Written evidence submitted by MEND

This submission is prepared by MEND (Muslim Engagement & Development), a British Muslim non-governmental organisation dedicated to challenging Islamophobia and improving Muslim participation in media and politics. The submission presents data analysis derived from our compilation of hate crime cases published in local and national media, from magistrates and crown court records, and from hate crime statistics solicited from police forces in England and Wales under Freedom of Information.

The submission covers hate crime data analysis based on police recorded crime data for the period January - July 2016 and April 2015 to March 2016. Where possible, disaggregated data by victim gender, victim race identity and victim religious identity has been solicited from police forces in England and Wales.

Executive summary:

- Racial and religious hate crime has been on the increase in recent years with a 20% increase in race hate crime and a 60% increase in religious hate crime in the period April 2015 - March 2016 compared to the previous year. Religious hate crime figures are taken from our FOIs to police forces in England and Wales, including British Transport Police, and differs from the 39% increase observed in the annual Home Office report on Hate Crime in England and Wales 2015-16 which omits BTP from the aggregate figures.

- Police forces in England and Wales do not currently record Islamophobia as a separate category of crime with the exception of the Metropolitan Police Service.

- The introduction of a new recording system, with Islamophobia as a separate category in police recorded hate crime from April 2016, as announced by the former Prime Minister in October 2015, has yet to be fully implemented with police forces currently experimenting with methods for capturing victim religious identity.

- The experimental phase from April 2016 - March 2017 will transition into more coherent patterns of recording anti-Muslim hate crime from April 2017. Figures for anti-Muslim hate crime deriving from police recorded crime data are therefore unlikely to be available until October 2018 and comparative data unlikely before October 2019.

- The Home Office annual hate crime report provides aggregate figures on bias motivations but does not disaggregate the categories of race, religion, sexual orientation, gender identity and disability to uncover necessary qualitative detail about victim groups specifically. The lack of fully disaggregated data is in contrast to the publication of clear data on levels of anti-Semitic hate crimes occurring in the UK.

- The Home Office annual hate crime report details a monthly breakdown of 'aggravated offences' only omitting more comprehensive data capturing all hate crime, both aggravated and non-aggravated offences. The omission in the annual reports and in publicly accessible reports published by the Home Office distorts the actual levels of hate crimes occurring in police force areas by month. The true scale of hate crime is much greater than the recorded levels of 'aggravated offences' only.

- Serious offences bearing an Islamophobic bias motivation are not transparent in criminal statistics where murder offences do not carry an 'aggravated' element. The murders of Mohammed Saleem and Muhsin Ahmed do not appear as Islamophobic
incidents in crime data. While racially or religiously aggravated grievous bodily harm or assault are captured as hate crimes, murder or manslaughter is not. These serious offences deserve to be recorded with attendant bias motivations to properly reflect the type of threats faced by and committed against Muslims as a victim group.

- Our investigation of police recorded hate crime data disaggregated by victim race identity, victim religious identity, and victim's gender reveals significant and alarming gaps in data captured by police forces. These gaps contribute to poor estimates of anti-Muslim hate crime and impact on the way police forces are able to address levels of anti-Muslim hate crime occurring in their area.

- The introduction of Police and Crime Commissioner (PCC) roles in constabulary regions has created a valuable avenue for democratic accountability of police forces to local populations. However, our evaluation of PCC annual reports for the period 2013 - 2015 shows that few Commissioners are effectively dealing with Islamophobic hate crime in their local crime and policing plans.

- The number of anti-Muslim hate crimes occurring in the UK are vastly underestimated with third party reporting centres, whether national or local, providing hugely deficient sample sizes to allow for a rigorous examination of crime type, victim profiles, perpetrator profiles and location mapping.

- Third party reporting centres serving Muslim victims of hate crime are gravely insufficient with our compilation of third party reporting centres (TRCs) appearing on constabulary or local council websites revealing 2,011 TRCs established across police force areas in England and Wales (excluding the Metropolitan Police Service). Of these, 47 were identified as centres established for use by Muslim communities.

- Independent Advisory Groups (IAGs) established in police force areas are a vital mechanism for connecting communities to local police forces and enabling a structured and regular exchange on the handling of hate crime cases, among other policing issues. Unfortunately, the low presence of BME persons and Muslims in particular on IAGs raises questions about community engagement strategies at local policing level. Low membership of Muslims on IAGs have a negative effect on the capacity of local Muslim communities to play a role in knowledge exchange with local forces thereby affecting both communities and policing.

- Our examination of a small sample of Islamophobic hate crimes charged and prosecuted in 2015 reveals a high number of cases resulting in community sentences or fines. The application of ‘enhanced sentencing’ for hate crimes requires serious investigation amid fears sentencing is not serving effectively as a deterrent or as just remedy for victims.

