Written evidence submitted by the
Independent Academic Research Studies (IARS) International Institute

Open Letter to the Home Affairs Select Committee by Dr. Theo Gavrielides,
IARS Founder & Director

Violence in all its forms is a matter of concern. However, violence that also corrupts our ability to function and live together as a society, and denies our humanity and value as human beings is a cause for even greater concern. Hate crime is one example. It is a complex societal phenomenon that cannot be address through the law alone.

Therefore, I am pleased to submit a response to your inquiry on behalf of the IARS International Institute. I have focused our submission on issues that I believe will complement other statements while using evidence from our existing and past projects as an international research institute that is registered as a charity and has no political allegiances.

As I write this submission and following the EU referendum, Britain is divided. Hate crime reports to the UK police forces increased by 42% in the week before and after the vote. The decision to leave the EU seems to have given to some groups “the license to behave in a racist or other discriminatory way,” the chief constable of the Police Service of Northern Ireland said. A divided country is a weak country whether this relates to its finances, housing market, currency, foreign and social policies. Uncertainty creates fear and fear creates tensions. At the same time, our cities, society and businesses have been hit by unprecedented waves of hate incidents. Ignorance and misinformation once again have led selected groups to act shamefully, when the British are known to the world for their tolerance, deep commitment to human rights and their passion for education and knowledge. As a Greek Londoner myself, I fear for what is yet to come for my family, my international staff team, my volunteers and students ... myself. Therefore, your Inquiry could not be more timely.

We welcome the new Home Office Action Against Hate: The UK Government’s plan for tackling hate crime (2016). However, we were disappointed to see that the Law Commission’s recommendations on the review of aggravated offences provisions and recording of s145 and s146 enhanced sentencing provisions on PNC were not included (Govt still ‘reviewing’ them).

At the same time we believe it is is naïve to believe that the law alone can bring social justice and address the underlying factors that lead to hate incidents. History has shown that it is through the result of millions of small actions that we change the status quo. These
are mostly undertaken by people not in government or with power. The role of civil society has long been underestimated and it is now becoming clearer that without the NGOs, movements and campaigns that comprise it, governments and other vessels of power would not be held accountable. It is also important how we accept “social justice” and “justice” and how much room we allow those in power to manoeuvre.

Critical race theory teaches us that the structured means of delivering justice through the law are born with the intention of maintaining racial hierarchy (Zuberi, 2011). It also “offers an opportunity to imagine processes that challenge these systems of domination” (Zuberi, 2011: 1578). Some have also argued that the differences between black and white people are so stark that attempts to reconcile differences through dialogue are bound to be hindered (Kochman, 1981; Davidheiser, 2008).

Research that we have undertaken at the IARS International Institute suggests that there are complementary, community based approaches to hate incidents that must be considered. One of these alternatives is restorative justice. This is possibly an emergent different sort of power which Foucault (2008) would refer to as ‘biopower’. This biopower “targets living subjects, deploying pastoral, governmental and normalising power techniques that are different from, but operate in complex relations with sovereign model of criminal justice (2011: 25). Without abolishing what we have, restorative justice and other forms of bottom up justice can act as “counter-public” (Woolford and Ratner, 2008) fostering democratic ways for people to confront the subtle co-optations of a governmentalized, white state and its articulated visions of justice.

I acknowledge the difficult task that you are undertaking and thus I wish you the very best in your endeavour. The IARS International Institute and myself are at your disposal should you require clarifications and further evidence. As a membership organisation we also aim to share this submission with our members and database subscribers. We would also be happy to share any response that you might have to what we have proposed.

