

Tackling hate crime in the UK

A BACKGROUND BRIEFING PAPER
FROM AMNESTY INTERNATIONAL UK

AMNESTY
INTERNATIONAL





Tribute to Arkadiusz Jozwik, a Polish man killed in Harlow, Essex, in August 2016 © PA

Tackling hate crime in the UK

Every year hundreds of thousands of people in the United Kingdom are attacked and harassed – physically or verbally – because they are perceived as ‘different’. These crimes are hugely under-reported. The response from the relevant authorities is often inadequate – and under-resourced.

Why are some people so viciously attacked? The ‘reason’ could be their religion, their sexuality, their race, their gender, or their disability. People being singled out in this way live with the constant threat of intimidation and violence. Their daily vulnerability is intensified when politicians, public officials, or media pundits exploit differences between people to foster division, fear, and hostility.

The rise in reported hate crimes following the 2016 EU referendum aroused a sense of shock and outrage among people across the UK. Thousands of Amnesty activists and supporters wanted to challenge this hatred and offer solidarity to those affected. Amnesty International UK launched a campaign urging people to stand together against hate.

Our first step was to urge local authorities to condemn hate crimes and assure communities that all possible measures would be taken to investigate reports, prevent further incidents and bring the perpetrators to justice. In the following days our supporters contacted 411 out of 420 councils around the country. Many met their councillors and attended debates in council chambers. We know that at least 91 councils have passed motions condemning hate crimes, and 115 publicly condemned hate crimes in the aftermath of the June 2016 vote.

It was encouraging to know that so many councillors around the country shared our concern, and that politicians from across the political spectrum were quick to condemn racist and xenophobic incidents. But we also needed to investigate why such incidents were on the rise, and what would be needed to stop them. Could legislation and policy be improved? Could better support be offered to the victims?

Amnesty International UK asked the Centre for Hate Studies at the University of Leicester to address these questions and this briefing is based on their research, published in full under the title, *Hate Crime: Identifying and dismantling barriers to justice*¹.

Contents

• Hate crime in the UK	4
• Recommendations	10
• Case studies	11
• UK legislation	17

Daily abuse

We make no apology for reproducing the vile comments highlighted in speech bubbles later in this briefing paper. Foul, obscene, reeking of hatred, and encouraging violence, they are all taken from case studies of real crimes. They are, alas, a small example of the sort of hostility some people experience every day.

Hate crimes may cause lasting physical and emotional damage. They can evoke despair, anger, and anxiety in victims. They spread fear and mistrust in communities and weaken the social glue that binds a society together.

In the last decade an increased awareness of the damaging consequences of hate crime has reinforced the need for governments, police forces, non-governmental organisations (NGOs), and activists to develop more robust responses. Hate crime laws have been introduced by governments at Westminster and in the devolved administrations, as has a raft of criminal justice policy and guidance documents across the UK. These are intended to create additional protection for marginalised communities, to increase trust and confidence in the criminal justice system and to send out a strong message of condemnation of prejudice and hostility. The effectiveness of such legislation has been called into question, but the value of having hate crime laws in place should not be underestimated.

Robust protection?

The state's approach to tackling hate crime appears to offer robust protection to potential and actual victims. But recent events show just how sizeable a problem remains. There was a pronounced spike in reported hate crimes in England and Wales on either side of the EU referendum in June 2016² (see below). Divisive and anti-immigrant campaign rhetoric may well have contributed to this spike. The language used – 'taking our country back', 'breaking point' – may have sent signals that emboldened those who would perpetrate hate crimes, encouraging them to think that these views are acceptable and opening the door to more extreme rhetoric and actions.

Of equal concern is recent research showing that significant numbers of victims do not report their experiences to the police or other relevant organisations. Many do not feel that their support needs are being recognised or adequately addressed; they do not feel that they have access to justice. Indeed, the disconnect between state responses to hate crime and the lived reality for those affected was recognised in the newly published government action plan to tackle hate crime for England and Wales.

The Scottish Government, in response to recommendations by an independent advisory group on hate crime, published the report *Tackling Prejudice and Building Connected Communities* (June 2017)³. This pledges among other things to: Deliver a hate crime charter for public transport; tackle hate crime in the workplace; deliver a public awareness campaign showing the impact of hate crime on victims; adopt the international definition of anti-Semitism to tackle this form of prejudice.

An independent review of hate crime legislation by Lord Bracadale⁴ is currently underway, with planned reporting in early 2018. The Scottish Government plans a progress update on implementation of the advisory group on hate crime's recommendations in 2020.

'The UK has one of the world's strongest legislative frameworks to tackle hate crime. But legislation can only ever be part of the answer. Unless people have the confidence to come forward, unless the police are equipped to deal effectively with such crimes, unless victims are properly supported and perpetrators brought to justice, too many people will continue to suffer. Above all, more effective action is required to challenge the attitudes and beliefs driving these crimes.' (From *Action against hate*, UKG, 2016)⁵

One aim of this briefing is to highlight where the state needs to do more to tackle hate crime. By the 'state' we refer to the UK government including the devolved administrations of Scotland and Northern Ireland, police forces, prosecution services, and local government bodies. In focusing on state failings we are not denying that over the years considerable progress has been made across different sectors, or that practitioners are committed to dealing with hate crime and supporting those affected by it. However, recent events have demonstrated that there is work still to do.

What is 'hate crime?'

Definitions of 'hate crime' differ between the various jurisdictions that constitute the UK.

