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26 June 2019,

**Response to the consultation on the Online Harms White Paper**

(<https://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper>)

Dear Sirs,

We are a recently formed charitable association of autistic adults developing a peer to peer support network for autistic people. The name of our organisation is Neuro Diverse Self Advocacy Forum.

We are happy to be consulted for further evidence at

[REDACTED]

Email: [asap2pf@gmail.com](mailto:asap2pf@gmail.com)

**About our organisation and it's activities**

We are a forum based support group for the neuro diverse community - a way to find support for the broadest range of needs.

We promote the change in attitudes towards autistic people towards full acceptance and equality.

The aims of our organisation are:

- The support and enablement of Neuro Diverse People to lead healthy and fulfilling lives, achieve their life goals and realise their potential in order to achieve equality and fully contribute to society.

- By Neuro Diverse People we mean people on the autistic spectrum
- We will enable Neuro Diverse people to support each other, provide peer to peer support and coaching right from the suspicion of the diagnosis, throughout the diagnosis process and beyond.
- We will support Neuro Diverse people to achieve their life goals such as obtaining qualifications, achieving and retaining fulfilling employment, forming and raising a family and aging happily by providing tailored peer to peer advice and support based on our lived experience and inside knowledge of our condition.
- We will provide a space for autistic people to contribute, to get involved, to use the wealth of skill and knowledge autistic people have, utilise their lived experience and inside knowledge of autism. Autistic people can do a lot to support each other and basically themselves.
- For high functioning people currently ignored or ineligible for services, by high functioning people, peer to peer.
- We catch those that fall through the gap, adults that are undiagnosed, late diagnosed, the misdiagnosed.
- We aim to support autistic people based on their individual needs in overcoming the specific barriers they face in their wellbeing, employment, family life and participation in the community.
- Autistic people speaking for themselves, not through 'experts' or NT family members
- Shifting focus from seeing autistic people as being receivers of care and benefits and being primarily a cost to society, towards enabling de-stigmatisation and acceptance of autism, enabling autistic people to be in gainful employment, function independently and participate fully in all aspects of life as they choose.
- We will advocate for autism acceptance as part of human diversity, achieving equality for neurodiverse people in all aspects of human endeavour they choose.

### **Our response to the consultation**

We support the removal and regulation of all harmful content and protection of all vulnerable users.

However, given the particular focus of our group and the experience of our members, the focus of our response is hate crime, hate speech, and autism hate crime in particular.

In relation to autism, the following definition is particularly relevant:

'When aimed at historically oppressed minorities, hate speech is not merely insulting but also perpetuates their oppression by causing the victims, the perpetrators, and society at large to internalize the hateful messages and act accordingly. Victims of hate speech cannot enter the "open marketplace of ideas" as equal participants to defend themselves, because hate speech, in conjunction with a broader system of inequality and unjust discrimination that that burdens the victims, effectively silences them.'<sup>1</sup>

### **Why are we focussing on hate crime?**

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<sup>1</sup> <https://www.britannica.com/topic/hate-speech>

- Autistic people have significantly lower life expectancy (53.9 years vs 70.2 in general population...’’<sup>2</sup>.
- Autistic people have high suicide rate and high suicide risk<sup>2,3,4</sup>. 72% of autistic adults scored above the recommended psychiatric cut-off for suicide risk<sup>5</sup>: 40% of adults who had attempted suicide self-reported high autistic traits<sup>6</sup>. 41% of children with autism showed signs of suicide ideation<sup>7</sup>
- Only 16% of autistic people are employed while 77% want to work<sup>8</sup>
- 75% of autistic women were sexually abused<sup>9</sup>, In females, ASD was associated with an almost three folded increased risk of coercive sexual victimization, it seems sexual perpetrators actively target NDD individuals,<sup>10</sup>
- Autistic children and adults are 4 to 7 times, or even 10 times more likely to be victims of property crime, maltreatment [including emotional abuse by adults], teasing/emotional bullying, and sexual assault by peers. Adults with ASC reported greater sexual contact victimization. No significant differences vs non-autistic group were found on crime perpetration.<sup>11,12,13</sup>
- Autistic people live their lives in continuous state of alarm and distress<sup>14,3</sup>.

<sup>2</sup> Tatja Hirvikoski, Ellenor Mittendorfer-Rutz, Marcus Boman, Henrik Larsson, Paul Lichtenstein and Sven Bo’’ Premature mortality in autism spectrum disorder *Ite The British Journal of Psychiatry* (2016) 208, 232–238. doi: 10.1192/bjp.bp.114.160192. <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/4C9260DB64DFC29AF945D32D1C15E8F2/S0007125000279385a.pdf/div-class-title-premature-As>

<sup>3</sup> Cassidy S, Bradley P, Robinson J, Allison C, McHugh M, Baron-Cohen S. Suicidal ideation and suicide plans or attempts in adults with Asperger’s syndrome attending a specialist diagnostic clinic: a clinical cohort study. *Lancet Psychiatry* 2014; 1: 142–7.

<sup>4</sup> Fowler JC. Suicide risk assessment in clinical practice: pragmatic guidelines for imperfect assessments. *Psychotherapy* 2012; 49: 81–90.

