

Tackling Online Abuse: Written evidence submitted by Inclusion London on 12/08/2020 (TOA0013)

Inclusion London

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 70 Deaf and Disabled People's Organisations (DDPOs) in London and through these organisations our reach extends to over 70,000 Disabled Londoners.

We welcome the opportunity to submit evidence to the Petitions Commons Select Committee's inquiry on online abuse and the experience of Disabled people.

Executive Summary

Key points

- Online abuse is part of the wider experience of abuse and discrimination that Disabled people experience on a daily basis.
- There are links between online abuse and face to face harassment and violence.
- Online abuse and physical threats cause distress but also inhibit Disabled people's daily lives, with individuals too fearful go online or to leave their houses alone.
- Social media companies are too slow to identify and remove abusive material with weak UK legislation.
- Current hate crime law is inadequate to Disabled people and urgently needs to be changed.
- Politicians and the media need to acknowledge the role they have played in the increase in abuse since 2010 and take action to remedy this.
- Accessible support for Disabled victims of hate crime is not available in all areas of the country, funding needs to be provided.

Summary of Recommendations

- To urgently review existing hate crime legislation with a view to introducing amendments to ensure parity across all protected

characteristics by creating new “aggravated” and “stirring up” offences for hatred on grounds of disability.

- To ensure the proposed regulatory bodies have the power to enforce penalties on social media companies who fail to:
 - remove harmful online material within 24 hours of being notified
 - proactively search and remove posts with harmful content
- For Government to implement a broad mass media campaign in consultation with Disabled People’s Organisations promoting disabled people, particularly those who receive social security payments and are unable to work, as equal citizens and rights holders.
- To actively and accessibly seek the views of Disabled people to inform the further development of measures to tackle online abuse.
- For social media companies to fund DDPO hate crime services, and to signpost to them as one of the forms of support on their platforms.

The scale and impact of online abuse on Disabled internet users

The Scale of Online Abuse

- A survey in 2013 of over 2,000 Disabled people found that, in the previous 12 months: 4% of disabled people reported being physically attacked; 16% experienced someone acting in an aggressive or hostile way; and 17% experienced being called names when dealing with members of the public.¹
- 40% of children and young people with no disability reported being bullied. This compares with: 58% with a physical disability; 62% with a learning disability; 67% with autism/Asperger syndrome.²
- Disability hate crime evidence shows high levels of sexual violence, property offences, and fraud and forgery compared with other forms of hate crime.³

¹<https://www.equalityhumanrights.com/sites/default/files/being-disabled-in-britain.pdf>

² <https://www.equalityhumanrights.com/sites/default/files/being-disabled-in-britain.pdf>

³ <https://www.equalityhumanrights.com/sites/default/files/being-disabled-in-britain.pdf>

- Research from Leonard Cheshire shows that online disability hate crime rose by 33% over the course of one year (2016/17 – 2017/18)⁴
- However, they say this is likely just “the tip of the iceberg” due to underreporting of disability hate crime to the police. 36% of Disabled people who experienced hate crime online did not tell anybody at all.⁵
- 70% of online hate crime came via Facebook or the Facebook Messenger App, with 35% of online hate crime being from a stranger whose name could be seen, and 34% from someone who was anonymous.⁶

Disability Hate Crime During Coronavirus

Inclusion London has previously written a briefing on the rise in hate crime during the Coronavirus Pandemic, which can be found here:

Our key findings were: <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/inclusion-london-briefing-disability-hate-crime/>

- A rise in hate crime committed by neighbours of Disabled people, including a rise in hate crime against Disabled children whilst they are at home, by neighbours
- A rise in verbal abuse against Disabled people and instances of being spat at whilst out of the house due to the inaccurate perception that Disabled people are “virus spreaders.”
- An increase in online hate crimes – Disabled people have been told that their lives are inferior and are taking up resources from non-Disabled people.
- Disabled people have reported being targeted whilst out shopping if they have PAs/carers with them or require prioritisation in queues for shops.
- DDPOs have major concerns about the Care Act easements and the general shortages in social care during the lockdown period, and how this could lead to increased hate crime against Disabled people as

⁴ <https://www.leonardcheshire.org/about-us/press-and-media/press-releases/online-disability-hate-crimes-soar-33>

⁵ <https://www.leonardcheshire.org/about-us/press-and-media/press-releases/online-disability-hate-crimes-soar-33>

⁶ <https://www.leonardcheshire.org/about-us/press-and-media/press-releases/online-disability-hate-crimes-soar-33>

Disabled people are forced to rely on strangers to do tasks previously undertaken by carers/PAs.

