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#MeToo, Sport, and Women: Foul, Own Goal, or Touchdown? Online Abuse of Women in Sport as a Contemporary Issue



Kim Barker and Olga Jurasz

Contents

1	Introduction	72
2	Online Abuse of Women in Sport: The Problem	73
2.1	Toxic, Masculine Culture	74
2.2	The Impact of Online Abuse on Sportswomen	75
2.3	Online Harms, OVAW and Sports Regulation: Towards a Level Playing Field?	76
3	A Safer Internet for Women: Responses, Reactions and Rehabilitation?	78
3.1	Legal Responses vs. Governing Bodies' Obligations?	79
3.2	Online Safety and Content Moderation	84
4	Sport and #MeToo: A Watershed Moment?	85
5	Conclusion: Foul, Own Goal, Touchdown?	87
	References	88

Abstract Online violence against women (OVAW), and online gender-based abuse more broadly, have been acknowledged at an international level as an obstacle to gender equality as well as women's freedom of expression, positioning these phenomena as a concern from a human rights perspective. In particular, the scale, seriousness and the impact of social media abuse has raised questions about the appropriate legal protections for individuals from such forms of abuse and its harms. The world of sport has not been immune to the devastating impact of social media abuse, especially online hate, leading to a social media boycott within the British sport community in May 2021 as a protest against online hostility and discrimination. However, little action has been taken to date to address gender-based abuse and online misogyny directed at women in sport. Left unchecked and unaccounted for, instances of such online abuse reinforce the already existing structures and gender stereotypes that fuel gender-based hostility and violence against women. What is

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more, by being left unchallenged and allowed to play out in the very public context of professional sports, these behaviors become normalized, contributing to the continuum of violence against women, but doing so on a global and high-profile stage. While there have been controversial campaigns, such as taking the knee, there are few of any significance from the sporting world that address OVAW. Limited protections exist in terms of human rights, but little has been done by sporting bodies, sporting associations, and unions to add value to any initiatives aimed at tackling OVAW in sport. This chapter questions the role of sport in supporting the global action against violence against women, while also assessing the broader response to problems posed by online abuse, online harassment, and its gendered aspects. Do human rights protections go far enough? Is this an issue for sporting bodies, or is it an ‘athlete-only’ problem?

1 Introduction

Sport, especially at an elite and/or international level, is a multimillion-pound industry rooted not only in the ‘spirit of sport’ but also high-value commercial and political interests. Yet despite this, the image of the sport industry undermines women’s equality, which ignores the problem of online abuse suffered by women in sport. The grievous consequences are not sustainable nor desired.¹

Despite significant debates that have centered on why women and girls shy away from sport and why participation drops, little has been done to address the social media aspect of participation in sport, and especially the online abuse of women in sport. While there are initiatives designed to work towards gender equality in sport, their focus has tended to fall on the use of social media for business and/or sponsorship purposes, instead of addressing the potential for gender-based violence to occur via social media; something that the 2014–2020 strategic action plan by the European Commission failed to address.² The scale of online violence against women (OVAW) in sport is highly visible, yet it is frequently overshadowed by other forms of abuse in the context of sport, such as racist abuse.³ As a result, the online abuse of women in sport has gone largely unaddressed. In light of the #MeToo movement, it is surprising that online abuse of women in sport remains so underdiscussed, underrecognized, and, most distressingly, under-addressed by sporting bodies.

This chapter offers an analysis of online abuse of women⁴ in sport, and questions the appropriateness of (limited) responses to this contemporary issue. The discussion

¹Jurasz (2021).

²European Commission (2014).

³‘Racist abuse’ (2021).

⁴The authors recognize that there is an ongoing and controversial debate about whether transgender women should be allowed to compete in women’s sports. This is not an issue that forms a part of

is placed within the broader context of regulation of online, gender-based abuse (online violence against women specifically), as well as human rights perspectives on women's rights in sport, with an emphasis on the issue within the United Kingdom. The discussion also rests on a socio-legal exploration of the measures taken to address other forms of abuse in sport and discusses the applicability or expandability of these to gender-based abuse on social media.

The position advanced here is that online abuse of women in sport is a matter which requires urgent attention, not only from sporting regulatory bodies but also from social media platforms, albeit in a holistic manner rather than a piecemeal one. Ultimately, this chapter argues that sport governance bodies have an opportunity to step up in the post-#MeToo era and challenge one of societies' most contemporary challenges: OVAW in sport.

2 Online Abuse of Women in Sport: The Problem

The data regarding the scale of incidents of online abuse of sportswomen is only starting to emerge, but it already shows that this is a serious problem. In 2020, 30% of British sportswomen were 'trolled' on social media,⁵ a figure that has doubled since 2015, which shows the significant increase in OVAW. A recent study into experiences of women footballers in the North and North-East of Scotland revealed high levels of sexism and "sexist hate, sexualized comments, homophobia, body shaming and even death threats, with most abuse coming on social media".⁶ Alarming, over 70% of female survey respondents reported having experienced sexism, with 68% having suffered hate—both on- and off-line—just for playing football.⁷ The figures look equally alarming at a global level, where female athletes were the target of 87% of social media abuse at the 2020 Tokyo Olympics.⁸ The frequency of online abuse received by some sportswomen over a prolonged period of time is equally concerning. For example, Naomi Osaka was found to be the most abused tennis player on social media receiving 32,415 abusive Tweets over a

analysis presented in this paper. However, where transgender women have been allowed to compete in women's sports and have subsequently experienced online abuse, these examples would fall within the scope of presented analysis.