<sup>5</sup> <https://molecularautism.biomedcentral.com/articles/10.1186/s13229-018-0226-4>

<sup>6</sup> <https://molecularautism.biomedcentral.com/articles/10.1186/s13229-019-0274-4>

<sup>7</sup> <https://www.spectrumnews.org/news/reactions-insar-2019/>

<sup>8</sup> <https://www.unlimitedpotential.org.uk/sites/default/files/users/upadmin/Research%20report%2C%20project%20proposal%20-%20meaningful%20employment%20of%20autistic%20people.pdf>

<sup>9</sup> <https://www.ncbi.nlm.nih.gov/pubmed/29570782>

<sup>10</sup> [https://scholar.google.com/scholar?cluster=17856707600008789322&hl=en&as\\_sdt=2005&scioldt=0,5](https://scholar.google.com/scholar?cluster=17856707600008789322&hl=en&as_sdt=2005&scioldt=0,5) [DOC] Multiple and Intersecting Forms of Discrimination Against Autistic Women, S Baron-Cohen - a4.org.au Violence against women with disabilities goes beyond discrimination or the use of power in relationships. It is the use of systemic power to ignore, isolate, marginalize, stigmatize and vilify...

<sup>11</sup> Marge, d.k. (ed). (2003). A call to action: Ending crimes of violence against children and adults with disabilities: A report to the nation. Syracuse, n.y: sUny Upstate medical University

<sup>12</sup> Sobsey, d., & doe, t. (1991). patterns of sexual abuse and assault. *Journal of Sexuality and Disability*, 9(3): 243-259

<sup>13</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5980973/> Victimization and Perpetration Experiences of Adults With Autism, Jonathan A. Weiss\* and Michelle A. Fardella. *Front Psychiatry*. 2018; 9: 203. Published online 2018 May 25. doi: 10.3389/fpsy.2018.00203 PMID: 29887806

<sup>14</sup> <https://www.ambitiousaboutautism.org.uk/understanding-autism/know-your-normal-research-four-out-of-five-young-people-with-autism-experience>

- Autistic victims of narcissistic and domestic abuse are conditioned to blame themselves<sup>15, 16</sup>. “due to years of conditioning I automatically think a problem is *my fault* and *try to fix it*, to be less of a burden or inconvenience to those around me. ... since we’ve been conditioned to believe *we’re burdens*.” “the person I was involved with certainly made me feel that *he* was the victim.”
- CPS guidance<sup>17</sup> on disability hate crime states that perpetrators are often partners, family members, friends, carers, acquaintances, or neighbours. Offending by persons with whom the disabled person is in a relationship may be complicated by emotional, physical and financial dependency and the need to believe a relationship is trusting and genuine, however dysfunctional. The role of family members in offending against autistic people is well established<sup>18</sup>.

### **Consultation Questions:**

**Question 1: This government has committed to annual transparency reporting. Beyond the measures set out in this White Paper, should the government do more to build a culture of transparency, trust and accountability across industry and, if so, what?**

1. “The regulator would not investigate individual pieces of content” - this is very problematic for some vulnerable groups, like autistic people, due to entrenched power imbalance, attitudes and misunderstanding of autism in society. Nobody wants to investigate autism hate content.
2. Systems in place, decision criteria and decision makers’ attitudes are not fit for purpose to protect autistic people, and more broadly to address disability hate. Our concerns are dismissed. These systems should be transparent and open to challenge.
3. The identity of organisations giving advice and ‘experts’ involved in moderation policy and practice should be transparently reported and open to complaints. Autism hate groups and followers and instigators of their unethical abusive ideologies should not be allowed to give any advice, resources or training about autism. Only autistic led-organisations should be used for advice through an open process, such as AutisticUK, AutismPrideReading and ourselves.
4. While there were significant strides in decreasing openly racist discourse, mainly due to effective legislation, the protection of disabled people against hate speech is much weaker in law and does not reflect the most significant source of harm in relation to the particular disability. The biggest threat to disabled people is not public riots, but dehumanisation, abuse and deprivation of their civic rights. The biggest harm is incitement to discriminate, abuse and neglect. Yet, there is no offence of stirring up hatred based on disability. The interpretation by media organisations reflects the power imbalance of the majority and its cultural biases versus the disempowered minority of disabled people. Autistic people represent only about 1% of the population and the condition remains poorly understood, often misrepresented by outdated damaging myths.
5. There should be a change in legislation to achieve equal justice for disability hate, in particular in relation to people with hidden, mental disabilities and learning difficulties. What ‘*hate*’ and

<sup>15</sup> [https://www.autism-society.org/wp-content/uploads/2014/04/Domestic\\_Violence\\_\\_\\_Sexual\\_Assult\\_Counselors.pdf](https://www.autism-society.org/wp-content/uploads/2014/04/Domestic_Violence___Sexual_Assult_Counselors.pdf)

<sup>16</sup> <https://medium.com/the-establishment/we-need-to-talk-about-the-domestic-abuse-of-autistic-adults-5df294504a13>

<sup>17</sup> <https://www.cps.gov.uk/legal-guidance/disability-hate-crime-and-other-crimes-against-disabled-people-prosecution-guidance>

<sup>18</sup> Sobsey, d. (1994). Violence and abuse in the lives of people with disabilities: The end of silent acceptance? baltimore: paul h. brookes publishing

*'incitement to cause harm'* means in relation to these people needs to be redefined with full involvement of people concerned, not by the neurotypical 'experts' on their behalf. Disability hate should be defined as advocacy and incitement to discriminate and spreading of malicious stereotypes under article 20(2) and 19(3) of the ICCPR

6. The government must openly consult and take into account the views of actually autistic people, autistic adults, speaking for themselves, not through the lens of 'experts' or neurotypical family members. Not in tokenistic exercise.
7. The government should consult with autistic adults led-organisations about the nature of autism hate crime and autism hate speech in relation to content online. It is inappropriate to reduce autism hate to physical violence, while the biggest risk and biggest harm to autistic people is caused through emotional and psychological abuse and discrimination, the invalidation of autistic people's humanity and human rights, prevention of their full participation and enforcement of their isolation. There is an ethical deficit in relation to autism, autism hate groups are able to present themselves and be accepted as sources of advice and support.<sup>19</sup>
8. Just like the gender pay gap, there should be transparency score card reporting specifically on of the number of user complaints in relation to hate speech, including in particular as a transparent category in relation to disability hate speech and autism hate speech. It is not relevant what content the organisation accepted to remove, if in full knowledge they decided to maintain incitement to hurt disabled people, if they protected dehumanising, degrading and discriminatory material, false stereotypes and incitement to discriminate against disabled people and ignore or treat less favourably the complaints from disabled people, or reverted to silencing them all together.
9. The relative numerical power of the concerned minority should be mitigated, taken into account. For example, if the organisation has 'only' 1% of complaints and they are mostly from autistic people who represent about 1% of the population, this is a very high incidence of complaints.

