Jan 2019

19 X and Y v Netherlands (A/91), judgment 26 March 1985, para 22

20 S and Marper v UK (App nos 30562/04 and 30566/04), judgment 4 December 2012 [GC], para 66

21 Beizaras and Levickas v. Lithuania (app no 41288/15), judgment 14 January 2020

22 Buturug v Romania (app no 56867/15) judgment 11 February 2020, para 74, 78-79; on obligations with regard to vulnerable persons and groups more generally see L Woods 'Social Media: it is not just about Article 10' in Mangan and Gillies (eds) The Legal Challenges of Social Media (Edward Elgar, 2017).

23 Goodwin v UK (app no 28957/95), [GC] judgment 11 July 2002, para 90

When balancing rights, the Court will take into account the importance of the interest at stake and a State's obligations are particularly strong when involving "fundamental values" or "essential aspects" of private life (note that the case law[24] on balancing freedom of expression and the right to reputation in the context of the media would seem to be relevant in the context of the imposition or failure to impose criminal sanctions in a given case). Where these fundamental issues are at stake, Member States may be under an obligation to enact criminal provisions to effectively punish the behaviour undermining the victim's article 8 rights. Examples include the punishment of rape and the protection of children and other vulnerable individuals, as well as serious domestic violence.[25] In KU v Finland, the Court held that there was an obligation to protect a minor against a malicious misrepresentation where his details were posted on an Internet site, constituting a threat to his physical and mental welfare.[26] In less serious cases, the State has freedom to choose what in its view is the most appropriate framework (and whether to introduce a civil or criminal regime to ensure protection).

Looking at the proposed criminalisation, it is clear that the concerns of victims fall clearly within Article 8 and in many instances would involve essential aspects of their personality. In some instances, especially where children are involved, it may well be that the State could well be obliged to enact criminal law (and to ensure that it functioned effectively). This does not however mean that a broad-brush approach would be acceptable; Article 8 and Article 10 must be balanced. No one right takes automatic precedence over another (and this is the position under domestic law too). Here we would point to the threshold condition of serious distress as well as the mental element as guardrails to protect the offensive and the shocking. We do not agree that Article 10 in this context requires all speech short of violence to be tolerated; Article 8, as the case law given above illustrates, requires that a State take action before that. In our view the inclusion of factors for the authorities to take into account might assist in ensuring that the statute satisfies the requirement of lawfulness (and also provide safeguards against the arbitrary exercise of power). The inclusion of a public interest requirement is in our view essential to allow the discussion of contentious topics as well as the holding of those in power to account, activities which fall within the core of Article 10, to continue.

In sum, we feel that the proposed offence would comply with the requirements of Article 10 ECHR and would also satisfy Article 8 ECHR in this regard.

Question 14 We invite consultees' views as to whether the new offence would be compatible with Article 8 of the European Convention on Human Rights.

While the British courts may be the responsible decision makers for the application of rights within the UK, the authoritative arbiter of the meaning of the Convention is the European Court of Human Rights. Its approach to Article 8 differs from the approach laid out in chapter 2. Article 8 ECHR lists four aspects of the right or which correspondence is one. Things that can be described as correspondence fall within Article 8 and confidentiality of communications is central to that right. The test of reasonable expectation of privacy tends to be used to understand the meaning of 'private life' and even there is not, as the Report recognises in passing, the only and exclusive test. The Court has interpreted correspondence in the light of developments in technology so it includes not just letters[27] but telephone calls (whether

24 Axel Springer AG v Germany [GC], judgment 7 February 2012, paras 89-95

25 M.C. v. Bulgaria, (app no. 39272/98) ECHR 2003-XII, para 150; BV v Croatia (dec) 15th December 2015, para 151

26 KU v Finland (app no 2872/02), judgment 2nd December 2008

27 Niemietz v. Germany (app no 13710/88), judgment 16 December 1992, para 32

to family members or others)[28] and emails[29]. It likewise accepts that files on computers (even a work computer) fall within Article 8; this seems to be a rough analogy for 'papers'.[30]

There is no reason to suppose other forms of communication would not be treated similarly. There is however a question as to whether all uses of technologies such as WhatsApp and Signal have the confidential characteristics that were the hallmark of traditional (one-to-one) communications. This is not just a question of group size, but also other functionalities such as forwarding and the ability to search content. Ultimately however it seems unlikely that this would mean that such a communication fell outside Article 8, but it would probably affect how any intrusion would be assessed (which in principle follows the same framework as that deployed in relation to Article 10). In any event, the Court has long accepted that intrusion into Article 8 in principle may be justified in the service of the criminal law, as well as here of the rights of others. As a matter of pragmatism, it would seem that there is a correlation between increasing likelihood of the likely audience element being made out (ie because a bigger group are in on the 'joke') and increasing distance from the core of the right to private correspondence making it more likely that interference in the service of a legitimate interest would be regarded as proportionate under Article 8(2) ECHR.

Question 17 We provisionally propose that section 127(2)(c) should be repealed and replaced with a specific offence to address hoax calls to the emergency services. Do consultees agree?

As regards s. 127(2) Communications Act, the Report notes that the main purpose has been to deal with hoax calls to the emergency services. While we agree that this is a distinct objective that could be dealt with via a specific offence, we also note that under s. 128 Ofcom may bring enforcement action against those who persistently misuse electronic networks and services. The majority of these have been related to silent calls. While many of these may arise from automated dialling systems and cold-calling, not all will fall into this category, but could be from, for example, ex-partners or people trying to elicit a reaction for their own amusement. Ofcom notes that silent calls are more annoying and more likely to cause anxiety. The circumstances in which people could persistently misuse public networks using modern communications software and techniques are many, varied and unforeseeable in the future. We invite the Law Commission to consider whether such behaviours would be adequately dealt with under the proposed new regime and emphasise that a focus on new services (e.g Skype, WhatsApp) should not mean that older services that are still much used are forgotten.