- People with learning disabilities and neuro-diverse conditions may not be fully aware of restrictions put in place under lockdown due to a lack of accessible information – often they will not immediately appear “Disabled” so their behaviour may not be understood by police and the general public.
- Disabled people have felt like they have not been treated fairly when reporting instances of disability hate crime; that they feel they will not be believed due to previous negative experiences.
- DDPOs offering support to people with learning disabilities are completely overloaded on a daily basis keeping in touch with their members, many of whom will experience digital exclusion.

Psychological Impact on Victims

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.

“People I don’t know take my photograph when I am out and about, they post it on social media for others to comment on.

“The comments are nasty, hurtful and leave me feeling frightened and angry. There is no escaping this online abuse if I want to use social media. It’s horrible to know that my family might see this abuse online.”⁷

*“I don’t need a carer to wipe my bum
I don’t have dribble down my chin
And I don’t spend my days licking windows
And I can walk
I don’t vegetate and pull funny faces
24/7”*

⁷ <https://www.leonardcheshire.org/about-us/press-and-media/press-releases/online-disability-hate-crimes-soar-33>

“The online abuse affected my mental and emotional health, I was unable to sleep properly for months.

“Experiences like this make me worried for younger people with disabilities who may be more susceptible.”⁸

“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.”⁹

A report by the Anti-bullying Alliance on “Cyberbullying and children and young people with SEN and disabilities” 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.”¹⁰

Online abuse and physical threats cause distress but also inhibit Disabled people’s daily lives, with individuals too fearful go online or to leave their houses alone. Social media sites such as LinkedIn, which provide a person’s contact details, feel particularly unsafe. The above-mentioned Anti-bullying Alliance report refers to disabled young people not using the internet having been actively discouraged from using it by parents and/or teachers, for ‘safety’ reasons.”

Intersectionality

Disabled people are also black, gay, Jewish or Muslim and can experience hate crime as a result of a combination of these characteristics. Galop, an organisation which provides support to LGBT+ victims of hate crime people 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

⁸ <https://www.theguardian.com/society/2019/may/10/online-hate-against-disabled-people-rises-by-a-third>

⁹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmcompetitions/759/759.pdf>

¹⁰ <https://www.anti-bullyingalliance.org.uk/sites/default/files/field/attachment/disabled-young-peoples-views-on-cyberbullying-report.pdf>

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

Context and cultural environment in which online abuse exists

Online abuse is part of a wider experience of abuse experienced by Disabled people over many years. The Nazi's invented the shocking phrase 'life unworthy of life' to refer to Disabled people who they mass murdered under the Aktion T4 programme¹², and although society has progressed in many ways since the days when Disabled people were routinely locked away in long stay institutions, negative perceptions that our lives are worth less persist and are reinforced by cultural reference points for instance the popular film, 'Me Before You' conveyed the message it is better to be dead than disabled. This rhetoric has further made a resurgent during the Coronavirus Pandemic, with many newspapers and public figures making reference to "underlying health conditions" of people who had died of Coronavirus – minimising their deaths because they were Disabled.