- Islamophobia is enabled by an environment made conducive to anti-Muslim public discourse. Principal to this is the role of the media in perpetuating anti-Muslim prejudice but the role and responsibility of politicians from the mainstream political parties cannot be overlooked.

- Guidelines produced by the Electoral Commission and the Equality and Human Rights Commission have proved inadequate in curtailing the prevalence of anti-Muslim discourse in election campaigns and in communications by prospective candidates.
• Social media is a major consideration in the examination of the volume of Islamophobia as hate crime and hostility against victim groups. The wholly insufficient protection granted to Muslims as a religious group under offences for incitement to religious hatred leaves Muslims uncomfortably exposed to a panoply of vile abuse on social media platforms. The disparity in thresholds for the prosecution of incitement to racial hatred and incitement to religious hatred renders Muslims uniquely vulnerable and is in urgent need of revision.

Anti-Muslim hate crime in police recorded crime data

Figure 1 shows the monthly breakdown of racial and religious hate crimes recorded by all forces in England and Wales between January and July 2016. The purple line shows the number of racial and religious hate crimes recorded by month between April and July 2015. The Brexit effect is clearly discernable in the sharp rise in racial and religious hate crime in June and July 2016 compared to the same period the previous. Increases recorded were 25.2% and 52.7% respectively.

Comparing the rise in racial and religious crime in recent years, Figure 2 shows the monthly breakdown of aggravated offences as published in the Home Office annual reports on Hate Crime in England and Wales and racial and religious hate crime in 2015-2016 based on FOI data from police forces. The respective difference between the green line and black line shows the distortion in monthly published data in the Home Office reports which publish figures for 'aggravated offences' only, thereby failing to reflect the full scale of racial and religious hate crimes by police force area.

*data does not include Hampshire police (2015-2016)
Figure 2 also denotes the yearly increase in racial and religious hate crime recorded as 'aggravated offences'. The figures may be indicative of better awareness of hate crime reporting and of improved accessibility for victims to report hate crime to the police. Nonetheless, the increase merits policy responses to deal with the scale of the problem and not just explanation focusing on increased victim confidence to report hate crime.

We sought disaggregated data from police forces in England and Wales to estimate the number of anti-Muslim hate crimes drawing on victim race identity and victim religious identity.

The experimental method does not sufficiently address the intersectional nature of anti-Muslim hate crime though to mitigate double counted in the disaggregated figures, we have single counted incidents in police recorded crime data which were flagged as 'racially and religiously motivated'.

The exercise revealed the significant gaps present in police recorded crime data relating to victim race identity, religious identity and gender.

The total number of race hate crimes rose in 2015/16 on the previous 12 months by 20% from 42,930 to 51,584 (based on information provided by all 44 police forces, including British Transport Police).

The number of race hate crimes in 2015/16 where victim’s racial identity was entered as “unknown” or “not recorded” was 16,352 out of 51,584, or around a third, 32% (based on information provided by 42 police forces, including BTP).

The total number or religious hate crimes rose in 2015/16 on the previous 12 months by 60%, from 3,254 to 5,209 (based on information provided by all 44 police forces, including BTP).

The number of religious hate crimes in 2015/16 where the victim’s religious identity was entered as “unknown” or “not recorded” was 2,327, or almost half – 44% (based on information provided by 35 police forces, including BTP).
Estimates on anti-Muslim hate crime in the UK are affected by ‘dual bias motivation’, where the bias is both racial and religious, and ‘displaced bias motivation’, where race is used as a substitute for religious hostility. ‘Dual bias motivation’ can lead to an overestimation of anti-Muslim hate crime, with racial and religious ‘flags’ in police recorded crime data being counted twice. ‘Displaced bias motivation’ can compound difficulties in separating racial hostility from religious hostility, the frequent conflation of both by hate crime perpetrators notwithstanding.

However, estimating the level of anti-Muslim hate crime in the UK requires investigation of both race and religious hate crime data. The singular focus on one monitored strand would result in a gross underestimation of actual numbers.

The number of racial and religious hate crimes estimated to be anti-Muslim hate crimes: 6,816 (based on race crime by victim ethnicity Pakistani, Bangladeshi, Arab, Black Muslim, White Muslim, Muslim other/mixed race, and religious identity recorded as Islam/Muslim). Disaggregated information on victim religious identity provided by 30 police forces and on victim racial identity by 40 police forces and excludes 53 cases recorded as racially and religiously aggravated.

The estimated figures differ sharply from publicised data by national or local third party reporting centres which monitor anti-Muslim incidents and reveals the low knowledge base about anti-Muslim hate crime we currently face.

Other publicised figures which are not rigorously testable using police recorded crime data is gender-based hate crime and the hypothesis that Muslim women are more likely to be victims of Islamophobic hate crime.