**Question 2: Should designated bodies be able to bring 'super complaints' to the regulator in specific and clearly evidenced circumstances?**

Yes.

**Question 2a: If your answer to question 2 is 'yes', in what circumstances should this happen?**

1. To mitigate the disadvantage of a disempowered minority to get their voice heard, to address specific harm to specific groups misunderstood by the mainstream.
2. When the content 'perpetuates their oppression by causing the victims, the perpetrators, and society at large to internalize the hateful messages and act accordingly. Victims of hate speech cannot enter the "open marketplace of ideas" as equal participants to defend themselves, because hate speech, in conjunction with a broader system of inequality and unjust discrimination that that burdens the victims, effectively silences them'<sup>20</sup>.
3. To redress inadequate systems and moderation guidelines and misguided advice that perpetuate disability hate.

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<sup>19</sup> <https://autisticadvocacy.org/2009/04/tell-tony-attwood-to-end-the-hate/>

<sup>20</sup> <https://www.britannica.com/topic/hate-speech>

**Question 3: What, if any, other measures should the government consider for users who wish to raise concerns about specific pieces of harmful content or activity, and/or breaches of the duty of care?**

1. The relative numerical power of the concerned minority should be mitigated. Only a fraction of autistic people would speak out. Autistic people live their lives in continuous state of alarm and distress, blaming themselves for the hostility they attract. There will never be numerical power to investigate autism hate. When we report it, our concerns are dismissed.
2. Duty of care should involve the same protections to users as Equality Act for services and Human Rights Act for public bodies - upholding users' equality and human rights. Currently private social media are free to treat users from some groups less favourably, to discriminate, and there is no recourse because no equality law applies. Some of our members were at the receiving end of hate speech, were treated less favourably as users by a UK social media platform, consulted EHRC and Liberty to be told there is no remedy as no equality law applies.
3. Due to historic power imbalance and resulting prevailing attitudes, the problem often is that the people who make decisions or even set policies do not recognise what is harmful for a particular group because the perspective of the harm perpetrators is mainstream, while the minority affected is not being heard due to their small number, their particular barriers, e.g. autistic people, because their perspective is misrepresented by 'intermediaries' or misunderstood, or simply because their voices are being silenced. Decision making, systems and practices work against mitigating online harm to disabled people.
4. Users and e.g. autistic-lead advocacy organisations should have a say on decision making, systems and practices and sources of advice for effective mitigating online harm to disabled people. Advice should originate from autistic led self advocacy organisations. For example our members encountered a UK social media platform supporting and protecting misguided ableist dehumanising hate speech and incitement to discriminate and emotional abuse as 'advice' and 'support', prioritised their 'needs' above dignity and safety of autistic people, has inadequate moderation guidelines which they apply less favourably to autistic people, impose undue burden on users to report individually a collection of 4000 messages that together advocate emotional abuse and spread false stereotypes. Advice used by the platform in relation to autism originates from a misguided autism hate group.
5. The minority affected should be able to decide what is 'harm' and 'hate' in relation to them, they should be involved first hand throughout the process, which should be an open consultation where individuals and e.g. autistic led groups could participate and be heard. There should be a transparent process and decision making in which the platform does not have more power. There should be objective criteria interpreted in specific context with full involvement of the users who raise concerns and the civil society organisations representing first hand views of the minority group affected by harm. Autistic people should be represented by autistic people speaking for themselves, not by professionals or non autistic family members.
6. Ultimately, the only way to stamp out disability hate speech is to criminalise incitement to discriminate and spreading of malicious stereotypes<sup>21</sup>, to provide clear thresholds for removal of content that is not criminal but harmful because it advocates discrimination and spreads malicious stereotypes. The law should treat disability hate crime and speech to the

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<sup>21</sup> [https://www.article19.org/wp-content/uploads/2018/06/UK-hate-speech\\_March-2018.pdf](https://www.article19.org/wp-content/uploads/2018/06/UK-hate-speech_March-2018.pdf)

same standard as incitement to violence and stirring racial hatred. The current law offer very little protection in relation to autism hate.

7. Ethical code of conduct in relation to autism should be developed with full participation of actually autistic advocacy groups. There is an ethical deficit for autism and abusive propositions are not challenged<sup>22</sup>.
8. The following definition of hate speech as a mean of effective social subordination of the victim, having the effect entrenching and furthering the disadvantage, validating and normalising discrimination, and silencing the vulnerable group, is in our view important to consider in this consultation.

<https://www.britannica.com/topic/hate-speech>

## Hate speech

WRITTEN BY: William M. Curtis

Hate speech, speech or expression that denigrates a person or persons on the basis of (alleged) membership in a social group identified by attributes such as race, ethnicity, gender, sexual orientation, religion, age, physical or mental disability, and others.

