**Inquiry into online abuse of people with disabilities *-* House of Commons Petitions Select Committee**

Written Evidence submitted by Dr Loretta Trickett and Nottingham Civic Exchange with additional input from Karen Aspley of Mencap where indicated (KA).[[1]](#footnote-1)

**Executive Summary**

This submission builds on research and partnerships developed by Dr Loretta Trickett from Nottingham Trent University within this submission we argue:

* Current laws should be sufficient to police online abuse if used correctly alongside a regulatory framework for social media companies and their products.
* The online environment should be a welcoming and inclusive environment for all with campaigns and guidance to ensure this is the case.
* The reporting of online forms of abuse should be simplified to ensure abuse is reported and tackled (LT and KA).
* Disability hate crime should receive the same offence category as other hate crimes to remove the hierarchy of hate crimes which currently exists (LT and KA)
* Social media companies should be compelled to work within the law and act as guardians to ensure online abuse is tackled.

**About the authors**

1. Nottingham Civic Exchange is Nottingham Trent University’s pioneering civic think tank. With a primary focus on issues relating to the city and the region, Nottingham Civic Exchange will enable discovery by creating a space where co-produced approaches are developed to tackle entrenched social issues. Nottingham Civic Exchange supports the role of NTU as an anchor institution in the city and the region. Nottingham Trent University holds engagement with communities, public institutions, civic life, business and residents at the core of its mission. You can find out more about our work at [www.ntu.ac.uk/nce](http://www.ntu.ac.uk/nce).
2. Dr Loretta Trickett’s research focuses on hate crime and gendered victimisation. She is a member of a number of Working Groups on Hate Crime in Nottinghamshire. She is a board member of the International Network of Hate Scholars. She is also on the editorial board for both The Internet Journal of Criminology and IARS.Dr Trickett has provided written and oral evidence to numerous Parliamentary Committees and is currently developing research with Dimensions and Mencap which will explore the manifestation of disability hate crime. This submission builds on her research and extensive connections in the field. A full biography and link to published research is [available online.](https://www.ntu.ac.uk/staff-profiles/law/loretta-trickett)
3. Dr Trickett would be delighted to submit further evidence and give oral evidence if so called.
4. Karen Aspley has worked for Nottingham Mencap for many years as a tireless campaigner to improve the lives of people with learning disabilities in Nottingham. Karen’s contact details can be found below. She currently acts as the Smile Stop Hate Crime Co-ordinator.

## Submission

*What's the impact of online abuse, especially on people with disabilities?*

1. Disabled people may be disproportionately affected by on-line abuse due to their social isolation and because they are often viewed as ‘an easy target’ (LT and KA).
2. The impact oF on-line abuse is particularly troubling for people with disabilities for a number of reasons. Firstly, because disabled people are already subjected to particularly high levels of abuse which is already under-reported and under-prosecuted. Research suggests that public abuse against disabled people is often repetitive and the impact is accumulative.
3. On-line abuse compounds these problems. The impact being that disabled people may withdraw still further from public life. On-line abuse is particularly insidious and invasive because disabled people cannot even escape from it within their home environments.
4. Unfortunately the response of parents, carers and support workers when things go wrong is that the individual in question is banned from using the technology rather than coached in using technology safely. This is often because support staff often lack knowledge on the safe use of technology in question (KA(.

On-line abuse of disabled people also contributes to and perpetuates negative stereotypes about disability including those around disabled people being benefit scroungers, a drain on society and as different to the non-disabled and therefore suitable targets for ridicule and disparagement. This maintains societal divisions between disabled and non-disabled citizens and contributes to disability hate crime and incidents.

*Who’s responsible for protecting people from online abuse? Are technology companies doing enough?*

1. No. In our opinion technology companies are earning huge revenues from social media sites but demonstrating profit without responsibility. Social media sites do very little to keep people safe on-line particularly those identified as potential vulnerable victims as defined by the police (LT and KA).

