

A Review of the Evidence on Hate Crime and Prejudice: Report for the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion

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EXECUTIVE SUMMARY

- 1. Background of the research:** The SCCJR was commissioned to explore the nature of evidence on hate crime in Scotland in order to support the work of the Advisory Group on Hate Crime and Prejudice. This report summarises key sources of information as well as addresses some issues around the definition and understanding of hate crime as a social phenomenon. In addition, as part of this project, a series of key stakeholders comprising national and local organisations were surveyed to explore organisational data collection, usage and perceived gaps in information.
- 2. Sources of information about hate crime in Scotland:** There are numerous sources of information about levels and types of hate crime in Scotland. These include officially produced data such as statistical information specifically about this form of crime reported by statutory agencies on an annual basis, as well as data on hate crime or other forms of discrimination collected as part of wider social surveys. This report also identifies stakeholder organisations as key collectors of data on hate crime experiences. There is also academic research on hate crime, and data collection efforts which are picking up 'hidden' problems of hate crime (e.g. reporting abuse experienced by NHS staff). Each of these sources of data has limitations and strengths, and in particular it is important to consider how different sources of data can be brought together in considering the extent, nature and means of addressing hate crime in Scotland.
- 3. Levels of hate crime in Scotland:** Official data on reported incidents of hate crime establish that there is a problem of hate crime in contemporary Scotland. It is difficult to analyse trends in reported hate crime as it is widely acknowledged that reporting issues (both underreporting and uncertainty and inconsistency in reporting practices) significantly affect overall figures. However, all stakeholders consulted in this research reported higher levels of hate crime than is reported in official figures.
- 4. Need of qualitative research to develop a more detailed and accurate picture:** In addition to underreporting of hate crime in official data, aggregation of or different definitions of protected group categories can obscure understanding of underlying trends. For example while reported

crimes related race/ethnicity have declined in the most recent reporting year, there have been reported increases among some particular ethnic/national groups. This research emphasises the need for more qualitative research on the nature and levels of hate crime, to help provide a clearer picture of victims' experiences as an additional perspective to the official statistics. Qualitative data can reveal whether there are particular intersections of protected categories that are targeted in hate crime, draw attention to circumstantial factors of victimisation and deepen understanding of the nature of the harms caused by hate crime.

- 5. The harms of hate crime, both direct and indirect, are widely experienced in Scotland:** Stakeholder organisations reported many and widespread experiences of direct harm (direct experiences of being targeted and harmed through hate crime and discriminatory practices). People having protected characteristics experience harm, prejudice and discrimination on a regular basis. In addition and as a result, many people also are experiencing indirect harms including self-isolation, fear, resistance to engaging with services that lead to wider social harms and inequalities of reduced health and longevity, for example.
- 6. Attending to marginalised perspectives in hate crime research:** While there has been a great deal of progress in terms of privileging victims' voices through qualitative research, it is also important to consider whose voices are still marginalised. The research has highlighted the fact that some groups are less likely to take part in research about hate crime victimisation, such as those with learning disabilities due to accessibility issues, or people in prison who may experience hate crime but lack the support to report or challenge it. The qualitative research base has undoubtedly improved in recent years however more is needed if we wish to be able to present a more reliable account of hate crime victimisation.
- 7. Perception that some protected categories are prioritised for action over others:** Published research as well as responses to surveys administered in this research suggests there are perceptions that some categories and groups targeted by hate crime are prioritised over others.
- 8. Stakeholders wanted more detailed and more frequent information from official data:** Issues were also raised about the collection and reporting of official data – consistency, the prioritisation of certain protected

characteristics over others depending on the political climate, difficulties disaggregating the data (e.g. by learning disability).

- 9. Intersectionality is an important consideration for understanding and acting on hate crime:** Intersectionality refers to the interconnected nature of social categories. The intersectionality of hate crime was considered to be a crucial factor by most of the stakeholders who took part in this research, and was also emphasised in the literature and research studies consulted. It is important to think about how experiences of victimisation based on multiple protected characteristics might be better captured both in quantitative and qualitative research – for example by considering the statistics at an individual level - and addressed more effectively in responses to hate crime. This is recommended as a subject area for future research.
- 10. Need of research into perpetrators of hate crime:** More information is required on the perpetrators of hate crime, and this could be a focus for future research as it has received relatively little attention to date. In this vein, it is also crucial to avoid pathologising or individualising all instances of hate crime, as what evidence does exist on the demographics of convicted perpetrators suggests that they are likely to be young, unemployed or underemployed men with increased likelihood of being involved in the criminal justice system more generally.
- 11. Need to attend to the structural dynamics of perpetrating, experiencing and addressing hate crime:** Sufficient attention should also be paid to the structural factors that help to shape hate crime patterns (as is the case in crime patterns in general). As well as this, it is important to focus on the ways in which the structural disadvantage of minority groups (for example, in access to services, or in the labour market) combines with discrimination to negatively shape people’s life experiences.
- 12. Dissatisfaction with existing terminology:** Some stakeholders have suggested that there should be a discussion around the use of certain terminology, a point which is also supported by some of the academic literature. Problems with the term ‘hate crime’ are raised frequently in this report, with concerns that it obscures the more ‘everyday’ prejudice that minority groups face. It also potentially prevents perpetrators of prejudice (or people with the potential to act on prejudiced attitudes) from engaging in the debate, as most people would not consider themselves capable of a ‘hate crime’. There are also issues with what was referred to as ‘generic terms’ or

terms that could be misleading, such as ‘sectarianism’, which was raised as potentially creating a misunderstanding of the issues faced by a particular group. This is particularly the case in relation to the Irish community in Scotland, as it has been argued that such focus on the religious characteristic means that victimisation based on ethnic origin or cultural difference is not paid sufficient attention.

13. Key messages on effective practices and interventions: Stakeholder responses and research identified numerous issues around effective practices including addressing barriers to reporting; developing confidence and trust in agencies responsible for managing complaints; involving those affected directly in developing solutions and interventions; improving understanding and education of what hate crime is and how to talk about it; developing training kits for use by the third sector; exploring use of restorative justice and developing information and research on effective practices. Appendix 3 summarises the stakeholder responses to the surveys conducted by this research.

SECTION ONE: INTRODUCTION

Aims of this report

The purpose of this report is to review the existing evidence of the levels of hate crime and violent prejudice in Scotland in order to help inform the Independent Advisory Group on Hate Crime and Prejudice, which has been established to provide ministers with advice on the priorities for tackling hate crime, eradicating prejudice and building community cohesion. This was carried out through desk-based research as well as engagement with key stakeholders identified through discussion with the Scottish Government.

Structure of report

The report will firstly introduce the key research questions and outline some important caveats and definitions, particularly in relation to what we mean by 'hate crime'. It will then briefly outline some data from the literature on the context and causes of hate crime and violent prejudice. The main body of the report will focus on two sections: 'harm' and 'responding to harm' (detailed further in below section). This will utilise the information provided to us by stakeholders, as well as data obtained through desk-based research (for example official statistics) and reviews of the literature and academic work on hate crime. The report is not structured in separate sections based on different 'protected characteristics'. This is because of the intersectional nature of victimisation which was highlighted to us by stakeholders and is also emphasised in the literature. Finally, the report concludes with some research recommendations on what gaps there are in the existing evidence as well as a reflection on the aftermath of Brexit.

Key Questions / Themes

Key topic themes were identified by the Advisory Group following the Hate Crime summit in October 2015. It was decided that the following thematic areas would be addressed in the research, with the items in bold constituting the focus of the effort:

1. Context and causes: individual, structural and environmental causes and conditions of hate crime;
2. **Harm: direct and indirect forms and impacts of hate crime as noted above; nature and estimated amounts of harm caused to individuals or groups;**
3. **Responding to Harm: existing range of responses in Scotland; evidence from the UK and beyond on any relevant effective practices;**
4. Research recommendations: What further research needs to be done?

Caveats

It is vital to foreground this report with some discussion of the complexities involved in the topic of hate crime. 'Hate crime' is a fairly recent label, the usage of which increased significantly towards the end of the 20th century as a result of high-profile incidents such as the racist murder of Stephen Lawrence in 1993 and the subsequent publication of the Macpherson report in 1999 (Chakraborti and Garland 2015: 1). It is important to note that the term may be both under and over inclusive. Some harm experienced by members of protected groups may not be covered by a legal definition of crime, but nevertheless produce distress and other negative outcomes. At the same time, the legal definition of hate crime might include behaviour that is not experienced as harmful or recognised as criminal by intended (or unintended) victims.

Some scholars have also pointed out that the climate in which hate crime laws have emerged is characterised by a rise in identity politics and increasingly punitive criminal justice policy. Mason (2014: 296) argues that by 'explicitly labelling, prohibiting and punishing the criminal manifestations of prejudice, these laws engage in a form of moral training that does not just describe and punish the phenomena of hate crime but constructs the very norms and subject positions they regulate (e.g. legitimate victim or racist offender)'. This helps to create an

understanding of 'hate crime' as the manifestation of the poor values of individuals, as opposed to paying sufficient attention to social and structural roots. Mason also cites Goodall's (2013) argument that 'hate crime laws lack a convincing rationale for why the criminal manifestations of antipathy and contempt from *any* social group towards *any* form of difference should attract a heavier punishment' (Mason, 2014: 307).

Moreover, the hate crime framework may be useful in a legislative sense but is potentially problematic when talking about how best to affect social change through shifting attitudes. A 2004 report commissioned by Stonewall suggested that:

'The contemporary focus on hate crimes can obscure the ordinariness of everyday prejudice in terms of verbal abuse and incivility; pity and sympathy; or unwittingly derogatory language. As a result, many individuals fail to recognise their own beliefs and actions as a form of prejudice (21)'.

Many perpetrators would not necessarily think themselves capable of committing a 'hate crime' so the term may be problematic when thinking about how to respond to such behaviours – a crucial consideration when developing frameworks for responding to hate crime either directly or indirectly through community engagement or community initiatives for example.