In England and Wales a hate crime is 'any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by hostility or prejudice'. As our case studies show, one of the biggest hurdles in preparing cases for prosecution is the fact that incidents can happen in isolated places, not in front of many witnesses – on the streets late at night, say, or outside the victim's home – where what happened may be reduced to one person's word against that of another, or of a group. Taking into account the perception of the alleged victim is an attempt to redress this imbalance and to recognise the fact that police have not always regarded such offences with the seriousness they should – if, indeed, they have recognised them as offences at all.

In Scotland the definition is: 'crime motivated by malice or ill will towards a social group.' Incidents can range from single violent attacks to low-level, multiple, routine verbal abuse. Hate crime is further defined as a criminal act that is aggravated by prejudice held by the perpetrator in relation to the victim or victims. Prejudice is defined as a preconceived opinion that is not based on reason or actual experience.

In Northern Ireland, there is no statutory definition of 'hate crime'. However, in recording hate crime, the Police Service of Northern Ireland uses the definition recommended by the Stephen Lawrence Inquiry⁶: 'any crime, which is perceived to be racist by the victim or any other person'. They apply the principles of this definition to recording all types of hate crime, including those relating to racist, homophobic, sectarian, faith or religion-based, disability and transphobic incidents.

Who does it affect?

In the UK the law uses five monitored strands of identity to identify hate crime. They are: race, religion, gender identity, sexuality, and disability. In Northern Ireland and Scotland, hate crime legislation also recognises some incidents of sectarianism.



Solidarity with victims of the Orlando massacre in the USA, Soho, June 2016 © Getty Images

Perceived difference plus vulnerability because of age, gender or isolation increases the risk of becoming a victim.

A number of research studies on hate crime victimisation have revealed a poor understanding of hate crime – how it is defined, what forms it takes and how it applies in law – among actual and potential hate crime victims. This contributes to the under-reporting of such crimes.

This lack of awareness is particularly evident among people and communities who find themselves socially, economically and politically marginalised within society. This includes asylum seekers and refugees, people with learning or physical disabilities, Muslim women, and transgender people.

Where does it happen?

As our case studies show, hate crimes can take place anywhere the victim appears to be vulnerable and the perpetrator or perpetrators feel they can act with impunity. Teenager Bailey Anderson and his friend were abused and assaulted because of their religion on the street in Belfast in the middle of the afternoon. Disabled refugee Bijan Ebrahimi was murdered by a neighbour outside his own front door on a summer evening in Bristol – but the killing was the culmination of years of harassment and abuse from local young people which grew in intensity as the perpetrators came to believe they would never be called to account for their actions. David Lees, a gay man, was attacked in the street late at night in the East End of London. Cathleen Lauder, a trans woman, and Hanane Yakoubi, a Muslim woman, were both subjected to verbal abuse in the daytime – one in Edinburgh, the other in London.

The wide availability of smartphones has helped bring some perpetrators to justice, because incidents can be recorded and in

some cases put on social media, as happened in Hanane's case. Although social media can sometimes be a force for good in identifying perpetrators, it can equally be the medium through which victims are bullied and harassed, as the case of Grace, racially abused on Facebook by anonymous 'friends' of her partner, illustrates (*see page 14*).

What are the effects?

The effects of hate crime are wide-ranging. Victims experience physical, emotional, psychological, and economic damage. There are the immediate, brutal physical effects of becoming a victim of violence, up to and including serious injury and death. Psychological and emotional effects of trauma may include states of fear and withdrawal from society, leading to lack of participation in educational opportunities, employment and cultural life. Fear leads to increased isolation on the part of victims, increasing the likelihood of further victimisation. Lack of action against perpetrators leads to a sense of impunity and the likelihood of reoffending, as several of our case studies show.

Apart from the emotional and physical damage to the well-being of victims, their families and wider communities, research also highlights that the majority of hate crime victims are not aware of or do not know how to access support services. Hate crime victims come from different backgrounds, have different experiences and support needs, so the current 'one size fits all' approach to supporting victims frequently fails to meet their needs. For victims who feel they need more comprehensive and specialised support to help them deal with what has happened, their only real option often is to seek support through their GP – a process which is lengthy and not always effective.

How big a problem is it?

Reliable statistics are hard to come by. However we do know that hate crime is under-reported. In 2015-16, police forces in England and Wales recorded 62,518 hate crimes. But the Crime Survey for England and Wales⁷, which provides an alternative measure, estimated that 222,000 hate crimes took place in the same period. Under-reporting varies significantly between different strands: recent figures in England suggest one in two racist hate crimes are reported to the police; this drops to one in four for homophobic crimes, one in 10 for religiously motivated hate crimes, and one in 19 for disability hate crimes.

Even when crimes are reported, they are not always prosecuted. In Northern Ireland, 1,614 incidents of hate crime were recorded by the police in 2016-17, but just 16 per cent have recorded 'crime outcomes', such as prosecution or police warning. Only 18 per cent of recorded racist hate crimes in Northern Ireland resulted in a prosecution, police warning or other outcome⁸. Crown Prosecution Service figures reveal a similar picture in England and Wales, with the police service referring just 21 per cent for charging in 2015-16.

There are barriers to obtaining accurate figures for Scotland due to inconsistencies in methods of recording data and accessibility of data related to hate crime by Police Scotland. The Crown Office and Procurator Fiscal produce separate statistics that cover all protected characteristics. 5,544 cases were reported to the Procurator Fiscal in the year 2015-16. Racial crime remained the most commonly reported hate crime. There were 3,712 charges reported in 2015-16. Sexual orientation aggravated crime is the second most common type of hate crime. There were 1,020 charges reported in 2015-16. There are no definitive figures for the outcome of these cases.