⁵Grey et al. (2020).

⁶Stewart (2022).

⁷Ibid. (Stewart 2022).

⁸World Athletics (2021), "To gain an understanding of the level of online abuse in athletics, a sample of 161 Twitter handles of current and former athletes involved in the Tokyo Olympic Games (derived from a list of 200 athletes selected by World Athletics) was tracked during the study period, starting one week prior to the Olympic opening ceremony and concluding the day after the Olympic closing ceremony (15 July–9 August 2021). In this timeframe, 240,707 tweets including 23,521 images, GIFs and videos were captured for analysis".

12-month period (January–December 2021),⁹ closely followed by Serena Williams (18,118 abusive Tweets).

This volume of online abuse was over two times more than that received by the most abused male tennis player, Novak Djokovic (15,793 abusive Tweets, over half of which were received following the COVID-19 vaccine controversy). Whilst the data above does not give a comprehensive picture of the scale and volume of abuse received by sportswomen across the world and across sport disciplines, it is a chilling indicator of the seriousness of this problem, which is also reflected in the kind of abuse that sportswomen receive. Online abuse directed at female athletes tends to be frequently sexualized, sexist, and often questions their professional commitments and values. For example, Indian women's cricket team captain, Mithali Raj, was trolled in 2017 for the way she dressed in a selfie that she posted on Twitter. Not only were her appearance and clothes criticized and called 'inappropriate', but her patriotism was questioned.¹⁰ Similarly, Naomi Osaka faced a high volume of racist online abuse after announcing her decision to relinquish her American citizenship and to play for Japan in the Olympics.¹¹

2.1 Toxic, Masculine Culture

Whilst the rise in popularity and common use of social media certainly contributes to the visibility of online abuse and its rapid spread, the underlying attitudes which lead to such abusive behaviors towards women in sport are rooted in factors that long pre-date social media. Sexism and gender stereotyping are firmly embedded in the way that sport is governed.¹² There are stark differences in the way that women's and men's sport is treated, with different expectations and double standards, despite pledged commitments to equality and non-discrimination.

Despite some progress in recent years, the sporting world is far from a level playing field for women. It is a space highly dominated by a masculine, and more often than not, toxic culture that perpetuates unequal power relations between men and women athletes. Women who try to occupy these spaces and be successful are met with challenges posed by misogyny and abuse, often sexual in nature, as well as structural hurdles, alongside public vilification through online abuse, almost all of which is gendered in nature. A 2019 study by Plan International Australia revealed that more than a quarter of comments directed at sportswomen were sexist, sexualized, belittling, or otherwise negative in nature.¹³ Overall, women faced three times

⁹'Social Media Abuse of Tennis Stars' (2022).

¹⁰'Mithali Raj' (2017).

¹¹Reid (2021).

¹²That said, Petty and Pope (2019) suggest that the manner in which women's football is covered in the media is gradually changing towards more equal and positive reporting.

¹³Plan International (2019).

as many negative comments as men (27% women, 9% men). No sportsmen received sexualized comments, these were directed only at women and constituted 14% of all negative comments received.

The perception that the media covers women's and men's sports differently is shared by sportswomen (86.2% of UK sportswomen agreed with that finding),¹⁴ and the general public. In the context of Novak Djokovic's behavior surrounding his COVID-19 vaccination status, tennis fans questioned whether his treatment would have been equally lenient if similar behavior was committed by a female player, such as Naomi Osaka or Serena Williams.¹⁵ The questions—albeit rhetorical in nature—nonetheless highlight the hypervisibility of different treatment of women and men in sports as well as the everyday sexism perpetuated against women in sport. The contrasts here are stark: a woman wearing a compression suit to a tennis game for medical reasons (i.e., Serena Williams at the 2018 Roland Garros) allegedly shows disrespect for the game,¹⁶ whereas an unvaccinated male player is allowed to compete in championships as an exercise of his “freedom to choose”.¹⁷ Gender-biased media reporting of sport not only contributes to the lack of parity in the public visibility between women's and men's sports, but also provides fertile ground for the perpetuation of everyday sexism and gender stereotypes directed at sportswomen.

2.2 *The Impact of Online Abuse on Sportswomen*

Sportswomen's efforts to participate in these masculine spaces, and any milestones achieved in the process, are jeopardized, if not undone, by the barrage of online abuse that takes a toll on both physical and mental health. For example, Sydney McLaughlin, American 400m hurdles champion and Tokyo Olympic gold medalist, spoke openly on Instagram about online abuse she received during the Olympics, noting the severe impact it had on her mental health, creating feelings of anxiety and depression.¹⁸ Sportswomen have described online abuse as “scary, threatening”,¹⁹ “overwhelming”,²⁰ and emphasized the significant impact this continuum of abuse had on them as individuals. Former footballer, Alex Scott who has detailed the impact of online, intersectional abuse she experienced both in sport, and her media work, stated that, “I kind of lost myself with my personality because I knew everything that was going on around it. And it's not until I actually got to a stage

¹⁴Grey et al. (2020).