Finally, it is worth noting that with regard to Scotland this discussion is taking place in the context of debates around recent 'hate crime' football legislation (the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012). Aside from the on-going controversy regarding this particular Act, it highlights the fact that hate crime legislation targets a very wide range of behaviours from singing a song identified as sectarian or which is otherwise offensive, to the most serious kinds of physical harm.

This scoping document employs the term hate crime but is vigilant of its limitations, and uses it to refer more broadly to behaviour that is or has the effect of targeting people with characteristics protected under equality and diversity legislation.

Protected characteristics

Protected characteristics under the Equality Act (2010) include: age, sex, sexual orientation, gender reassignment, disability, marriage or civil partnership, pregnancy and maternity, religion and belief. Discussion within this scoping document focuses on characteristics which have been identified as policy priorities in the area of responding to hate crime: *religious and faith groups, ethnic and racial minorities, LGBTI people and people with physical or cognitive disabilities*. While age and gender certainly are areas where there is evidence of serious harm (e.g. elder abuse and gendered violence), existing policy streams are addressing these and so this review remains focused on a selected set of protected characteristics. There will of course be overlaps and intersectional cases of hate crime (e.g. targeting particularly female Muslims because of identifiable clothing) that would be included in this review.

During our engagement with stakeholders, one organisation raised the issue that they felt to be problematic from a legal / policy point of view:

‘Please note that using the protected characteristics from equality / discrimination law doesn't really work for hate crime for LGBTI people, because Scots hate crime law uses somewhat different ones. We cover sexual orientation (LGB people - here the protected characteristic is the same for equality law and hate crime law), gender identity (Trans people - the characteristic is called transgender identity in hate crime law and is NOT the same as gender reassignment - it's more inclusive), and sex characteristics (Intersex people - not included in equality / discrimination law, but included in Scottish hate crime law as ‘intersexuality’, as a sub-heading of transgender identity - which is not ideal, but at least it's included!)’

Such considerations make clear the fact that any categorisation of identity excludes in its very attempt to include.

SECTION TWO: METHODOLOGY

Sources of data

This evidence review involved conducting literature searches and a survey of stakeholder organisations on their perspectives of the research topic and practices and recommendations about data collection. The project's remit did not include original data collection on hate crime, for example by speaking to victims directly. Stakeholder views captured via the survey (and in some cases meetings in addition to this), constitutes primary data findings to an extent, however this did not address levels of hate crime directly. Types of information sources drawn on for this report therefore included:

- **Official sources of data:** including published statistics and information hate crime, specific and aggregated data on protected groups;
- **Academic sources:** selected independent research on hate crime that may include address levels, nature or responses of hate crime experiences across a range of groups;
- **Organisational sources:** information produced by advocacy groups, NGOs, quasi government organisations and quangos, research centres and think tanks often collect their own data or issue surveys on hate crime experiences including commissioned research and self-conducted surveys and data sweeps;
- **Other sources of information:** in addition to evidence on quantity and qualities of hate crime, other kinds of information relevant to this review such as service brochures, annual reports, best practice guides, news items, websites and so on were drawn on – though it is important to note that given the vast amount of literature available a full picture of what exists is not possible.

Stakeholder engagement

It was evident from Gormley, McBride, Armstrong and Atkinson's (2015) 'A Scoping Study for the Glasgow Hate Crime Working Group' that many organisations regularly conduct their own research and collect data on the topic of hate crime, either formally or informally, or a combination of both. Not all of this is available online, and some of the documents did not appear in traditional database searches. Therefore the project leads invited stakeholder organisations to submit their own evidence and data, or links to these if available publicly.

The Scottish Government provided the present research team with a list of key stakeholders who had attended the recent Hate Crime Summit (October 2015). Other stakeholders were identified as potentially holding data that may be useful to the project either through word of mouth or by online searching.

It was not within our remit due to time and resource constraints to meet directly with stakeholders; however, two organisations – the **Scottish Commission for Learning Disabilities** and the **Equality and Human Rights Commission** - requested that we meet in person and we agreed to this.

Surveys (see Appendix 1) were designed by SCCJR and approved by Justice Analytical Services. This research also was reviewed and approved by the University of Glasgow's College of Social Science Ethics Committee. Surveys were sent via email (or hard copy on request) during January 2016, and responses received through approximately May 2016. The survey also was made available in easy-read format, which was utilised by at least one organisation. The list of organisations contacted and those that were able to take part in the research can be viewed in Appendix 2. Appendix 3 summarises the key themes contained in survey responses.

Desk-based research

Desk-based research of official, organisational and academic data was conducted according to the following parameters:

- Online searches using major databases in the sciences and social sciences (e.g. Web of Science, EBSCOHost);
- Focusing the jurisdictional scope and priority of searches to Scotland, with inclusion of other jurisdictions where appropriate (e.g. UK research where Scotland is included or where there are Scotland-relevant findings, and European research which includes relevant findings or inclusion of Scottish Data);
- English language sources;
- Existing relevant resources were sought to build on known resources (e.g. Gormley, McBride, Armstrong and Atkinson's (2015) 'A Scoping Study for the Glasgow Hate Crime Working Group') and to identify further sources of evidence; these were identified through knowledge of the research team and networking through the team and advisory Group's contacts;
- The topical scope of the evidence search included any or all of the priority protected characteristics including relevant subgroups as noted in the introduction (e.g. Romani as part of wider hate crime category of race/ethnicity/nationality).

Limitations

Given the range of groups covered, the lack of comprehensive and validated official data on experiences of hate crime, the known under reporting of such crime, and the diversity of groups who support those who may experience it, there was no possibility of collating a total and fully representative picture of hate crime using existing data. Rather it was considered that each source of information has a particular value given the focus and aims of the group collecting it, and was assessed for its fundamental ability to: (1) offer information that is important for understanding the nature and/or best response to hate crime, and (2) be of a quality that it reliably represents what it claims to. For example, police and prosecution data, as with all forms of crime, are known to under represent overall rates of hate crime but are a useful indicator of official types and levels of action. Similarly, a small organisation that supports those with learning disabilities may offer a very small scale survey of its own clientele that cannot be extrapolated to other groups but can provide rich detail on experiences both of hate crime and responses to it in a particular community. The latter is a crucial source of information and finding ways of collecting and valuing such sources of information is a recommended priority for

future research. It is important to note that most of the organisations that took part in this research are primarily service or campaigning organisations, as opposed to research organisations; however, the data that they provided included a useful range of quantitative and qualitative information.

SECTION THREE: CONTEXT AND CAUSES

The question of what causes prejudice and discrimination – and hate crime in its most extreme form – is complex and a large body of research exists dedicated entirely to this topic. Some points can be noted, for example Duckitt's (1992: 1190) four level model of the causes of prejudice, though it is important to note that this explanation is problematic in that it is largely positivist and psychological:

1. Genetic and evolutionary predispositions: the —inherently human — potentiality or propensity for prejudice;
2. Societal, organisational and intergroup patterns of contact and norms for intergroup relations (e.g. laws, regulations);
3. Mechanisms of social influence that operate in group and interpersonal interactions e.g. influenced by mass media, the educational system, the structure and functioning of organisations such as the workplace;
4. Personal differences in susceptibility to prejudiced attitudes and behaviours, and in acceptance of specific intergroup attitudes.

Most literature emphasises the importance of not overstating the first of these, as it is social and intergroup contexts and circumstances that can allow psychological propensities to develop, therefore, Duckitt emphasises that attempts to reduce prejudice should take place at all of these levels. Yet such psychological-focused analyses neglect socio-economic and political contexts, such as the impact of policy decisions such as dispersal of refugees and asylum seekers into particular, often deprived, areas.

A report for the Scottish Government entitled 'What Works to Reduce Prejudice and Discrimination (McBride, 2015: 3) emphasised the importance of these structural dimensions, and also noted that 'prejudice should be viewed as a process in a set of relationships between people'. The report suggested that the focus should be on intergroup relations rather than the characteristics of apparently prejudiced individuals, 'moving away from an individual pathological approach towards seeing prejudice as a social problem which requires social change', including consideration of the impact of macro-level decisions by institutions such as governments themselves.

This position was reiterated by research conducted by the **Equality and Human Rights Commission** entitled, *Rehabilitation of Hate Crime Offenders - Research Report* (2011). This is a comprehensive piece of international research which seeks to reveal what motivates people to commit these kinds of offences. The research revealed that there were, at that point, no national programmes targeting offensive behaviour and considers the implementation of the Equality Act (2010) which requires public authorities to 'promote understanding' and 'tackle prejudice'.

The EHRC report draws attention to the demographics of most hate crime offenders: young males; mostly from the 'white' ethnic majority; disproportionately likely to be unemployed or underemployed (2011: 3). The study noted that hate crime perpetrators 'are often 'generalist' rather than 'specialist' offenders, as they are likely to have also been convicted of other offences.

Crucially, most offenders 'tend to deny being "real" racists' which again highlights the complexity around the use of the term hate crime, as most of the people who have perpetrated the crimes do not consider themselves to be genuinely racist (or in other cases, anti-Catholic, homophobic, and so on). The report states that motives to carry out hate crimes include 'a sense of grievance, resentment, or envy, or a feeling of being devalued or ignored' (2011: 3).

This research challenges a simplistic binary distinction between the 'bad racist' (or 'bad homophobic', etc.) and the 'legitimate victim' (Mason, 2014), and suggests the need for consideration of the structural factors that influence offending rates *in general* as opposed to simply focusing on the poor behaviours of individuals would be a step forward. It is important to note that this is not to suggest that economic inequality or living in poverty makes people more likely to hold or act on prejudiced views; rather, people living in deprived areas, for example, are more likely to experience significantly higher levels of policing, and are therefore more likely to come into contact with the criminal justice system on account of expressing particular views.

