**Home Affairs Committee inquiry into hate crime and its consequences**

This is a joint submission from Migrants' Rights Network and the UK Race and Europe Network with evidence and views for the Home Affairs Committee inquiry into hate crime and its consequences.

We will address each of the Committee's questions in turn.

- **The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.**

Although current legislation on hate crime is adequate for victims to understand their rights, police to investigate incidents of hate crime and prosecutors to bring perpetrators to court; legislation on hate speech, and in particular online hate speech is woefully inadequate. We understand that the Crown Prosecution Service (CPS) use the Communications Act 2004 as the basis for bringing cases of online hate speech on web sites or social media platforms. This legislation was drafted before any of the social media sites were established, such as Facebook and Twitter. We believe that an amendment to the Communications Act to address online hate speech is needed as a tool for victims, police and prosecutors.

On law enforcement policies we would like to commend the Police Service Northern Ireland for thoroughly revising their Hate Crime Service Procedure. We regard the document as an example of police force good practice, and their approach to working with NGOs and communities to increase reporting and deal with incidents of hate crime, to be an exemplar model.

It is worth highlighting that although much is being done by the police and CPS in prosecuting hate crime, little is done by law enforcement agencies to *prevent* hate crime.

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

We undertook exploratory research across Europe into the reasons why people do not report hate crimes and came up with the following list:

- I would have felt ashamed, embarrassed or uncomfortable
- I did not think the Police or authorities would do anything
- I was concerned of reprisals from the perpetrator
- I thought it would be too much trouble to report it
- The incident is too common an occurrence to report
- I did not think it was serious enough to report
- I did not know how to report it
- Other reason.

Many of these reasons suggest that some people would not go to the police (either at a police station, by phone or via the True Vision website). Therefore there is a role for third party reporting mechanisms, and for these to receive funding from government. At the moment it would appear that the government fund one NGO for each 'protected characteristic' (TellMama for anti-Muslim sentiment, CST for anti-Semitism etc). To have an effective network that really starts to address hate crime and speech, the government needs to invest in more third party reporting mechanisms.

The words used on many online reporting mechanisms to describe the incident is often legal terminology, and not necessarily understandable to a victim of hate crime. Rather than UK law terminology we use the following on our third party reporting site:
- Physical violence
- Sexual violence
- Verbal abuse
- Damage or desecration to property or theft
- Discrimination
- Published material (book, leaflet or paper)
- Online hate on website or social media.

Another way to improve reporting is to use advocates within the community who can help victims of hate incidents/crimes. We have been trialling this in Northern Ireland with great success, with twice as many victims helped than we originally forecast. In the first six months of the trial in 2015, the three advocates had 300 enquiries and of these, 130 cases were logged on the recording system. If one compares this to 183 cases reported to the Police Service Northern Ireland in the whole of 2014/15, it has a significant impact. The advocates are from the communities most at risk of race hate crime (a Polish advocate in Belfast, for example), are trained and build good relationships with the police (in this case the Police Service Northern Ireland). They also look after the victim's needs, which may well extend beyond reporting the hate crime. The project Good Practice Plus (http://goodpracticeplus.squarespace.com) will publish an online toolkit on 21 September, which includes how to set up such an advocacy scheme between communities and police. In the appendix to this submission is a draft of the section on the advocates scheme.

- **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.**

It would appear that social media companies have reluctantly started to address hate crime on their platforms. The excuse for not doing so, that they were governed by US law that allows greater freedom of expression, misses the point that online hate speech can have a significant negative psychological impact on victims, and users of their platforms. Although it is a non-binding code of conduct, the agreement between the European Commission and Facebook, Twitter, YouTube and Microsoft on commitments to combat the spread of illegal hate speech online in Europe is a good initiative (http://ec.europa.eu/justice/fundamental-rights/files/hate_speech_code_of_conduct_en.pdf). The social media companies still need to do more to make it easy for victims to report hate speech on their platform, and for the social media company to have the ability to investigate, delete the post and ban the offender from its platform within a short period of time (ideally 24 hours). It is only by governments, NGOs and victims pushing for greater action against hate speech online, will the mega social media companies take action. The same applies to search engines that include in their search listings websites that promote hate speech. The search engines have blocked terrorist group's (such as ISIL) sites from appearing in search listings. They could do the same for websites that promote hate speech.