Best wishes

Professor Theo Gavrielides
IARS Founder and Director
About the IARS International Institute

The IARS International Institute is a user-led charity with a mission to give everyone a chance to forge a safer, fairer and more inclusive society. Led by its founder and Director, Professor Dr. Theo Gavrielides, and staffed with an expert and dedicated team of researchers, interns and volunteers, IARS achieves its charitable aims by producing evidence-based solutions to current social problems, sharing best practice and by supporting young people and the community to shape decision making. IARS is an international expert in user-led research, evaluation, human rights and inclusion, citizenship, criminal justice and restorative justice. We deliver our charitable mission:

- By carrying out action research and evaluation that is independent, credible, focused and current
- By acting as a network that brings people and ideas together, communicates best practice and encourages debates on current social problems
- By supporting the individual (with an emphasis on young people) to carry out their own initiatives to shape decision-making
- By being an authoritative, independent and evidence-based voice on current social policy matters
- By thorough, high quality user-led (youth-led) evaluations, increasing the effectiveness of how organisations work and deliver

IARS was set up by volunteers as a user-led and user-focused think tank with an emphasis on changing society from the bottom up through evidence. IARS’ stated vision is ”a society in which everyone is given a chance to actively participate in social problem solving”. Our Mission is ”to give everyone a chance to forge a safer, fairer and more inclusive society”. We do this by producing evidence-based solutions to current social problems, sharing best practice, and by supporting young people and the community to shape decision-making from the bottom-up. We believe that the best solutions to social problems are found in those who are directly affected by them. We were founded upon the principles of user & civic participation; restorative justice and dialogue; individual empowerment and responsibility.

About this Submission

IARS has a strong history of youth-led research, policy and advocacy in relation to combating the causes and consequences of hate crime. This has included:

- Hosting the youth-led 99% Campaign, a youth-led initiative and digital participation programme aiming to make society more inclusive, fair and responsive to young people’s views and realities. It achieves its mission by giving direct voice to the most marginalised young people to talk about matters that most affect them, including hate crime, and by dispelling negative stereotypes.
- Our London Youth Now programme, an awareness raising and training project funded by Big Lottery and aiming to ensure that young people and organisations working with them can tackle race hate crime and promote community cohesion.
• Facilitating our own **Youth Advisory Board** enabling young people to have direct input into and shape public opinion on matters such as hate crime.

• Conducting a **5 year evaluation** of a programme under the Anne Frank Trust’s Realising Ambition programme which utilises schools-based peer-education and volunteering to challenge prejudice and prevent a move towards hate-related offending.

• Assisting **London Probation Trust** over 2 years to review their services to Black and minority ethnic offenders to embed racial equality, translate findings into strategies, and develop a training tool that is now being delivered to probation staff across England.

• A **youth-led written response** to the Law Commission’s 2013 public policy consultation into ‘Hate crime: the case for extending the existing offences’.

This submission draws on such experience to communicate a genuine youth perspective on existing systems aimed at addressing hate crime as well as government proposals for future action. It is also supported by the experience of IARS’ Founder and Director, Dr Theo Gavrielides, who spent seven years as a member of the Crown Prosecution Service Scrutiny and Hate Crime Panel and has produced the following works:


Key points raised by young people who have participated in our research over the last several years have consistently included:

• **That the current law is unfair and out of date** as it treats hate crimes motivated by hostility on the basis of race or religion differently from those motivated by hostility on the basis of sexual orientation, transgender identity, or disability.

• **That the 'hate' aspect of hate crime offences should be recorded on offenders' criminal records**, along with the act committed, in order to recognise the dual nature of the offenders' wrongdoings.

• **That changes in legislation are unlikely to prevent hate crimes or encourage victims to report them** because most people are unaware of the detail of the law.

• **That the government needs to do more to educate young people** about race, religion, sexual orientation, transgender identity, disability, and the interaction of these factors with hate crime.

These will be discussed in further detail below in response to the inquiry’s Terms of Reference.
Hate Crime: conceptual challenges for the law and social policy

Looking at bias-motivated violence ("hate crime"), despite it being with us since the first human aggregations (see Michalowski, 1985), is a relative new area of criminological and legislative interest (see Levin & McDevitt, 1993). Hence, there are still many gaps for academia, policy and practice (see I ganski, 2008; Chakraborti, 2010).