The EU referendum spike

Figures released after the 23 June 2016 EU referendum reveal that 3,192 hate crimes were reported to police in England and Wales in the two weeks either side of the referendum – a 42 per cent increase from the same period in the previous year. A further 3,001 hate crimes were reported between 1 and 14 July, mainly by members of minority ethnic and faith communities, new migrants, asylum seekers and refugees. It is evident from this spike that state policy alone is not enough to foster tolerance and understanding in society, or to prevent high levels of hate crimes being committed⁹.

Although there was no documented spike in Scotland or Northern Ireland post EU referendum, the incidence of hate crime is still worryingly high. Prior to the EU referendum in early June 2016 Scottish Government figures¹⁰ showed anti-Islamic hate crimes had doubled in the year 2015/16 compared to 2014/15 with 3,700 cases reported.

The law as it is

There is a substantial body of legislation on this issue from the Westminster and Scottish governments. This means we need to be wary of generalising.

All aspects of hate crime are now devolved to the Scottish Parliament and the Northern Ireland Assembly and many aspects are devolved to the Welsh Assembly. Westminster

International Day for the Elimination of Racial Discrimination, March 2017
© Rex/Shutterstock



governs hate crime legislation in England and some aspects in Wales.

So legislation, policy, policing and victim support differ across the UK. This is not necessarily harmful, as the differences allow the various parts of the UK to focus on different priorities (sectarianism in Northern Ireland and Scotland, for example), and take approaches that are appropriate to the different settings. It does however, often make comparisons difficult. Recommendations need to be differentiated and appropriate to the separate jurisdictions. (*For a brief description of the legislative framework in each jurisdiction, see Table 1 on page 17.*)

Much of the hate crime legislation and policy in the UK is framed around the five monitored strands of identity: disability, race, religion, sexual orientation, and transgender identity – plus sectarian-motivated hate crimes in Northern Ireland and Scotland. In comparison to Northern Ireland and Scotland, England and Wales has a greater degree of flexibility with respect to police recording practices because police forces are permitted to record other forms of targeted hostility as hate crime in addition to the five monitored strands. This has resulted in a number of police forces amending their policies to include other categories, such as 'alternative subcultures', 'misogyny' and 'sex workers'. This policy has enabled police forces in England and Wales to tailor their approach to meet local needs and has led to an increased awareness of the targeting of groups who have not routinely been considered as hate crime victims.

Although this allows police forces to record these incidents as hate crimes, they cannot be prosecuted as such. Even among the five monitored strands of hate crime, only incidents relating to race and religion can be classed as 'aggravated offences' in England and Wales. In Scotland there are effectively identical statutory aggravations for race, religion, disability, sexual orientation and transgender identity (specified to include intersex status), which may be applied to any criminal offence. There is also a separate criminal offence of racially aggravated harassment or behaviour and stirring up racial hatred, from legislation that pre-dates the Scottish Parliament, and an offence of threatening communication that stirs up religious hatred.



Standing up to hate crime in the wake of the EU referendum, July 2016 © Rex/Shutterstock

These laws are in several different pieces of legislation which, it has been argued, leads to confusion. In Northern Ireland trans people do not have any form of specific legal protection. This means that hate crime legislation across the UK does not offer equal protection to hate crime victims.

The Law Commission conducted a consultation in 2014 on existing hate crime laws in the UK, concluding that the unequal provision ‘sends the wrong message about the impact of such offending and the seriousness with which it is taken’ and urged the government to undertake an extensive review of hate crime legislation¹¹. The Westminster government promised to implement this recommendation – but has not yet done so. This review should be expedited immediately and should also consider prosecution practices generally, and in particular should assess why the conviction rate for hate crimes is low. We also urge that the list of protected characteristics across the UK is extended to include, as a minimum, gender, socio-economic status and age, and that all characteristics have the same legal protection. In a recent study conducted in Nottingham¹², it was found that 38 per cent of women reporting a hate crime explicitly linked it to their gender, suggesting that gender often intersects with other characteristics and is important to consider.

The victim-centred approach

One of the main strengths of hate crime policy in the UK is that it is rooted in a victim-based approach. Hate crime policy guidance stipulates that the defining factor in recording an incident as a hate crime is the perception of the victim or any other person (such as a witness, a family member or support worker) and not the discretion of the investigating police officer. Importantly, the victim is not required to provide corroborating evidence or justification to support their belief, and ‘police officers or staff should not directly challenge this perception’. Framing the policy in this way gives primacy to the perception of the victim as opposed to the investigating officer. In theory, at least, it is designed to improve levels of trust and confidence within historically marginalised communities and to increase the number of victims coming forward to report hate crime.

Each of the three legal jurisdictions in the UK has created laws which embrace the principle that crimes motivated by hostility or prejudice towards the victim’s identity should be treated differently from other crimes.

Letting down the victims

Despite the strength and breadth of legislation on hate crime in the various jurisdictions of the UK, and attempts to make victims’ experiences the starting point for investigation, victims are nevertheless often unhappy with how the police deal with incidents and support them afterwards.

All too often, it seems, police officers responding to complaints fail to take such crimes as seriously as many others (see our case studies). This can have fatal consequences, as in the case of Bijan Ebrahimi. Following years of abuse from people on his Bristol estate, Bijan dialled 999 to report that he had been physically assaulted and racially abused. Instead of arresting the perpetrator, police arrested Bijan for a ‘breach of the peace’ and detained him overnight. Two days after his release he was murdered by the man he had complained about.

In East London, police traced the alleged perpetrators of a homophobic attack on David Lees and his boyfriend, but no one was ever charged because of the absence of any CCTV evidence to corroborate David’s story and the fact that the principal alleged attacker claimed to have been acting in self-defence.

‘Grace’, the victim of a savage campaign of sexual and racial abuse online, was let down by the police from the start. She was told her tormentors were not ‘really’ racist but ‘immature’ and ‘only joking’.

