Written evidence submitted by HEAR Network

HEAR is the network of nearly 700 equality and human rights organisations and community groups in London. HEAR is currently hosted by REAP (Refugees in Effective and Active Partnership) and is a member of the London for All Partnership, led by LVSC. Our Policy and Campaigns project to support London voluntary organisations with policy, voice and campaigns work is funded by Trust for London.

HEARs particular expertise are pan-equality and intersectional issues; these being topics that effect members of all Equality streams and those that impact on members of more than equality stream disproportionately. We promote user-led services as the most effective and responsive way of overcoming exclusion and discrimination. Hate Crime, hate speech and harassment are of particular interest to our members.

This response compiles experiences and case-study’s from HEAR members who attend our pan-equality Hate Crime network, our 2016 conference and previous and ongoing conversations and consultations with our members. This submission is not intended to present consensus from our membership, but to highlight the knowledge, expertise and incomparable diversity of experience of London’s equality and human rights organisations and those they work with and for.

The Commons Select Committee has asked for written evidence the following issues:

The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence and the barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates. (We have combined two sections as they are effectively two sides of the same coin)

- The lack of equity in legislation/ protections creates confusion for survivors and advocates as well as law enforcement agencies.
- For example gendered violence (calling someone a bitch/silly girl/slag during an assault) and elder abuse (deliberately targeting and belittling older people) are not ‘hate crime’ despite the fact that incidents use the same tropes as other forms of hate crime (placing negativity in inalienable characteristics, and targeting perceived vulnerabilities) and has the same negative impact on survivors.
- Is creates difficulties, not only in prosecuting, but also in faith in the public and communities. Women and older and younger people feel like second class citizens under the law.
- Abuse against older people and children becomes a ‘safeguarding’ issue rather than a criminal one.
- This is/was the case for Disabled People but HEAR members hope that the Met’s Disability Hate Crime Matters and other projects shift this. Safeguarding and Anti Social Behaviour notices should not be used where Hate Crime charges and convictions are most appropriate.
- Authorities deciding that abusing, harassing or attacking certain types of individual is ‘Safeguarding’ or treating their mistreatment ‘Anti Social’ rather than ‘Violently Criminal’ is discriminatory and reduces faith in the police and CPS.
- The fact that enhanced sentencing is only for certain protected characteristics adds to this.

- Incite law is also unequal and doesn’t cover all equality streams e.g. section 4 aggravating only for race and faith.
- This lack of equity under the law also make prosecuting intersectional Hate Crime very difficult
- Section 146 gives an enhanced sentence re hate speech but only one enhanced sentence is allowed
- Women, disabled people including those with learning difficulties and mental health service users, and other intersectional people are most at risk of hate crime and harassment
- Disabled people are more likely to be a target for bullying even if it is not because they are disabled
- The increase in Islamophobia in recent years has been notably directed towards women who are perceived to be Muslim.
Confusion around knowing the law, including by agencies, reduces confidence in reporting, being protected once reported and the chance of conviction.

Currently the approach to hate crime is utilitarian i.e. what’s the benefit of reporting non-violent hate crime. If the survivor feels they will be more at risk if they report.

‘Low level’ harassment and hate speech is rarely reported

An issue with the way hate crimes are recorded is that clustering is not looked at; they are viewed as isolated incidents.

There is no legal framework of disability hate speech although there is the UN Convention on Disabled People’s Rights. Hate speech against disabled people and transgender people are not hate crimes, even though there is hate crime legislation to protect those characteristics.

Low level offences - police should be recording repeat offences. Met advises them to e.g. Disability Hate Crime Matters. Airspace - Met Police.

Under-recording vs underreporting; many examples from members about police refusing to call something a hate crime, or asking the survivor to justify why the incident is a hate crime.

This not only gives a skewed representation of incidents but also minimises the assault e.g. to the survivor it feels like the authorities are accepting of the criminal behaviour being reported is they are questioning if it is a hate crime. The police collect evidence the CPS prosecutes.

Cumulative effect of low level offences.

Communities within larger communities are not being heard- hypermarginalisation.

Migrants and refugees are not a protected class per se - immigration status come under nationality/race discrimination often faith based.

Hate Crime/ discrimination often happens to people who aren’t a member of the that protected characteristic.

Relying on online and telephone Third Party excludes the most vulnerable.

Outsourcing of police switchboards has exacerbated this.

Marginalised individuals are more likely to seek support from their community to report, therefore funding local VCS to provide 3rd party reporting in cost effective and reduces trauma and ongoing incidents.

Recommendations

☺ Create equity under the law for all protected characteristics for simplicity in prosecutions and convictions, and so all protected characteristics feel equally protected! The Law Commission recommended that there should be equality.
☺ Combine/find parallels between legislation against hate crime, incitement, harassment, stalking, elder and child abuse etc
☺ Improve ways of reporting to series of incidents just as hate crime. It should be looked at as a campaign rather than a series of isolated incidents
☺ Police provide a copy of the report for every The crime incident (like S&S) so that the survivor can see its been taken a hate crime and can follow up
☺ Increase funding for Third Party Reporting, particularly local and face-to-face services, that enable the most vulnerable to disclose and monitor hotspots and perpetrator patterns.