¹⁵McCallig (2022).

¹⁶“One must respect the game” (2018).

¹⁷Rajan (2022).

¹⁸Gijy (2021).

¹⁹Grey et al. (2020).

²⁰‘Coco Gauff’ (2021).

where I thought, ‘I can’t take this anymore. It is becoming too much for me’ that I spoke out about it”.²¹

Scott is not alone, with former footballers and hockey players amongst those emphasizing the scale of the problem and their experiences. Welsh rugby player, Elinor Snowhill, highlighted similar experiences that had a significant impact, indicating that the fear that is created through online abuse is profound: “It feels more threatening because if there ever was a situation where someone took it to the extreme, generally men have more power in a situation than women because they’re stronger. It just has that different edge to it”.²²

This kind of online harassment has been experienced by women in other forms of public life, including but not limited to politics, especially those who have held public office. Jacinda Ardern, former Prime Minister of New Zealand,²³ is another example of a high-profile woman who opted out of public life because of the toll of the online abuse and persistence of the threats she received. However, as we argue elsewhere, the range of harms arising from online text-based abuse (which is typically perpetuated on social media) is expansive and not limited to ‘merely’ physical and/or psychological harms.²⁴ Importantly, harm can also be transferred, not only between the online and offline world (e.g., online threats of physical harm/violence materializing offline), but also onto individuals other than the victim. The personal toll of online abuse is harrowing and often underestimated; as is the broader social harm that comes with online abuse (be it in sport or otherwise) going unchecked. With online abuse of women in sport peaking yet largely unaddressed, sexist and abusive behaviors have become normalized, leading to further social and cultural harms.

2.3 Online Harms, OVAW and Sports Regulation: Towards a Level Playing Field?

The omnipresence of online abuse of women in sport, paired with the lack of attempts to remedy the situation by sport governing bodies, leads to important questions: What is the future of sport regulation in an era of unprecedented social media use, and what does this future hold for women in sport? Online abuse of women in sport is an issue that exemplifies a contemporary form of discrimination against women, which is explicitly prohibited in the core UN human rights treaties, including the Convention on Elimination of All Forms of Discrimination Against Women 1979 (CEDAW). States parties to CEDAW have due diligence obligations with respect to eliminating all forms of discrimination against women, as articulated

²¹ Reddy (2020).

²² Grey (2020).

²³ McClure (2023).

²⁴ Barker and Jurasz (2021a), pp. 256–258.

in Article 2 of the Convention. This covers both sex-based and gender-based forms of discrimination,²⁵ as well as both direct and indirect forms of discrimination.²⁶

While CEDAW does not address violence against women and girls (online or offline) explicitly in the text of the convention, the nexus between gender-based violence and discrimination has been established by the CEDAW Committee in General Recommendation No. 19, where it affirmed that “(t)he full implementation of the Convention requires States to take positive measures to eliminate all forms of violence against women” (para 4).²⁷ More recently, this interpretation was reemphasized in General Recommendation No. 35,²⁸ with explicit recognition of “contemporary forms of violence occurring in the Internet and digital spaces”.²⁹

In the European context, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), explicitly recognized that due diligence obligations to prevent, investigate, punish, and provide reparation for acts of violence perpetrated by non-state actors³⁰ extends to “cover all expressions of violence against women, including digital expressions and violence perpetrated with the help of or through technology”.³¹ Outside of GREVIO’s General Recommendation, the Council of Europe’s approach to addressing the online abuse of women (albeit not specifically women in sport) has been largely to focus on gender stereotypes and sexist hate speech. For example, the Council of Europe Gender Equality Strategy³² stresses the need to tackle violence against women (both online and offline) through combatting gender stereotypes and sexism, including sexist hate speech and violent and sexualized threats online, especially on social media platforms. This approach is also reflected in the 2019 Council of Europe Recommendation on Preventing and Combating Sexism, the first ever international legal instrument to combat sexism. However, while addressing sexism and gender stereotypes is useful to emphasize the root causes of these types of violence and the way(s) in which gender stereotyping reinforces unequal social power relations between men and women, it should not be the sole lens through which the online abuse of women is addressed. In particular, a more comprehensive approach, capturing the spectrum of online harms arising from OVAW is required.

The seriousness of OVAW is recognized at regional and international levels, by European bodies, as well as the UN. While this is in itself progress, fundamental

²⁵ Although the Convention only explicitly refers to sex-based discrimination, the CEDAW Committee clarified in *General Recommendation 28 on the core obligations of States parties under Article 2 of the CEDAW* that the Convention extends to gender-based discrimination too: UN CEDAW (2010) para.5.

²⁶ UN CEDAW (2010) para.16.

²⁷ CEDAW, General Recommendation 19 (1992), paras.1, 6.

²⁸ UN CEDAW (2017) para.21.