The Crime Survey for England and Wales shows that compared to general crime victims, hate crime victims are less likely to be satisfied with the police response in terms of both fairness and effectiveness. Between 2012 and 2015, just 52 per cent of victims were found to be very or fairly satisfied with the handling of their case, compared to 73 per cent of general crime victims. There is no comparable government data available for hate crime victims’ satisfaction levels for Northern Ireland or



Vigil for victims of the Westminster attack, Trafalgar Square, March 2017 © PA

Scotland.

The Independent Advisory Group on Hate Crime in Scotland, after comparing statistics for Scotland and England, suggests that hate crime is notably under-reported by transgender people in Scotland, perhaps owing to fear and isolation¹³. People interviewed for the advisory group’s research suggested that the fear of salacious media attention if their case becomes public dissuades many transgender victims from seeking justice.

It is clear that responses to incidents of hate crime are inconsistent and often ineffective. We urge the Home Office and the Justice Departments in the devolved administrations to ensure that all police officers receive adequate training to correctly identify hate crime, respond to victims and support them appropriately.

For online abuse and cyberhate, the vast majority of victims experience a woefully inadequate criminal justice response, although legal provisions exist to combat this type of crime. The UK Government Action Plan to Tackle Hate Crime says it will continue ‘to support the work of existing initiatives to tackle hate online, including through the Cyberhate Working Group¹⁴. However, state agencies and practitioners remain ill-equipped to do so. We recommend that police forces, local governments and other relevant organisations develop training packages for frontline practitioners to improve their knowledge of online hate crime and their confidence in dealing with it. The Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion in Scotland is calling on the Scottish government to ‘work with key stakeholders to improve the monitoring of and response to online hate crime and prejudice’¹⁵.

Disregarding communities

The University of Leicester’s research highlights how in recent years public sector agencies have been forced to make significant cuts to their services and staff as part of government austerity measures. One of the areas hardest hit has been work with communities: many people working on the frontline in police forces, local governments and other organisations now have less time and fewer resources to engage in meaningful dialogue with community groups.

This kind of dialogue enhances practitioners’ understanding of different communities and local tensions. It ensures that the voices of community members are heard. And it leads to the development of policy and practice that are rooted in real-life experiences.

Good communication and engagement between public sector agencies and those groups most likely to face targeted hostility is key to increasing awareness of what hate crime is, where to report it, and where to go for support. Public sector agencies must be given the resources and support to facilitate effective dialogue with diverse groups in the community. If not, they will be unable to serve the people who need them most.

We urge police forces and local governments to ensure that frontline practitioners have the time and resources to establish and continue meaningful dialogue with different communities and with different sectors within communities.

Breaking down the barriers to justice

The Westminster government has made progress on combating hate crime over recent years and some good

practice is taking place. It has announced a number of new initiatives since the EU referendum and its associated spike in hate crimes. In July 2016 it published an updated action plan to tackle hate crime, with commitments to improve reporting, promote community-led solutions and increase funding¹⁶. The plan awarded £700,000 to schemes to tackle hate crime in communities and protect places of worship. The government also awarded £375,000 to further encourage the reporting and prevention of hate crime, working with faith and minority communities that have historically faced challenges in reporting hate crime.

The Westminster government also engages with a number of civil society and community groups working on hate crime through the Hate Crime Independent Advisory Group and a number of cross-governmental working groups.

In Scotland, an independent review of hate crime legislation led by Lord Bracadale is currently underway and is due to be published in early 2018¹⁷. This review will consider whether current laws are appropriate and consistent, and whether they need to be simplified, rationalised or harmonised. It will also assess whether new categories of hate crime for characteristics not currently legislated for, such as age and gender, should be recognised.

This is a welcome opportunity to evaluate legislation in Scotland to ensure consistency and clarity, gain comprehensive coverage of protection for identity-based characteristics including extending the list of characteristics and, importantly, to ensure the collection and publication of statistics on hate crime and hate incident reporting and prosecution to allow for a detailed and comparative analysis of trends. If, as is expected, there are recommendations for legislative reform and a consolidated hate crime bill, the policy framework will need to be updated.

The Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion in Scotland has made many recommendations, which cover not only legislation but also policy and wider issues such as under-reporting and educational approaches to bullying and discrimination in schools. These will help to inform the process.

A similar independent review of hate crime legislation should be initiated in Northern Ireland to identify gaps and areas for improvement in line with international standards and other jurisdictions in the UK.

Changing the conversation

During campaigns such as the London mayoral election and the EU referendum, a toxic quality was evident in the political debate, particularly on social media. Politicians talked of ‘taking our country back’ and unveiled a poster portraying the UK at ‘breaking point’.

The issue of immigration was at the fore and scaremongering seemed to fuel and legitimise hostility towards minority ethnic and faith communities.

Outside of specific campaigns, politicians have openly talked of creating a ‘hostile environment’ for migrants. In 2013 the Home Office commissioned advertising vans telling people to ‘go home’ or face arrest and in 2015 the then Prime Minister spoke of a swarm of people trying to enter the UK from Calais.



Amnesty's campaign urges people to stand up against hate crime.
© Marie-Anne Ventura

Politicians must adopt a more responsible tone when discussing issues relating to immigration and diversity in order to decrease the risk of legitimising hate crime.