To summarise, this section has briefly considered some of the key factors that influence the development of prejudiced attitudes and criminal manifestations of such attitudes. Furthermore, this section has emphasised the importance of taking into account the structural factors that influence hate crime rates; this would be a valuable area for future research which may help to provide a much-needed alternative to the current literature which is dominated by psychological, individualistic accounts.

SECTION FOUR: THE HARMS OF HATE CRIME

This section examines the existing evidence on the harms of hate crime in Scotland, both direct (examples of victimisation) and indirect (e.g. wider social impact on people from minority groups' life chances). Unsurprisingly, data about harm (direct or indirect) caused by hate crimes in Scotland is variable and patchy, but the information gathered from stakeholders has helped us to begin to achieve a better insight into this.

The main data is grouped in order of: official sources; evidence from stakeholders/organisations; academic literature; and other sources of data. This is for ease of reading and because of the decision not to structure report by protected characteristic (for reasons discussed earlier), though there is of course some overlap e.g. academics conducting research on behalf of third sector organisations. The section concludes with a short discussion on the intersectionality of hate crime, and reflects on the importance of this for future research / policy approaches.

Data from Official Sources

A scoping exercise carried out by SCCJR for the Glasgow Hate Crime Working Group on what data exists on hate crime in Scotland (Gormley, C., McBride, M., Armstrong, S. and Atkinson, C. (2015) was a useful starting point for identifying official sources of data. However, the majority of studies cited were updated annually, so the most up-to-date reports were consulted and are cited in this section. Of course it is important to be mindful of the limitations of these data sources, due to the previously discussed issues of underreporting by victims of hate crime and varying consistency of collating and reporting data by institutions.

Crown Office and Procurator Fiscal Service (2015) 'Hate Crime in Scotland 2014-2015'.

The COPFS 'Hate Crime in Scotland 2014-15' report provides details of hate crime reported to the Procurator Fiscal in Scotland in 2014-15, and earlier years. It also provides details of charges reported under the Offensive Behaviour at Football and

Threatening Communications (Scotland) Act 2012. The report included the following findings:

- The number of charges reported in all hate crime categories, with the exception of disability, fell in 2014-15 compared to the previous year.
- Racial crime remains the most commonly reported hate crime, with 3,785 charges reported in 2014-15, but this is the lowest number reported since 2003-04.
- Sexual orientation aggravated crime is the second most common type of hate crime reported. The number of charges reported decreased by 5% in 2014-15 to 841. This is the first annual fall in charges reported since the legislation introducing this aggravation came into force in 2010.
- The number of religiously aggravated charges reported, at 569, is at its lowest level since 2004-05., Religious related charges (including charges that are now reported under the Offensive Behaviour at football legislation) are at their lowest level since 2007-08.

It is worth noting that this overall reduction (with the notable exception of disability hate crime) came after increases in previous years. Between 2010/11 and 2013/14, the number of cases of reported hate crime increased by 8% (from 5,387 to 5,804).

Interpreting the meanings of increases followed by a recent decrease is complicated, as increased reporting could mean either that more hate crimes are occurring or that there is increased confidence in the police. Similarly, decreases in official figures may reflect changes in reporting – and there are numerous documented reasons that people choose not to report or experience barriers to reporting experiences of hate crime – rather than underlying change in the phenomenon of hate crime. Finally, we note that official data on crime, for hate crime as well as other types, consistently reports lower levels compared to crime reported by people in other data collection activities (e.g. Scottish Crime and Justice Survey, household surveys, organisational surveys).

Scottish Household Survey (2013 and 2014)

The Scottish Government oversees the Scottish Household Survey (SHS), a continuous survey of households and people in Scotland that allows for national and

sub-national analysis. It does not focus on hate crime or criminal victimisation in general, though it does include a small section with questions on experiences of discrimination and harassment. However, the SHS uses limited definitions of categories of 'equality characteristics'. For example, data collected on experiences of discrimination and harassment due to sexual orientation excludes trans-people. It is nevertheless a useful indicator.

Some key findings are indicated below:

- In the 2014 survey, 6% of respondents (1 in 20) reported discrimination in the last three years, and 5% reported personal harassment.
- When asked about the perceived reasons for this, 32% of those who reported discrimination believed this was on account of being members of a particular ethnic group. The figure was 18% for those reporting experiences of harassment.
- 21% of respondents who identified as LGBT said that they had experienced discrimination, and 17% reported personal harassment.

Interestingly, the Neighbourhood and Communities section of the 2013 Survey highlights that people have considered 'Groups or individuals harassing others' to have decreased in occurrence in the past 9 years – from 11% of respondents stating that it is a problem in 2005 to just 7% in 2013.

The report shows that there is a marked difference in experience of this when comparing the areas of most and least deprivation, with 38% of those living in the most deprived areas (lowest two 10-percentiles) stating that harassment from groups or individuals was very common in their neighbourhood while only 3% of those living the least deprived areas (highest two 10-percentiles) saying the same about their neighbourhoods.

This further highlights the need to look at economic and other structural issues as contributing to context in which a large proportion of hate crime cases – and other criminal instances – occur. Again it is important to reiterate that the report does not assume people are more likely to hold or act on prejudiced views purely because they live in a more deprived area. However economic inequality is likely to help shape the context in which hate crimes take place, for example through higher levels of policing, or the dispersal of asylum seekers in deprived areas with little or no community consultation.

Glasgow Household Survey (2015)

The Glasgow Household Survey is commissioned by Glasgow Council and collects data annually. The section on personal experience of hate crime was interesting but used a small sample: 92 people from a sample size of 1021 residents and a 'booster' of 202 interviews with (Black and ethnic minority) BEM residents in total reported victimisation. Respondents were asked about when the hate crime attacks occurred; whether or not they were reported; and, what measures would encourage reporting to police for future incidents. Key findings from this survey included:

- 74% of those who disclosed being victimised in the last 12 months (insulted, pestered or intimidated on the basis of a protected characteristic) did not report this to the police or any other authority;
- 85% of respondents who had been victimised were not aware that they could report such incidents to a Third Party Reporting Centre;
- 51% were also unaware that they could report experiences of victimisation on the Police Scotland website.

Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) (2014)

We also sought evidence on the police classification and handling of hate incidents / hate crimes, data which are contained in the 2013/2014 annual report of the HMICS. Police data on hate crime had previously (and again in the survey responses of stakeholders in the present research) been raised as problematic and inconsistent.

The HMICS (2014) found that:

- Of 688 incidents that were initially opened as being hate crime related, 405 resulted in a crime report, and 504 crimes were ultimately recorded.
- Of the 688 incidents, 97% were closed correctly as being either a crime or non-crime related. The crimes we examined were motivated by hatred of someone's actual or perceived race, nationality, religion, disability, sexual orientation or transgender identity.
- Of the 504 crimes, 94% were counted and classified correctly. 96% of the crimes were recorded within 72 hours of the incident being reported to the police.

The report noted that ‘The recording of hate crime was excellent and achieved the highest compliance rate of 97% in our audit. However, a recurring issue with regards to the classification of some hate crime should be addressed’.

Evidence from Stakeholders

This data was sourced from organisational websites and through responses to the survey that we sent out to key stakeholders, as detailed in the methodology section. The data is a combination of quantitative and qualitative, with relevant statistics included where raised by stakeholders and drawing on narrative extracts from victims of hate crime. Quotations are taken either from survey responses or from literature published by relevant organisations. Where a specific organisation is named in relation to a survey response, they have given consent for this. A complete copy of the survey is included as Appendix 1 to this report.

We sought to establish from stakeholders:

- What data they collect;
- What other sources of data they use (and for what purposes);
- What the key concerns of their service users are;
- What gaps (if any) they identify in both the data/research on hate crime, and on responses to hate crime more generally.

We asked stakeholders to submit evidence that they had collected formally (published or unpublished), or to tell us about service users’ experiences of hate crime gathered informally through dialogue networks and community engagement. An important caveat of course is that no stakeholder could claim to speak on behalf of all individuals with a particular protected characteristic. As such, survey responses relating to levels of harm should be treated with appropriate caution.

All stakeholders reported that people they worked with experienced significantly high levels of ‘direct harm’, in the form of prejudice and discrimination that could be characterised as hate crime. Organisations also drew attention to the indirect impact of prejudice and exclusion, providing us with examples of the wider social impact on people victimised on account of protected characteristics. This section does not attempt to assess levels of harm in a comparative sense; rather it highlights some of the key information provided to us. However, such information helps to complement

the official data to give us a more complete picture of the extent and levels of hate crime victimisation in Scotland.

Interfaith Scotland noted that ‘Particularly the Muslim and Jewish communities have stated a rise in Islamophobia and anti-Semitism, however the Sikh community also state increased prejudice’ (survey response). However, the latest COPFS figures state that religiously-aggravated crime ‘is at its lowest level since 2004-05’ (Religiously Aggravated Offending in Scotland in 2014-15) but this of course is because of fewer reported offences against Roman Catholics, which make up the vast majority of cases and a much larger group within Scotland compared to, for example, the Jewish population. Jewish communities have stated a rise in anti-Semitism despite the total number of charges being reflected by the 25 incidents officially recorded in 2014-15, and the Scottish Government funded research into experiences of anti-Semitism following a surge in this in the last part of 2014 (Scottish Council of Jewish Communities, 2015). Interfaith’s comments also highlight the intersectional nature of hate crime victimisation, as the increasing racialisation of certain religious groups in contemporary society will undoubtedly have an impact.