Typical hate speech involves epithets and slurs, statements that promote malicious stereotypes, and speech intended to incite hatred or violence against a group. Hate speech can also include nonverbal depictions and symbols. For example, the Nazi swastika, the Confederate Battle Flag (of the Confederate States of America), and pornography have all been considered hate speech by a variety of people and groups. Critics of hate speech argue not only that it causes psychological harm to its victims, and physical harm when it incites violence, but also that it undermines the social equality of its victims. That is particularly true, they claim, because the social groups that are commonly the targets of hate speech have historically suffered from social marginalization and oppression. Hate speech therefore poses a challenge for modern liberal societies, which are committed to both freedom of expression and social equality. Thus, there is an ongoing debate in those societies over whether and how hate speech should be regulated or censored.

The traditional liberal position regarding hate speech is to permit it under the auspices of freedom of expression. Although those who take that position acknowledge the odious nature of the messages of hate speech, they maintain that state censorship is a cure that causes more harm than the disease of bigoted expression. They fear that a principle of censorship will lead to the suppression of other unpopular but nevertheless legitimate expression, perhaps even of the criticism of government, which is vital to the political health of liberal democracy. They argue that the best way to counter hate speech is to demonstrate its falsity in the open marketplace of ideas.

Proponents of censorship typically argue that the traditional liberal position wrongly assumes the social equality of persons and groups in society and neglects the fact that there are marginalized groups who are especially vulnerable to the evils of hate speech. Hate speech, they argue, is not merely the expression of ideas, but rather it is an effective means of socially subordinating its victims. When aimed at historically oppressed minorities, hate speech is not merely insulting but also perpetuates their oppression by causing the victims, the perpetrators, and society at large to internalize the hateful messages and act accordingly. Victims of hate speech cannot enter the "open marketplace of ideas" as equal participants to defend themselves, because hate speech, in

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<sup>22</sup> <https://onlinelibrary.wiley.com/doi/pdf/10.1111/phc3.12559>

conjunction with a broader system of inequality and unjust discrimination that that burdens the victims, effectively silences them.

Examples of harmful content and hate speech that silences the victim are plain to see:

**Question 4: What role should Parliament play in scrutinising the work of the regulator, including the development of codes of practice?**

1. Are Human Rights and the rule of law like Equality Act being upheld effectively in the content online?
  - a. Segregation is always considered direct discrimination yet the Equality Act does not apply to private social media, so they are free to openly enforce segregation and selective suppression of freedom of speech based on a disability, autism, which they protect and uphold in spite of multiple complaints from autistic people, contrary to their own moderation guidelines<sup>23, 24</sup>
  - b. There are laws about freedom of speech, yet autistic people are being forcibly silenced in a conversation about autistic people (by inventing a rule preventing them from participating in the discussion and by enforcing it through deleting of all their perfectly reasonable messages and enforcing moderation rules which are not used with other posters).
  - c. Social media platforms are free to discriminate against users because they are not covered by Equality law. So, they treat autistic users less favourably because the 'needs' for expressing dehumanising autism hate are perceived by the platform more important than dignity and equality of autistic people and their rights for freedom of expression and fair treatment as users.
  - d. The argument about open debate is used to counter censorship and prohibition, but the central feature of autism hate speech is the attack on the very validity and legitimacy of autistic views and contributions because of their autism, effectively denying autistic people their voice and civil rights. This is particularly salient in attacks on the autistic climate campaigner and Nobel Prize nominee Greta Thunberg:
    - i. Calling to cause an 'autistic meltdown' is incitement to violence. Using knowledge about autism to break and prevent autistic people from functioning is violent hate crime <https://twitter.com/HelenDale/status/1120759250387701767?s=20>
    - ii. Stirring prejudice ('chilling') and invalidation of autistic voice and contributions, denial of autonomy in the media ('She's a patsy'), <https://www.spiked-online.com/2019/04/22/the-cult-of-greta-thunberg/>
    - iii. The odious article by an 'expert' suggesting autism makes people ineligible to hold opinions and participate in civil society that Human Rights Watch had to counter ('By denigrating the young Swede's commitment because of her autism, the author attacks people with disabilities and their recognition as full-fledged citizens with an important role to play in societal issues. By deciding to target Greta Thunberg's autism to try to disqualify her speech, Laurent Alexandre harms all people with disabilities') <https://www.hrw.org/fr/news/2019/04/18/lettre-de-human-rights-watch-l'express-en-reponse-la-tribune-de-laurent-alexandre-sur>.

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<sup>23</sup> <https://www.mumsnet.com/Talk/relationships/3524836-Married-to-someone-with-Aspergers-support-thread-4-replacement-one?pg=1>