In Northern Ireland, homophobia remains widespread. Gay rights campaigners have expressed concern that politicians and faith community leaders continue to reinforce prejudiced attitudes towards lesbian, gay, bisexual, transgender and intersex (LGBTI) people there. In 2015 the Democratic Unionist Party (DUP) attempted to introduce legislation at the Northern Ireland Assembly which would allow those with strongly-held religious beliefs to legally refuse to provide goods and services to gay people. Also in 2015, in response to BBC questions about the views of a DUP councillor who was quoted as saying that ‘homosexuality should not be legal’, then-party leader and Northern Ireland First Minister Peter Robinson said: ‘I would hope that if it was illegal, people would obey the law.’ When asked if that means he would like people to stop being homosexual if it were to become illegal, he said: ‘I do, I do believe that people should obey the law.’

There is a notable difference in the political rhetoric in Scotland regarding immigration and LGBTI people in particular, but there must be no complacency. Politicians must be ever vigilant about the impact of their rhetoric, particularly at flashpoints such as referendums or contentious elections.

Recommendations

To the Westminster government

- › As recommended by the Law Commission, the government should undertake a more extensive review of the hate crime legal framework within the UK to assess whether the current system meets the needs of hate crime victims
- › We recommend that the list of protected characteristics across the UK be extended to include, as a minimum, gender, socio-economic status and age; and all characteristics should have equal legal protection.

Across the UK

- › **Discriminatory language:** Public officials should speak out against and challenge negative stereotypes of particular groups and mobilise public opinion against discrimination on any grounds. Selection and training of public officials, particularly in the law enforcement and justice sectors, should ensure that in the performance of their duties their conduct is not in any way discriminatory, either directly or indirectly. Discriminatory behaviour by public officials, should not be tolerated, and any use of derogatory racist or other discriminatory language by them should be addressed with the strongest disciplinary measures.
- › **Training:** The Home Office and Justice Departments of the devolved administrations must ensure that all police officers receive adequate training to correctly identify hate crime and how to respond to and support victims appropriately.
- › **Community engagement:** Police forces and local governments need to ensure that frontline practitioners have the time and resources to take part in community engagement which facilitates a meaningful and continued dialogue with different communities and with different sectors of these communities.
- › **Tackling hate online:** Develop training packages for frontline practitioners to improve their knowledge of online hate crime and their confidence in dealing with this form of crime.

To the Scottish Government and the Independent Review of Hate Crime Legislation in Scotland

- › Consolidate the hate crime legislation to ensure consistency, clarity and equal protection across all categories of hate crime.
- › Extend the categories of protected characteristics and allow for flexibility so that local or regional issues of hate can be identified and addressed. As a minimum, this should include extending the categories to include gender, age and socio-economic status.
- › Subsequent to any new legislation, the Scottish Government must respond with an appropriate policy framework for hate crime in Scotland including many of the recommendations of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion in Scotland.

To the Scottish Government and Police Scotland

- › Ensure the adequate and appropriate collection of data on hate crime, publish it and make it accessible regularly. This will ensure transparency and accountability but also enable trends to be identified, comparisons made and issues directly addressed. This should include, but not be restricted to, data on reports of hate crimes, disaggregation of hate crime reports by locality, collection and publication of reports of hate crime and hate incidents on an expanded list of categories.
- › Improve third party reporting mechanisms, including working with partners to develop an accessible online hate crime and hate incident reporting mechanism.

To the Northern Ireland Executive and authorities

- › Publication of the long-awaited sexual orientation strategy and action plan, and publication of the gender equality strategy to demonstrate how government will tackle the negative attitudes which lead to hate crime.
- › Strengthen race equality legislation to bring it into line with the UK government's international obligations relating to the promotion of human rights for racial minorities and other groups and with the recommendations of international human rights monitoring bodies.
- › In preparation for this, the Department of Justice should initiate an independent review of hate crime legislation to consider the scope for improvement of current laws.
- › Ensure the adequate and appropriate collection and publication of detailed data on hate crime and public perceptions regarding hate crime, comparable with other parts of the UK.
- › Take effective action to detect and prevent transphobic hate crime. The Department of Justice should amend the 2004 Criminal Justice (No 2) (NI) Order to include hostility towards transgender people as an aggravating factor for any crime.
- › Reestablishment of policing and hate crime community engagement infrastructure eg. Inter-Agency Groups (IAGs).

Case studies

Bailey

Bailey Anderson, 13, and his friend were walking down a street in North Belfast one afternoon in May 2016 when they were accosted by two older males who subjected them to sectarian abuse ('dirty wee prods') and started to beat them. Bailey had been pushed against a wall and repeatedly punched in the face by the time passers-by intervened and the violence stopped. Apart from the physical harm he suffered, Bailey was left feeling afraid for his safety when out in public and distressed that sectarian prejudice and violence is still happening today. He says: 'I was scared and shocked... It makes me feel annoyed that I can't go somewhere without being attacked because of my religion.'

'I was scared and shocked' Bailey

Bijan

Bijan Ebrahimi, was an Iranian refugee who had learning difficulties and a physical impairment. Described as a quiet man who loved his garden and his tabby cat, he was subjected to years of harassment and abuse from people on the estate he lived on. Tired of seeing his hanging baskets and flowerpots vandalised he decided to take photographs of the young people who gathered outside his flat. Bijan thought that if he collected evidence of the anti-social behaviour the local council would move him to a safer location. Instead, he was branded a 'paedophile' by a group on the estate for taking photographs.

On the evening of 11 July 2013 Bijan saw his neighbour drinking a can of beer on the green in front of his flat and he decided to film him. The neighbour misinterpreted this action as Bijan taking pictures of his daughter, and, enraged, forced his way into Bijan's flat shouting 'I'm going to fuck you up.' Terrified, Bijan dialled 999 and told the operator that he had been physically assaulted and racially abused. The call was flagged as a hate crime and categorised as a 'grade one' incident requiring an immediate response.