The Equality and Human Rights Commission's 'Hidden in Plain Sight' report published in 2011 covered 10 murders and the follow up report published the following year provided a number of recommendations¹³, yet disablist killings and abuse of Disabled people continue. One example of this is the murder of Brendan Mason, a young man with learning difficulties, who, in 2016, was led to a park in Leicester and hung from a tree, where he was severely beaten, taunted and mocked. After he fell unconscious, his attackers stripped him naked and threw his body in a pond.¹⁴ A year before, Lee Irving, another young man with learning difficulties was also beaten to death by people he regarded as friends.¹⁵

Welfare benefits rhetoric from politicians and media

Disabled people have reported increasing levels of both online and offline abuse since 2010 targeted around an idea of Disabled people as 'benefit scroungers' and 'fraudsters'. This is a direct result of public attitudes being affected by statements made by politicians about fraud in the disability benefits system relentlessly amplified in the media.

¹² <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005200>

¹³ 'Out in the open - tackling disability-related harassment: A manifesto for change': <https://www.equalityhumanrights.com/en/publication-download/out-open-tackling-disability-related-harassment-manifesto-change>

¹⁴ <http://metro.co.uk/2017/02/20/friends-who-hung-man-with-learning-difficulties-from-tree-jailed-for-life-6460969/>

¹⁵ <https://www.chroniclive.co.uk/news/north-east-news/lee-irving-murder-trial-died-12199735>

Below are just a few examples:

Iain Duncan Smith: 'I'm not scared to light the fuse on disability reform'

*'.....Mr Duncan Smith says the system is riddled with abuse and fraud. From next year more than two million claimants will be reassessed.'*¹⁶
(Daily Telegraph, 2012)

Iain Duncan Smith: 'We'll root out the benefits cheats who pretend to be ill for money'

'BRITAIN'S benefit system is seen as a money-making scam by criminals, Iain Duncan Smith warned yesterday.....The Work and Pensions Secretary promised to get tough with benefit cheats, vowing they will not get away with swindling taxpayers out of any more money. A rogues gallery of 10 of the most outrageous con artists caught this year includes people who claimed to be too ill to work, or even walk, but were caught jetskiing, Morris dancing...

*Mr Duncan Smith said: "..... Some people see the welfare state as a money-making scam but I have a simple message for them – you will not get away with it."*¹⁷ (Daily Express, 2014)

500,000 to lose disability benefit

'Half a million people are set to lose disability benefits as the Government pushes ahead with plans to rid the system of abuse and fraud, Iain Duncan Smith says.

In an interview with The Telegraph, the Work and Pensions Secretary says..... that the current system has been exploited and abused because of political fear over reforming a benefit for the disabled....The level of potential abuse in the incapacity benefit system has shocked ministers, who now believe that many people are also being wrongly categorised as "disabled" by the benefits system'.¹⁸ (Daily Telegraph, 2012)

Research by the University of Glasgow in 2011 found an increase in newspaper articles focusing on disability benefit fraud, an increase in the use of pejorative language to describe disabled people such as 'scrounger', 'cheat' and 'skiver'

¹⁶ <http://www.telegraph.co.uk/news/politics/9263502/Iain-Duncan-Smith-Im-not-scared-to-light-the-fuse-on-disability-reform.html>

¹⁷ <https://www.express.co.uk/news/uk/549316/Iain-Duncan-Smith-says-benefit-system-is-abuse-by-criminals>

¹⁸ <http://www.telegraph.co.uk/news/politics/9263453/500000-to-lose-disability-benefit.html>

and an increase in articles portraying disabled people as a 'burden' on the economy together with a reduction in the proportion of articles which describe people in sympathetic and deserving terms.

The research also found that this negative coverage had an impact on public attitude towards Deaf and Disabled people with some of those surveyed reporting to think that 70% of disability benefit cases are fraudulent.¹⁹

There has also been extensive coverage on Freeview TV of people on benefits. For example, programmes like "Saints and Scroungers" give an equal amount of show time to both genuine claimants and fraudsters which encourages misperceptions of the extent of benefit fraud.

A constant assault by politicians and the media has led to distorted views among members of the public and increased hostility against ordinary Disabled people now commonly treated as fraudsters and cheats by strangers and neighbours alike.

