**London Deaf and Disabled People's Organisations
Hate Crime Partnership**

**Response to the Online Harms White Paper
June 2019**

1. **Introduction**

1.1 This response has been written by Stay Safe East on behalf of the London Deaf and Disabled People's Organisations Hate Crime Partnership, a capacity building project led by Inclusion London. The Partnership involves 19 London based Deaf and Disabled People's Organisations (DDPOs) led by Deaf or Disabled people.

1.2 Inclusion London's evidence on hate crime, in particular to the Commons Petitions Committee's inquiry[1] into online abuse and the experience of Disabled people has been incorporated into this response. The full response can be found at https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/inclusion-londons-evidence-online-abuse-enquiry/

1.3 Stay Safe East is a leading Disabled people's organisation which has been supporting Disabled victims of hate crime, domestic and sexual violence and other forms of abuse in East London for the past 8 years

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[1] https://publications.parliament.uk/pa/cm201719/cmselect/cmpetitions/759/75908.htm

and now provides London wide support to Disabled victims of domestic abuse and general crime. Stay Safe East also has a policy and change role and has attended the briefing on the White Paper on behalf of the partnership. Much of the practice evidence for this response comes from the work of Stay Safe East and the other 18 DDPOs involved in the partnership.

1.4   Inclusion London is a London-wide user-led organisation which promotes equality for London's Deaf and Disabled people and provides capacity-building support for over 65 Deaf and Disabled People's Organisations (DDPOs) in London and through these organisations reach over 70,000 Disabled Londoners.

2.   General comments

2.1   It is critical that the legislation clearly defines the terms illegal, unacceptable and offensive. There is a risk that censorship will ensue, as what is offensive to one person is not to another.

2.2   What is missing?
Table 1 on page 31 outlines a scoping of online harms. We would argue that the following issues are missing:
- Harmful materials
- Incitement to hate crime, including on grounds that are not currently covered by the law e.g. Disability, transphobia, misogyny
- Adult safeguarding – online grooming of adults at risk for financial or sexual abuse
- Targeting for 'cures' (LGBT, Deaf and Disabled people)
- Abuse targeted at Deaf and Disabled people
- Trafficking

3   Disabled people and the internet: opportunities and challenges

Opportunities

3.1   Social media and the internet have opened up new opportunities for Deaf and Disabled people to find out information, develop friendships, meet partners and campaign for social change.

3.2   Disabled people who face substantial barriers to being included in the outside world may find a space in social media and become less isolated – for example information or literature which is inaccessible to blind people in print may be more accessible online.

3.3   Networking enables under-resourced Disabled people's groups and individuals across the world to share information, discuss issues and understand each other's experiences. Online networks that begin as social and medical self-help groups may turn to campaigning – an example is the ME Action Network https://www.meaction.net), which provide information but also campaigns for the recognition of a little understood condition that leads to people being seen as malingerers and denied support or benefits. On a wider human rights level, it enables groups to share campaigns for human rights.

3.4   Social media can provide a safe space for people to 'come out' whether about their impairment, their sexuality or another aspect of their lives, and to find similar individuals and communities of interest.

Challenges and risks

3.5   Digital exclusion

The Petitions Committee enquiry highlighted that:

> *"Disabled people are failed at every stage in the development of digital policy and practice… the Government and social media companies fail to consider Disabled people when developing policy and practice".*

In spite of requirements under the Equality Act for information to be made accessible, a wide range of sites and social media do not meet basic international Web Content Accessibility Guidelines[2] so are in effect closed to a range of Deaf and Disabled people, particularly those using assistive software. There is no enforcement of what remains a theoretical duty of access.

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[2] https://www.w3.org/WAI/standards-guidelines/wcag/

3.6   Understanding online risks
Deaf and Disabled people's marginalised situation and lack of accessible education/information about safety and self-care is a major risk online. For example, where the majority of the population do not understand the risks of their data being shared, it is even less likely that an adult with learning difficulties who has received very little guidance (if any) about online safety will be aware of the risks.