²⁹ UN CEDAW (2017) para.20.

³⁰ Article 5(2) of The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence 2011 (Istanbul Convention).

³¹ Council of Europe (2021) para.34.

³² Council of Europe (2019).

questions remain as to the practicality of international regimes or treaty obligations to address online violence. High-level recognition is important, but to date, no treaty at regional nor international level includes provisions that impose obligations on states to address OVAW. This is reflective of the responsibility gap that exists between states, private actors (i.e., social networking platforms), and sporting organizations. Unless and until a treaty imposes obligations on states to address OVAW, and unless and until sporting organizations address it in the same way as they would injury-related issues, it is unlikely that platforms will be held responsible for their inaction in regards to the online abuse that female athletes receive. Online abuse of women in sport is not a one-dimensional challenge, and does not constitute a one-dimensional harm, with at least 13 spheres of harms having been recognized.³³ This necessitates collaborative measures to make the internet a safer place for women in sport.

3 A Safer Internet for Women: Responses, Reactions and Rehabilitation?

Despite the now long-standing, and increasingly visible, prevalent, and numerous incidents of online abuse of athletes, the responses have not led to meaningful change. There have been campaigns across sport designed to address elements of protest, responding to aspects of discrimination, although not without controversy; for example, taking the knee.³⁴ There are few campaigns of any significance from the sporting world that address social media abuse of women, and in particular women in sport. Similarly, there are no high-profile campaigns initiated by, or supported by sporting organizations to address the online abuse of women in sport. Even if such campaigns were to become popular, there is little evidence to suggest that this would make a meaningful difference to treaty obligations, or to legal mechanisms in individual jurisdictions; not least because women's sport rarely receives the same level of media coverage as men's sport. Limited protections exist for human rights, but little added value has been forthcoming by sporting bodies, sporting associations, federations or unions. Fewer initiatives still provide any element of joined up thinking in response to social media abuse, especially that of women in sport.

While numerous high-profile incidents have affected athletes and sportspersons from a range of sports, there have been very few specific mechanisms adopted or implemented by professional or regulatory bodies that have resulted in a reduction in the level or frequency of online abuse of women in sport. This, despite the "fatigue, burnout, and anxiety"³⁵ that elite athletes have reported, and the steps taken by

³³Barker and Jurasz (2021a), pp. 256–258.

³⁴Campbell (2021).

³⁵George (2021).

national teams to protect their athletes when at major tournaments, including effectively opting out of exercising speech rights by choosing to disengage with social media as in the case of the England Women's Cricket team at the 2017 World Cup, following the lead of the women of Team GB Hockey during the 2016 Olympics. These are not the only 'in house'³⁶ responses that have been developed outside of platform or legal approaches. Despite the widespread recognition of the significant harm caused by online abuse of women in sport, the need for 'in house' support mechanisms, including so-called 'social media captains'³⁷ continues. This is in no small part due to the combined failure of human rights mechanisms, legal protections, and platforms through their own content moderation systems to address the problem and scale of abuse.

In contrast to the steps taken by some national teams, very few mechanisms or measures have been introduced that address the safety of women online, especially in sport. There have, in contrast, been measures adopted or proposed that seek to address other forms of discrimination in sport. The discussion here turns to how these could apply to gender and explores how these mechanisms have been developed on an ad-hoc basis; something reflective of the challenge posed by online abuse in sporting contexts more widely.

3.1 Legal Responses vs. Governing Bodies' Obligations?

While a significant number of incidents *could*³⁸ potentially result in criminal prosecutions and charges, this relies upon on both police investigation and resourcing. Given that, especially in the UK, such responses are unlikely, other responses are required, especially from the governing bodies of sports. This is especially the case where there are professional bodies that include in their remit the welfare and mental wellbeing of their members. Legal responses are outside of the remit of professional and sporting bodies, but there is scope within sporting regulatory bodies to address social media abuse. Similarly, there is potential to address internationally, regionally, and transnationally the harms caused by social media abuse directed at women in sport. Growing recognition and press coverage has exemplified and drawn public attention to the scale, breadth, and impact of social media abuse.³⁹ Where there have been breaches of standards within specific sports by specific sportspersons, governing bodies have been prepared to act, but the same cannot be said for broader

³⁶Ehantharajah (2017).

³⁷Batte (2022).

³⁸It is also worth noting that, in England and Wales in particular, most legal provisions are not tailored for online specific behaviors. Rather criminal offences are designed to address the behavior, which means—in theory—they could be applicable to online or offline behavior, even though the former is highly unlikely to result in prosecutorial action.

³⁹Doyle (2021); The FA (2021).

work more generally in tackling the root causes of social media abuse of women in sport.