In criminal law and in most jurisdictions, there is no criminal offence of hate crime per se. Hate crime is a legal category, which describes bias-motivated violence. There are a number of specific offences (i.e., assault, injury, murder) where, if the prosecution is able to prove an element of racial/ faith/ homophobic/ disablism/ transphobic/ ageist/ nationalistic/ gender-based aggravation, the accused is liable to receive a higher sentence, if found guilty. Arguably, this is a progressive legal understanding, as many legal jurisdictions do not extend it to equality strands other than race, religion and sexual orientation (see Gavrielides, 2007; 2010).

In the UK a hate crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on one of the five following personal characteristics:¹

- Disability
- Transgender identity
- Race
- Religion
- Sexual orientation.

The law responds to hate crime in three ways:²

- Through aggravated offences contained in the Crime and Disorder Act 1998. They allow perpetrators of certain “basic” offences, such as assault and harassment, to be charged with an aggravated form of the offence if they demonstrated or were motivated by hostility on the basis of race or religion. The aggravated offences carry longer maximum sentences than the underlying or “basic” offences they relate to;
- Through offences of stirring up hatred contained in the Public Order Act 1986. The offences prohibit certain types of conduct intended or likely to stir up hatred on grounds of race, religion and sexual orientation
- Through enhanced sentencing under sections 145-146 Criminal Justice Act 2003, where an offence has been committed and the defendant demonstrated, or was motivated by, hostility on the grounds of any of the five protected characteristics.

¹ Home Office, Action Against Hate: The UK Government’s plan for tackling hate crime (2016).
² Home Office, Action Against Hate: The UK Government’s plan for tackling hate crime (2016).
The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence

In recent years the question of reforming hate crime legislation has been looked at in some detail. Over the same period, IARS has conducted numerous consultations with young people through its various projects described above and the message has been very clear. The young people we have worked with have been strongly in favour of both reforming enhanced sentencing powers and of extending the aggravated offences provisions to cover all protected categories as a way of more effectively prosecuting hate crime and its associated violence. At the same time, however, participants did not believe that legislative changes alone would be an effective way of preventing hate crime and increasing reporting of hate crime incidents.

We acknowledge that in recent years there have been some much welcomed reforms including:

- The publication for the first time of detailed findings from the Crime Survey on the extent of hate crime in England and Wales.
- Improvements in police recording of hate crime and the publishing of this data as official statistics.
- Funding for voluntary sector projects to support victims of hate crime.
- Amended legislation to extend enhanced sentencing provisions to cover all five protected categories as aggravating factors.

However, there are still significant unresolved issues. While the newly released Action Against Hate: The UK Government’s plan for tackling hate crime includes some useful ways forward for achieving progress in certain areas, we were disappointed to see that legislative reform was not given serious consideration aside from the indication that the Government is still considering the recommendations from the Law Commission’s 2014 inquiry into the issue.

Enhanced sentencing

The Law Commission’s 2014 final consultation report on hate crime found that:

“The enhanced sentencing system is a potentially powerful weapon in the fight against hate crime. Its communicative power lies in the requirement that the judge declares in open court that the offender’s sentence has been increased because the hate element has made the offence more serious. But it is being under-used and no adequate record is made of cases where it has been applied. If reformed, it could be an effective response to crimes involving hostility based on transgender identity, sexual orientation and disability. We recommend two reforms which we believe will help the system of enhanced sentencing achieve its full potential:

- New guidance from the Sentencing Council on the sentencing approach in hate crime cases
- Every time enhanced sentencing is applied, this should be recorded on the offender’s criminal record in the Police National Computer (PNC) so that the record will show the offence was aggravated by hostility, just as it would show a conviction for an aggravated offence. These reforms should be introduced whether or not aggravated offences are extended.”
The young people we have worked with strongly agreed that a record of the use of section 145 and 146 should be made to appear on the Police National Computer and on the offender’s record. Among the reasons given for taking this position, participants emphasised accountability and safety as two key points.