The most recent report by the **Equality Network**, *The Scottish LGBT Equality Report* (2015), published findings from its own survey of the LGBT community in Scotland. An online survey of 1,052 self-selecting respondents in Scotland was conducted between November 2012 and March 2013 was open to all people living in Scotland, in order to gain insight into the views of both LGBT people (76% of respondents) and non-LGBT people (24% of respondents). Some key findings included:

- 97% of LGBT people in Scotland have personally faced prejudice or discrimination, including 79% within the last year and 49% within the last month alone.
- Incidents reported by LGBT people ranged from homophobic, biphobic and transphobic comments and attitudes (82%), to acts of verbal (68%), physical (16%) and sexual abuse (7%), crimes against property (12%), and discriminatory treatment when accessing services (25%) and in employment (24%).
- Of all respondents, disabled LGBT people and those LGBT people living in rural areas were most likely to have experienced an incident of prejudice and discrimination. Transgender people also experience higher levels.

The report is particularly useful because it draws on the narratives of people who have experienced such victimisation, some of which is highlighted in the quotes below:

- ‘Fucking tranny’ shouted at me in Oban.’ (Transgender man, 35-44, Dumfries).
- ‘I received homophobic abuse and got punched in the face.’ (Gay man, 15-24, Caithness).
- ‘Being called a dirty dyke for kissing my wife in public.’ (Lesbian woman, 35-44, Falkirk).
- ‘I’ve been head-butted and had my front teeth broken for being gay.’ (Gay man, 25-34, Elgin).

Such examples highlight the fact that institutional change such as the introduction of civil partnerships and the more recent legalisation of same-sex marriage does not necessarily lead to improved social attitudes, at least in the short term.

Qualitative information from the perspective of victims of hate crime was also provided to us by the **Scottish Council of Jewish Communities**, which collects data on an on-going basis. The organisation noted that they collected information in a variety of forms: through surveys (online and paper versions), focus groups, one-to-one interviews, and organising events (e.g. arts, music, lectures) which would be followed by discussion such as ‘Being Jewish in Scotland’.

Participants spoke about experiences of anti-Semitism – seemingly relatively rare but potentially extremely harmful:

- ‘I have experienced only a small number of incidents, possibly 3-4 in 30 years. The worst was as I boarded a bus, two men were saying to every person, ‘No Jews on this bus.’ When I stared at them, they said, ‘Are you Jewish?’ I said ‘Yes, and I don’t like what you are saying.’ The thing that was difficult was that all the other passengers looked away’ (F, 60s, Edinburgh) (p.18).
- ‘Last year I was staying in halls. ... We weren’t allowed candles, but for Chanukah I had cut pictures of flames out and put them on a paper chanukiah on the outside of my door. ... When I came back to Uni after the holidays, I found that the stems [of the chanukiah] had been taken down and torn up and replaced in the shape of a swastika’ (F, 20s) (p.19).

The 2013 report also highlighted the importance of context of current affairs:

‘Even more than during our 2012 Inquiry, people told us that there is often conflation between Judaism and Israel, and that anti-Zionism is sometimes viewed as an acceptable pretext for anti-Semitic attitudes’ (survey response).

Indeed, some participants challenged the stereotype of the ‘typical’ hate crime perpetrator of hate crime giving reports of prejudice coming from older, educated, middle-class left-wing people.

In 2013, YouGov, commissioned by **Stonewall**, surveyed more than 2,500 lesbian, gay and bisexual people across Britain to investigate their experiences of homophobic hate crimes and incidents. The report included the following key findings:

- One in six (17%) lesbian, gay and bisexual people in Scotland have been the victim of a homophobic hate crime or incident in the last three years, in line with the experiences of LGB people across the UK.
- Within the last 12 months one in eleven (9%) have been a victim of a hate crime or incident.
- One in twenty (5%) lesbian, gay and bisexual people in Scotland see homophobic harassment or attacks as a ‘very’ or ‘fairly big’ problem in their area
- Of those lesbian, gay and bisexual people in Scotland who have faced a homophobic hate crime or incident in the last three years, almost nine in ten (87%) were insulted, intimidated or harassed as part of the incident.
- One in twenty (5%) were physically assaulted and one in five (21%) were threatened with violence.
- One in four (25%) had their home, vehicle or property damaged and one in eight (12%) received unwanted sexual contact.

One of the most important features of **Stonewall/YouGov** survey is that it pays attention to the question of who commits hate crimes and incidents. The analysis of the survey found:

- Lesbian, gay and bisexual people in Scotland who have suffered hate crimes and incidents report a wide variety of people who victimise them.
- Whilst perpetrators can be neighbours, work colleagues, family or friends, the majority are strangers. Almost two in three (63%) reported their

perpetrators as being male strangers. Half (50%) said the perpetrator was a stranger aged under 25.

- More than one in five (22%) were victims of neighbours or someone living in the local area and one in eight (13%) said the perpetrator was a work colleague.

Respondents were asked about the perceived triggers of hate crimes and incidents:

- Victims often felt they were targeted for a variety of reasons, including because of who they were with, where they were or the way they were dressed.
- One in four (25%) believe the incident was motivated by who they were with or where they were at the time of the incident, for example outside a gay bar.
- More than two in five (44%) were with a partner at the time of the incident and one in three (34%) were on their own.

Participants in the study disclosed examples of abuse:

‘My front door was set on fire. Only means of escape. Police never bothered to chat to neighbouring people to enquire if they’d seen anything! As if they could not be arsed!’ (Paul, 22 — Scotland).

‘In my lifetime I’ve been physically assaulted three times and hospitalised once on leaving gay venues. Police were not interested on the two occasions I reported the attacks’ (Michael, 66 — London).

In many cases participants talk about more ‘everyday’ aspects of prejudice, and highlight the impact of cumulative ‘small incidents’: in some cases, most of these would probably not be enough to ‘punish’ a single perpetrator. This is not to say that individual perpetrators should not be punished for their acts; rather that an approach to hate crime that prioritises education and shifting attitudes in various ways is likely to be effective in different ways.

The **National Union of Students** (NUS) Surveys (2011 and 2012) is an incredibly useful resource in offering an insight into hate crime experiences of students. This is a very detailed survey, which makes full use of qualitative research which gives more life to the quantitative figures. Student experiences are captured in a way which covers interpersonal forms of hate crime as well as institutional hate (i.e.

perpetuated, allowed or ignored by the university) and symbolic hate (i.e. leaflets with homophobic undertones). For this reason, the NUS study is progressive and potentially a model to follow in terms of looking at the potential harms rather than just the criminal classification.

The report is broken down into four parts which address the four key protected characteristics (though of course the intersectionality of victimisation has been discussed throughout this chapter). NUS conducted online surveys of students from across the UK – capturing responses from over 9000 students in each year - examining their knowledge of hate incidents or crimes. Some key findings are highlighted below:

- 31% of LGB students (311 of 999 in the 2011 survey) and 38% of trans respondents had experienced one hate incident related to their sexual orientation;
- 20% of LGB respondents and 20% of trans respondents had experienced homophobic verbal abuse, threats of violence or threatening behaviour;
- 9% of LGB respondents and 20% of trans respondents had experienced physical abuse motivated by a prejudice against their sexual orientation.

In the report following the 2012 survey, some notable findings relating to race and ethnicity were published:

- 48% of Asian or Asian British, 44% of Chinese, and 42% of Black or Black British respondents were very or fairly worried about being victimised because of their 'race';
- Overall, 18% of Black or minority ethnicity (BME) students had experienced at least one racial hate incident during their studies;
- The most common types of hate incidents were verbal abuse, threats of violence, or threatening behaviour;
- Only 13% of victims of racially motivated incidents reported this to someone in an official role in their institution and only ten % had reported it to the police;
- Two in five (42%) of racially motivated hate incidents took place in and around the students' institutions, and 12% had occurred in the learning environment (e.g. the classroom);

- More than half (54%) of victims of race hate incidents had considered leaving their course as a result of their experience.

Participants also spoke about the impact of victimisation based on their religion:

- Substantial numbers of respondents reported that they changed their behaviour due to fears of victimisation due to their religion or belief.
- 43% Jewish (30), 37% Hindu (47), 36% Buddhist (32) and 36% Muslim (111) students surveyed stated that they altered their behaviour, personal appearance or daily patterns due to worries about prejudiced abuse.

The NUS report notes that their findings ‘captured evidence of multiple-bias. We found that, in addition to the religion or belief of the respondent, the incidence of hate-related behaviour varied according to the race, nationality, gender and sexuality of the respondent’. For example:

- 21% of Jewish respondents, 17% of Hindu respondents, 17% of Muslim respondents and 14% of Sikh respondents reported a racially motivated incident.
- By comparison, 6% of Christian respondents, 5% of Atheist respondents and 5% of those with no religion reported a racially motivated incident.

The intersectional nature of hate crime victimisation has been well-noted in this research, and such findings highlight the importance of addressing this, with religion/race being a particularly common one.

The report also includes some illuminating qualitative information from victims of hate crime, including how they behave in particular ways in everyday life to avoid being singled out on account of a particular characteristic:

‘I do not mention to people that I’m a Roman Catholic unless I’m asked. This is only recent, and due to the disgusting sex scandals that have happened. The problem is that despite ... saying that I find what [those who abused others] did horrific, other people immediately cast me into the same boat as them ... It has led me to not want to talk about my religion with people unless I’m specifically asked.’

‘Being a young British Muslim I have had to slightly alter the way I behave when out in public, especially since the terror attacks in the last 10 years. It has made people a lot more aware of their surroundings especially on public

transport. The slightest comment or action could cause someone to be nervous even when it's pure innocence. I remember I substituted my rucksack for a shoulder bag and even changed the style of my beard just to eliminate any awkward situations.'

'Personally, I would really like to wear a headscarf but having never worn one, I am afraid of what people at my sixth form will say.'

Someone spoke about being physically attacked and having her headscarf pulled off. Another participant recounted experiences of horrific verbal abuse:

'I have been called "terrorist". I have been called "monkey". I had had my space invaded. I have been shouted at publicly. I have been publicly humiliated and belittled.'