*"Cherylee Houston developed Ehlers-Danlos syndrome when she was 23-years-old. The condition affects the connective tissues in the body and can be very painful. Cherylee, an actress uses an electric wheelchair as she is only able to walk very short distances. A man saw Cherylee taking a few steps to her wheelchair, he approached her home and spoke aggressively to her husband. He claimed to have taken a photo of her and said he was going to report her to the papers as a 'benefits cheat'."*²⁰

Just a quick search on Facebook brings up numerous sites focused on demonising benefit claimants:

[Links removed for GDPR purposes]

In 2012 the year of the Paralympic games in London, research by Scope found that 83% Disabled people surveyed said coverage about benefits scroungers can negatively affect attitudes; 87% say benefit scroungers themselves have a negative effect on attitudes.²¹

¹⁹ https://www.gla.ac.uk/media/media_214917_en.pdf

²⁰ <https://www.mirror.co.uk/3am/celebrity-news/corries-cherylee-houston-wrongly-branded-6818909>

A research dissertation from 2016 entitled “‘All parasites should perish’: Online disablist hate speech and a welfare rhetoric on ‘Reddit’” explores how social welfare rhetoric results in the expression of disablist hate speech in the online domain.²²

What is particularly distressing for Disabled people is that this is the result of a deliberately-given false impression. When welfare reform began, the Department for Work and Pension’s own figures put rates of fraud for Disability Living Allowance at only 0.5%.²³ Disability benefit fraud is still low at 0.5% for Employment Support Allowance (Claimant error)²⁴ and 1.0% for Personal Independence Payment.²⁵ A freedom of information request in 2016 found that more than 85% of fraud allegations made by the public between 2010 and 2015 were false. According to figures from the Department for Work and Pensions, insufficient or no evidence of fraud was discovered in 887,468 out of 1,041,219 cases. In 2015 alone, of the 153,038 cases closed by the DWP’s Fraud and Error Service, 132,772 led to no action.

The findings of an extensive investigation by the UN disability committee found that the government has played a role in increasing negative perceptions of disabled people by issuing statements concerning welfare reform that have enflamed hostility towards benefit claimants.²⁶

“The roll out of those policies included the issuing of statements by high-ranking officers that the reform was aimed at making the welfare system fairer to taxpayers and more balanced and transparent and reducing benefit fraud. Persons with disabilities have been regularly portrayed negatively as being dependent or making a living out of benefits, committing fraud as benefit claimants, being lazy and putting a burden on taxpayers, who are paying “money for nothing”The inquiry also

²¹ <https://www.scope.org.uk/About-Us/Media/Press-releases/July-2012/Discrimination-increases-on-back-of-%E2%80%98benefit-scrou>

²²

<file:///C:/Users/Ellen.Clifford/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/0GSK4G56/Leah-Burch-Dissertation-final%20online%20hate.pdf>

²³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528719/fraud-and-error-prelim-estimates-2015-16.pdf

²⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/528719/fraud-and-error-prelim-estimates-2015-16.pdf

²⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/664827/fraud-and-error-stats-release-2016-17-final-estimates.pdf

²⁶ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fc%2f15%2fR.2%2fRev.1&Lang=en

found no substantiation of the alleged benefit fraud by persons with disabilities.”²⁷

As a result, the UN disability committee has recommended that the UK Government:

“Take appropriate measures to combat any negative and discriminatory stereotypes or prejudice against persons with disabilities in public and the media, including that dependency on benefits is in itself a disincentive of employment; implement broad mass media campaigns, in consultation with organizations representing persons with disabilities, particularly those affected by the welfare reform, to promote them as full rights holders, in accordance with the Convention;”²⁸

The government has yet to respond to or implement this recommendation.

Government proposals to tackle the issue, including the Online Harms White Paper

Inclusion London welcomes the Online Harms White Paper, as we recommend, and in the past have recommended, the regulation of social media platforms and enforcement, by the government and other bodies, of rules and regulations to keep social media users safe from disability hate crime and other forms of abuse.