Research by the Anti-Bullying Alliance[3] highlighted that the fear (mainly from their parents) of cyber-bullying may prevent young Deaf and Disabled people from using social media and being part of the same networks as their peers. Yet the young people interviewed had been given very little or no support to negotiate social media safely, and what to do if it happened.

4.   Targeted online abuse and hate against Disabled people

4.1   The White Paper acknowledges (page 16) the findings of the House of Commons Petitions Committee but does not fully address them in the actions.

4.2   In our view, online hate crime can be divided into four categories, all of which are experienced by Disabled people:
   a. Organised hate speech and incitement by organisations and individuals with a specific political or other agenda including extremist right wing and faith groups but also 'mainstream' politicians and media
   b. Grooming of adults and children for sexual, financial and other exploitation
   c. Hate targeted against individuals who have a high online profile
   d. Opportunistic hate crime against individuals e.g. hate speech against people who disclose they are Deaf or Disabled

4.3   Targeted online abuse happens in a wider context of abuse and

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[3] https://www.anti-bullyingalliance.org.uk/sites/default/files/field/attachment/disabled-young-peoples-views-on-cyberbullying-report.pdf

discrimination that Deaf and Disabled people experience on a daily basis. This online abuse is frequently the prequel to physical risk to Deaf and Disabled people in the wider world: threats, hate crime, grooming for financial and sexual exploitation. Disabled people, and Disabled women and young people in particular may change their behaviour in daily life, not going online or avoiding going out because of online abuse or threats.

> *"I have been subjected to a lot of abuse and hostility and I've witnessed some horrific abuse aimed at others. Sometimes it is face to face, and a lot of the time its online, both are equally as offensive and hurtful and often it is linked."[4]*

One in three people who look different have been subject to abuse: videos showing the range of abuse experienced by people with facial difference have been produced by the organisation 'Changing Faces'[5]:

> *"A north Belfast woman with a facial disfigurement says she's forced to wear headphones when she leaves her home so she can't hear the abuse which is hurled at her. Mother-of-two Janine Howard told UTV she is also mocked on social media and would like the police to do more to help her."[6]*

4.4   A report by the Anti-bullying Alliance on "Cyberbullying and children and young people with SEN and disabilities"[7] found that online abuse exacerbates and extends face to face bullying, increasing numbers of individuals involved and the severity. The report also found evidence that bullying beginning online can escalate to face to face:

> *"Can escalate to real life…Fights. Got beaten up."[8]*

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[4] Statement by SG to the enquiry 2019.

[5] https://www.facebook.com/groups/1480390028951153/

[6] http://www.itv.com/news/utv/2018-02-22/belfast-woman-janine-howard/

[7] https://www.anti-bullyingalliance.org.uk/sites/default/files/field/attachment/disabled-young-peoples-views-on-cyberbullying-report.pdf

[8] https://www.anti-bullyingalliance.org.uk/sites/default/files/field/attachment/disabled-young-peoples-views-on-cyberbullying-report.pdf

and reported higher rates of cyber bullying against Disabled young people It is likely that young people with an intersectional identity e.g. Disabled LGBT and BAME young people may be at higher risk.

4.5   The BBC sent Freedom of Information requests to all 45 police forces in the UK, which revealed that the number of incidents of abuse of Disabled children was rising, 450 reported in 2016 up from 181 in 2014-15. The BBC reported that 'Families with Disabled children described being targeted online and verbally abused in the street.'[9]

4.6   Disabled people are also Black, Gay, Jewish or Muslim, Transgender or Non-binary and can experience 'intersectional' hate crime as a result of a combination of these characteristics.

> "*I am British born, since the EU referendum result many of my friends are receiving racist and xenophobic abuse. I went into town to pick up some chicken for last night's dinner…. Got told that as a 'cripple' I should f… off with the f…… Polish immigrants cus you're all benefit scroungers and can f…. off together"….[10].*

> Galop, an organisation which provides support to LGBT+ victims of hate crime carried out the 'Stop Online Abuse Survey 2016' and reported how for example:

> "*One respondent reported abuse containing disability slurs and pathologising her gender identity as part of her mental health condition.*"[11]

4.7   Extremist groups and individuals have targeted Disabled people and argued that 'euthanasia' (or mass murder) is a legitimate means of dealing with Disabled people. This is rarely identified as a political attack on the rights of Deaf and Disabled people as a social group. The lack of legal protection against incitement to disability hatred means there is little redress.