These quotes reveal the impact of these incidents including the significant negative effects on a person's sense of wellbeing and inclusion. That many of these incidents have taken place in the context of universities shows that prejudice based harassment, discrimination and hate crime can happen anywhere and be perpetrated by anyone, including those from the most privileged and well educated backgrounds. Indeed, the construction of the 'typical' perpetrator as an uneducated, un/under employed, young white man perhaps says something more about who is more likely to come into contact with the criminal justice system on account of a hate crime or prejudiced act, as opposed to what type of person is most likely to behave in such a way. Of course there is an increased general awareness of racism, homophobia, sexism and other forms of prejudice highlighted in the context of universities so this is certainly an area that needs to be addressed.

Moving on to look at some examples of racism in community settings, **The Coalition for Racial Equality and Rights** published a report in 2013 entitled Tackling Racism in Youth Work: Scottish Youth Workers' views on dealing with racist attitudes and behaviours, and the data very much highlights the complexities of dealing with harm caused by hate crime.

In this report, youth workers were interviewed about the prevalence of and the handling of incidents of racism in their roles. Some participants discussed examples whereby it was evident that the problem was perhaps immaturity, or careless use of language, and not reflective of actual antipathy towards a 'different' group:

‘The most recent incident was racism towards some young people from the travelling community that come to our youth club. I took the perpetrator to one side and told him that his behaviour wouldn't be tolerated. Turns out he didn't even know that he was being racist.’

‘A young person who volunteered at the youth club used an inappropriate word for a black person through ignorance and upbringing. I explained to the person why it was wrong to use the word in question and she accepted this.’

Such examples highlight the importance of education in tackling hate crime and hate-related prejudice, as shifting attitudes would perhaps be more effective than criminalising behaviours of individuals. Certainly this is an area for debate.

However, other examples from the same report were less positive, and certainly seemed to fall into the ‘direct harm’ camp. As the report stated:

‘The examples given often involved complex situations which were distressing for both the young people involved and the staff or volunteers. Sometimes, a mismatch in priorities between the different adults involved caused ineffective responses:

‘Racist comments made towards a young girl by a group of girls as a reaction [to another underlying conflict] provoked an angry reaction from the ethnic minority girl... which turned into a fight. The Youth Leader was later accused by the parent of one of the girls [of encouraging] the hatred incident by simply having told the young girls that they should not shout racist remarks and gang against a single girl. The ethnic minority girl ran away... the Police had to be called.

Both the Police and Management tried to ignore the fact that the girls had shouted racist abuse to the other girl and this had provoked her aggressive behaviour. It was easier to blame the Youth Leader for not handling the situation properly.’

Problems resulting from the incidents and the poor handling of them had clear implications:

One participant felt that racism in the local community had the effect of excluding young BME people from youth work provision: ‘Young Polish,

Lithuanian and Congolese people in our areas tend to stay away from provision because of some of the young people's attitudes. Racist attitudes stop projects being open to everyone.'

This quote highlights the indirect harm caused by individual instances of hate crime, as particular groups may no longer feel comfortable engaging with services due to fear of being victimised on account of certain characteristics. Poor handling of such events undoubtedly exacerbates this: therefore, a clear priority would be for institutions and community organisations in which such problems might occur to be trained to deal with these effectively and sensitively.

Another interesting finding from engagement with stakeholders and research on organisational data was how attitudinal prejudice and structural barriers combine to (negatively) shape the life chances of people and groups. For example, we received evidence from **Article 12** in Scotland which, referring to research (Article 12, 2015) carried out with disabled children and young people, noted the following findings:

- 'Participants spoke of experiencing bullying, harassment and threats, both at school and in the local community – which affect their confidence and their ability to participate'.
- 'Many of the young people complained of having to wait long periods of time for essentials such as equipment, suitable housing and adaptations to their living environment'.

It was noted earlier that an approach to hate crime which pays attention to structural barriers (faced by victims and also perpetrators) would be beneficial, and several examples such as the above supported this argument.

The same report (Article 12, 2015) also looked at examples of exclusion, prejudice and discrimination faced by young people in the Gypsy/Traveller community. One participant talked about personal experiences of harassment:

'We used to have bricks thrown at us and called names every day at one site, but you just get used to it' (p. 78)

Such experiences were not unusual according to the report:

'It is also apparent that the community's cultural rights are not respected; most young people reported that they have become the victims of hate crime when they travel to new areas. It is particularly concerning when children as

young as 10 years old report that they are 'disliked' by members of the settled community' (p. 82).

The report is full of evidence of structural inequalities and economic marginalisation (for example, one participant discussed being accused of stealing from the clothes shop she worked in as a teenager on account of her 'Gypsy' status), lack of official sites contributing to inadequate housing, problems accessing healthcare due to no fixed address and mistrust of health professionals. The report also raises the issue of the media's role in perpetrating stereotypes of certain groups, which reiterates the point that hate crime or hate incidents do not take place in a context of perpetrator vs. victim but in a larger societal context in which norms and language circulated through media and other public discourse help to shape attitudes. This would be an interesting area for further research, as much of the literature on minority groups highlights the impact of negative stereotypes.

We know that there are significant structural barriers that affect the life chances of Gypsy/Traveller communities. Research by the **Equality and Human Rights Commission** in 2009 on England and Wales, entitled 'Gypsies and Travellers: simple solutions for living together', highlighted some of this. According to the EHRC, the life expectancy for Gypsy/Travellers, both male and female, is around ten years less than the national average. The EHRC further states that Gypsy/Traveller parents are 20 times more likely to experience the death of a child than parents within the wider general population.

In Scotland, this group are particularly in need of support and further research on their experiences of victimisation has been raised as a priority. As mentioned earlier, the EHRC in Scotland are addressing these issues currently and have contracted out a research project which will be carried out in the near future.

In relation to LGBT groups, the earlier mentioned report by the **Equality Network** (2015) also highlights the fact that, as is the case with all minority groups, there are still significant structural barriers as well as attitudinal / societal prejudice. The report found the following:

- A quarter of LGBT respondents (200 of the total 800 LGBT respondents to the survey) said they had personally experienced discrimination or 'less good treatment' in one or more services, including public, commercial and voluntary services.
- In particular, one out of five LGBT respondents (21%) said they had personally experienced discrimination or less good treatment in Scotland's healthcare

services, 18% reported discrimination or less good treatment in Scotland's education system, and 11% reported discrimination or less good treatment in policing.

Finally, the research raised the question of whether all 'protected characteristics' are treated equally. One stakeholder suggested that crimes against people with learning disabilities are still not taken as seriously as, for example, an incident of racism:

'Because there is a lower value placed on the human rights and lives of people with Learning Disability within Scottish society these crimes and incidents are not recognised for what they are. If a teacher hears a pupil calling one of their peers 'retard' or 'mongo' they will either not react at all or they will react less severely than if that child had used a racially offensive word. The abuse is so common place in society that it goes un-noticed and therefore unreported. Disability hate crimes and incidents are recognised as under reported but within that group Learning Disability is even more so'.

This argument is echoed by some academic research in the following section, and suggests that authorities and anyone involved in responding to hate crime should work to ensure that all claims of hate crime victimisation are treated respectfully and sensitively.

The statistical information in this section has highlighted the prevalence of bigotry in our society, and the narrative extracts tell us a bit more about what that means for people who experience it. Some of the evidence highlights how attitudinal prejudice and structural barriers combine which is crucial. The final part of this section will draw on some of the academic work on the topic.

Academic Research

This final section on the 'harms of hate crime' considers some of the academic contributions to the topic. It does not attempt to provide a systematic literature review, rather to select a few key studies which raise questions on or help make sense of the other data identified in this research.

A group highlighted in this research and other projects as particularly vulnerable to hate crime and other disadvantage is Gypsy/Traveller communities. Professor Colin

Clark at the University of the West of Scotland has produced recent work on this area, including an article on the specific experiences and personal accounts of Roma in Govanhill (Glasgow) which looks at the structural barriers facing this group.

Clark suggests that Roma are the current ‘racialised scapegoat of endemic, structural poverty in an age of austerity and public and voluntary sector cuts’ (2014: 41). The paper does not focus on ‘hate crime’ as it is manifested in terms of direct violent attacks, however it explores examples of exclusion and stigmatisation of this group which is likely to have profoundly harmful effects at individual and group level. This is the type of data which is less likely to be captured by official statistics, especially because of underreporting.

The article explores how the ‘indirect harm’ of prejudice – reluctance to engage with services thus contributing to lower standards of health, substandard housing, and increased levels of poverty significantly affects the life chances of Roma in Glasgow. Clark’s findings raise very similar themes and support the arguments made in the work by EHRC on Gypsy/Traveller communities in England, which is discussed earlier in this report. It further highlights the need to place hate crime research in a context which pays appropriate attention to structural barriers and the roles of institutions.

The short-film, *‘The Harms of Hate’*, produced by the University of Leicester Centre for Hate Crime, is a useful resource which enjoyed significant public engagement. The work, which comes highly recommended among disability activist circles, takes a progressive approach to the conceptual placing of the victim within the wider hate crime context to better appreciate the potential harms associated with the notions of ‘hate’, ‘victim’ and ‘vulnerability’.

Chakraborti and Garland (2012) argue that the conventional identity-based approach towards enforcing hate crime legislation are ‘constrained by the parameters set by official discourses, which often limit the reach of hate crime to prejudice towards specific groups’ (2012: 506). They suggest, instead, that a vulnerability-based approach is more focused on the potential risk posed to certain groups or individuals which can arise under any given context and through various factors which include ‘hate, prejudice, hostility, unfamiliarity, discomfort or simply opportunism or convenience’ (Chakraborti and Garland, 2012: 506). This article opens a dialogue of a ‘spectrum of vulnerability’ which can be less or more depending on circumstance, and renders some people at some times more susceptible to harm, prejudice or discrimination. By suggesting ‘convenience’ as a factor, the authors open up the typical assumed landscape of ‘hate crime’ from street-based, non-specific targeting,

to inter-personal targeting in the home, for example. There are risks to the notion of vulnerability (as discussed further below), as it may entrench paternalistic and disempowering approaches, and so the inclusion of convenience, as a hate crime motivator, is a useful additional tool for conceptualising hate crime in the round.