Question 18 We provisionally propose that section 127(2)(a) and (b) of the Communications Act 2003 should be repealed and replaced with a new false communications offence with the following elements: (1) the defendant sent a communication that he or she knew to be false; (2) in sending the communication, the defendant intended to cause non-trivial emotional, psychological, or physical harm to a likely audience; and (3) the defendant sent the communication without reasonable excuse. (4) For the purposes of this offence, definitions are as follows: (a) a communication is a letter, electronic communication, or article (of any description); and (b) a likely audience is someone who, at the point at which the communication was sent by the defendant, was likely to see, hear, or otherwise encounter it. Do consultees agree?

The Report proposes that the deliberate dissemination of false information should be criminalised, replacing s 127(2)(c). False information as far as people are concerned can be challenged through various

28 Malone v UK (app no 8691/79), judgment 2 August 1984, para 64

29 Copland v UK (app no 62617/00), judgment 3 April 2007, para 41

30 Petri Sallinen v Finland (app no 50882/99), judgment 27 September 2005, para 71; Wieser abnd Bicos Beteilungen GmbH v Austria (App no 74336/01), judgment 16 October 2007, para 45.

routes (e.g defamation, misuse of private information, confidentiality), and the victim is the person who has the choice of whether to seek to enforce these rights; it may also trigger the general offence. For information that is not related to a person, there seems to be no body with the responsibility to action to set the record straight. This, as the report notes may lead to societal ills. The offence is linked to specified harms – emotional, psychological or physical harm. We acknowledge that there has to be some limitation on the offence and that returning the offence to its roots (prevention of harms) is a relevant mechanism for achieving this. We question whether it leaves some issues. The example given in the report is of an individual moved to take a substance which is harmful; what would be the situation where a person refrained from taking something (eg a vaccine) that was beneficial? What about more distant threats: disinformation about climate change may reduce public enthusiasm to introduce changes necessary to counter it; at some point people will start to suffer as a result of this. Should this sort of speech be criminalised? On one level, it seems no different in terms of culpability than the other examples.

Lies are likely protected by freedom of expression, though it would seem likely that the State would have considerable margin of appreciation in this regard. Nonetheless, any intrusion must satisfy the requirements of Article 10(2) ECHR, and a clearly targeted offence would be more likely to survive challenge. In this regard we note the reliance on false information. Falsity implies that we are concerned with questions of fact alone, rather than opinion (which are unprovable). It might be helpful to be clear about this, and consider the issue of mixed statements (fact and opinion). It also raises the question of what happens when there is a kernel of truth on which a materially misleading message is based. Take an example that suggests that a vaccine is harmful; there may be some side effects to the vaccine that for some people are noticeable yet on the whole the vaccine is safe (and the benefits outweigh the risks). Should this sort of situation be covered?

Question 22 Should there be a specific offence of inciting or encouraging group harassment?

Pile-ons are a harmful events that are fundamentally enabled by the prevalence of one to many and many to many services, as opposed to one to one POTS at the time of the 1984 Act. The question remains whether they are something that should be dealt with in civil regulation biting on platform design (such as the Online Harms regime) or as an offence relating to an individual. An individual who organises or triggers one (as it can be one comment that becomes algorithmically promoted to a wider audience) might have some awareness of the harm that can be caused. In some instances, however, it may be that the platform – rather than being a neutral intermediary – constitute an essential motivating element in online speech and behaviours. An example of this can be seen in the context of gossip forums. The operators of some of these platforms have taken the decision to structure the forum threads by reference to particular named individuals.[31] Depending, of course, on the content of the posts and their quantity, this could be harassment but what is central to this is the fact that the posts will, through the decision of the service operator, be focussed on a specific individual. Even if the person the subject of the thread does not see the posts (though this is unlikely), that person would still be a victim as it is likely that information concerning private aspects of the victim's life have been shared (we assume here that sexual images or deepfakes are not involved). It may be that the offences under the Data Protection Act 2018 could be used, but this sort of environment could be seen as facilitating if not encouraging pile-ons, though the platform operator may not choose the individuals the subject of each thread[32].

32 See "Me and My Trolls", File on 4: https://www.bbc.co.uk/programmes/m000n5z3

Question 28 Should there be a specific offence criminalising knowing participation in uncoordinated group ("pile-on") harassment?

The term glorification is one that may carry a range of meanings covering many different types of expression and is for that reason problematic. As regards self-harm (NSSI), there are particular concerns around criminalising a victim. Nonetheless, there is a real concern around contagion and re-affirmation. In our view, the problem here lies not so much in the content but that fact that individuals who have engaged with NSSI content are at risk of being caught in a form of feedback loop whereby they are constantly reminded of that material, potentially hindering those individuals in developing and maintaining a healthy equilibrium. It is here, in the operation of the platforms, that any culpability, if any, lies rather than in the speech of vulnerable people. It may be instructive to compare the efforts made by Pinterest to combat self-harm imagery, acknowledging the role a platform can play and indeed to talk with that service. [33]

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33 See. Arielle Pardes Wired, 11.14.2019 Pinterest Has a New Plan to Address Self-Harm https://www.wired.com/story/pinterest-self-harm-help/