4.8   So-called 'mainstream' politicians and media have played a

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[9] http://www.bbc.co.uk/news/uk-41600137

[10] Incident shortly after the Brexit vote in 2017, quoted in Inclusion London's submission to the Petitions Committee 2019

[11] http://www.galop.org.uk/wp-content/uploads/2017/08/Online-hate-report.pdf

substantial part in the increase in abuse since 2010 and the Government needs to take action to remedy this. Headlines such as 'shirker' or 'scrounger' and a focus on Disabled people as fraudsters are documented as being a major factor in public perceptions of Disabled people and subsequent hate crimes.

4.7   The targeting and harassment of Disabled adults online was highlighted by Inclusion London in its submission to the Petitions Committee on Online Hate against Disabled people. The submission stressed that this hostility was provoked by politicians and the media. The Final report of the Committee stated that:

> *"The people we met described a "culture of fear" among Disabled people who post about their daily lives and activities, due to a real risk of being falsely accused of faking their disability to gain social security benefits and threatened with being reported to the Department for Work and Pensions for fraud. We were told that Disabled people who posted about political activism and campaigning for their rights under the law were particularly at risk of being reported, or threatened with being reported, to the DWP."* [12]

4.8   Abuse on social media includes targeting for ridicule and hate of Disabled people who look or behave differently. As a result, many Disabled people will choose not to disclose. Those that do choose to do so may face not only negative reactions but direct abuse. We are aware of Disabled people who have joined dating sites, only to be subject to abuse when they disclose that they are Disabled.

4.9   Online disablist abuse can have a serious detrimental psychological impact on its victims because it strikes at the core of a person's identity, often invalidating them as a human being and denying them equal worth of the basis of their impairment.

> *"I've been called an 'it' many times – "what is IT doing?" "Look at the state of THAT".*

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[12] https://publications.parliament.uk/pa/cm201719/cmselect/cmpetitions/759/75908.htm

"I've had remarks about how I look in my wheelchair, and a few times the statements "you should have been aborted", and "you don't deserve to live"."

4.10 The legislation must balance the power of the State to prevent harm against individual and collective rights to free expression. The legislation must not be set up so that a Government which did not agree with certain political, social or faith views sought to censor them, but it must also recognise that there are limits to online free expression. For example:

> Stay Safe East and Inclusion London reported as hate crimes to the Metropolitan Police two online articles[13] which attacked the climate change activist Greta Thunberg, who identifies as 'aspergers syndrome.'[14] This has been flagged by the Metropolitan Police as a hate crime but no action has been taken to date. Had there been parity of law in the UK between the different hate crime strands, these incidents would have been reported as incitement to hate. We are looking forward to action by the host website companies.

4.11 Recorded online hate crime

A Freedom of Information request to police forces in England and Wales by the Leonard Cheshire charity (not a DDPO) showed[15] a 33% increase in recorded online hate crime against Disabled people between 2016/17 and 2017/18. Numbers remain low not because the internet is a safe space for Deaf and Disabled people, but because Deaf and Disabled people face the same barriers reporting abuse online that they face when reporting other hate crimes: lack of knowledge about how to report, physical and communication barriers to reporting, lack of recognition by companies and the police of the particular nature of disability hate crime and abuse.

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[13] https://www.spiked-online.com/2019/04/22/the-cult-of-greta-thunberg/
https://twitter.com/_HelenDale/status/1120759250387701767
[14] https://www.independent.co.uk/life-style/health-and-families/greta-thunberg-gift-asperger-syndrome-environment-strike-climate-change-radio-4-a8883056.html
[15] https://www.leonardcheshire.org/about-us/press-and-media/press-releases/online-disability-hate-crimes-soar-33

4.12 In 2016-18, a Home Office funded pilot on online hate crime, which led to the setting up a specialist online hate crime unit within the Metropolitan Police identified a small number of online disability hate crimes. The numbers were small, and incidents were dealt with by out of court disposals but this showed what could be done to tackle online disability hate crime.