<sup>24</sup> <https://www.mumsnet.com/info/netiquette>



- e. Forced sterilization is prohibited by the Istanbul Convention (Article 39), the Rome Statute of the International Criminal Court recognizes it as a Crime against Humanity, but self indulgent musings of parents to sterilise their autistic children are not challenged on social media<sup>25</sup> and even received with sympathy and commercial success<sup>26</sup>.
  - f. The analysis of freedom of speech campaigners Article19 concluded<sup>27</sup> that UK law provides no legal redress for groups of people with protected characteristics subjected to hate speech and defamation in the media. They propose a framework of proportionate analysis and a high threshold for prohibition and removal of speech advocating discrimination and spreading malicious stereotypes based on all protected characteristics.
  - g. In the environment of ethical deficit and shortage of support, family members turn to unethical advice of autism hate groups<sup>19</sup> and adopt warped harmful and abusive views of autism that normalise dehumanising discourse, interpersonal discrimination and emotional abuse as legitimate 'advice' and 'support'. It is shocking that abusive ableist ideology is accepted as advice and authority on autistic people in relationships. Behaviours that with other people would be considered abusive and raise safeguarding concerns are accepted and normalised<sup>28</sup> by the media as a legitimate 'need' and a form of 'love'.
  - h. These warped unethical attitudes to autism lead to real violent crimes<sup>29</sup>. In the environment where such attitudes are mainstream, attempted or completed murder of autistic children <sup>30</sup> <sup>31</sup> has been justified in the media, the victim was painted as a monster and the perpetrator as a victim in a proportion of 3:15 by the media. Media should be held accountable.
2. There should be progress score card. The number of posted hate crimes should diminish over time.
  3. Is the legislation underpinning the reduction of harm online fit for purpose? For autism hate crime it does not and there is a huge understanding gap.
  4. Does the Code of Practice uphold the rights of disabled and autistic people to equality as reflected in public discourse on social media and online? The idea that life with disability is worthless is one<sup>30</sup>, but the idea that disability, e.g. autism by it's very existence cause 'trauma' and 'abuse' to people who come in contact to them that autistic people are 'burdens' whose families are 'victims' is also a warped<sup>32</sup>, ableist and dehumanising denial of autistic people's right to exist. To deliver on promises of the Autism Strategy there is an urgent need to change the public discourse and attitude to autism in society. Tackling ableism, hateful abuse and malicious stereotypes about autism online has a huge role to play.
  5. Abusive attitudes and disinformation spill out of the online discourse into real life like employment. See appendix "New CEO is AS", page 19. According to NAS 'the UK Government promised to halve the disability employment gap by the end of this Parliament, meaning they have to increase the disability employment rate from 47% to 64%. So, to make sure that autistic people aren't left behind, the Government needs to commit to doubling the number of autistic people in work.'

<sup>25</sup> Ellenborough Fri 05-Apr-19 09:22:23 [https://www.mumsnet.com/Talk/am\\_i\\_being\\_unreasonable/3551266-To-think-autistic-people-don-t-understand-the-impact-they-have-on-people?pg=7](https://www.mumsnet.com/Talk/am_i_being_unreasonable/3551266-To-think-autistic-people-don-t-understand-the-impact-they-have-on-people?pg=7)

<sup>26</sup> <https://www.bustle.com/p/why-i-believe-to-siri-with-love-by-judith-newman-is-a-book-that-does-incredible-damage-to-the-autistic-community-6780420>

<sup>27</sup> <https://www.article19.org/blog/resources/united-kingdom-responding-to-hate-speech/>

<sup>28</sup> BBC Radio4 <https://www.bbc.co.uk/programmes/b03wp5j4>

<sup>29</sup> [https://en.wikipedia.org/wiki/Karen\\_McCarron](https://en.wikipedia.org/wiki/Karen_McCarron)

<sup>30</sup> <http://edition.cnn.com/2014/11/10/opinion/perry-autism-london-mccabe/>

<sup>31</sup> [http://autism.wikia.com/wiki/Attempted\\_Murder\\_of\\_Issy\\_Stapleton](http://autism.wikia.com/wiki/Attempted_Murder_of_Issy_Stapleton)

<sup>32</sup> The so called Cassandra and pseudo diagnosis of 'Ongoing Traumatic Relationship Syndrome'

Reducing employment gap and achieving acceptance, inclusion and equality for autistic people cannot be achieved without modifying the public discourse. Employers and work colleagues are less likely to treat autistic people fairly if they see on social media the messages that autistic people have no relevant thoughts and should not be allowed to speak, or that you can speak derogatory about them in their presence because they don't get it, that daily degrading and loathing their autism is an expression of 'love'. <https://twitter.com/AnnMemmott/status/1143442305929682945>

**Question 5: Are proposals for the online platforms and services in scope of the regulatory framework a suitable basis for an effective and proportionate approach?**

They are insufficient in relation to autism hate crime. The risk based approach comprehensively fails disabled people, an autistic people in particular. The real risk to us is misunderstood, and not recognised as harmful by the mainstream society. In spite of appalling life expectancy, suicide rates, mental health problems high rates of sexual assault on autistic women, awful cases of abuse and neglect by carers, autism hate is not even defined. It is completely inappropriate to define autism hate as threat of physical violence. Emotional abuse, dehumanisation and incitement to discriminate do much more harm.

Article19<sup>33</sup>, the UK group of freedom of speech campaigners and journalists recommended a framework for effective and proportionate regulation of hate speech. Their review of UK law concluded<sup>34</sup> that 'there is no mechanism by which ... media may be held to account for the disparagement of a group of persons on the basis of a protected characteristic'.

Their recommendation proposed high threshold for involved prohibition of incitement to discriminate and limiting spreading of malicious stereotypes against all protected characteristics including disability under article 20(2) and 19(3) of the ICCPR .

We support their recommendations that:

- All relevant legislation – in particular the criminal law provisions – should be revised for their compliance with international human rights standards applicable to 'hate speech'.
- The provisions on incitement to hatred should be reviewed with a view to making them more effective and usable. – incitement to discriminate
- The advocacy of discriminatory hatred that constitutes incitement to hostility, discrimination, or violence should be prohibited in line with Articles 19(3) and 20(2) of the International Covenant on Civil and Political Rights (ICCPR), establishing a high threshold for limitations on free expression as set out in the Rabat Plan of Action, as well as prohibitions on direct and public incitement to genocide and incitement to crimes against humanity.
- The protective scope of any measures to address 'hate speech' should encompass all protected characteristics recognised under international human rights law. In particular, the list of protected characteristics should be revised in light of the right to non-discrimination as provided under Article 2(1) and Article 26 of the ICCPR.
- ... A multi-stakeholder strategy to counter 'hate speech' in all its forms and in line with international human rights obligations should be discussed and adopted in partnership by all

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<sup>33</sup> <https://www.article19.org/blog/resources/united-kingdom-responding-to-hate-speech/>

<sup>34</sup> United Kingdom: Responding to 'hate speech' ARTICLE 19 March 01, 2018 [https://www.article19.org/wp-content/uploads/2018/06/UK-hate-speech\\_March-2018.pdf](https://www.article19.org/wp-content/uploads/2018/06/UK-hate-speech_March-2018.pdf)

relevant stakeholders, including state institutions, civil society organisations, broadcast and print media, as well as Internet platforms and operators

- Media organisations and media outlets should recognise that they play an important role in combatting ‘hate speech’ and intolerance and prejudices in the media. They should ensure that they fully respect relevant ethical codes and ensure that ethical codes of conduct on ‘hate speech’ are effectively implemented and that effective measures are undertaken to address any violations. The ethical codes should be internalised by journalists and media outlets in order to ensure a full compliance with them.