Social media abuse is particularly prevalent among high-profile athletes, and is exacerbated when sportswomen are pitted against sportsmen, or are seen to be ‘acting out’ and contradicting male stars. England cricketer, Alex Hartley, suffered a backlash when she entered into a discussion on Twitter with England men’s cricketer Rory Burns. Discussing the controversy, Hartley indicated that her Tweet was “singled out” because she is a woman.⁴⁰ More damagingly, this social media tension between the two England cricketers damaged the perception of the women’s game, and perpetuated abuse of a woman cricketer, at the instigation of a men’s cricketer in the national team. Beyond highlighting that the attitudes are problematic within sport generally, the Burns-Hartley incident also demonstrates the “deep-rooted negative attitudes”⁴¹ women encounter, both online and off. In the aftermath of this social media incident, both Burns and Hartley were spoken to by the governing body, but no further action was taken, demonstrating that the problems stemming from social media abuse are downplayed and dismissed, even at the highest levels in professional sport when it relates to social media abuse against women.

The Burns-Hartley controversy was not a one-off. Other high-profile incidents of social media abuse have marred the reputation of cricket. For instance, the immediate suspension of England cricketer Ollie Robinson after his test match debut in 2021 for historic social media abuse⁴² (albeit on the basis of racism and sexism) show that within sport there are actions taken to address elements of problematic social media abuse. That said, these tend to focus on the regulation, rehabilitation, or punishment of specific sportspersons rather than addressing issues more broadly within a particular sport. Even when there are sport-wide initiatives, such as wearing anti-discrimination shirts the day after Robinson fiasco,⁴³ they fall short of making a lasting impact and appear to be reactionary measures rather than initiatives with a lasting legacy; in this case, the Disciplinary Panel of the Cricket Discipline Commission of the England and Wales Cricket Board recognized the “extremely serious” conduct of Robinson in both sporting and societal contexts.⁴⁴ Such campaigns do not tackle the behaviors of those involved in the sport more broadly. Even when these initiatives do occur, they tend to happen in the context of men’s sport, and do not extend beyond it. Ultimately, while they are a nice foil for public relations management and damage limitation, they do not constitute meaningful measures to address the root causes of the problem.

⁴⁰Cricket News (2021).

⁴¹Gardner (2021).

⁴²Burnton (2021).

⁴³Ibid. (Burnton 2021).

⁴⁴England & Wales Cricket Board (2021).

Some developments are worthy of note in challenging aspects of discrimination, harassment, and abuse though, albeit these tend to be attached to or funded by specific sports and sporting bodies. For instance, English football's 'Kick it Out' Campaign⁴⁵ focuses specifically on football, and while originally conceived as an anti-racism campaign within football in the late 1990s, it is now broader and claims to tackle "all aspects of discrimination, inequality and exclusion".⁴⁶ While this applies equally across all branches of the game, and covers all who play the game irrespective of gender, it is a targeted campaign that still presents as focusing on racism, rather than broader intersectional aspects of equality within football, including gender. Despite the fact that social media abuse relating to women in football is rampant, where sexist taunts are common, and even where women's teams dare to put themselves on show against the men's game, the women are the ones to suffer "vile sexist abuse" at the hands of trolls, such as the backlash that reached Manchester United W.F.C. when losing to the Salford youth team 9-0 in 2018.⁴⁷ In fact, even in its 2017 report,⁴⁸ the emphasis in reporting on Kick It Out's landmark achievements during the previous 25 years still falls on aspects of aggravated abuse incidents in describing the development of reporting systems.⁴⁹ This is perhaps not as inclusive as Kick it Out may otherwise claim to be given the aggravations referred to rely on the legal recognition of characteristics such as race and/or religion, but which (currently) in England and Wales, exclude sex/gender from such considerations.

While responsibility for the lack of inclusivity in categorizing aggravations cannot be laid on Kick It Out, other shortcomings, especially in respect of gender equality in football can. It is also problematic that the Kick It Out approach is limited when it comes to challenging problematic attitudes beyond racism and equality, but issues affecting women more broadly. The Raith Rovers debacle surrounding David Goodwillie is one particularly high-profile example which has been damaging to football in light of the prominence surrounding violence against women. It is the latest in a protracted history of football clubs putting their interests on-pitch before their broader social responsibilities to their communities and their fans, especially women, and society,⁵⁰ while also perpetuating the idea that sport, and football in particular, is (and should be) an environment toxic to, and for, women. Raith Rovers signed David Goodwillie despite a Scottish civil court finding him guilty of rape. This situation followed shortly after another footballer, Benjamin Mendy, was accused of seven counts of rape.⁵¹

⁴⁵ Kick It Out (n.d.).

⁴⁶ Ibid. (Kick It Out n.d.).

⁴⁷ Tuckey (2018).

⁴⁸ Kick It Out (2017).

⁴⁹ Ibid. (Kick It Out 2017).

⁵⁰ Dunn (2022).

⁵¹ BBC News (2022a).

These are not isolated incidents, with other high-profile players⁵² having been found guilty of committing acts of violence against women. The difference with Raith Rovers was in the response from those within and outside the club, with high-profile sponsors, staff, and the entire women's and girls' teams separating from the club over the decision to re-sign Goodwillie.⁵³ Given the culturally embedded role of football, particularly in the UK, football clubs must do more to prevent similar issues happening again. In fact, there are increasing calls to broaden out the cultural responsibilities of football and footballers, and address systemic issues beyond racism, specifically including actions to address gender-based violence.⁵⁴ It is however, disappointing that this has not (yet) specifically extended to social media abuse too.