4.13 Overall, social media and internet companies are too slow to identify and remove abusive material and fail to recognise specific material that is abusive to Disabled people. We give examples below:

> On an online forum about autism, a so-called debate discussed "getting rid of autism". People with autism who reported this to Stay Safe East told us they experienced this debate as a hate crime, since getting rid of autism clearly involves getting rid of autistic people. We would argue that this instance represents not a legitimate debate, but incitement to hate against people with autism. These instances had been reported to Facebook but no action taken.

> Kevin Healey, a young autistic man, received abusive messages online and a death threat. Kevin has been interviewed by the media, see links to the interviews below. In the interview at the first link, Kevin mentions that Staffordshire police contacted Twitter about abuse he had experienced. However, Twitter did not respond to the police for 10 months. Kevin makes the point that a prosecution needs to take place within 6 months to allow the CPS to proceed. [16]

4.14 The current legal framework and lack of parity across hate crime strands in UK law, the failure to recognise that targeted abuse against Disabled people is a form of hate crime, and the lack of an incitement offence in current law are at the root of the reasons for the low rate of reporting of hate crime against Deaf and Disabled people. Our organisations and the London DDPO Hate Crime Network are currently engaged in campaigning for a change in law.

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[16] https://youtu.be/3CVhMcA8yRk Victoria Live & https://youtu.be/iyiwYnGscqQ BBC

5. Online targeting and sexual harassment of Disabled women

5.1 Female and non-binary Disabled women, including clients of Stay Safe East, experience online harassment and misogyny because they are Disabled women[17]. This is rarely identified in debates about online misogyny as it is either assumed that Disabled women do not share the experiences of other women, or the specific forms of disablist misogyny are not recognised. Disabled women are at least three times more likely to be victims of sexual violence as non-Disabled women, and least likely to be believed. Threats of rape or other violence are directed at Disabled women in the same way as at non-Disabled women. Online grooming of Disabled women and girls for sexual exploitation is under-reported[18] and victims face discrimination in an already ineffective criminal justice system[19].

5.2 Stay Safe East is also aware of Disabled women who have been traced by domestic violence perpetrators through their social media accounts because the women had never received any education about online safety.

5.3 We support the recommendation in the White Paper to tackle online misogyny but this must address the specific situation of Disabled women, for example in training for police and for social media companies.

6. Other abuses: online health disinformation and 'cures'

Whilst the internet is a source of information, much of it is medical model based, and may be harmful to Deaf and Disabled people's mental health (and potentially our existence) because it presents the very fact of disability as a problematic. Disinformation about health and impairments is common on the internet. Most harmful are so-called 'cures' for specific impairments promoted in cyberspace (by so-called scientists, millennial and faith based groups etc.). These are

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[17] https://rewire.news/article/2017/11/01/disability-integral-metoo-conversation/

[18] https://www.bbc.co.uk/news/uk-32693998

[19] https://www.thebureauinvestigates.com/stories/2014-02-28/rape-has-been-decriminalised-for-the-most-vulnerable-says-senior-met-adviser

targeted at Deaf and Disabled adults whose experiences make them hate their own impairment, and to parents of Deaf and Disabled children who may perceive the child's impairment as 'wrong'. These dangerous practices are analogous with 'gay cures'. Isolated and marginalised individuals may be more likely worldwide to subscribe to a destructive discourse. A potentially criminal example is the move to 'curing' autism using bleach[20]. This is an assault on the human rights of Disabled children and adults and should be treated as a criminal offence.

7.   Targeting of adults in situations of risk

7.1   The White paper has focused primarily on extremism, child sexual exploitation and harm to young people, but does not fully address the issues of harm to adults and in particular Deaf and Disabled adults, including those covered by current UK Adult Safeguarding legislation.

7.2   Online exploitation and abuse of Disabled adults and children is not acknowledged in the White Paper – for example on page 13, the White Paper states that "*sexual exploitation can happen to any young person, whatever their background, age, gender, race or sexuality or wherever they live* "

Yet Disabled children, young people and adults are at higher risk of sexual and other violence than non-Disabled adults.