Unfortunately the ethics are deficient in relation to autism and previously conducted multi-stakeholder reviews of disability hate crime are not sufficient to actually have any practical impact for autistic people.

### **Question 6: In developing a definition for private communications, what criteria should be considered?**

Apply online the same laws as offline. Private as completely confined between two private individuals? Does it take place in a private ‘dwelling’, i.e. on a hard drive of private personal device of the speaker, is it a communication between two personal devices, or does it actually happen on a public server/ platform, that has a public identity, like a group name, or a forum landing page? A closed Facebook group is not private, it is visible and sits on the public server open to everyone to apply and see the comments. Approving and selecting members by private criteria does not make it private. Does it recruit new members on a public platform, new members are joining in and can access earlier communications? So it is not private then.

Are views discussed on a ‘private’ channel also robustly challenged and widely discussed on open channels, or does the ‘privatisation’ of the topic have the effect of silencing opposition and debate?

Do moderation guidelines on the private forum/group support and protect hate speech and silence opposition? Like prohibition to post any ‘unsupportive’ objections to ableist abuse because it is ‘unsupportive’ of the discrimination and hate.?

Does the communication enjoy the amplifying effect of a group or network? Does a marginal extreme view find validation, safety in numbers, and spread?

Is dehumanisation, deprivation of dignity and emotional abuse acceptable in private? Should a channel dedicated to emotional abuse and incitement to discriminate be protected from scrutiny? Does the channel existence have the effect of validation and normalising of harmful discourse and behaviour? (i.e. a segregated private forum ‘validating’ dehumanising and false stereotypes about autistic people and advocating their emotional abuse is simply a discriminatory hate echo chamber)

Does the attitude and disinformation spill out of the confines of a private exchange into real life and other parts of society like employment<sup>35</sup>? See appendix (page 19) “New CEO is AS” where one participant even works as paid carer with autistic children. The normalisation and ‘validation’ of ableist dehumanising and degrading discourse about autistic partners within a private forum spill out

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<sup>35</sup> See page 19 appendix “New CEO is AS” <https://different-together.co.uk/lets-talk-forum/viewtopic.php?f=83&t=3242>

and get transferred by the individuals involved into discrimination in in employment, education and prejudices to everyone who disagrees.

**Question 7: Which channels or forums that can be considered private should be in scope of the regulatory framework?**

A forum cannot be private by definition. It involves a public platform where communications are publicly posted and retained for others to see, it is a public meeting place. It is a public discourse. If the discourse is legitimate, they should not mind moderation. If it involves hate and emotional abuse of disabled people, it should not be happening in first place. The difference between a private autism hate group / forum and an extremist forum is how we value dignity, human rights and wellbeing of autistic people.

Forums that are dedicated to discriminatory purposes.

Forums built on pseudoscience, falsehoods and disinformation.

Groups that segregate and exclude minorities with protected characteristic. These groups are often closed, and exclude people with those characteristics specifically because they seek 'safety' for discriminatory hate speech without any challenge and debate.

Forums that deal with topics that concern vulnerable minority groups with protected characteristics, should have regulatory safeguards for emotional/domestic abuse, curtailing hate speech and spreading of false malicious stereotypes, especially if they are not open to the people with protected characteristics concerned, where their voices are not represented or silenced, that very practice is a red flag for abuse. Parents of children with ASD could put autistic children at risk of neglect and abuse when dehumanising degrading false stereotypes are being 'validated' in segregated echo chamber. These segregated closed forums promote false malicious stereotypes and discriminatory narrative of the relationship with autistic people, they 'validate' and normalise dehumanising degrading statements and ableist attitudes about autistic people, dismiss their needs and contributions. The tone, content and mere participation in such discourse makes relationship less safe.

<https://www.mumsnet.com/Talk/relationships/3281058-Is-anyone-married-to-someone-with-Aspergers?pg=17>

**BrexitWife** Thu 19-Jul-18 21:38:34

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What makes me the saddest though is dc2.  
Undiagnosed (we tried to get a diagnosing through CAMHS - they say he not in the spectrum despite a lot of other professionals saying he is fitting in perfectly).  
I can see all the emotional unavailability, the not caring about relationship, being right etc etc. All that is there staring at me.

And I feel for him and for any woman who might cross his path. Because he won't know and won't see it. But will get hurt (and hurt someone else in the process)

earlgreymarl Thu 19-Jul-18 21:43:17

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I've had a busy week so heading off now , I will be back again, night fellow Cassandras!

MargaretDribble Sun 22-Jul-18 18:23:36

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This thread has made me quite sad.

DS, 23, with AS has a serious girlfriend. He says she accepts him as he is.

I want to tell her to run for the hills.

I think of my mother, longing for my father to be romantic (never happened) and although he was very self-contained and never difficult he was 'just there'. I was stunned at school to discover the relationships other girls had with their fathers. He had strong aversions to smells, eg furniture polish, washing powder, perfume (which I have myself to some extent) and my mother had to be careful what she used.

They lived apart for many years, although they stayed friends.