Campaigns such as Kick It Out predominantly focus on *an* aspect of abuse, to the detriment of their other social responsibilities, rather than either taking a holistic approach and including *all* forms of social media abuse and harassment, *or* have been developed in response to a specific issue which has arisen following particular high-profile sporting events or tournaments such as the Euro 2020 tournament, or the Olympic Games. This is particularly clear through the England and Wales Cricket Board response to the Burns-Hartley spat or the Ollie Robinson Tweets, with their 'Cricket is a Game for Everyone' campaign.⁵⁵ What is particularly notable is that there remains very little specific attention given to women in sport, and the abuse that women face.

In fact, while campaigns such as Kick It Out have attempted to focus on issues such as racism, (and none of, for example, intersectionality of discrimination and abuse) there have been some other legal mechanisms introduced. Notably—although specifically in the context of football—there are a number of laws that aim to address different elements of abuse in varying contexts in England and Wales. While the Football (Offences) Act 1991 specifically includes offences for racial or indecent chanting at matches under s3, no similar provisions exist for online abuse. Football Banning Orders were subsequently introduced through the Football Spectators Act 1989 and allow for individuals to be prohibited from attending certain locations or football matches or particular football grounds under s14A for a number of reasons, including indecent chanting, or making violent threats.

While these developments focus attention on offline or analogue forms of abuse, the law was extended in 2022 to cover behaviors that relate to online conduct. Section 190 of the Police, Crime, Sentencing and Courts Act 2022 amends Schedule 1 of the Football Spectators Act 1989 to allow football banning orders to be made in respect of any offence relating to sending malicious communications (as outlined in the Malicious Communications Act 1988), or where there is an improper use of a

⁵²See e.g., accusations of rape, sexual assault and making threats to kill against footballer Mason Greenwood: BBC News (2022b).

⁵³Courier Reporters (2022).

⁵⁴End Violence Against Women Coalition (2022).

⁵⁵ECB (2021).

public communications network (under the Communications Act 2003). It should however be noted that while Football Banning Orders can now be sought to prevent individuals from attending football events or matches on the basis of their online abuse, they are not a way to change culture, nor are they a way to specifically protect women in sport.

There is no gender lens attached to the communications offences, and this continues to be a lacuna in the law, particularly where the abuse is misogynistic in nature.⁵⁶ At best, the banning orders can offer some potential means of protection from physical and direct threats of violence or abuse made in proximity to women footballers; they do not extend coverage beyond football. Moreover, the offences are likely to require modification in light of the proposed online safety provisions which will all but repeal the malicious communications and communications offences from 1988 and 2003 respectively. At most, the extension of Football Banning Orders is a token gesture, but one which is little more than a sticking plaster on a severed artery. There is some potential that this could be developed to target other forms of discrimination and abuse, but no progress has been made here. There is—at the time of writing—no evidence of any plan to develop such mechanisms to address other forms of abuse and discrimination.

What is evident from this analysis of the capacity for responding to incidents of abuse in sport, is that the regulatory and governing bodies have some capacity and resources to address some elements. They have not—to date—prioritized the gendered aspects of social media abuse, despite the fact that this is now a well-recognized phenomenon. It is also evident from these limited examples, that there remains much work to be done, and there is some distance to go. In the UK for instance, there is work to be done in adopting the recommendations of the Duty of Care Review,⁵⁷ and ensuring that there are appropriate (and enforceable) boundaries between banter and bullying which respect equality, diversity and inclusion.⁵⁸ While it is reassuring to see the emphasis falling on the Duty of Care broadly with an emphasis on equality aspects, it too is lacking in its consideration of the wider context in which sport operates, with no mention of online abuse or social media abuse featuring in the report itself.

Similarly, the disciplinary codes of specific sports pay little, if any, attention to online abuse. They tend to refer to aspects of conduct that bring a sport into disrepute, or which damages the reputation of the game. While this is in some ways, very broad, it also has the potential added value of allowing, as in the ECB's example of Ollie Robinson, online conduct to be brought within the purview of disciplinary action for professional sportspersons within their particular sport. For instance, the disciplinary codes of the England and Wales Cricket Board make it very clear that "improper" acts which are "prejudicial to the interest of cricket" are

⁵⁶Barker and Jurasz (2019a, b).

⁵⁷Grey-Thompson (2017).

⁵⁸Ibid. (Grey-Thompson 2017), pp. 2–3.

prohibited.⁵⁹ Similarly, the England and Wales Cricket Board Anti-Discrimination Code outlines the grounds upon which a “breach” will be found, and explicitly references the protected characteristics (under the law of England and Wales).⁶⁰ Unfortunately, disciplinary codes do not extend to fans of particular sports, something that is left to routes of redress outside of professional and governing bodies.