Writing about disability, Pam Thomas (2011) extends the scope of hate crime from beyond the dominant narrative of it tending to be a public incident, committed by unknowns. Thomas argues that, in fact, people with disabilities are targeted and this can be committed by people known to the victim, contrasting with the finding of research on hate crimes in other context which typically feature a white male, who is also often a stranger. This is an extremely interesting area for further research, and has implications for organisations that support people with disabilities, particularly in terms of encouragement to report victimisation. Abuse carried out by people familiar to the victim is likely to increase the already high levels of underreporting of hate crime for this group.

Joanna Perry (2008) raises an important issue with casting the label 'vulnerable' on people with learning disabilities and 'creating vulnerability' through an institutionalised perspective of harm that does not engage with criminal justice approaches. Disability scholars Alan Roulstone, Pam Thomas and Susie Balderstone's (2010) article 'Between Hate and Vulnerability: Unpacking the British Criminal Justice System's Construction of Disablist Hate Crime' draws on the evidence of hate crime being prevalent, and pervasive, within the lives of many disabled people in England. This paper argues that the term 'hate' is not useful in the political emancipation of disabled people due to the reliance on the prescriptive 'vulnerable person' status imparted on victims of such incidents, and suggests that 'disablist hostility and harassment' would lead to a 'more enabling criminal justice for disabled people'.

The above studies support the argument that the term 'hate crime' can be problematic in some contexts, and indicate that discussion around terminology may be warranted.

Finally, some interesting academic work on hate crime which is worthy of inclusion in this report considers the extent to which different 'forms' of hate crime are treated differently, depending on the 'protected characteristic' in question. Quarmby (2008) in 'Getting away with Murder' explores disabled people's experiences of hate crime in the UK. She outlines three examples of particularly heinous hate crimes against people with disabilities and highlights the poor response by the criminal justice system to these, commenting:

‘The horrific facts of the three cases outlined above demonstrate that there is a long way to go before disability hate crime is routinely recognised and accepted. If these crimes had been perpetrated against a gay person or someone from a minority ethnic or religious group there can be little doubt that they would have been investigated as possible hate crimes’ (31).

This chimes with findings provided to us by a charity that works with people with learning disabilities. In other work, the criminal justice system is criticised for failing to pay sufficient attention to the possible abuse of people with learning disabilities within institutions such as prisons. The Prison Reform Trust report ‘No One Knows’ highlights the prevalence of instances of disability discrimination, and possible human rights abuses. Four instances of greatest concern are listed below:

- Maltreatment of people with learning disabilities and learning difficulties by the police and by prison officers
- The lack of an appropriate adult for vulnerable suspects during police interview
- Defendants with learning disabilities and learning difficulties being unaware of what is happening to them during their trial and an inability to understand decisions of the court
- Prison information and regimes that are inaccessible to prisoners with learning disabilities and difficulties.

Certainly some institutions have been addressing issues like this. The Scottish Prison Service participated in the survey sent to stakeholders and noted that they make efforts to collect information on experiences of hate crime and prejudice in the form of ‘Staff, Prisoners and Ethnic Minority and Foreign national surveys (every 2 years)’.

However this may still marginalise those with learning disabilities depending on how accessible the survey is, and whether it directly addresses this specific form of victimisation.

It is important to think about whose voices are still silenced despite efforts to reach marginalised groups through community engagement and qualitative research. People with learning disabilities were emphasised by various stakeholders as a group who unfortunately fall into this category, particularly if they are in institutional settings such as prisons. A key area for consideration in relation to research should be: Who takes part? Who might be excluded? How might we alter our approach to reach those who have been identified as marginalised or excluded?

Intersectionality

Intersectionality refers to the interconnected nature of social categorisations. The intersectional nature of hate crime victimisation was emphasised by evidence from stakeholders as well as in the literature. For example, Goodall et al. (2004) noted that visible minority women were much more likely than majority white men or women to experience offensive remarks or threats, while visible minority men were considerably more likely to experience physical assault than majority white men or women. **The Glasgow Women's Library**, who took part in the research, stated that they served women 'with multiple protected characteristics including disability, LGBTI, age, faith/religion, race/ethnicity, gender reassignment, marriage status, and maternity/pregnancy' (survey response).

The intersectional nature of hate crime was highlighted particularly in relation to disability. **The Scottish Commission for Learning Disability** noted that, 'All other protected characteristics are also applicable to this population cohort' (comments to author in meeting on 3/2/16). Evidence from relevant stakeholders also suggests that minority people with disabilities face particular barriers to reporting.

Intersectionality was also emphasised by groups that primarily focus on the protected characteristics of race and/or religion. According to **BEMIS**, the national Ethnic Minorities led umbrella organisation in Scotland, 'Minority communities also share aspects of all other protected characteristics' (survey response) **Interfaith** commented that 'Race and religion can often be interconnected and it is difficult sometimes to pick out whether a hate crime towards someone is because of their religion or their perceived race' (survey response). This is particularly the case with anti-Semitism and Islamophobia, but is also relevant for people from an Irish background in contemporary Scotland, whose experiences of discrimination typically are framed in terms of 'sectarianism', but this is problematic and not necessarily in fitting with how they self-define (BEMIS survey response, also see McBride 2014). In a recent submission to the Scottish Parliament's Public Petitions Committee, BEMIS note their recognition of the Irish community 'as an ethnic and cultural minority under the definition of 'Race' as set out by the Equality and Human Rights

Commission’¹. BEMIS noted in a meeting with the researcher on 11th March 2016 that they are the only organisation to recognise the Irish as such, and individuals and groups from the Irish community therefore often feel that there is insufficient recognition of their minority status.

Finally, the **Equality Network** commented that ‘Many LGBTI people have multiple protected characteristics, and we do project work specifically around intersectional identities including with minority ethnic LGBTI people, disabled LGBTI people and LGBTI asylum seekers and refugees’ (survey response).

The above points also highlight the difficulty of categorising victimisation, as in surveys which seek to specify one or a primary characteristic. Hate crimes perpetrated on account of multiple protected characteristics are typical according to stakeholders who took part in this research. A recommendation of this report is that the subject of intersectionality should be a priority area for future research both quantitative and qualitative. For example, analysis of individual level victimisation data from the Scottish Crime and Justice Survey would be extremely valuable. Qualitative research could provide a different insight, for example by talking to victims about their own perceptions of the reasons they were victimised.

Conclusion

This section has explored some of the data available on the levels and nature of hate crime in Scotland using official, organisational and academic sources (often drawing on information on the UK more broadly due to the lack of Scotland-specific data). It is clear that there are still high levels of victimisation, and the narrative extracts highlight the fact that victims are in many cases enduring extremely harmful incidents on a regular basis. The next section will look at responses to hate crime to explore how this problem is being tackled at national and local levels.

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http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/20160113_PE1593_BEMIS_to_Minister.pdf

SECTION FIVE: RESPONDING EFFECTIVELY TO HATE CRIME

The evidence on ‘what works’ to reduce prejudice in all forms is extremely limited (e.g. McBride 2015), however where possible evidence of good practice is highlighted. This section also draws heavily on evidence from stakeholders, and considers the various responses to hate crime as follows: reporting of hate crime including attempts to raise awareness of this; supporting victims of hate crime, rehabilitation of perpetrators of hate crime and preventative / educational measures; and gaps / problems in the responses to hate crime as identified by stakeholders in our engagement with them.

Reporting hate crime and ‘knowing your rights’

During meetings and through surveys many stakeholders reported to us details of service users’ barriers to reporting, and this was something that is also evident from the published research. For example, **Stonewall Scotland’s** (2010) ‘LGBT Experiences of Community Safety Survey’ questions specifically relating to their experiences of hate offences found that the following reasons were given for not reporting hate incidents to the police or through third party reporting:

- Lack of trust (in the police)
- Having also suffered homophobic comments from the police
- Not thinking it would make a difference
- Not having a witness or evidence
- Living in a close-knit community
- Not wanting personal details to be reported in the media
- Unaware that bullying at school is also a crime

One stakeholder in this research commented that ‘The Equality Act is not widely publicised particularly to those who would benefit from its principles. Neither is the process of reporting hate crime’ (survey response, anonymised). The latter was

echoed by several organisations, and highlighted as a priority for action. **Article 12** suggested that there is a need for:

‘Clear information on how to report hate crime [e.g. Article 12 in Scotland has a reporting page on its website]. A national campaign focusing on protected characteristics and examples of groups who are protected. This campaign should be developed with *direct* input from such groups’.

The Glasgow Women’s Library stated that ‘There is a need for information to improve understanding of hate crime and effective responses to come from the women themselves’.

Barriers to reporting and understanding what actually constitutes a hate crime were also highlighted by the **Scottish Commission for Learning Disability**:

‘People with learning disabilities experience a number of barriers in identifying and reporting hate crime. Often, people may not be able to identify a crime committed against them as having a basis of hate and will not report it as such. In addition, the reporting mechanisms themselves are often not set up to take account of the additional needs of this group of people. Both of which contribute to under-reporting. Information for people with learning disabilities, those who support them and those to whom a report would be made would improve this situation’.

In terms of ways to improving reporting rates of incidents, the Coalition for Racial Equality and Rights commented that:

‘We are especially interested in approaches to dealing with online hate crime, as we are aware these are less likely to be reported or result in a prosecution. Information about victims and perpetrators (e.g. which ethnic groups are most likely to target which ethnic groups) would be useful. Minority ethnic individuals we engage with also believe at times their reports are not taken seriously. Information on this process and guidelines utilised would be helpful’.