This thread just made me see the reality. DS' girlfriend knows quite a bit about autism, but knowing about it and living with it are two different things.

[the above is from an open forum, where autistic voices are silenced selectively]

The segregation is not a helpful way to offer insight into the relationship, autistic people are better positioned to offer insight on relationship with themselves and it is done in non-segregated spaces. The segregation is based on discriminatory and degrading model of relationship and falsehoods promoted by autism hate groups, it is not a legitimate distinction and goes against the laws on equality, autonomy and freedom of speech.

All groups that spread and amplify discrimination and prejudices, groups where a harmful discourse is validated and normalised, which act as echo chambers for disability hate and malicious stereotypes. This needs to be disrupted. Once disability hate and ableism is 'validated' within the closed group, individuals transfer their attitudes and beliefs to real life in other parts of society, including employment, education.

**Question 7a: What specific requirements might be appropriate to apply to private channels and forums in order to tackle online harms?**

Stringent rules and moderation guidelines based on Equality, human rights and generally the law. Segregation or silencing of a disabled group should not be allowed, it is not a legitimate way to discuss a topic. Moderation guidelines shouldn't protect hate speech by criteria like being 'unsupportive' of the harmful discourse.

Enforcement of moderation guidelines

Independent external auditing

Consistent application and fair treatment of all users / minority groups

People with discriminatory prejudices should not be able to expect 'safe spaces' for public expression of hate and discrimination online. Group discussions and social media platforms are public spaces.

**Question 8: What further steps could be taken to ensure the regulator will act in a targeted and proportionate manner?**

Have a targeted open consultation to review hate speech and harmful content involving groups currently not enjoying good protection, like autistic people.

**Question 9: What, if any, advice or support could the regulator provide to businesses, particularly start-ups and SMEs, comply with the regulatory framework?**

Provide a toolkit

Develop a network of voluntary organisations that could advise on the harm. In respect of autism these are autistic lead self-advocacy organisations. Autism hate groups and followers and instigators of their unethical ideologies should not be allowed to give any advice, resources or training.

The identity of advice providers should be transparent and open to complaints.

**Question 10: Should an online harms regulator be: (i) a new public body, or (ii) an existing public body?**

New body, not giving media power to litigate the regulator. But using the same standards as the regulator of the broadcast media.

The standard of what is harm, how to treat users and how to enforce compliance should be the same as with broadcast media. Internet is wide reaching and has the amplifying, cascading power, it is more akin to broadcast media in its reach and impact, than to printed press, unless press is discussed in a broadcast.

**Question 10a: If your answer to question 10 is (ii), which body or bodies should it be?**

**Question 11: A new or existing regulator is intended to be cost neutral: on what basis should any funding contributions from industry be determined?**

Harm is an externality that the industry must internalise

It is a return to the level playing field with off-line world.

The industry must not derive profits from discrimination, dehumanisation and hate.

People with high functioning autism are wanting to work, to have fulfilling lives, to live independently, form families and raise their children without suffering from unemployment, depression and suicidal thoughts. The cost of high functioning autism is the cost of stigma, exclusion, discrimination, bullying, emotional abuse. It is the cost of attitudes to autism. Industry must pay their fair share of the cost of disability. Tackling hate is a small fraction.

**Question 12: Should the regulator be empowered to i) disrupt business activities, or ii) undertake ISP blocking, or iii) implement a regime for senior management liability? What, if any, further powers should be available to the regulator?**

to **i) disrupt business activities** that derive profits from harm. Sellers of discrimination, abuse and death should not be allowed to operate anywhere. Propagators of hate and ableism should not be more profitable and attractive to the platform than their victims.

**ii) undertake ISP blocking** of hate organisations, hate forums, and content that organisations failed to remove after direct users complaints. Platforms should have

**iii) implement a regime for senior management liability**, if in full knowledge after consideration they decide to protect the harmful content or failed to put in place adequate practices. This is a deliberate corporate decision.

**Question 13: Should the regulator have the power to require a company based outside the UK and EEA to appoint a nominated representative in the UK or EEA in certain circumstances?**

Yes, if UK or EEA law offers higher protection to the public than the overseas jurisdiction, online platforms should be subjected to the rule of law and the public should be protected, a nominated representative should be an acknowledgement of UK jurisdiction. Powerful corporations should not be seen to escape the rule of law and democratic institutions. Democratic institutions should be seen to use their powers e.g. by keeping the representative to account.

**Question 14: In addition to judicial review should there be a statutory mechanism for companies to appeal against a decision of the regulator, as exists in relation to Ofcom under sections 192-196 of the Communications Act 2003?**

No, they have too much power as it is, the new regulatory regime should not give the powerful corporations the instrument to dwarf the regulator.

**Question 14a: If your answer to question 14 is 'yes', in what circumstances should companies be able to use this statutory mechanism?**

**Question 14b: If your answer to question 14 is 'yes', should the appeal be decided on the basis of the principles that would be applied on an application for judicial review or on the merits of the case?**

**Question 15: What are the greatest opportunities and barriers for (i) innovation and (ii) adoption of safety technologies by UK organisations, and what role should government play in addressing these?**

Barriers are absence of monetary incentive – why do anything to remove hate speech, there is no law to enforce it and the fuzziness of the concept of what is ‘harm’ and ‘hate’ . There should be clear criteria, and code of practice for their interpretation.

Adoption is also slow due to monetary disincentive. The organisations don’t want to alienate one group in the effort to please another. They need a clear message by law and from the regulator, whose side they should be taking.

**Question 16: What, if any, are the most significant areas in which organisations need practical guidance to build products that are safe by design?**

Defining objective and lawful and accepted by vulnerable users criteria of what is harm to particular groups. The guidance should come from civil society organisations formed by those groups. In case of autism by autistic- led organisations.