Useful comparative research on online hate speech that includes UK has been undertaken by the PRISM project and is available in a report 'Backgrounds, experiences and responses to online hate speech' (http://www.prismproject.eu/wp-content/uploads/2015/11/Backgrounds-Experiences-and-Responses-to-Online-Hate-Speech.pdf)

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

In the lead-up to the EU referendum (although there was much of this in the years before), many of the national news media with the largest readership (for example, Mail, Express, Sun) used an anti-migrant rhetoric to blame for all the UK's economic and social ills. The information used by these national news media was mostly made up or inaccurate. It was designed to create fear and promote the political view of the news media's proprietors. The BBC, the main alternative source of information for many people, failed to correct untruthful statements by Leave and Remain campaigns (see: http://cep.lse.ac.uk/textonly/_NEW2014/BREXIT/BrexitAftermath_JVR.pdf). Many political parties were no better. The government's 'hostile environment for migrants' policy, and seen in campaigns such as the 'Go Home' mobile advertising campaign, speeches from government Ministers that described refugees and migrants as insects or animals (see: http://www.bbc.co.uk/news/uk-politics-33716501), has portrayed migrants as second-class citizens. UKIP's 'Breaking Point' posters in the days before the referendum vote, portraying refugees as a UK border issue stoked further anti-migrant sentiment. The referendum results saw a massive spike in hate crime and speech, as people believed that the media, politicians and the referendum result legitimised their anti-migrant views (see: http://www.bbc.co.uk/news/uk-england-london-36835966).

With the lack of broad news media or political party support to challenge the attitudes that underpin hate crime, it falls to the voluntary sector to do more, with less funding available. There have been some excellent campaigns, such as the Citizens UK/38 Degrees 'Refugees Welcome': https://www.refugees-welcome.org.uk.

The police also have a strong role and it was good to see strong statements from police chiefs immediately after the rise in hate crime following the referendum results (see: http://www.independent.co.uk/news/uk/crime/brexit-race-hate-crime-eu-referendum-met-police-a7121401.html and http://news.npcc.police.uk/releases/hate-crime-is-unacceptable-in-any-circumstances-say-police).

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

Immediately after the results of the referendum were announced there was a spike in hate incidents. Most of this was against anyone who on appearance was not British. Some of this was against British born people of colour. Some against Muslims and Jews. Much against other EU nationals.

An understanding of hate crime could be improved if there was more complexity in the recording of incidents. Questions such as how many incidents were against someone because of their nationality, how many against someone because of their race or ethnicity, how many against someone because of their religion/faith? Better reporting and recording leads to improved measurement and analysis of trends in hate crime. The European Network Against Racism published a guide to equality data collection called Measure, Plan, Act (http://www.enar-eu.org/IMG/pdf/20084_equalitydatacollectionpublication-8-low.pdf).

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

Victim Support UK do a good job in providing support to all victims of crime. Our experience shows that advocates within a community that is being targeted with hate crime and speech works well too. A pilot scheme in Northern Ireland has had significant results, far above the

expectations of the collaboration between PSNI and NGOs. Of the 130 cases of race hate crime helped in the first six months of the trial, 27% were referred to specialist advice on housing and immigration status issues and 40% of victims were given further support from local community groups (with the advocate acting as the link). An outline of the advocacy scheme is attached to this submission as an appendix.

The government's hate crime plan for 2016-20 'Action Against Hate', although not a strategy nor a full scale review of hate crime policy and legislation as the Equality and Human Rights Commission recommended (see: https://www.equalityhumanrights.com/en/our-work/news/commission-calls-full-scale-review-uk's-hate-crime-strategy) does include some good initiatives in the plan. For example improved police recording so that a greater depth of data is published to aid our understanding of hate crime, and government funding for voluntary sector organisations working with victims of hate crime, help in developing third party recording mechanisms for particular groups that are less likely to report such as Gypsies, Roma and Travellers, and funding for increased security at vulnerable places of worship.