A number of issues are highlighted here, but the fact that online hate speech is perceived as ‘less worthy’ of reporting is an area meriting further investigation and consideration. That minority groups feel their reports are not always taken seriously is sadly an issue which is highlighted in much of the literature on the topic of hate

crime, and was raised by all stakeholders who took part in the research. For example, **Community Safety Glasgow** emphasised how hate crime can become normalised:

‘A lot of hate crime is relatively low level and our experience is that victims will tolerate regular low level incidents because often it is viewed as normal – ‘it’s just what you have to put up with’. This means that they are reluctant to report it and will minimise the effect. I don’t think we are dealing with this effectively’.

A great deal of work is going on in this area to improve institutional responses to reporting of victimisation, and it is important that this focus continues.

This research identified a wide range of resources, much of it produced by stakeholders who took part in the study, which attempts to raise awareness of how to report hate crime when it is experienced. This is important given the rates of underreporting, and the high levels of respondents to studies who stated that they were not aware of how to report personal victimisation through Police Scotland or a Third Party Reporting centre. For example, **Stonewall** have produced the following resources:

- ‘Protecting lesbian, gay, bisexual and trans people in Scotland’ is Stonewall Scotland’s practical guide for police and community safety partners, providing tips and recommendations on how to tackle homophobic and transphobic hate crime and service LGBT people effectively.
- ‘Sexual Orientation: the Equality Act made simple’ provides information and guidance on the Equality Act 2010 and sample equality outcomes for public authorities in Scotland.
- ‘Blow the Whistle on Gay Hate’ is Stonewall’s plain-English pocket-sized guide for lesbian, gay and bisexual people on what to do if you’ve experienced a homophobic hate crime or incident.

The role of Third Party Reporting Centres was raised by many stakeholders as a resource that is inconsistent and unevaluated. The **Scottish Commission for Learning Disability** told us that they were undertaking a survey of third party reporting centres which would undoubtedly be a valuable piece of research contributing to understanding of hate crime and effectively responding to it.

The **Equality Network** also highlighted an on-going project that they were involved in:

‘We are currently contracted by the Equality and Human Rights Commission to work on encouraging LGBTI people in Scotland to report hate crime, training police and COPFS staff on how to handle it, and developing community understanding. This is only a 6 month project, ending at the end of March, but we hope that the learning and resources from it will continue to be useful and effective for some time’ (personal communication with author).

Whether such projects could inform some future database which collates information on the harms of hate crime and effective practice for tackling it, it is important to develop a clear strategy that utilises the benefits and knowledge gained from such projects, and, crucially, which makes linkages between them.

Resources for tackling hate crime

As well as improving the reporting of hate crime, the present research considered examples of effective practice in tackling hate crime (while being mindful that there is no ‘one size fits all’ approach). Stakeholders were asked to tell us about their views on resources for tackling hate crime (directly or indirectly, for example through community engagement), and further data was obtained via desk-based research and knowledge of particular initiatives.

One strand of tackling hate crime is of course the rehabilitation of hate crime offenders. As noted earlier, there is not enough known about perpetrators of hate crime, and far less on how to reduce propensity to commit hate crime. While being mindful of the need to avoid a singular focus on hate crime as a result of the poor values of individuals, it is worth examining some projects that have been highlighted in an examination of the international evidence (provided by the EHRC) on successful interventions.

The EHRC report described programmes aimed at young people in European contexts. In Germany and Sweden programmes were identified that supported

young people engaged in or at risk of engagement in racist activities (through association with far-right groups) to change their behaviour and stop offending. Such programmes use group work, talks by former offenders, and individual interaction and are regarded to have positive impacts, though the lack of systematic evaluation makes it difficult to assess comprehensively (as is the case with almost all prejudice-reduction initiatives).

Of course it is important to note that these programmes focus on individuals involved in far-right politics. As noted earlier, this is quite uncommon for hate crime offenders in the UK who are more often 'generalists' than 'specialists' and would not identify themselves as 'real' racists even if convicted of carrying out a racist act. However, there may be aspects of the interventions that are worth exploring. The **Scottish Prison Service** took part in our survey and indicated that more knowledge of 'intervention on how to change a person who has committed a hate crime' would be very useful (survey response). The SPS also noted that evaluation of interventions to get a better sense of 'what is working' would also be extremely valuable. Again, though, this report emphasises that an individual pathological approach in relation to tackling hate crime is limited and problematic. It may be useful to draw on some parts of the rehabilitative programmes – such as group work or talks by people who have either previously been the perpetrator of or a victim of hate crime – however if implemented this type of intervention should be carefully monitored and be in conjunction with broader approaches which focus on the social and structural levels.

Other stakeholders emphasised the importance of more preventative resources for reducing hate crime. One organisation that is involved in the training of youth workers (who support young people of all backgrounds in all communities) noted that at a general level:

'Youth Workers require information of how they can discuss Hate Crime with young people. Supporting young people and youth work practitioners to understand the relationship between prejudice, discrimination and hate crime. Resources which will build capacity are required' (survey response, anonymous).

Interfaith suggested that a priority should be 'the development of an effective training package for the third sector on hate crime, what it is, how to report it and how to educate people not to commit hate crimes and be open to 'others' (survey response). **The Glasgow Women's Library** advised that they are in the process of writing a new programme of work 'Equality in Progress' as a result of their Tackling

Sectarianism project. The project aims to address: 'Challenging structural inequalities of people experiencing hate crime or prejudice and empowering women to take collective action to reduce hate crime' (survey response).

There are a number of educational and community initiatives, too many to cover in this report but some are highlighted to give a sense of activity that is going on. For example, North Lanarkshire Council schools projects launched a website (<http://www.intolerance.scot/>) which was created by pupils from schools in North Lanarkshire in partnership between Crown Office and Procurator Fiscal Service with Learning and Leisure Services of North Lanarkshire Council. The resource includes awareness-raising videos on the harm of hate crime, and teaching materials (group tasks, discussion and debate ideas, self-reflection guidance). There is reason to be cautious in relation to awareness-raising initiatives, as Abrams (2010) warns that provoking fear (of being 'caught', for example) or making people feel guilty about inequalities are unlikely to be a useful solution, as people are prone to reacting defensively. The efficacy of these initiatives has not been assessed (as is the case with most awareness-raising or diversity-promotion initiatives) however we have included these to show the range and quantity of activity happening, and to highlight the fact that hate crime is becoming a priority across Scotland and across sectors.

There are various public information resources, including the following which are directed at disabled people to help raise awareness of hate crime and how to tackle it:

- I AM ME (<http://www.iammescotland.co.uk/what-is-hate-crime/>)
I AM ME is a community group which raises awareness of disability hate crime in association with Police Scotland and PACE Theatre company, and created the following information service:
- Scottish Consortium for Learning Disability
(http://www.sclld.org.uk/sites/default/files/sclld_hate_crime_booklet_final_version_oct_2013_a4.pdf)
As above, after receiving a grant from the Scottish Government to improve awareness of disability hate crime among people with learning disabilities, the SCLD created a fantastic easy-read document for this purpose:
- People First (<http://peoplefirstscotland.org/gallery/>)
People First is an independent self-advocacy organisation that works to support people with learning disabilities to have more choice and control

over their own lives. PF created a short informative film about Hate Crime for people with learning disabilities.

- Perth and Kinross Council 'It goes on and on and on' films (<http://www.pkc.gov.uk/itgoeson>)
'It goes on and on and on' is a series of short films about harassment and bullying of people with disabilities made by residents of Perth and Kinross. There are also a series of 'instructions' available to accompany the films to support community groups, schools and staff to make use of the films and to inform discussions:

Coalition for Racial Equality and Rights have published a resource entitled 'Hate Online: A guide to responding to online hate speech and hate crime' which seeks to 'clarify some of the confusion regarding online hate speech and hate crime and provide:

- A definition of online hate speech and hate crime;
- Information on how online hate speech and hate crime can be identified; and,
- Guidance on how to record and report online hate speech and hate crime.

The Scottish Commission for Learning Disability (SCLD) were engaged in the second phase of a Disability Hate Crime Project which takes a theatre approach. Details of the project are described by SCLD below:

'The purpose in using Forum Theatre is to enable people with a learning disability to be involved in developing and performing the drama, working alongside professional actors to do so. Once the audience has observed the performance, an opportunity to discuss issues raised is provided. The audience is encouraged to make suggested changes that are likely to result in a different outcome for the victim. The adapted drama is then performed to demonstrate the impact of their suggested changes. In this way, people with learning disabilities are supported to recognise actions they could take in the event they experience hate incidents/hate crime.

'Crucially, services and agencies taking part in the project will be provided with a copy of the full performance scripts together with easy read and audio versions. The provision of this material is intended to create opportunities

for community groups working with people with a learning disability to deliver the drama performance on a local basis.

‘SCLD will also make the material available on its website. By doing so, the project will increase the capacity of user groups to take a prominent role in raising awareness across Scotland of hate incidents and hate crime and the action that can be taken to address these’ (survey response).

It is clear that at national, local and community level there is a great deal of work being done in an attempt to tackle hate crime either directly or indirectly through engagement with communities. One way to move this forward might be the creation of a forum for stakeholders to share best practice and benefit from the creativity involved in individual projects.

Gaps identified in research and data on hate crime

The final part of this section considers stakeholders’ views on what gaps there are in the research on hate crime and any problems with the official data sources.

As noted earlier, there is a dearth of qualitative research on the topic as compared to quantitative information. **Interfaith** suggested that our understanding of hate crime and effective responses to it would be improved by access to ‘Some qualitative information, where victims tell the story of their experience as some people respond more immediately to an actual story than a statistic’ (survey response). **Glasgow Women’s Library** – following a successful project on sectarianism which involved women affected by sectarianism sharing their experiences – noted that ‘There is a lack of knowledge on the impact of empowering women to take collective action to reduce prejudice’ (survey response). The same organisation also highlighted the lack of knowledge ‘on the impact of challenging structural inequalities of people experiencing hate crime or prejudice’, which is another interesting area for consideration.

The **Equality Network** also emphasised the need for further, more in-depth research:

‘We need to know more about the circumstances of sexual orientation, transgender identity and disability hate crime, by analysing in detail a significant sample of cases.