**Question 17: Should the government be doing more to help people manage their own and their children’s online safety and, if so, what?**

Force by law the availability of certain settings.

Hate groups should not be allowed to masquerade as ‘support’ groups.

Media should be held accountable and people aware of warped hateful narratives of disability and autism in particular.

The idea that life with disability is worthless is one, but the idea that disability, e.g. autism by it’s very existence cause ‘trauma’ and ‘abuse’ to people who come in contact to them<sup>36</sup> that autistic people are ‘burdens’ whose families are ‘victims’ is also a warped, ableist and dehumanising denial of autistic people’s right to exist.

**Question 18: What, if any, role should the regulator have in relation to education and awareness activity?**

Identify and debunk clearly the warped narratives of disability, which in the final analysis devalue, deny human rights to disabled people and thus incite to discriminate and to harm. This is particularly necessary for autism<sup>36</sup>, in consultation with autism led organisations.

As David Perry wrote (<http://edition.cnn.com/2014/11/10/opinion/perry-autism-london-mccabe/>):

In all cases of violent crime, but especially those involving people with disabilities and their caregivers, we need to mourn the victims, rather than explain away their deaths.

Unfortunately, whenever these terrible kinds of tragedies take place, which they do far too often, we do just the opposite. Stories about lack of support services position children with disabilities as burdens to their families. They portray the crime as understandable...The children, or at least their disabilities, become responsible .... Such stories do not just erase the victims, they are also generally inaccurate. In fact, this kind of killing is typically driven

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<sup>36</sup> The so called Cassandra and pseudo diagnosis of ‘Ongoing Traumatic Relationship Syndrome’.



not by a lack of services, but by a warped understanding of disability itself. The common thread is not lack of services, but the parents' own views on disability. According to Ari Ne'eman, president and co-founder of the Autistic Self Advocacy Network, ... parents who have been "inculcated into an ideology .."These parents do not enter into this ideology accidentally. Ne'eman criticized the huge industry dedicated to the eradication of autism...

Awareness and education about disability hate crime including harmful abusive disability hate content being created by family members. People should be educated at enabled to report it.

Family members creating abusive harmful content online reflecting their abuse without knowledge and consent of disabled people, which is then condoned and encouraged by multiple perpetrators online is a known feature of disability hate crime and crime against autistic people.

Individuals are converting their personal grudges and frustrations, prejudices and discriminatory interpretation of their experiences with autistic partners into 'knowledge' of autism claim the public conversation about autism as safe spaces for themselves to advocate and 'validate' abuse, channel prejudice, and malicious stereotypes based on their 'experience'. But personal experience cannot justify discriminatory treatment, degrading dehumanising statements and spreading of falsehoods about autistic people as a group. Especially if the supposedly autistic family member was assessed as NOT being autistic. Channelling frustration into discriminatory dehumanising attitude towards family members is emotional abuse. It is a choice, it is an ableist interpretation of the experience, an enactment of a prejudice, expressing it online is a behaviour. It is not a legitimate 'need', it cannot be accepted as 'advice' and should not be protected and supported.

Autistic victims of narcissistic and domestic abuse are conditioned to blame themselves<sup>16</sup>. "due to years of conditioning I automatically think a problem is my fault and try to fix it, to be less of a burden or inconvenience to those around me. ... since we've been conditioned to believe we're burdens." "the person I was involved with certainly made me feel that he was the victim."

The role of family members in offending against autistic people is well established<sup>18</sup>. CPS guidance on disability hate crime states that perpetrators are often partners, family members, and carers, .. Offending by persons with whom the disabled person is in a relationship may be complicated by emotional, physical and financial dependency and the need to believe a relationship is trusting and genuine, however dysfunctional.

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

## Common Factors in Disability Hate Crime

When building cases, it may assist prosecutors to be aware of a number of common features in disability hate crimes:

- Incidents escalate in severity and frequency. There may have been previous incidents, such as: financial or sexual exploitation; making the victim commit minor criminal offences such as shoplifting; using or selling the victim's medication; taking

over the victim's accommodation to commit further offences such as taking/selling drugs, handling stolen goods and encouraging under-age drinking.

- Opportunistic criminal offending becomes systematic and there is regular targeting, either of the individual victim or of their family/friends, or of other disabled people.
- Perpetrators are often partners, family members, friends, carers, acquaintances, or neighbours. Offending by persons with whom the disabled person is in a relationship may be complicated by emotional, physical and financial dependency and the need to believe a relationship is trusting and genuine, however dysfunctional. Where perpetrators are partners, or live with the disabled person and are either members of the same family or have previously been partners, the offence of Controlling or coercive behaviour may apply: see legal guidance on [Controlling or Coercive behaviour in an Intimate or Family Relationship](#).
- Carers, whether employed, family or friends, may control all or much of the disabled person's finances. This provides the carer with opportunities to abuse, manipulate and steal from the disabled person.
- There are a number of common triggers for crimes against disabled persons, for example: access or equipment requirements, such as ramps to trains and buses, can cause irritability or anger in perpetrators; perceived benefit fraud ; jealousy in regard to perceived "perks", such as disabled parking spaces.
- Multiple perpetrators are involved in incidents condoning and encouraging the main offender(s) - for example, filming on their mobile phones and sending pictures to friends or social networking sites.
- False accusations of the victim being a paedophile or "grass".
- Cruelty, humiliation and degrading treatment, often related to the nature of the disability: for example, blindfolding someone who is deaf; destroying mobility aids.
- Barriers to, and negative experience of, reporting to criminal justice agencies, which leads disabled people to feel that they are not being taken seriously.
- Disabled people have a tendency to report incidents to a third party rather than to the police.