In relation to accountability, participants argued that it was important to record the fact that the perpetrator of a hate crime had committed two wrongs: the crime and the hostility on the grounds of some perceived characteristic of the victim. Recording the use of sections 145 and 146 was felt to achieve this by ensuring that perpetrators' criminal records reflected the dual nature of their wrongdoing. Some argued that this measure would help to change the attitudes of perpetrators by “sending a message to them that they had hurt the victim for the rest of their life”.

The young people we worked with were also positive about the recording of use of section 145 and 146 on the basis that it would help to ensure the safety of members of the five protected groups in the future. As crimes involving hostility towards those groups would show up on a CRB check, it was felt that potential employers could then more accurately assess ex-offenders' suitability for positions that would involve contact with members of the protected groups.

Given that not all hate crimes committed against members of the five protected groups are the kinds of offences that could be prosecuted as aggravated offences, our young people agreed with the Law Commission’s recommendation that the reforms to the enhanced sentencing provisions should be implemented regardless of whether or not the aggravated offences are extended.

**Aggravated Offences**

The Law Commission’s 2014 final consultation report on hate crime found that:

“In principle, the aggravated offences should apply equally to hostility based on race, religion, transgender identity, sexual orientation and disability. The current inequality would have been a sufficiently strong reason to recommend the immediate extension of the offences, were it not for the serious concerns some consultees have raised about problems with the aggravated offences and unnecessary complexities in their form and operation. Alterations would also need to be made to ensure the “basic” offences listed were suitable for tackling hate crime against disabled, LGB and transgender people. As our terms of reference only allowed us to consider extending the offences in their current form, we could not look at these questions in this project.

Therefore, prior to any extension of the offences, we recommend a full-scale review of their operation. Such a review should examine all the available data to establish whether such offences – and the enhanced sentencing system – should be retained in their current form or amended.

If our recommendation for a wider review is not supported by Government, we recommend in the alternative that the aggravated offences be extended to disability, sexual orientation and transgender identity.”

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3 http://www.lawcom.gov.uk/project/hate-crime/

The young people we have worked with strongly agreed that the aggravated offences ought to be extended to cover disability, sexual orientation, and transgender identity. Most of the young people clearly interpreted the aggravated offences, with their longer maximum sentences and unique name of offence, as a “tougher” set of laws than the enhanced sentencing powers. They believed that the application of these stronger laws to some kinds of hate crime but not others was profoundly unfair. It was felt that having different laws for race and religion than for sexual orientation, transgender identity, and disability set up a 'hierarchy of suffering', implying that the former two characteristics were more worthy of protection than the other three. As one young person put it, “the idea that crimes motivated by hostility on the basis of some parts of your identity are treated more seriously than crimes against other parts of your identity is ridiculous”.

The discrepancy between the protections for different groups led our young people to view the legislative provisions as “old-fashioned”. Legislation that appropriately reflects society today, they believed, should take into account the fact that one's sexual orientation, transgender identity, or disability are now societally considered to be characteristics as worthy of protection as one's race or religion.

**Restorative Justice**

As important as legal protections are for prosecuting hate crime, in order to prevent re-offending, and challenge discriminatory attitudes in their communities, the young people we worked with felt

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[5](http://www.lawcom.gov.uk/project/hate-crime/)
strongly that restorative justice (RJ) should be undertaken with perpetrators of hate crime. RJ was reborn in the 1970s to start an unprecedented volume of academic and policy discussions on its potential. The term was coined by Eglash (1977) who distinguished three types of criminal justice: retributive, distributive and restorative. According to Eglash, retributive and distributive justice focus on the criminal act, are informed and dependant on the law, deny victim participation in the justice process, and require merely passive participation by offenders. On the other hand, RJ, he said, focuses on restoring the harmful effects of these actions, it is not dependant on the law, and it actively involves all parties in the restoration process. RJ provides “a deliberate opportunity for offender and victim to restore their relationship, along with a chance for the offender to come up with a means to repair the harm done to the victim” (Eglash, 1977, p. 2).