By the time the police arrived an angry mob of around 15 people had gathered. Rather than arresting the neighbour, the police detained Bijan for breach of the peace. As Bijan was led away the crowd cheered and chanted 'paedophile'. Despite the police logging their concern about the possibility of retribution, Bijan was released from custody the next day. Over the next two days Bijan contacted the police on numerous occasions by telephone and email, stating that his life was in danger. Bijan made his final call to the police at 12.12am on Sunday 14 July, and in the hour that followed the neighbour, with the help of an accomplice, beat Bijan unconscious, dragged his body outside and set it alight.

During the six years leading up to his death, Bijan had many interactions with police community support officers, police officers and police staff as a victim of racist and disablist hate crime. Bijan was regarded as 'antagonistic and troublemaking', a 'pest', an 'idiot' and a 'pain in the ass' and this antipathy clearly affected how the police responded to him

'The police never dealt with his problems properly, they saw him as a repeated complainer. They disliked him for whatever reason.'

Bijan Ebrahimi's sister

when he needed them most. The police force failed to protect someone who was extremely vulnerable.

Although the neighbour pleaded guilty to murder and was handed a life sentence with a minimum term of 18 years, the court failed to recognise the disability hostility that many campaigners felt motivated the attack. The court failed to use the enhanced sentencing powers provided by the Criminal Justice Act 2003. The prosecution found no evidence of hostility towards Bijan's disability when the offence was committed.

Cathleen

For Cathleen Lauder being stared at, talked about and harassed because she is a transgender woman is part of everyday life. She has been subjected to verbal abuse, intimidation and unwanted physical contact ever since she transitioned. She never felt confident enough to report the abuse: she had no proof, and she was concerned about how the police would respond. But then a friend bought her a mobile phone so she could record hate crimes when they happened.

In April 2015 Cathleen was on a bus in Edinburgh when two men and a woman started calling her names, singing offensive songs and making rude gestures at her. Trapped in a small space and worried that the abuse could escalate, Cathleen began recording on her phone. She got off the bus as soon as possible. It was only at the police station, as she was giving her statement, that she realised how much the incident had affected her.

This time Cathleen could provide evidence, and the Crown Office and the Procurator Fiscal decided to prosecute one of the perpetrators. A court date was set for December 2015. Cathleen dreaded having to appear in front of a jury, but she welcomed the opportunity to receive justice. It was a shock to find the court hearing cancelled because the evidence had been lost. She had to wait another eight months for her case to be heard.

Cathleen had experienced persistent, 'low-level' hate crime for two years, and when at last she had the confidence to report it, the workings of the criminal justice system brought additional trauma and frustration. 'I think there's still a lot of mistrust between trans people and the police,' she says. 'Historically the police and other authorities have been prejudiced towards LGBT people and this has prevented LGBT people from reporting... It is only through better community engagement and training that things will improve.'

Since the court case, Police Scotland have set up a network of LGBTI liaison officers trained by the Equality Network, a Scottish LGBTI charity. It will be important to monitor how this improves the confidence of LGBTI people in the police.

'Historically the police and other authorities have been prejudiced towards LGBT people and this has prevented LGBT people from reporting'

Cathleen

David

In September 2015 David Lees and his boyfriend were walking home holding hands after attending a party in Bow, East London. A passer-by, with his girlfriend, shouted 'faggots'. David and his boyfriend turned and tried to challenge the man about his language. Instantly he became confrontational, pushing David and his boyfriend. The situation escalated when a group of four young males got out of a car and passed a bottle to the main abuser, who threw it at David. The group forced David and his boyfriend to the ground, kicking them in the face and ribs. By the time the police arrived the attackers had disappeared.

Initially David received a positive response from police. The officers asked him if he thought the attack had been motivated by hostility towards his sexuality. They apprehended the alleged perpetrator and brought him in for questioning. However, following the attack, days passed and David heard nothing. An LGBT charity discovered that although the men had been traced they had not been charged. The principal alleged assailant said he had attacked David in self-defence. In the absence of conclusive CCTV evidence, the police explained that although David could proceed with the case, it was likely that he would also be charged with affray. He was left feeling shocked and angry. He says: 'Since being physically attacked I feel so much more self-conscious about holding my partner's hand or being affectionate.'

'Since being physically attacked I feel so much more self-conscious about holding my partner's hand or being affectionate.'

David

Hanane

In October 2015 Hanane Yakoubi, who was 34 weeks pregnant, was travelling on a bus in London with her two-year-old child and two friends. Another passenger, started berating Hanane and her friends for not speaking English. For five minutes the perpetrator spouted a vile barrage of abuse, calling the women 'sand rats' and 'ISIS bitches', accusing them of supporting Islamic State and hiding bombs in their clothing. She declared: 'I don't fucking like you people because you're fucking rude. You come to England and you have no fucking manners... Go back to your fucking country where they're bombing every day. Don't come to this country where we're free... You're lucky I don't kick you in the uterus and you'll never have a baby again'. No one on the bus intervened, but one passenger filmed the attack on a mobile phone and uploaded it to Facebook, where it went viral. After the perpetrator saw the footage, she handed herself in to police. After pleading guilty to causing racially aggravated distress she was sentenced to 16 weeks in prison, suspended for 18 months, and 60 weeks of unpaid work.

No one on the bus, including Hanane and her friends, reported the crime.

'I am finding it difficult to sleep at night and every time I go out I am afraid...'

Hanane

Grace (not her real name)

Grace, 26, met Jack in 2014 and felt she had met her soul mate. But Jack's family and friends showed their dislike for Grace, and for their interracial relationship, by expressing and posting racist, xenophobic and sexist comments online. Grace and Jack moved to another city to escape the abuse, but anonymous racist slurs continued on Facebook from former 'friends' of her partner: 'She's a slitty-eyed mental trench gook who needs to be chopped up and binlined and dumped in the canal... You'll have an aids ridden black crack head raping her... We need to stab the cunt...'