They have repeatedly been permitted to use their own standards and parameters to regulate behaviour. Yet, outside of the internet public behaviour is regulated by the criminal law and the internet should not provide an exception to this. Until regulation by the government is introduced, internet companies will continue to provide a lukewarm response to this issue as there is no incentive for them to take action. Facebook, YouTube & Twitter for example have on numerous occasions failed to remove content involving indecent images of children and the promotion of extremism and terrorism and other forms of hate speech.

1. Self-regulation has not worked up until now and cannot alone provide the answer. Government and the law have a role to play in drawing a line about what amounts to acceptable and unacceptable behaviour on-line and changing perceptions in this area. It is not until the criminal law is invoked that perceptions about the acceptability of this type of behaviour will change.

Companies need to do more, a large section of the non-disabled and disabled population struggle with how to use technology safely (KA)

1. Reporting and blocking could be made easier for everyone (LT and KA)

Campaigns and information should be launched to ensure the limits of acceptable behaviour and to make sure people understand what is acceptable including the use of graphics and hashtags i.e. ‘Think before you post. Are you committing a crime? Don’t do online what you wouldn’t do off-line’. Reporting of unacceptable and criminal behaviour should be more easily reportable.

Whilst careful thought is needed perhaps vulnerable people should have further levels of protection added to their user profiles (KA)

*How well does the current law protect disabled people from online abuse? Does the law need to be changed?*

1. Whilst there are currently criminal offences that could be invoked against abusive and threatening behaviour on-line they are not properly used. This is largely because there is a perception that behaviour on-line is different to behaviour off-line.
2. There are largely two reasons for this. One is overuse of the freedom of expression argument to defend so-called ‘free speech’ on line and the second is that the behaviours are supposedly already dealt with by the terms and conditions of social media sites. Because of these views the criminal law is rarely invoked to deal with on-line abuse.
3. Indeed, on the Police True Vision website the following is stated:

“The Internet has changed the way we communicate, it has many positive values but it has also allowed the hateful to spread offence to a broader audience, without editorial control and often behind a veil of anonymity. While you may come across a lot of material on the internet that offends you, very little of it is actually illegal. UK laws are written to make sure that people can speak and write, even offensive material, without being prosecuted for their views. Parliament has tried to define laws in a way that balances our freedom of expression with the right to be free from hate crime’”

1. Yet the frequent recourse to the ‘free speech’ argument to defend criminal behaviour on-line ignores the fact that whilst Article 10 of the European Convention on Human Rights provides that individuals enjoy the freedom to hold opinions and to receive and impart information and ideas without interference from public authorities, such freedoms are counterbalanced by duties and responsibilities intended to protect the reputation and rights of others. This means that people are not simply free to say whatever they please on-line or in any other public context.
2. As stated above, internet companies have repeatedly demonstrated that self-regulation of the internet alone cannot work. Therefore the criminal law can and should be invoked to tackle behaviour on-line that constitutes an offence and there are a number of existing criminal offences that can potentially be employed, examples include Public Order Offences and offences under the Protection from Harassment Act 1997 and the Malicious Communications Act 1988
3. Furthermore, there is the offence of incitement hatred on the ground of race, religion of sexuality[[2]](#footnote-2)but this offence does not currently extend to other types of hate crime categories including disability and so the law should be reformed accordingly. Other legal reform that might assist would be placing hate crime on the basis of disability, sexuality and gender on parity with that of race and religion rather than the current legal framework where an uplift tariff can only be applied for in the former.
4. The national hate crime hub recently set up by the Home Secretary and run by police officers for the National Police Chiefs Council (NPCC) is a step in the right direction to develop specialism in handling on-line hate crime. The need for additional training surrounding disability hate crime and a change in the way it is prosecuted is something we have argued before. Ongoing work with Nottinghamshire Police on an improved risk assessment form for hate crime developed following in-depth research with Officers has shown that more information and support is required for those Officers dealing with these incidents. Much of our thinking was expressed during [a recent oral submission to Parliament in February.](https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2017/hate-crime-violent-consequences-evidence-17-19/)