Braithwaite (1997; 1999), Sullivan (1998) and Zehr (1990) spoke about the transformative potential of RJ and its ‘changing lenses’ of how we view crime. Barnett spoke about a ‘paradigm shift’, claiming that we are living a “crisis of an old paradigm” and that “this crisis can be restored by the adoption of a new paradigm of criminal justice” (1997,:p. 294). Christie (1997) argued that RJ returns “conflicts as property” to the parties involved, taking them away from lawyers.

A number of definitions have since been developed for RJ, which is now seen by many as an integrated approach rather than as an abolitionist concept. For instance, “RJ is an ethos with practical goals, among which is to restore harm by including affected parties in a (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue” (Gavrielides, 2007,:p. 139). Gavrielides argues that RJ “adopts a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals” (p.139).

Hate crime has traditionally been treated as a ‘grey area’ for RJ. There are fears among policy makers, politicians and certain groups within society that the relationship between hate crime offenders and victims is dominated by an irreconcilable power imbalance (Yantzi, 1998; Penell & Francis, 2005; Walters & Hoyle, 2010). For this reason, some feminists and victim advocates dismiss RJ altogether as they believe it can re-victimise vulnerable groups (Stubbbs, 2002; Acorn, 2004; Hopkins & Koss, 2005). Some others claimed that perpetrators of hate crime fall within a special category of criminological interest, where criminal behaviour is examined as a phenomenon that is attributed to deep-rooted causes that can only be dealt with through the strictest laws (McDevitt et al, 2002). Racist perpetrators, for instance, might not be easily susceptible to rehabilitative and community-based approaches, while victims may be exposed to further victimisation if brought in contact with them – irrespective of how remorseful the perpetrator may seem to be.

This area of RJ practice also remains under-researched (Hopkins et al, 2004; Walters & Hoyle, 2010; Gavrielides, 2010). Therefore, both advocates and opponents of RJ have called for further investigation (Yantzi, 1998; Stubbbs, 2002; Penell & Francis, 2005; Gavrielides, 2007). Based on the premise that the RJ rhetoric should be on the development of RJ’s processes and principles and not on the superiority of its paradigm, this paper aims to take the debate on RJ with hate crime cases forward.

It is known that while most hate crimes involve relatively minor offences (e.g., graffiti, egg throwing, name-calling, intimidation and vandalism), their impact can be much greater and long lasting depending on how the victim and the community perceives them (Mason-Bish, 2010). These
nuances are not always captured by legal definitions of hate crimes, which tend to be dominant in criminal justice policy and practice (Chakraborti, 2010).

Nevertheless, this did not hinder practitioners within the criminal justice system (e.g. probation officers) and in the community from piloting conferences, mediation and other RJ programmes most of the times without any government support (e.g., see Select Committee, 2006; Gavrielides, 2007; 2010; Chakraborti, 2010).

IARS Director and Founder, Dr Theo Gavrielides, has examined the application of RJ to hate crime and found that it has so far been a useful tool for dealing with less serious hate crime incidents. A selection of case studies examining how restorative justice can be effective in repairing the harm of hate crime can be found in Gavrielides 2009 article ‘Restoring relationships: hate crime and restorative justice’.