Given concerns raised over the targeting of Muslim females due to their ‘visibility’ as Muslims, we sought disaggregated data on racial and religious hate crime by victim racial/religious and gender identity. The number of cases where victim gender was entered as ‘unknown’ or ‘not recorded’ was 3,623 with disaggregated race crime data by victim gender provided by 24 forces and religious hate crime data by gender provided by 26 forces. Obviously, the picture derived from police recorded crime data assessing intersectionality is incomplete.

From the available information derived using police recorded crime, it would appear that Muslim men are more likely, as victims, to report racial and/or religious hate crime to the police. Disaggregated data provided by 24 police forces on the gender breakdown of racial and religious hate crime revealed there were 706 Muslim male victims and 602 Muslim female victims in 2015/16. The gender breakdown, where available, demonstrates the importance of targeting Muslim women in hate crime awareness campaigns to ensure female victims don’t leave hate crime unreported. It further demonstrates the crucial role of third party reporting centres (TRCs) as avenues for reporting hate crime where victims are unable or unwilling to report directly to the police.

In our PCC manifesto 2015, we highlighted the poor investment in third party reporting centres in England. We found 2,011 TRCs established across force areas in England and Wales (excluding the Metropolitan Police Service). Of these, 47 were identified as centres established for use by Muslim communities.

In five force areas, we were unable to identify TRCs on the PCC or constabulary websites: Hampshire, Kent, Avon and Somerset, Gloucestershire and Wiltshire. In 24 force areas, we were unable to identify TRCs which catered specifically for Muslims, for example in mosques, Islamic community centres, Muslim schools or other venues.
frequented by Muslims. These force areas are: Durham, Northumbria, Cheshire, Cumbria, Humberside, North Yorkshire, Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire, Staffordshire, Staffordshire, West Mercia, Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk, Surrey, Sussex, Devon and Cornwall, Thames Valley and Dorset.

The remaining force areas offered a range of third party reporting centres where Muslims could report hate crime: Greater Manchester (8); West Midlands (6); Lancashire (5); West Yorkshire (3); Dyfed-Powys (4); Gwent (4); North Wales (5) and South Wales (7). Wales performed better than constabularies in England with almost one in ten TRCs in Wales, (20 out of 194) being a centre established for use by Muslim communities.

Third party reporting centres play a vital role in connecting victims to processes for redress and victim support. Their importance should not be underestimated and their proper functioning, to meet the needs of victims, should be a priority for local forces and Police and Crime Commissioners.

In 2016, we are still unable to reliably estimate or verify the number of Islamophobic offences occurring in the UK because a separate flag for recording Islamophobic offences is not uniformly processed by all police forces in England and Wales.

The introduction of an Islamophobia category from April 2017, with a trial set between April 2016 and March 2017, will narrow the present gap in reliable figures on anti-Muslim hate crime. Given the gaps we have identified in capturing racial and religious identity in police recorded data, adding an Islamophobia category is a necessary but not sufficient condition to ensure reliable figures emerge in the future. Particularly so if Islamophobic hate crime is narrowly defined as ‘religious’ hate crime. The racial and religious characteristics of anti-Muslim hostility need to be better reflected in police training and in crime recording systems.

There is a desperate need for Government to recognise the importance of extending ethnic monitoring practices evident in other spheres of the public sector to policing. There appears to us to be little excuse to justify the gaps in police recorded crime data on hate crime since the passing of the Equality Act 2010 and with enhanced requirements on police forces for recording age, gender and ethnicity on subjects of stop and search.

The gaps in data on victim racial and religious identity at a time when the Conservative Government is undertaking a ‘race audit’ to monitor race outcomes and equality for minority communities and the white working class in the UK is conflictual. While progress is pursued in the ethnic make-up of police forces, to improve representativeness and quality of service, the shortfall in policing practices in relation to data capture on victims of hate crime is inexcusable.

There is an urgent need for improved practice and performance at the policing level. Hate crime victims report higher levels of stress, trauma than victims of regular crime. It behoves those charged with ensuring redress of victim grievance that hate crimes affecting vulnerable groups are taken seriously starting with data collection.

The response of police forces to hate crime affecting local communities can only be as good as the data it collects and monitors. The Government response to hate crime, while reliant on police recorded crime to inform trends relating to hostility and violence against minority groups, also benefits from the input of civil society organisations working with victims of Islamophobia. Too little engagement with Muslim groups is in evidence in the UK and both police forces and Government continue to pursue models of engagement that neglect mainstream Muslim organisations restricting the effectiveness of local and national hate crime strategies.
While progress on ethnic monitoring of stop and search, to eradicate the problem of race disproportionately, has advanced with rigour in recent years via the requirement on police forces to publish data online disclosing the age, gender and ethnicity of those stopped and searched, the quality of information recorded by police forces in respect of hate crime, as shown above, is comparatively deficient.