Having been involved in a partnership led by the Mayor’s Office for Policing And Crime (MOPAC) alongside social media partners, it is our understanding that currently social media companies such as Facebook, Twitter and YouTube are required to comply with licensing laws and relevant legislation in each country in which they operate. Unless there is strong social media focused legislation in a country which requires them to take specific action on harmful content, it is down to the discretion of the company. Often this means defaulting to US legislation. Introducing the measures laid out in the Online Harms White Paper would mean that it is far easier for the UK Government to enforce the regulations and ensure that social media companies are

²⁷http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2fR.2%2fRev.1&Lang=en

²⁸http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2fR.2%2fRev.1&Lang=en

accountable for how they respond to and try and limit the occurrence of hate crimes on their platforms.

In an existing example from another country who has already introduced similar legislation, Germany has recently 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.

We would recommend that the proposed regulatory body set similar time limits as the German legislation – 24 hours to remove harmful online material once the platform has been made aware of its existence before the regulator starts to enforce penalties. Further to this, social media companies should not just have robust and easy to use complaints procedures, but should invest in technologies that use “machine learning” or algorithms in order to proactively search for and remove posts with harmful content. Failure for social media companies to comply with these regulations should result in the enforcement of penalties – which can include but should not be limited to fines. The revenue from these fines should go towards the funding of DDPO hate crime services.

The regulatory body should also actively and accessibly seek the views of Disabled people to inform the further development of measures to tackle online abuse. Disabled people and Disabled People’s Organisations should be considered a key stakeholder in the new regulatory body, and the principles of the regulatory should be developed in partnership with these groups, as well as other groups of people that experience other forms of online hate crime and harm.

However, it is not enough just to introduce new legislation of a new regulatory framework, existing legislation must be changed; we believe the best way to

²⁹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_06_1217_Web3.1_2_.pdf

tackle the current justice gap is to reform existing hate crime law by creating parity in the legislation across protected characteristics.³⁰

Legal and technological solutions to take action against people who commit online abuse

A need for parity in legislation

Existing hate crime legislation lacks parity across protected characteristics, for example there is a hate crime offence in law for racist or religious hate crime³¹ but not for Disability Hate Crime (DHC) or LGBT+ hate crime. There is also no offence in law for stirring up hatred on grounds of disability.³²

Instead, section 146(2) of the Criminal Justice Act 2003 imposes a duty upon courts to increase the sentence for any offence committed that involves either:

- the offender demonstrating towards the victim of the offence hostility based on a disability (or presumed disability) of the victim; or
- the offence being motivated (wholly or partly) by hostility towards persons who have a disability or a particular disability.³³

However, in many cases of disability hate crime, the relevance of a person's impairment is not recognised by the police, Crown Prosecution Service or the Courts and as a result there is no sentence uplift.³⁴ It is estimated that there are approximately 67,000 disability hate crimes per year, yet in 2015/16 there were just 84 cases where a sentence uplift was given.³⁵ These statistics indicate a significant disability justice gap.

³⁰ To protect against hatred on grounds of disability but also LGBT+ identity as the law is also unequal here.

³¹ <https://www.cps.gov.uk/sites/default/files/documents/publications/racist-religious-hate-crime-statement-2017.pdf>

³² Or for transgender identity which is also an area where parity is urgently needed.

³³ <https://www.cps.gov.uk/legal-guidance/disability-hate-crime-and-other-crimes-against-disabled-people-prosecution-guidance>

³⁴ <https://www.disabilitynewsservice.com/ten-years-on-campaigners-ask-again-if-these-are-not-hate-crimes-what-are/>

<https://www.disabilitynewsservice.com/murdered-disabled-refugee-was-repeatedly-failed-by-council-and-police/>

<https://www.disabilitynewsservice.com/police-fail-again-on-disability-hate-crime/>

³⁵ The CSEW estimates that there is approximately 67,000 disability hate crime in a year. In 2015/16, the police recorded just 3,629 disability hate crimes, with the CPS prosecuting 941 cases, of which 707 resulted in a successful conviction. However, there were sentence uplifts only on approximately 84 cases.