Frightened that these threats of violence might be acted upon, Grace reported this hate crime to the police via 101, a non-emergency number which members of the public are encouraged to use. From the very first she was let down. She found the police to be uninterested and unhelpful. The case was not identified or recorded as a hate crime and a decision was taken not to prosecute despite Grace having evidence to support her claims.

Officers attempted to placate Grace by telling her that the perpetrators 'were not really racist... only immature men who were joking.' Grace's story exemplifies the very real disconnects that exist between what in the eyes of the state can seem like a comprehensive hate crime policy framework and what in the eyes of the victim can feel like an intimidating and unwieldy criminal justice system.

'I was psychologically traumatised and my outlook on life has changed,' says Grace, 'not only because of the crime committed against me but also by the way the police handled the case... I still get anxiety and panic attacks.'

'I was psychologically traumatised and my outlook on life has changed, not only because of the crime committed against me but also by the way the police handled the case'

Grace

Michael

Michael Bailey is a 61-year-old father of three who has a muscle-wasting disease. He was terrorised by local youths for more than seven years on the basis of his disability. It began when a group of teenagers started to congregate outside Michael's house in west Belfast. If they knew he was at home they would bang on the windows, throw bottles and shout abusive names such as 'freak' and 'coffin dodger'.

As time passed the harassment escalated, with incidents becoming increasingly violent. Michael came to expect that he would be spat on, pushed and punched every time he left his house. He was tipped out of his wheelchair while local youths demanded his money; saw the wheelie bin outside his house set on fire, and had his mobility scooter torched.

The aggression had a devastating impact upon his emotional and physical well-being. He was afraid to leave his house or to have people visit him, terrified that his wife, children and grandchildren would also be targeted.

After years of abuse Michael felt that he could not take any more and he contemplated suicide. He had contacted the police on more than 20 occasions. Although the Police

'It was torture and I just didn't understand why they were doing it'

Michael

Service of Northern Ireland (PSNI) recorded eight of these incidents, only one was categorised as a disablist hate crime. This was a missed opportunity to identify the pattern of offending as hate crime and to deal with it before it escalated into violence.

Monique (not her real name)

Monique and her children, originally from Ghana, have lived in the UK for approximately 10 years. They initially settled in well in the West Midlands. The children learned English quickly and their immediate neighbours were welcoming. Monique found a job working at a local school and was happy with her decision to come to the UK to provide a better life for her family.

Things began to change in the weeks before the EU referendum in June 2016. The children experienced racist hostility at school, and were told by other children that they would be kicked out of the country. The bullying had a huge impact on their emotional wellbeing – they became withdrawn and it affected their confidence both at school and at home.

Fortunately the school welcomed intervention from the local hate crime partnership that was already providing the family with emotional support. Workshops about bullying and its impact were delivered to several classes and that, coupled with disciplinary action taken by the school, not only helped to diffuse the situation but also helped Monique's children to overcome their ordeal.

However, once the EU referendum result was revealed the family suffered further hate crime. For the first time since coming to the UK Monique experienced explicit racist abuse. She was called 'Nigger' and 'Wog' and on one occasion was spat at and told to 'Fuck off back home where you belong, we don't want you here anymore'. Monique began to lose faith in the friendships that she had developed over the years. She grew increasingly anxious, stopped going out on her own and lost her job because her physical health had deteriorated.

The racist abuse that Monique and her family experienced cannot be detached from the toxic political climate that was created in the weeks leading up to the EU referendum. The issue of immigration dominated political speeches and front pages, and in turn the scaremongering fuelled and legitimised hostility towards minority ethnic and faith communities. Monique, along with the thousands of other victims who experienced pre- and post-Brexit hate, were failed by some politicians who stoked up fear and hatred for political gain.

After initially trying to ignore the abuse, Monique decided to report the incidents to the police. She felt her victimisation was dismissed by officers because she had not reported the incidents at the time in which they happened. Monique continued to report hate crimes as and when she experienced them but, again, she was disappointed by the response she received. On multiple occasions Monique was visited by police community support officers who told her that they could not investigate the hate crimes because there were no independent witnesses. The police failed in their duty because they did not take Monique's statement or

'Monique's faith and confidence in society and in the police have been shattered.'

Anna McLauchlan, coordinator, Chase Against Crimes of Hate

even try to collect any evidence such as CCTV footage. As a result of her victimisation and her experience with the police, Monique has been left feeling isolated, unwanted and worthless.

Paul

In January 2015 Paul Finlay-Dickinson lost his long-term partner Maurice to cancer but was unable to fully grieve his death because he was being harassed and threatened by local youths. In the 18 months leading up to Maurice's death, the couple were regularly subjected to homophobic abuse, their house was vandalised and faeces was pushed through their front door. The torment continued when a memorial card announcing Paul's death was posted to the house and opened by Maurice who was terminally ill at this stage. Even the rainbow flag that Maurice had wanted draped on his coffin was defaced with faeces.

After Maurice died, and with the homophobic attacks unrelenting, Paul felt that he could no longer live in his north Belfast home. In June 2015 Paul was getting ready to move into a new house, which he thought would bring an end to the harassment that he had endured for so long. However, before Paul could move in to the property a group of young people smashed the windows and daubed 'pedo' beside the front door. Paul was too afraid to move in.