3.2 *Online Safety and Content Moderation*

The much awaited, and much debated, Online Safety Bill (OSB) (subsequently, the Online Safety Act 2023 (OSA)) has pledged to make the UK one of the safest places in the world to be ‘online’.⁶¹ That ambition was outlined in 2017. The proposed OSB outlines changes in UK law relating to online content. It is designed (at the time of writing) to introduce a new framework to ensure that online platforms including, but not limited to, social media platforms act to address illegal content that is shared via their services. This instrument is based around a new proposed framework which is harm-based, but with an extra onus on those platforms that will be accessed by children. The most contentious part of the OSB, similar to the Digital Services Act (DSA) in Europe, is the distinction between illegal content, and lawful but harmful content. The draft OSB only proposed to require action from platforms where there is harmful content, which is legal but, which is in contravention of the terms of service (or terms of use) of a particular platform. The OSB proposed to ensure that platforms act to remove this content. However, no specific provisions in the OSB are designed to protect women, despite the introduction of amended provisions that will require the UK regulator to pay greater attention to issues affecting women and girls, and provide guidance to platforms that “may, among other things—contain advice and examples of best practice for assessing risks of harm to women and girls from content and activity [which may disproportionately affect women and girls]”.⁶² The harms-based approach captures content that affects women, but crucially, there is no specific capture of any provisions designed to address OVAW, and no specific element of the proposed framework to tackle the gendered nature of the abuse women in sport suffer. The OSB is disappointing in this regard,⁶³ offering little in the way of protection or redress for women abused and harassed online.

The (proposed) legal framework to address online safety and online harms also fails to consider the nuances of different platforms, pursuing a model that is dominated by considerations of protecting children and the under-18s especially.⁶⁴

⁵⁹England and Wales Cricket Board Directives (August 2020). Directive 3.3.

⁶⁰England and Wales Cricket Board Anti-Discrimination Code (2022). Paragraph 1.2.

⁶¹DCMS (2017).

⁶²OSB 2023, s54(2).

⁶³Barker and Jurasz (2021c), pp. 535–538.

⁶⁴DCMS (2022).

More concerningly, the OSB mechanisms for dealing with platforms that do not “fulfil their own standards to keep people safe”⁶⁵ is to block the site and/or platform in the UK, thereby punishing the platform *and* the people using it, rather than the people who use it to abuse. This is also a failure to protect women: by blocking platforms that do not uphold terms of service (which are self-created and designed, usually to the benefit of the platforms themselves), the OSB proposed to all but limit participatory rights for women and women in sport. Without the use of social media platforms, the reach and participation of women in sport and women’s sport generally would be significantly curtailed. Blocking is therefore not a solution, even one advanced through law reform proposals. It all but encourages people not to engage with online platforms. Above all else, there are free expression implications of blocking online platforms which do not uphold terms of service, which in the context of online abuse, seems to mask the problem rather than address it directly.

Furthermore, the OSB not only spectacularly fails women, but it also fails platforms. In proposing (or introducing) a framework that is based on the ultimate punishments of (i) fines and (ii) blocking sites, the OSB omits the potential and significance of platform content moderation systems. Content moderation is in and of itself a significant challenge, not least because of the delicate balance between moderating content, freedom of expression, and participatory rights.⁶⁶ The volume of content itself, together with its context,⁶⁷ are also significant challenges for each platform, let alone for all platforms when considered in combination. The OSB pays little real attention to this aspect of the role of platforms in responding to and addressing the online abuse of women in sport. While the majority of responses seem to rest on domestic criminal law provisions, or domestic legal innovations such as the Online Safety Act 2023, in the UK little has been done to comprehensively address the social media abuse of women in sport. There are indicators of a growing recognition that there is a need to address the phenomenon of online social media abuse, but meaningful steps and compliance with human rights obligations are yet to materialize in the context of professional sport.

4 Sport and #MeToo: A Watershed Moment?

The rise of #MeToo has been a watershed moment for speaking out against sexual harassment around the world, and has finally begun to reach women’s sports, with many sportswomen speaking out about the harassment, sexual violence, and sexism they have faced, as well as emotional and psychological abuse.⁶⁸ While #MeToo has provided a platform and momentum for sportswomen to share their lived

⁶⁵ Ibid. (DCMS 2022).

⁶⁶ Oliva (2020).

⁶⁷ Barker and Jurasz (2021d), p. 14.

⁶⁸ Giles and Darroch (2020); BBC (2021).

experiences of sexual harassment and violence, it hardly highlighted a new phenomenon.⁶⁹ The experiences reported by women are not new, with sexist, violent, and discriminatory behaviors having been prevalent in women's sports for decades. An increase in public attention to the treatment of women in sport, has led to slow changes and actions against sexual harassment and abuse.

For example, as a result of investigations into sexual abuse in women's football by the Guardian,⁷⁰ FIFA has given life bans to the Afghan FA President (in 2018) and the Haitian FA President (in 2019). This subsequently led to the long-awaited announcement in December 2021 of plans to launch a global investigative network to tackle sexual abuse in sport, which would see collaboration between FIFA and the UN Office on Drugs and Crime.⁷¹ That said, these actions come after a significant investigation of high-profile figures in sport; while any action taken is laudable, it is crucial to note that it likely represents the peak of an iceberg, and that so many instances of sexual harassment and abuse against sportswomen at lower levels remain under-investigated and unpunished. In principle, sport governing bodies have pledged to tackle discrimination in sport (i.e., FIFA has committed to anti-discrimination practices in accordance with international human rights standards),⁷² but practice and lived experiences of women in sport are very divergent from this goal.