<http://sro.sussex.ac.uk/70598/1/FINAL%20REPORT%20-%20HATE%20CRIME%20AND%20THE%20LEGAL%20PROCESS.pdf>

Sussex University's 'Hate Crime and the Legal Process – Options for Law Reform' report states:

*"...even with more carefully crafted evidence files, prosecutors frequently fail to secure uplifts at sentence for disability hate crime, meaning that the effective enforcement of hate crime legislation for victims of disability hate crime remains in doubt."*³⁶

A Criminal Justice Joint Inspectorate report states that:

*"...inspectors recommend all agencies must do more to ensure that disability hate crime is treated on an equal footing with other hate crimes, and that victims have the confidence to report crimes."*³⁷

A survey carried out by Changing Faces found that a third of respondents (33%) had been the victim of a disfigurement hate crime, but of those only 30% reported the crime to the police. Only 22% reported thinking that the police take hate crime seriously, and just 26% think the police would deal with a hate crime properly. This distrust is echoed in respondents' views of the courts: 25% think the courts take hate crime seriously, and generally view sentencing as being too lenient.³⁸

Another major problem with the existing legislation is that it requires that 'hostility' based on a disability (or presumed disability) of the victim is demonstrated or that the incident is 'motivated by hostility'.³⁹ Hostility towards Disabled people is complex with victims clearly targeted because of difference or because they are perceived as easy targets but without perpetrators articulating a hatred of disability per se. We have described above how hostility is targeted at Disabled people as "benefit scroungers" but another common theme are accusations without evidence basis of paedophilia made against Disabled men and used to justify abuse, violence and murder.

*"Craig Eade, who also had learning difficulties, was attacked in his own home, in Gateshead, over false rumours that he was a sex offender. He was attacked with a hammer, kicked and stamped on, and strangled, and then finally had his throat cut when his killer realised he was still alive. His body was dumped in a wheelie bin."*⁴⁰

³⁶ <http://sro.sussex.ac.uk/70598/1/FINAL%20REPORT%20-%20HATE%20CRIME%20AND%20THE%20LEGAL%20PROCESS.pdf>

³⁷ <https://www.justiceinspectors.gov.uk/hmicfrs/news/releases/005-a-joint-review-of-disability-hate-crime-living-in-a-different-world/>

³⁸ <https://www.changingfaces.org.uk/campaigns/dituk/crime-justice-civil-society>

³⁹ <https://www.cps.gov.uk/legal-guidance/disability-hate-crime-and-other-crimes-against-disabled-people-prosecution-guidance>

In July 2017, Disability News Service reported on six cases of targeted violence against Disabled people, none of which were prosecuted as a disability hate crime. One of these was the case of Jimmy Prout:

*“One case saw a man with learning difficulties tortured for a month in a “prolonged period of sadistic torture and humiliation”, including having his teeth knocked out with a hammer and chisel, and being forced to eat one of his own testicles, before his body was dumped on wasteland.”*⁴¹

The report by the University of Sussex concludes:

*‘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”.’*⁴²

Change in hate crime law needed

There is wide support for an urgent and growing need to review and reform existing hate crime legislation. The University of Sussex report calls for legal amendments to the model of hate crime⁴³, while the Equality and Human Rights Commission has recommended that national governments should:

- review the adequacy and effectiveness of the legal framework for offences that are motivated by hostility to disability
- review all statutory and common law restrictions... and other laws which unnecessarily and inappropriately treat disabled people differently to others.⁴⁴

⁴⁰ <https://www.disabilitynewsservice.com/ten-years-on-campaigners-ask-again-if-these-are-not-hate-crimes-what-are/> <http://www.itv.com/news/tyne-tees/2017-06-27/killers-jailed-for-life-over-murder-of-vulnerable-man-jimmy-prout/>

⁴¹ <https://www.disabilitynewsservice.com/ten-years-on-campaigners-ask-again-if-these-are-not-hate-crimes-what-are/>

⁴² <https://www.sussex.ac.uk/webteam/gateway/file.php?name=final-report---hate-crime-and-the-legal-process.pdf&site=539>

⁴³ <https://www.sussex.ac.uk/webteam/gateway/file.php?name=final-report---hate-crime-and-the-legal-process.pdf&site=539>

