Written evidence submitted by Professor Thom Brooks

Effectiveness of current legislation and law enforcement policies

There are limits on what legislation can achieve in most areas. It is unclear whether the current situation would be substantively improved by new legislation. I was invited a few years ago by Steve Rotheram MP for a roundtable considering draft CPS guidance on prosecuting online trolling – and the collective mood I supported was favourable to the CPS approach.

The key issue is more making the most of the laws and policies already in place than returning to the drawing board. Despite CPS guidance on prosecutions for social media-related offences, still little awareness of this guidance among general public. Great communication could benefit victims by informing them of their rights, but also help deter would-be offenders by informing them of the seriousness of their actions and potential consequences of it.

Reducing barriers to reporting hate crime

There may little stigma about hate crimes as crimes – most in society realise their illegality even if disagree about what should constitute hate crimes – but there is a reluctance by victims to report crimes against them. A key reason is the concern their efforts can expose them to greater risks of harm with no clear benefits.

Given increasing concerns about hate crimes, there may be scope for Parliament to consider establishing a Hate Crime Offenders Register along the lines of the Sex Offenders Register – and to similar effect.¹ Anyone on a Hate Crime Offenders Register could be restricted from working with children and/or working in certain professions. This seems sensible, mirrors current policies in place and would help send a clearer signal of how serious these offences are.

The role of social media companies

Social media companies now regularly have procedures their users can follow where it is alleged a hate crime may have taken place. These procedures are not always easy to locate and not satisfactorily advertised to their users – indeed, much more can be done to promote online safety more broadly.

One problem is that where procedures are enacted little can follow. An analogy is some shops prosecute all shoplifters, but social media companies seem unwilling to play a part in helping prosecute hate crimes. As a political columnist and advisor specialising in

immigration, I have been subject to a small number of threats made online. These were mainly on Twitter. More than once I reported threats of violence against me as a migrant (but now also a British citizen) and each time it came to little more than a swift decision to do nothing against alleged perpetrators and leave it to me to take things forward.

Social media companies may not have a duty to render our communities hate-free, but they have an obligation to maintain the safety of their users. This seems breached by their conduct, if anecdotal feedback and personal experiences are anything to go by.

Short of enforcing penalties on these companies, Parliament might add pressure on them by requiring quarterly reporting of complaints or an official review into how complaints are handled to ‘nudge’ firms into taking a lead on more effective self-regulation.

BRIEF BIOGRAPHY AND CONTACT INFORMATION

Thom Brooks is Professor of Law and Government & Head of School at Durham University’s Law School. An immigrant and naturalised British citizen since 2011, Brooks is a leading expert on immigration law and policy appearing 100+ times on television or radio over the last 12 months on BBC News, ABC News 24, CNN, ITV, Sky News, BBC Radio 4, BBC 5 Live and all leading UK newspapers.