There is a parallel pandemic of abuse directed at women in sport that occurs online on social media. Sportswomen face online abuse on a scale vastly higher than men, and of a significantly different variety. The abuse is not only violent and hateful, but also deeply sexist and underwritten by gender stereotypes. This is the case for not only sportswomen but also women in the sport industry more broadly. For instance, female sport journalists have faced significant online abuse for merely reporting on sport,⁷³ and female football fans have suffered sexist social media abuse for simply tweeting about the sport.⁷⁴ Likewise, sportswomen who speak out about their experiences of sexual harassment and/or violence have suffered a backlash in the form of online abuse. While this is a pattern not specific to women in sport,⁷⁵ it highlights the precarious position occupied by women in professional and public life. The seriousness of the abuse and its lasting impact on women (as well as men) in sport has been highlighted by high-profile sport celebrities. For instance, Roger Federer indicated that the next generation of tennis players may need "help to prevent social media abuse affecting them";⁷⁶ suggesting we need a "revolution

⁶⁹Brackenridge (1997).

⁷⁰Wrack (2019); Aarons et al. (2020).

⁷¹Aarons and Molina (2021).

⁷²FIFA (n.d.).

⁷³See, for example: 'BBC's Sonja McLaughlan reveals online abuse' (2021); Antunovic (2019).

⁷⁴'Female football fan speaks out' (2022).

⁷⁵Barker and Jurasz (2019a, b, 2020, 2021a, b).

⁷⁶Latham-Coyle (2021).

[if not] evolution of where we are today”;⁷⁷ while the rising star of women’s tennis, Iga Świątek, called for social media users to “stop and think”.⁷⁸

5 Conclusion: Foul, Own Goal, Touchdown?

Coverage of men’s sport is high-profile, commercially valuable, and widespread. Where there is attention paid to social media abuse, it tends to relate either to the misdeeds, or to racism or homophobic abuse suffered by male athletes, rather than online abuse of women. Equally, issues of violence against women seem to be brushed aside in the coverage of sports. This is not representative of the oft-stated aims of making sports inclusive and equal and serves to perpetuate harm to women. While there are clear intersectional issues affecting all involved in sport, the dominance of male professional sport is as evident in discussions and responses to social media abuse as it is in prominence, commercial value, salaries, and coverage. The #MeToo movement has yet to permeate professional sports as effectively as other areas of societal and cultural life, or has fallen on deaf ears, which is perhaps even more disappointing for women, and women’s equality within professional sport more broadly.

Incidents of violence against women and intimate partner violence have been shown to increase on football match days during FIFA World Cups: increasing when teams win, and increasing still further when teams lose.⁷⁹ Similarly, given the correlation between sporting events and increases in gender-based violence, the importance of “situational dynamics”⁸⁰ cannot be underestimated either, nor can social media engagement around the time of high-profile sporting events. This is highly likely to exacerbate instances of social media abuse given the relative ease with which abuse, hostility, and violence can be disseminated online. The problem—and challenge of responding meaningfully—is not only one affecting those that engage in professional sports offline, but also impacts on eSports professionals too. Likewise, from a legal perspective, the emergence and commonplace nature of online abuse of women—in sport and more generally—prompts complex questions about the enforceability and usefulness of human rights frameworks in this context, as well as the role of states.

There is a clear and undisputed human rights dimension to the problem, albeit one that is unlikely to be resolved within the traditional, state-centered conception of human rights and the remedies available within it. This is predominantly due to the typology of actors involved in the regulation of sport (largely private, non-state) on the one hand, and the typology of spaces in which the abuse occurs (social media

⁷⁷ Heaf (2021).

⁷⁸ ‘Iga Swiatek column’ (2022).

⁷⁹ Kirby and Birdsall (2022), pp. 386–387.

⁸⁰ Kirby and Birdsall (2022), p. 385.

sites) on the other. While states have due diligence obligations under international (human rights) law that can extend to human-rights based accountability for acts committed by non-state actors, it is difficult to ignore other considerations surrounding the uneasy relationship between states as human rights duty bearers, online platforms, and sport governing bodies. Specifically, the economic power, resources, and highly specialized technical knowledge of those that work at online platforms stands in stark contrast to the capabilities of many states in these areas. Furthermore, both sport governing bodies and social media companies are private, non-state entities, with elaborate self-governance structures.

Regardless of the medium and mode of sport, there is an emerging consensus that #MeToo has not yet led to the cultural and societal shift required, and that actions such as introducing diversity committees are, at best, akin to putting sticking plasters on amputated limbs.⁸¹ There is significant room for improvement in addressing social media abuse in sport, especially when it involves women. Using a sporting analogy, the professional and governing bodies have, to date, managed to commit a foul and are not far from scoring own goal. Scoring a touchdown in gender equality benchmarks, and in tackling social media abuse of women in sport, remains a significant challenge for *all* sports.

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⁸¹Lorenz and Browning (2020); van Homrigh (2021).

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