- 50% of Disabled women have experienced violence in their lives, 33% of non-Disabled women
- Disabled women are up to 5 times more likely to experience sexual violence than non-Disabled women
- Disabled children are 3 times as likely to be sexually abused than non-Disabled children.

Vulnerability

7.3   We do not use the term "vulnerable adult" but prefer the terms

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[20] https://www.vox.com/2019/6/19/18684109/autism-vaccines-treatment-cure-bleach and https://www.autism.org.uk/about/what-is/causes/cures.aspx

'adult at risk' or 'adult in a situation of risk'; the Equality and Human Rights Commissions report on Targeted Abuse[21] referred to "situations of vulnerability" saying:

> "Vulnerability and risk are not simply by-products of some inherent characteristics of disabled people (for example, their specific impairments) … The types of targeted violence and hostility enacted in different settings vary, and can impact on different groups of disabled people…More nuanced understandings of shifting risks, triggers and vulnerability need to be developed as there is no 'one-size-fits-all' approach in targeting interventions.*"[22]*

7.4   Online, Disabled people face particular situations of vulnerability:

- Online targeting of Disabled and older people to sell insurance, loans or other services is a form of financial abuse – though some of this is covered by consumer protection legislation, it should be treated as targeted abuse rather than a commercial issue.

- Online grooming of Disabled adults for financial or sexual exploitation: the process of grooming described in the White Paper (page 50 4.8) is similar for adults at risk, with a mix of online contact and eventually face to face.

- This may be sexual exploitation, initially at least of images of the person who may have no understanding that their image may be circulated for sexual gratification or for ridicule.

- It may be financial exploitation or sexual abuse by people who pose as 'friends' to the Disabled person (this is so called 'mate crime' as termed by Learning Disability charities), but soon escalate into demands for money with menaces. Financial abuse often escalates to hate, physical and often sexual abuse. Many of the murders of Disabled people in the past ten years have started as so-called 'mate crime'.[23]

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[21]https://www.equalityhumanrights.com/sites/default/files/research_report_21_disabled_people_s_experiences_of_targeted_violence_and_hostility.pdf
[22]https://www.equalityhumanrights.com/sites/default/files/research_report_21_disabled_people_s_experiences_of_targeted_violence_and_hostility.pdf
[23] http://www.stamp-it-out.co.uk/docs/_permdocs/gettingawaywithmurder.pdf
See also http://arcuk.org.uk/safetynet/files/2012/08/RCC-Mate-Crime-SCP.pdf

- Several London based DDPOs, including Stay Safe East, are working with Disabled people who have been targeted by gangs and other criminals and coerced into letting their home be used for dealing in drugs or as a safe house ('cuckooing'). Part of the process may involve misusing the Disabled person's online identity or social media account to arrange drug deals. Disabled people may also be used as 'runners' for gangs. This leaves the Disabled victim implicated in crimes. A mapping exercise by Waltham Forest Council [24] found that victims tended to have 'multiple vulnerabilities', and in particular complex mental health issues, possibly using drugs themselves, be young women, and in many cases had difficulties making complex decisions.

- Stay Safe East is also aware of Disabled girls and women (and in particular women with learning difficulties) trafficked by gangs for prostitution in the UK and other European countries – these women are targeted because their lives are lived outside of mainstream society, live in institutions, do not attend school or are neglected by families, and their absence will not be noticed by the authorities. The gangs may 'recruit' women directly, but may also be using social media to lure women at risk, including online offers of 'jobs' in the UK to Disabled women from countries where opportunities for Disabled women are non-existent.

7.**4   Targeting of Disabled people for radicalisation**
It should not be assumed that Disabled people are more 'vulnerable' to radicalisation online. In practice, Disabled people are much more likely to be victims of terrorism than perpetrators and in some cases to be specifically targeted[25]. There are what we would consider offensive debates online about whether some groups of Disabled people (people with autism or with mental health issues) are more likely to be 'lone wolf' terrorists. NHS England Prevent guidance on mental health and radicalisation sounds a note of caution:

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[24] Vulnerable addresses, vulnerable people London Borough of Waltham Forest. January 2017. Restricted document, quoted with permission.
[25] https://en.wikipedia.org/wiki/Sagamihara_stabbings. The Sagamihara murderer worked at the care home he targeted and believed disabled people should be killed by euthanasia.