2015 Anti-Muslim hate crime analysis

This section contains analysis of anti-Muslim hate crimes in the UK reported in local and national media, or published in court proceedings, which form part of our regular monitoring of Islamophobic incidents in the UK on our website.

The incidents presented in this section are categorised as:

1. Racially or religiously aggravated assault or attacks on persons of Muslim background, or persons perceived to be of Muslim background
2. Racially or religiously aggravated attacks on property or institutions
3. Racially or religiously aggravated verbal abuse on persons who are, or are suspected of, the Muslim faith

Incidents in some cases inevitably cross over into the other categories, for example where individuals have been subjected to verbal abuse in the course of an attack on a place of worship, or during physical assault. Where incidents overlap across categories they have been categorised, wherever possible, according to the primary criminal charges brought.

There are 262 incidents occurring in 2015 about which detailed analysis is presented below. Given the small sample size, these figures are to be treated with caution. These cannot sufficiently describe important details about victims, perpetrators or hate crimes committed against Muslims and are presented here for indicative purposes only.

Figure 3 - Anti-Muslim hate crime by incident type
Almost half of the 262 incidents analysed were verbal abuse/public order offence cases with a further 19% involving racially or religiously aggravated criminal damage offences and 35% racially or religiously aggravated assault or affray offences.

We counted 214 victims across the three categories with victims by hate crime type is presented in table below.

Looking at victim gender by hate crime type shows men to be the greater number of victims in the sample, with men more likely to be victims of assault offences and an almost equal number of men and women as victims of verbal abuse or hate speech.
We counted 356 perpetrators across the 262 incidents with the number of perpetrators by crime type shown in Figure 6.

Looking at perpetrator by age group, where age was available, we see an interesting distribution across age categories which is further examined by crime type.

Looking at the range of age groups represented among perpetrators we find a significant proportion to be under the age of 25, accounting for 41% of anti-Muslim hate crime incidents. This is followed by 26-35 years old and 35-49 year olds who make up 22% and 25% of perpetrators respectively.
Details about perpetrators by age and crime type shows an significant variance in the type of incidents committed by individuals in the different age groups.

Figure 9 shows the perpetrator age by offence type and reveals younger people to be overly represented in category 1 and category 2, racially or religiously aggravated assault and racially or religiously aggravated criminal damage, with older groups more dominant in category 3, verbal abuse or hate speech offences.

The age variance posits relevant questions about young people and anti-Muslim prejudice.
We found 184 cases where individuals were charged for hate crime offences committed against Muslims. These are shown in Figure 10.

Figure 10 - Perpetrators charged by offence type

Figure 11 presents sentence details corresponding to the offence type prosecuted.

The data shows the proportion of custodial sentences passed in relation to category 1, 2 and 3 offences as well as the proportion and type of non-custodial sentence passed across all categories.

Figure 11 - Sentence distribution (by offence type)
The number of suspended or community sentences passed in relation to category 1 offences is particularly alarming, accounting 50% of the total number of cases documented as racially or religiously aggravated assault.

Figure 11 also reveals that the majority of criminal damage incidents were dealt with by the courts with imposition of suspended or community sentences.

In the majority of cases documented as verbal abuse incidents, a community sentence or a fine was imposed.

The sentencing details relayed in this report reveals the number of hate crime cases in 2015 resulting in crime outcomes such as suspended sentence, community sentence or a fine as opposed to custodial sentences or sentence uplift, commensurate with the aggravated aspects of the crime. There is an urgent need for a review by the Crown Prosecution Service and HM Courts and Tribunal Service to examine the application of sentence uplift in hate crime cases to ensure enhanced sentencing for aggravated offences is consistently applied and the seriousness of bias motivations reflected in crime outcomes.

Figure 12 shows the location where the incident took place. The locations have been classified according to categories public space, public transport, workplace, private property (home, personal vehicle), religious building (place of worship), online (social media) or other.

Figure 12 - Location of incidents - by offence type

What is observable are the number of hate crime incidents occurring in the workplace in relation to assault offences. The large number of incidents occurring in the public space
denotes a heightened vulnerability while Muslims are going about their daily lives and daily business.

The data analysis on location of incidents and perpetrator by age group presents a number of important issues which need to be addressed via targeted intervention by relevant agencies. The role of workplaces in cultivating attitudes that observe a ‘zero-tolerance policy’ for hate crime as well as avenues for victim reporting is vital.

The importance of the education sector in addressing the troubling rise of anti-Muslim attitudes among young people is urgent and serious. The integration of Islamophobia training and awareness raising in the education sector has been lagging and requires a sharpened focus in light of the trends observable in the rising volume of racial and religious hate crimes.