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<tr>
<th>LOCATION</th>
<th>INCIDENT</th>
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<th>PARTIES INVOLVED</th>
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<tr>
<td>Minnesota, US</td>
<td>Racist incidents within a school</td>
<td>Direct/ indirect mediation, RJ letters, conferences</td>
<td>150 students, their families, teachers, school personnel</td>
<td>Avoided litigation, encouraged school cohesion, updated school policy</td>
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<td>Israel and the occupied territories</td>
<td>Hate crime and act of terrorism</td>
<td>Direct victim offender mediation</td>
<td>Two Arab hate crime offenders, Jewish victim, Probation Service</td>
<td>Settlement of the case in lieu of penal conviction, victim and their family satisfaction achieved</td>
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<tr>
<td>Southwark, London, England</td>
<td>Hate offences (mostly racist violence and homophobia)</td>
<td>Direct and indirect mediation, letters of apology</td>
<td>Juvenile and adult perpetrators of hate incidents and victims, community</td>
<td>Case diversion, settlement in lieu of penal conviction, victim satisfaction, reduction in recidivism</td>
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<tr>
<td>Oregon, US</td>
<td>Racism and xenophobia following September</td>
<td>Direct mediation and follow up</td>
<td>Muslim victim and White male offender, the community and</td>
<td>Case diversion, settlement in lieu of penal conviction, reintegration, victim</td>
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<tr>
<td>Rwanda</td>
<td>Genocide</td>
<td>Direct and indirect mediation, reconciliation committees</td>
<td>Genocide and hate crimes involving Tutsis and Hutus</td>
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<td>Slough, England</td>
<td>Inter-racial tensions between Sikh and Muslim communities</td>
<td>Direct and indirect peer mediation</td>
<td>Groups of young people among whom conflict was identified as a problem</td>
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<tr>
<td>Lambeth, London, England</td>
<td>Bullying in schools (racist, homophobia, disabling)</td>
<td>Peer mediation, staff mediation and restorative conferences</td>
<td>Pupils, school personnel, the police</td>
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In Summary, RJ and hate crimes are relatively new phenomena and their nature remains fluid and evolving. This presents challenges for policy makers, practitioners and researchers. To win the battle against hate crime and its consequences—whether at a local, national or international level—there must be a breakdown of the stereotypes, attitudes and worldviews that foster it in the first place. As illustrated by the case studies above, this battle is being fought on a daily basis not only by criminal justice agencies, but also within schools, places of worship, families, person-to-person relationships and community based organisations. RJ seems to offer one form of dialogue that may help break down the fears, stereotypes and causes of hate crime.

Gavrielides’ case studies also suggest that the application of RJ with hate crimes is widespread, but inconsistent and piecemeal. Existing practices are diverse and stretch from minor, one-to-one hate incidents to more complex inter-community conflicts. Further research will need to be carried out to identify the full potential of RJ within the wide range of contexts within which hate crime occurs.

The role of social media companies and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating.

Online hate crime is a fast growing phenomenon and one that has a particularly significant impact on young people. A new report ‘Post-referendum racism and xenophobia: the role of social media activism in challenging the normalisation of xeno-racist narratives’® shows us how social media
companies and online platforms can provide an additional tool with which hate crime can be addressed.

The report provides analysis of data collected in the weeks after the EU referendum by social activists across Twitter (#PostRefRacism), Facebook (Worrying Signs) and an online mapping tool (iStreetWatch) that tracks racist and xenophobic harassment in public spaces. The report found that:

- Abuse aimed at people of non-European BAME backgrounds made up the largest group of reported incidents, nearly a third of the total (31%). Furthermore, the single ethnic group that reported the most incidents was South Asian (16% of total). Around a fifth of the abuse aimed at this group was also islamophobic.
- Eastern Europeans and Western/ Southern Europeans make up the second most affected group, with 21% of incidents. The largest nationality, most often specifically recorded within this group was Polish, making up 40% of all ‘European’ victims.
- While abuse aimed at Eastern/ Western/ Southern Europeans often followed the victim speaking a different language, or speaking with an accent, almost all abuse aimed at BAME victims was race-related.

The authors noted that while “the platforms are not intended to replace existing hate crime reporting and monitoring mechanisms. Instead they seek to harness the potential of the online commons to raise awareness for the spike in racist and xenophobic hate crimes following the referendum, as well as encourage reporting, speaking out and bystander support”. ⁹

Social media and other online platforms provide a unique public space for sharing stories and encouraging and supporting reporting by both victims and bystanders. Within the persisting context of under-reporting to the police or third party reporting centres, social media and other online platforms provide an additional source of evidence for tracking the nature of hate crime in the UK.

The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates

Challenges to reporting hate crime still persist, as demonstrated by the significant divergence between the results of the Crime Survey for England and Wales (CSEW) and Police Recorded Crime, as it relates to levels of hate crime. For example, according to the CSEW there was an average of 222,000 hate crimes each year from 2012/13 – 2014/15 yet the number of crimes recorded by police in 2013/14 was 44,471 and in 2014/15 Was 52,528. Most commonly, under-reporting relates to perceptions amongst victims that the police will not take the incident seriously, that verbal abuse is not that serious or that because they cannot identify the perpetrator there is no point in reporting it.