"There should be no conflation of mental ill health and terrorism. There should be no assumption that an individual who carries out a terrorist attack is suffering from mental ill health, nor that someone with poor mental health is likely to carry out a terrorist act…. However, mental ill health may contribute to the risk of making an individual susceptible to adverse influences and exploitation."[26]

Nevertheless, there are instances where Disabled people (Deaf people, people with learning difficulties or with mental health issues) have been targeted for radicalisation both online and in their communities by right wing/fascist groups, or religious extremists. Any online harms legislation and strategy must address this issue.

Our comments on specific proposals in the White Paper

8.   Duty of care by companies

8.1   We fully support the proposal to introduce a duty of care on companies, as long as there is properly resourced legal enforcement. Currently, duty of care by social care providers for example, is currently poorly policed and actions are only taken <u>after</u> abuse has taken place.

8.2   **Duty towards people with protected characteristics**
Companies should be required to include in their Annual Transparency Reports an explanation of how they have ensured the online safety of specific groups (protected characteristics) from harm and in particular online hate:

- children and young people
- adults at risk
- women
- LGBTQI people
- Deaf and Disabled people
- BAME communities
- faith communities

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[26] https://www.england.nhs.uk/wp-content/uploads/2017/11/prevent-mental-health-guidance.pdf

9.   Role of the Regulator

9.1   We support the proposal to set up a Regulator with 'a suite of powers to take effective enforcement actions against companies that have breached their duty of care'.

9.2   The Regulator must have a specific duty to ensure the online safety of specific groups from harm and in particular online hate:

- children and young people (in line with national UK safeguarding legislation)
- adults at risk (in line with national safeguarding legislation)
- adults with protected characteristics:
    - women
    - LGBTQI people
    - Deaf and Disabled people
    - BAME communities
    - faith communities

9.3   Ensuring the Regulator has sufficient knowledge
Staff at the Regulator's office must receive disability equality training and understand the specific forms of online abuse against Deaf and Disabled people, including hate crime. We recommend that the disability equality training is based on the Social Model of Disability[27] and the Cultural Model of Deafness.[28]

10.   Complaints procedures and redress

10.1   We support the proposal to ensure that all companies have *clear and accessible* terms and conditions and complaints procedures. Our organisations working with people who are excluded from print culture, and may have very poor levels of digital literacy.

10.2   The term '*accessible*' must be clearly defined in the legislation.
        to include:

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[27] https://www.inclusionlondon.org.uk/disability-in-london/social-model/the-social-model-of-disability-and-the-cultural-model-of-deafness/
[28] https://www.inclusionlondon.org.uk/disability-in-london/cultural-model-of-deafness/the-cultural-model-of-deafness/

a. Information in plain language to Easy Read standards that can be understood by children and adults alike
b. A pictorial version terms and conditions
c. Websites to include Web Content Accessibility Guidelines standards for users of assistive software (text to speech, speech to text, voice controlled software)
d. BSL video explanations (We are aware this would not be fully effective for Deaf people using UK based sites but who use other sign languages)
e. Accessible complaints processes which are simple to follow and enable the complainant to use different formats, and to get support to make the complaint.

10.3 Support for individuals to make complaints
An abusive comment might be made on one social network or website, then re-tweeted or shared with others: an individual or a small agency would rarely have the capacity to pursue multiple internet companies to get the abusive post taken down and would need help to do so. An independent body that is well resources and funded to give support to people at risk to report online harms is needed.

10.4 'Super complaints"
We support the option of 'super complaints' by organisations registered to do so – as long as they receive some support from public funds to do so. Disability Scotland and Disability Wales could fulfil this role in their respective constituencies. As there is currently no Deaf and Disabled People's Organisation covering the whole of England, DDPOs would need to agree on a protocol for a (or several) designated DDPOs to fulfil this role.