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

☺ Many people see online hate speech as ‘normal’, particularly those who are more likely to be subjected to it, so tend to ‘block’ rather than ‘challenge’ or ‘report’. See PRISM from ROTA.
☺ Hate speech against disabled people, and other groups, is not seen as such and police do not record it as a hate crime
☺ ‘Low level’ demonisation results in increased hate crime and more violent incidents e.g. refugees are presented as a drain on a resources, disabled people are scroungers
☺ The concept that being “foreign” allows challenges/ comments that could be hate speech often condoned by organisations – and can result in murder/assault
☺ Scotland Yard launched a new reporting button for extremism which involved Facebook representatives. The same should be done for Hate Crime.
☺ Clearly there are issues of national boundaries/ overseas authority’s issues with online over hate speech
☺ Online articles are sometimes not moderated to remove inflammatory speech e.g. Pink News and re Dale Farm travellers in the Basildon Gazette
☺ Unequal access to social media results in an imbalance in arguments/narratives online - although people assume everyone has equal access to social media
☺ Ditch the Label survey and found that disabled and LGBT people were more likely to experience online bullying http://www.ditchthelabel.org/annual-bullying-survey-2015/
☺ Hate speech perpetrators online enjoy anonymity; expose perpetrators and ask for restorative measures.
☺ The internet gives people a voice but there a lot of online communities where hate speech is abundant e.g. Reddit and 4Chan
Important to challenge inappropriate speech and behaviour

Hate speech might not necessarily be immediately obvious e.g. Katie Hopkins saying that disabled people are spending all their money on cruises, but it paves the way for violence

Twitter reporting fact! Reports from two separate accounts in 24 hours about a user with fewer than 250 followers user automatically deleted/suspended by Twitter!

There are different categories of people who say hate speech:
- Average Jo(e) - not public figures or influential
- Influential/public figures/organisations – Hopkins, UKIP, Ministers
- Friends and family – unfriend, challenge or ignore?

It should be the more influence the more responsibility not the other way round

Hate speech can also be videos/memes, it doesn’t have to be words.

Recommendations
- Promote the fact that hate speech, leads to hate crime that leads to violence
- Ministers and other public figures must to careful not to post, RT, forward statements/ memes that minimise mistreatment of certain groups or de-humanise them.
- Government should promote the ways that you can report on different platforms and compare responses from different providers
- Consider whether social media providers ‘allowing’ certain users/ statements breaks the laws relating to incitement etc.

The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime. The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved. (We have combined two sections are they are effectively two sides of the same coin)

- **VCS work pan-equality** and can address all areas of hate, not just ‘their characteristic’
- Monitoring hate speech is labour intensive and third party reporting is effective but requires funding, support to report
- VCS can tell survivors to be confident and label the crime as hate crime from the beginning when reporting to police.
- Much Hate Crime happen in the home/neighbourhood so social landlords/ALMOs should be involved and made to report incidents on their properties.
- VCS can help change the narrative
- VCS can inform people that Met/ BTP etc record reports to see patterns, hotspots, perpetrators etc and the effect the crime and the challenge has on the survivor
- Community development work important to appreciate diversity Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved.
- The VCS can do research on hate speech/incidents that is intersectional.
- People might not have a good relationship with the authorities that they are reporting hate speech to, they will come to community organisation where they have trust to disclose.
- The reduced capacity in many frontline organisations has meant that whilst there are ways to in influence the police (Independent advisory groups (IAG), Safer Neighbourhood board, MOPAC, Diamond) many VCS do not have the capacity.
- **Disability Hate Crime Matters a project of the Met with DPOs shows how working together can help.** Disabled Hate Crime with Met – increased reporting but increased prosecutions still to be seen, but early days.
- The MPS has special unit and expanded the Terror Squad’s remit and created a special button which takes you to a special reporting site for extremism. A problem is defining terms such as hate crime and also the marketing of initiatives. There is a lack of trust around PREVENT and anti-terror/extremism enforcement.
- This button should exist for all types of incitement and hate incidents.
- PREVENT is seen as institutionalising racism/islamophobia. VCS can aid the government to develop programmes that will work and not further isolate communities.
- Survivors don’t want to be seen as victims; use domestic violence language - e.g. survivor not victim.
- People who **report are labelled as troublemakers** if they challenge hate speech. It may be the case that the way they challenged the hate speech was not ideal but the fact that they were right to challenge the hate speech is often not acknowledged. Often told not to dial 999!
- Independent advocates are needed to build trust to disclose

Recommendations
- The VCS connects with the communities or survivors and perpetrators. The Governments should fund local third party reporting, with independent advocacy to improving reporting rates and research trends in charges, prosecutions and sentencing.
- The VCS is on the fore-front of intersectionality and pan-equality hate crime work. Connect with this expertise.
- The VCS is vital to ending intra-sectional hate crime particular some of the difficulties around LGBTQI communities and disabled people and some faith and cultural communities.
Please get in touch to find out more about our work on Hate Crime, our members work or if you would like to join our pan-equality Hate Crime Network.