Homophobia is still widespread in Northern Ireland and gay rights campaigners have expressed concern that politicians and faith community leaders continue to reinforce prejudiced attitudes towards gay people. Referring to Paul's victimisation, the chair of Changing Attitude Ireland Dr Richard O'Leary, said: 'The DUP has for decades led verbal and legal assaults on gay people. From its Save Ulster from Sodomy campaign, to its opposition to civil partnership, to its current proposed conscience clause.'

Some political and religious leaders in Northern Ireland have regularly referred to same sex relationships and to gay people as 'sinful', 'evil', an 'abomination' and 'intrinsically disordered'. This discourse has helped to create a climate in which homophobic hostility is seen as acceptable and legitimate.

'I am being segregated and attacked because of my sexual orientation... I cannot take much more'

Paul

Table 1: UK hate crime legislation

England and Wales ⁵	
Legislation	Legal provision
Public Order Act 1986	Section 17 created offences of stirring up racial hatred through the use of threatening, abusive or insulting words, behaviour or written material. In 2006 and then again in 2008 this provision was extended to cover incitement on the grounds of religious identity and sexual orientation.
Crime and Disorder Act 1998	Section 28 to 32 created a number of racially aggravated offences related to assault, criminal damage, public order and harassment. This piece of legislation was amended through the Anti-Terrorism, Crime and Security Act 2001 to additionally cover religiously aggravated offences.
Criminal Justice Act 2003	Section 145 made racial aggravation applicable to all offences. Section 146 introduced sentencing enhancement provision for any offences that are proven to be aggravated by hostility towards sexual orientation and disability. This act was amended through Section 65 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to extend the same legal provision for transgender identity.
Northern Ireland	
Legislation	Legal provision
Public Order (NI) Order 1987	Part 3 created offences of stirring up racial hatred through the use of threatening, abusive or insulting words, behaviour or written material. In 2001 and then again in 2004 this piece of legislation was amended to include incitement on the basis of disability, religious belief and sexual orientation.
Criminal Justice (No 2) (Northern Ireland) Order 2004	Section 2 provides the courts with the power to increase the sentence for any offence where it is proven to have been aggravated by hostility towards a person's race, religion, political orientation, sexual orientation or disability.
Scotland	
Legislation	Legal provision
	Section 17 created offences of inciting racial hatred through the use of threatening, abusive or insulting words, behaviour or written material.
Crime and Disorder Act (Scotland) 1998	Section 96 established provisions on racial aggravation, and section 33 of the same Act created a specific statutory offence of racially aggravated harassment. This piece of legislation was later amended by Section 74 of the Criminal Justice (Scotland) Act 2003 to cover religiously aggravated offences.
Offences (Aggravation by Prejudice) Act 2009	Section 1 and 2 of this Act introduced offences aggravated by prejudice related to disability, sexual orientation or transgender identity. It provided the courts with the power to enhance a sentence where the aggravated element is proven.
Offensive Behaviour at Football and Threatening Communications Act 2012	This Act covers offensive behaviour in relation to certain football matches, as well as the communication of threatening material aggravated by sectarianism.

End notes

- 1 Dr Stevie-Jade Hardy, Professor Neil Chakraborti. University of Leicester, The Centre for Hate Studies: *Hate Crime: Identifying and Dismantling Barriers to Justice*. December 2016.
- 2 National Police Chiefs Council, *Hate crime undermines the diversity and tolerance we should instead be celebrating*, July 2016. <http://news.npcc.police.uk/releases/hate-crime>
- 3 Scottish Government, *Tackling Prejudice and Building Connected Communities*, June 2017. www.gov.scot/Publications/2017/06/1336
- 4 Hate Crime Legislation Review, <http://www.gov.scot/About/Review/Hate-Crime-Legislation>
- 5 *Action Against Hate: The UK Government's plan for tackling hate crime*, July 2016. <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>
- 6 Report: *The Stephen Lawrence Inquiry*, by Sir William Macpherson. 24 February, 1999. <https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>
- 7 Office for National Statistics, Crime Survey, England & Wales, <http://www.crimesurvey.co.uk/>
- 8 PSNI: *'Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2017'*. <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/hate-motivation-statistics/2016-17/q4/quarterly-hate-motivations-bulletinperiod-ending-mar17.pdf>
- 9 BBC News: *'Hate Crime 'still far too high' post-Brexit – Police*. <http://www.bbc.co.uk/news/uk-36869000>
- 10 <https://news.gov.scot/news/tackling-hate-crime>
- 11 Law Commission, *Hate Crime: Should the Current Offences be Extended?* May, 2014. <http://www.lawcom.gov.uk/project/hate-crime/>
- 12 Nottingham Women's Centre, *Misogyny Hate Crime*. July 2016. <http://www.nottinghamwomenscentre.com/2016/07/15/misogyny-hate-crime/>
- 13 Paragraph 14 from Independent Advisory Group report: <http://www.gov.scot/Resource/0050/00506074.pdf>
- 14 UK Government, *Hate crime action plan 2016*. <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>
- 15 Independent Advisory Group Report: <http://www.gov.scot/Resource/0050/00506074.pdf>
- 16 UK Government, *Hate crime action plan, 2016*. <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>
- 17 Scottish Government, Lord Bracadair (chair), *Hate Crime Legislation Review*. Due 2018. <http://www.scotland-judiciary.org.uk/24/1727/Lord-Bracadale-to-lead-hate-crime-review>

If you require this document in an alternative format please contact:

Telephone 020 7033 1777

Textphone 020 7033 1664

Email sct@amnesty.org.uk

Amnesty International
The Human Rights Action Centre
17-25 New Inn Yard
London EC2A 3EA

www.amnesty.org.uk

Charity registered in England & Wales no.1051681. Charity registered in Scotland no.SC039534. Company Limited by guarantee registered in England no. 03139939.