11. Penalties against companies who fail in their duty of care

11.1 We support the imposition of substantial fines. Germany has strengthened their legislation through the German Network Enforcement Act, introducing penalties of up to 50 million Euros for failing to remove harmful online material within 24 hours of being

notified.[29] Evidence from a recent EU online hate monitoring study suggests that as a result of this robust legislative and government response, Germany now has a better record in achieving the swift removal of online content than most other EU countries.

11.1 Income from these fines should go towards a fund for organisations which support victims of online harm including hate crime and abuse, and towards resources for schools to combat online harm.

11.2 We support the disruption of business activities for very serious breaches

11.3 Penalties should depend on timescales set for taking down offensive posts: for example failure to take down racist or other sites inciting violence within a specific timescale should carry a rising penalty

11.4 We support the inclusion of senior management/corporate responsibility which will put pressure on companies to incorporate the duty of care into their practices

11.5 We agree that the regulator should have the power to require non-UK based companies to appoint a nominated UK representative who is accountable for the actions of their company.

11.6 We agree that companies should have a proactive duty to prevent harmful content rather than only having liability when they are notified of harmful content on their site.

11.7 We agree that companies must have a legal duty to support law enforcement agencies in bringing criminals to justice

11.8 We agree companies should direct users who have been harmed to support, but argue that the companies must also fund that support either through fines or through an independent fund set up to fund organisations as well as individuals who want to complain or take legal action.

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[29]https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1__2_.pdf

12. Use of algorithms

12.1 Though we realise that due of the scale of the internet, algorithms are necessary to detect abusive behaviour; they can also be misused. We are concerned about the growing use of algorithms, which reflect the prejudices and lack of knowledge of those setting them up. Algorithms can be used to exclude, for instance:

> A Deaf and Disabled People's Organisation post of a job advertisement was taken down by Facebook and Twitter because it was targeted at Disabled applicants only; the social media algorithm identified this as 'discriminatory' yet the Equality Act allows posts to be targeted in specific circumstances include disability.

12.2 Algorithms will need to be developed which reflect the range of abusive language used towards or about Disabled people. Our organisations drew up a list of terms used as terms of abuse against Disabled people to assist the Metropolitan Police to identify crimes which had not been flagged as hate crimes. This and other measures led to a 300% increase in recorded disability hate crime in London in 2016.

12.3 Legislation needs to ensure that social media companies proactively search and remove posts with harmful content especially involving death threats or threats of violence but also intimidating or derogatory content as well. This cannot be effectively done using only algorithms, human input is required for the highest risk threats, particularly those by organised groups inciting violence. That responsibility cannot lie solely with police forces and must fall to the social media companies. A tight timescale for removing violent posts must be part of the Codes of Practice – we suggest 24 to 48 hours for threatening posts reported by a third party.

13. Media literacy strategy

13.1 We welcome the development of a new online media literacy strategy. Currently Disabled people are excluded from many of these debates, yet face specific issues and barriers.

13.2 In order to understand the extent and nature of online harms, the Regulator must work in partnership with DDPOs to develop codes of practice. The Regular should privilege work with Disabled young people and adults and with DDPOs over that with charities *for* Disabled people, some of whom have themselves allowed abuse to happen to the people they work with.

13.3 A media literacy strategy must address the digital exclusion experienced by Disabled people and the specific issues outlined in this document, and 'speak' to Disabled children, young people and adults.

14. Resourcing the Criminal Justice system to tackle online hate and harassment

14.1 Online hate and harassment poses specific challenges for the Police and the Criminal Justice system. The legislation on online harms will only work for Disabled people and other victims if the issue of parity in hate crime law is addressed, and if the criminal justice system takes on the complexities of hate crime against Disabled people. As a ground breaking report by the University of Sussex on the need for legal change argued:

> "Despite a myriad of criminal justice inquiries, CPS guidance, research reports, and the lobbying efforts by disability groups, it is clear that judges and many enforcement agencies refuse to comprehend discriminatory selection of Disabled victims as evidence of hostility. It is likely that this is due to the word "hostility" itself…the targeting of individuals who are "different" (based on a protected characteristic), which is based on the perception that these individuals' difference makes them innately weak or an "easy target", is a form of prejudice and hostility in and of itself. Yet despite numerous guidance documents, training programmes, criminal justice reports and academic studies explaining that this is the case, legal

practitioners and jurors continue to reject such cases as providing sufficient evidence of "hostility.".[30]

14.2 At present, few police forces that we are aware of in England and Wales have specific units dealing with online hate. The Home Office funded pilot coordinated by the London Mayor's Office on Policing and Crime (MOPAC) in 2016-18 showed that can be done to tackle online hate crime, by setting up a dedicated unit. Though the unit itself has been merged into a general hate crime team, it continues to advise local police officers who rarely have the skills to lead investigations of online hate or exploitation. The specialist staff liaise with the social media companies and have had some successes, especially during the pilot, in getting the companies to take down abusive hate speech. We understand that the MPS is now looking to set up a national hub on behalf of the National Police Chiefs Council.

14.3 It is essential that the police officers involved are given training to recognise and understand disability and other forms of hate crime (particular those against trans people and Gypsy, Roma and Travellers which are as misunderstood as disability hate crime) and the specific ways in which they happen online. At a time of resource cuts, it may be tempting for police forces not to prioritise online hate crime, on the grounds that it 'just words' and not a real threat.

15. Support for victims of online hate crime and other abuse

15.1 Accessible support for Disabled victims of hate crime and abuse is extremely limited in all areas of the country. In London there are 8 Deaf and Disabled People's Organisations providing advocacy support to Deaf and Disabled victims of hate crime across 10 boroughs, outside of London there are very few advocacy or support services for Disabled victims of hate crime. Stay Safe East (East London and a limited London wide service), Deaf Hope (London and South East) and Disabled Survivors United are the only organisations we are aware of run by Disabled survivors of domestic abuse, but have limited or no resources to support Disabled women who are

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[30] https://www.sussex.ac.uk/webteam/gateway/file.php?name=final-report---hate-crime-and-the-legal-process.pdf&site=539

targeted for online harm or grooming. Some mainstream services support Disabled women, but most struggle to deal with victims whose needs are seen as 'too complex'.

15.2 If Disabled victims of online harm are not to be left behind, it is essential that funding is made available both to mainstream groups and to existing and new user-led Disabled people's organisations to provide support.

16.0 Summary of recommendations

- A Regulator is set up with a specific duty to ensure the online safety of specific groups, including people with protected characteristics.
- The regulator will have the power to require non-UK based companies to appoint a nominated UK representative who is accountable for the actions of their company.
- The Regulator's staff receive disability equality training to understand the specific forms of online abuse against Deaf and Disabled people.
- Introduction of a duty of care on companies with properly resourced legal enforcement.
- Social media companies have a proactive duty to prevent harmful content.

Enforcement

- The legal enforcement should include the imposition of substantial fines if harmful online material is not removed within 24 hours after notification.
- Business activities of social media companies are disrupted for very serious breaches.
- Social media companies have a legal duty to support law enforcement agencies in bringing criminals to justice.

Organisations supporting complainants

- Specific organisations are registered and publically funded to take forward 'super complaints'.
- A well-resourced and funded independent body is set up to provide give support to people at risk to report online harms.

- Social media companies should fund support for complainants and the registered 'Super complaint' organisations. The monies obtain through fines should also be used to fund this support.

Clear legal terms
- The terms *'illegal, unacceptable and offensive'* are clearly defined in the legislation.
- The term *'accessible'* is clearly defined in the legislation.
- The definition of 'online harms' includes the following:
  o Harmful materials
  o Incitement to hate crime, including on grounds that are not currently covered by the law e.g. Disability, transphobia, misogyny
  o Adult safeguarding – online grooming of adults at risk for financial or sexual abuse
  o Targeting for 'cures' (LGBT, Deaf and Disabled people)
  o Abuse targeted at Deaf and Disabled people
  o Trafficking
- The online harm to Deaf and Disabled people is fully addressed by the legislation.

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