*How should we define online abuse? Where’s the line between legitimate freedom of expression, behaviour that is against the terms and conditions of social media sites, and abuse that should be against the law?*

1. The behaviours that should be against the law are those that could already be prosecuted under existing laws because they would constitute an offence if committed off-line.
2. In addition to this, criminal actions could also be brought against internet companies under the law on accessorial liability[[3]](#footnote-3)where they knew of or suspected that the content of postings included criminalised behaviour but had continued to allow them a platform by not taking action. Those who aid or abet another person in committing a criminal offence are liable to be tried and punished as a principal offender. An accessory may be guilty of an offence which requires proof of certain conduct coupled with any number of fault elements including recklessness, negligence, knowledge, belief or suspicion. An existing problem with on-line abuse has been that perpetrators can hide behind anonymity. A further advantage of using accessorial liability for internet companies is that one can be liable as an accessory in some circumstances even when the primary perpetrator cannot be identified.
3. The use of the criminal law could work alongside minister’s proposals to introduce a regulatory framework, including the use of sanctions when companies fail to act to clearly demonstrate their commitment to online safety together with the introduction of a new social media levy to encourage companies to raise awareness and counter harm caused by the internet, a code of practice to tackle bullying and intimidating behaviour online and the use of annual transparency reports in tackling such issues; whilst all of these approaches would prove useful, they should be used in conjunction with criminal sanctions rather than an alternative to them.

*What support is there for victims of online abuse?*

1. There is very little support for victims of on-line abuse because this is still a relatively new area and there are so few criminal actions taken that the activities are still not viewed as being really criminal.
2. Therefore, existing laws are rarely invoked and victims are unlikely to believe that they will receive recognition and support. Any support that is available comes from unofficial sources, third sector, family friends and support staff (LT and KA).

**Recommendations**

* Increased support resources for victims of online abuse are required with a range of third sector organisations well placed to design and implement this support to vulnerable groups.
* Existing laws should more stringently applied to cases of online abuse using such legislation as Protection from Harassment Act 1997 and the Malicious Communications Act 1988.
* The offence of incitement to hatred on the ground of race, religion of sexuality should be extended to other types of hate crime categories including disability as a matter of urgency. There should be no hierarchy of hate.
* The implementation of a regulatory framework for internet companies should be supported and developed with enough weight to ensure web based companies are not able to shirk their responsibility and allow anonymity to be used by perpetrators of hate.
* Development of a social media levy to be used to counter and challenge online abuse, bullying and harassment should be developed to work in conjunction with the criminal sanctions and not as an alternative.
* Social media companies and the Police should ensure that the reporting and investigation of online abuse is made as simple as possible for victims to drive up reporting and conviction rates and to act as a deterrent to those who conduct unacceptable and illegal behaviour.
* Further work should be undertaken to explore to potential of adding increased protections to vulnerable individuals online (KA)
* Government and social media companies should work together to develop and promote campaigns to challenge online abuse. Training and support should also be developed for parents, carers and support staff to encourage safe online activity to combat the negative impacts of withdrawing from this online environment (LT and KA)
* Recent work by colleagues at Nottingham Trent University has highlighted the positive benefits of online interactions and we should make every effort to support everyone to be able to engage in a safe and supportive online world.

1. <http://www.nottinghammencap.org.uk/About-Us/our-team.html>. [karen.aspely@n-mencap.org](mailto:karen.aspely@n-mencap.org), Nottingham Mencap: 0115 9209524 [↑](#footnote-ref-1)
2. True Vision. [↑](#footnote-ref-2)
3. Section 8 of the Accessories and Abettors Act 1861 [↑](#footnote-ref-3)