**MRN and UKREN 30.9.16**


**Appendix - The Good Practice Model for Supporting Victims of Hate Crime and Hate Speech - The Northern Ireland Experience**

Supporting Victims of racist hate crime and harassment: Building Effective Partnerships between Police and NGOs

SUMMARY OF ADVOCACY SCHEME

Bi-lingual Support Workers for victims of Race Hate crime and harassment
The Bi-lingual Support Workers will provide a one-stop shop model of services to victims of racist hate crime, whether they are settled ethnic minorities, migrant workers or asylum seekers and refugees. They will provide a comprehensive support service to victims based on a client centred approach and working in partnership with those individuals and/or organisations dedicated to principles of equality. This is a partnership approach and the project will supplement the current support mechanisms available including Victim Support NI and others. The service covers all of Northern Ireland with a worker to cover the Belfast and Mid-Ulster area and a worker based in Londonderry/Derry to cover the Northwest area.

**Main areas of support**

- Provide a safe place to enable victims to share their experiences (listening through support) and encourage them to report the case to the local police station and to increase reporting to the police
- Risk assessments and exploration of options in order to respond to the needs of the victims and her/his family;
- Draw up action plans that are agreed with the victims;
- Assist victims to prepare police statements and accompany victims to attend police interviews;
- Liaise regularly with PSNI in providing follow-up support;
- Assist victims to make applications to the NIHE under homelessness legislation or to reassess points under the Common Selection Scheme and also liaise with local Housing Association to identify suitable accommodation arrangements;

- Liaise with NIHE housing officers and officials regarding any rehousing needs.
- Provide outreach clinics for victims of racist hate and other support organisations one evening per month
- Make referrals to local and/or regional organisations if necessary, in particular specialist assistance such as criminal injuries compensation, trauma centre, social workers and special needs for children;
- Assist victims to make complaints to the concerned agencies (i.e., Police Ombudsman, Housing, Consumer Council);

| | | |
|---|---|---|
| To encourage and support members of the community to report hate and signal crime/s as a victim or witness and support them in accessing relevant support agencies. | The hate and signal crime advocate will provide one to one support for victims of hate crime/incidents across Northern Ireland as agreed with PSNI. | Complete and submit electronic spreadsheet on a monthly basis with follow up action for all cases forwarded by PSNI and dealt with by hate and signal crime advocate. Needs assessment to be included on each case/advocacy request and record retained. |
| | The hate and signal crime advocate/hosting agency will identify areas where hate and signal crime reports are low/non-existent and proactively engage to encourage reporting of hate and signal crime. | Record areas identified as well as reasons for non-engagement to date. |
| | Where appropriate act as a third party to report hate and signal crimes on behalf of the victim to PSNI. | Reports to be included on the monthly spread sheet. |
| | Attend quarterly review meetings with PSNI. | 4 meetings to be held every3 months throughout the financial year with PSNI. |

| | | |
|---|---|---|
| | The hate and signal crime advocate will develop awareness within PSNI regarding hate and signal crime and its impact. | 60 second briefings to be provided to PSNI personnel as required and details of engagement to be retained on electronic record and produced when required but at least monthly and bi annually and full year evaluation report. |
| | The hate and signal crime advocate will promote the Advocacy Service through relating websites, leaflets and events/talks/seminars which occur at a strategic and regional level. | Increase the number of users accessing the information on relating websites and report on numbers accessing the sites, attending seminars, events etc on electronic reports at above required intervals and provide statistical information of usage on electronic monthly reports. |
| | The hate and signal crime advocate will promote the Hate Incident Practical Action Scheme (HIPA). | Increase awareness of HIPA scheme to victims and provide electronic report on same including information given and uptake at above required intervals. |
| | The hate and signal crime advocate will survey the experiences and satisfaction of clients and will include the completion of Victim Satisfaction Surveys regarding police engagement and advocacy services. | Surveys regarding police engagement to be completed for every case dealt with and forwarded to PSNIas agreed. Surveys regarding advocacy services to be analysed and included in 6 month and end of year evaluation report. |
| | To inform future PSNI policies and practices to ensure they reflect the needs of those with vulnerabilities. | To forward updates as and when they arise or when requested. |
| | Identify any information and service "gaps" which need to be addressed by PSNI. | To forward updates as and when they arise or when requested. |