The CSEW confirms that victims of hate crime are likely to be less satisfied by the response they receive from criminal justice agencies compared to victims of other crimes.

We are pleased to see that the Government’s new action plan for tackling hate crime has a significant focus on increasing reporting through improving awareness of hate crime and third party reporting centres, working with community groups representing those communities who under-report the most, and improving the response of police. We also welcomed the move by some forces to undertake Proactive Recording Pilots, where crimes against disabled people are automatically considered to be hate crime, unless evidence is provided to the contrary and the subsequent review by the National Police Lead which will assess whether the is anything to be learned that will increase the recording of disability hate crime.

In addition, young people we have worked with suggested using Safer Schools Officers\textsuperscript{10} to teach young people about hate crime. Because of the relationship built up between Safer Schools Officers and students, it was felt that the Officers could encourage potential victims of hate crime that the police and the criminal justice system take these crimes seriously. This, they argued, would improve the chances that hate crimes would be reported. Similarly, a respected Safer Schools Officer could ensure that students understood the serious legal consequences of committing a hate crime and could encourage young people to see these kinds of crimes as unacceptable.

The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime

While supporting changes to legislation to improve the prosecution of hate crime, the majority of the young people we consulted were deeply sceptical of the extent to which these legislative changes would contribute towards preventing hate crime and increasing rates of reporting.

Young people argued that it was highly unlikely that potential perpetrators of hate crime would be deterred by the prospect of higher sentencing or a more serious criminal record. The young people pointed out the vast majority of people are unaware of the detail of hate crime legislation, which precludes the possibility that it could be a factor informing their decisions. Furthermore, even if people were aware of the potential punishments for hate crime, it was deemed unlikely that someone considering committing a hate crime would be put off by the threat of a higher prison.

\textsuperscript{10} http://www.justice.gov.uk/youth-justice/prevention/safer-school-partnerships
sentence or a record of their wrongdoing on their criminal record. One young person said “I don’t think that a 16 year old lad who feels inclined to smash someone over the head with a bottle because they’re gay wouldn’t do it because their criminal record would show it later”. Another added, “people don’t necessarily think about the sentence when they’re committing a crime so it might not deter them much at all. They don’t think, ‘I’m going to go out and harm this person in such a way today because that’s only X number of years in prison compared with if I do Y where I’d get way more time’.”

Similarly, the young people did not believe that legislative changes would have an impact on increasing reporting and victim access to support, as once again this was seen to rely on the supposition of an infeasibly high level of legal knowledge.

The young people came up with a number of suggestions that they believed would better achieve prevention and increased reporting, especially among young people. These focused on the positive role that education could play, both for potential victims and perpetrators and for those already convicted of hate crimes.

**Education**

The young people we consulted identified ignorance and misconception as important factors contributing to hate crime. Many felt that misunderstood cultures, sexual practices, gender identities, and disabilities sparked fear and resentment in some people who encountered them. It was felt that too little time was spent in school on the kind of ‘citizenship’ education that could equip young people with the knowledge to engage constructively with people from all walks of life.

We are happy to see an emphasis on this type of work in the Government’s new action plan to tackle hate crime.

Furthermore, young people felt that an effective way of getting through to young people like themselves was contact with people who had themselves been victims of hate crime. Victims could, through communicating their experiences, instil empathy among students, as well as highlighting the benefits of reporting incidents. The group argued that the government should do more to help forge links between schools and voluntary sector partners to enable this kind of interaction to take place.

**Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved**

We welcome the following improvements being made to the recording, measurement and analysis of hate crime:

- From April 2016 police forces in England and Wales have started to disaggregate data on religion-based hate crime and the National Policing Lead will carry out a retrospective review of religion-based hate crime data from 2015-16 to give a baseline for the figures as they stand before the improved recording.
- To obtain a clearer picture of online crime, including online hate crime, the police are now required to flag whether a crime has an online element.
However, we are in agreement with the young people we have worked with and the Law Commission that the use of section 145 and 146 in aggravated sentencing should be recorded on the Police National Computer and the offender’s record.

To reiterate our comments above, the analysis of data gathered from social media and other online platforms should also be viewed as an additional important tool for mapping the nature of hate crime in the UK in real time.

The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved

From the evidence available, it is evident that victims of hate crime are often not satisfied with the support they receive. Based on the combined 2012/13 to 2014/15 surveys, the CSEW tells us that:

- 52% of hate crime victims were very or fairly satisfied with the handling of the matter, a lower proportion than for victims of CSEW crime overall (73%).
- Hate crime victims were more likely to be very dissatisfied (35%) with the police handling of the matter than overall CSEW crime (14%).
- In 59% of hate crime incidents the victims thought the police treated them fairly, compared with 81% of incidents of CSEW crime overall.
- In 79% of incidents of hate crime, victims thought the police treated them with respect, compared with 89% of incidents of CSEW crime overall.  

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A lack of satisfaction with treatment and support provided by police is alarming within the context of the reality that hate crime victims are more likely to be ‘repeat victims’ and are up to four times more likely to suffer more serious psychological impacts than victims of non-targeted crime.\(^{12}\)

We welcome the commitment made in the Government’s new action plan for tackling hate crime to continue to improve the use of Victim Personal Statements to ensure that victims of hate crime have their voices heard, have the CPS produce new guidance on community impact statements for hate crime in recognition that hate crime can have an impact beyond individual victims and lead to increased feelings of isolation or fear across whole communities, and to seek to improve the experience of witnesses at court by having the CPS will conduct a joint review with the police of Witness Care Units.

However, improving the response of police remains central to achieving a more positive level of support for victims. Consultation has shown that victims often feel more confident in the response by police when there is a hate crime liaison officer in place and as such, we are pleased to see that the Government’s new hate crime action plan confirms that the National Policing Lead on hate crime will review the location and number of specialist hate crime police officers across England and Wales. Furthermore, we also encourage efforts by the National Policing Lead and College of Policing to identify training needs for officers that will lead to better understanding and recording of hate crime and the commitment to build a training package in response.

While we welcome these initiatives, concern remains as to the level to which these will be implemented and how long progress will take. Numerous inquiries, consultations and research reports over many years have come to the same conclusions regarding the level of support provided to victims of hate crime and the impact this has on victim satisfaction, public perception and reporting rates. Yet despite a great deal of consensus in what could be done to achieve progress, little action is being taken and limited progress is being achieved.

**Recommendations**

In response to the evidence provided above, IARS makes the following recommendations:

- That the use of s145 and s146 enhanced sentencing provisions be recorded in the PNC.
- That aggravated offences provisions be extended to all protected categories.
- That the use of RJ in hate crime cases be further researched and supported.
- That social media and online platforms be recognised and supported as a unique tool for providing public space for sharing stories and encouraging and supporting reporting by both victims and bystanders and as an additional source of evidence for tracking the nature of hate crime.

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• That police continue to flag whether a crime has an online element.

• That support for third-party reporting centres is increased and that the potential role of Safer Schools Officers in teaching young people about hate crime, how to report and confirming that the police and the criminal justice system take these crimes seriously.

• That more time is spent in school on the kind of 'citizenship' education that could equip young people with the knowledge to engage constructively with people from all walks of life. Such could benefit from the development of peer schemes involving young people who have been previous victims themselves as well as greater links between schools and voluntary sector partners to enable this kind of interaction to take place.

• That police forces in England and Wales continue to disaggregate data on religion-based hate crime and that the National Policing Lead carry out a retrospective review of religion-based hate crime data from 2015-16 to give a baseline for the figures as they stand before the improved recording.

• That the National Policing Lead on hate crime review the location and number of specialist hate crime police officers across England and Wales and together with the College of Policing, identify training needs for officers that will lead to better understanding and recording of hate crime and deliver training in response.

The IARS International Institute