We need more research into homophobia, biphobia and transphobia in schools, what forms it takes, and what if anything schools are doing to address it (across a range of schools because they vary greatly on this).

We need to find out whether restorative justice is being used effectively for different kinds of hate crime, including against LGBTI people, in other countries’ (survey response).

Perhaps unsurprisingly, several stakeholders referred to problems or inconsistencies relating to official data sources. **Community Safety Glasgow** submitted the following response to the survey:

‘Better information sharing between partners would be helpful. In particular, it would be useful to have access to quarterly statistical reports of incidents recorded by the police, in order to assist with strategic planning. For example, when planning a public education campaign, it would be helpful to have access to Police Statistics at a neighbourhood level in order to support targeted advertising.

‘Finally, regardless of the trend in official police statistics, the official narratives remain the same. If the trend is upward, the narrative is that victims are feeling more confident about reporting. If the trend is downward, the narrative is that the number of incidents is decreasing.

‘This renders the statistics meaningless. We really don't know how to interpret changes in recorded incidents and should be seeking to triangulate the data from COPFS with data from other sources, including community sources. Tell Mamma is an example. Stop Hate UK is another example. Neither of these are currently relevant to Scotland but could be developed’ (survey response).

Issues relating to data collection and sharing was considered to be a particular priority for certain protected characteristics. For example, and one organisation noted the following points which affect their work supporting LGBTI groups:

‘It is a major problem that there are no proper police stats on sexual orientation or transgender identity hate incidents reported to them - we are waiting for Police Scotland to sort out their database system! COPFS stats are useful.

‘Police Scotland need urgently to get working their ‘Vulnerable Persons Database’, so that they can provide regionalised stats on numbers of hate incidents reported to them.

‘Scottish Court Service or Scottish Government should publish detailed annual stats on outcomes of prosecution of hate crimes, that can be matched up with the annual COPFS hate crime stats reports - in England the CPS publish both of these together.

‘All these, plus the existing COPFS stats, should also add information on numbers of crimes with more than one prejudice aggravator, e.g. where the crime is both racist and homophobic.

‘We also urgently need the Scottish Government to commission research on the more detailed characteristics of sexual orientation; transgender identity and disability hate crimes. They did that for religious hate crime just 18 months after the introduction of the section 74 aggravator (see <http://www.gov.scot/Publications/2006/11/24133659/0>) and it is now six years since the three aggravators mentioned above were introduced by the 2009 Act. We need this kind of study to find out more about the characteristics of perpetrators, these type and circumstances of crimes, etc., so that we can make better decisions on how to reduce hate crime’.

Issues with official data sources were also raised by groups that work with people with learning disabilities. For example, **SCLD** noted the following as a priority for better understanding and addressing hate crime against this group:

‘Statistics and other data which can be dis-aggregated by learning disability are essential to understanding the prevalence of the issue in this population. Hate crime in relation to disability generally is hugely under-reported however being unable to separate out reports which relate specifically to learning disability make this more problematic’ (survey response).

The **Crown Office and Procurator Fiscal Service** raised a similar point in relation to racially aggravated offending:

‘We only know who the targeted victim or group is for religiously aggravated offending because the Scottish Government undertake a detailed analysis of this type of offending every year. We have no idea which groups or communities are being targeted for racially aggravated offending’ (survey response).

The **Scottish Refugee Council** submitted a piece of evidence in which they had attempted to cross-reference the results of former Strathclyde Police’s Hate Crime statistics for 2011-2014 for their Glasgow divisions against ‘what we knew were the main refugee and asylum dispersal areas at the time’ (personal communication with author). The SRC noted that the data is ‘obviously anecdotal and more indicative than anything’ but may provide a useful perspective on what is happening at a very local level. The document that the SRC submitted to us explained:

‘It is difficult to triangulate with the data shared but what we can say is that broadly speaking apart from the city centre (AB) and Greater Gorbals (GE), there are a cluster of high incident areas where refugees and people in Home Office accommodation contractor asylum accommodation primarily live (and are other new migrant communities).

This highlights the need to systematically collect data at a local level as these could very usefully inform, direct and improve responses to hate crime for particularly marginalised groups such as asylum seekers.

Finally, stakeholders raised an issue of terminology. For example, **BEMIS** highlighted problems with particular generic or ‘catch-all’ terms which may potentially obscure the reality of victimisation:

‘Conflation of religion as dominant characteristic in defining ethnic or cultural identity i.e. Islamophobia, anti-Semitism are clear issues and statements of nature of crime. ‘Sectarianism’ misconstrues the nature of dominant religiously aggravated crime in Scotland. Since re-convening of Scottish Parliament, anti-Catholicism has been and continues to be dominant issue representing between 55-65% of all religiously aggravated hate crime but goes unrecognised in official documentation, public discourse or strategic

response. This proves to be problematic when religion is utilised as defining characteristic by SG, COPFS, Police Scotland when communities have self-identified via other mediums' (survey response).

This section has highlighted stakeholders' views on responses to hate crime, exploring issues around reporting, what resources are in place and/or should be developed, and what gaps in our knowledge and in the existing data sources exist. Based on this, the final section reflects on these and suggests areas of prioritisation, including some recommendations for future work.

SECTION SIX: REFLECTIONS AND NEXT STEPS

Most stakeholders noted a lack of consistency in how hate crime is addressed across the country. Several highlighted that more frequent meetings with the Scottish Government would be beneficial to ensure views are being consistently fed back. Certainly any increase in the quantity and quality of communication would be beneficial, not only between individual organisations and the Scottish Government but also between organisations themselves, as the opportunity to share research findings and examples of good practice would be advantageous to all involved.

Several stakeholders commented that there should be an accessible, centralised source – most likely online – so that all data on hate crime in Scotland is easily available and interactive. People should be able to access but also to add to the database which would be updated continuously and monitored to ensure that any statistics or studies that are out of date or no longer relevant for other reasons are removed and/or replaced. It was felt that this would improve practice, particularly if it is ‘continually up-dated rather than having to rely on annual information’. We are aware of the website created by Community Safety Glasgow - <http://www.hatecrimescotland.org/resources/> – perhaps a version of this that is interactive would be a project to explore. Indeed, **Community Safety Glasgow** took part in the research and reiterated that ‘data at a very local level to assist with hotspot mapping, trend analysis and intelligence led resource deployment’ would enhance practitioners’ ability to respond effectively to hate crime (survey response). And, a representative from the **Crown Office and Procurator Fiscal Service** suggested that ‘being able to follow cases from police report to sentencing and intervention without having to individually follow each case’ would enhance organisations’ ability to respond to hate crime (survey response).

Most stakeholders suggested that more qualitative research would be extremely helpful to allow them to better understand victims’ experiences of hate crime, and perhaps even use this as a resource to raise awareness of the impact of expressing prejudice. Related, thinking about how to reach the most vulnerable and marginalised individuals is an important challenge, as the existing research is not representative and there are voices that are largely silenced. Further to this, more research on people who perpetrate hate crime was highlighted as vital as very little is known about this. A programme of qualitative research that would focus on these areas is a key recommendation of this report. In particular, an exploration of how

creative approaches (such as the ‘storytelling’ initiatives carried out by the Glasgow Women’s Library) might complement more traditional qualitative methods (e.g. interviews) would be useful. Such research should focus on *all* protected characteristics, and where possible should address the intersectional nature of hate crime victimisation.

Recognition of the intersectionality of hate crime also requires attention in future quantitative research. For example, existing data or surveys could provide more detailed analysis to help reveal the multiple and interconnected nature of social categorisation and criminal victimisation. For future quantitative research it would be worth exploring how surveys might be amended to help capture this information more effectively, and to consider how this data is presented (e.g. the ability to disaggregate the data).

Finally, it is suggested that we try to think about hate crime in a slightly different way – for example, paying sufficient attention to the structural barriers faced by victims of hate crime but also by those who are most likely to carry it out. The role of institutions should also be highlighted. Related to this notion of thinking more broadly, it is noted that a priority should be to explore how we best understand and address the intersectional nature of hate crime, in research, policy and practice.

POSTSCRIPT – ‘BREXIT’ AND IMPLICATIONS FOR TACKLING HATE CRIME

A draft of this report was initially presented to the Advisory Group on Tackling Hate Crime, Prejudice and Community Cohesion in March 2016, in order to help inform their work. Since then, the EU referendum result of June 2016 will undoubtedly have some implications relating to the broad themes raised in this study, which are worthy of some reflection though there is inadequate space here to fully consider its consequences here. On a practical level, the human rights implications of Brexit are extremely uncertain and it will be a long and complex process to understand the effects of disentangling the various legal and regulatory frameworks at EU and national levels. It is beyond our expertise or the scope of this study to make any predictions relating to this. However the climate of uncertainty that has now descended will have an impact upon community cohesion as the UK moves into withdrawal negotiations and beyond. Moreover, there have been various media reports of post-Brexit increases in instances of hate crime towards perceived migrants which, although difficult to verify in terms of an actual increase in racist incidents, will no doubt intensify the feeling of uncertainty on the part of migrants and ethnic minorities. It is important to note that these developments are unlikely to have been avoided even in the event of a Remain vote: the often inflammatory tone of rhetoric on both sides of the Brexit referendum revealed across the UK deeply held feelings, tensions and antagonisms around identity and community belonging. Across Europe, massive migration and displacement has been accompanied by worrying signs including newly resurgent far right movements; reported increases in racist incidents; Islamophobia; and the demonization and continued victimisation of refugees and asylum seekers. These trends can be identified in countries that are not member states of the EU such as Norway, as well as countries that are at the core of the EU such as France and Germany. While analysing these developments is beyond the scope of this study, the current situation is an important context that deepens the need to refocus our attention on the topic of hate crime and the broader treatment of minorities as well as on the underlying structural conditions of societies that that play a part in fuelling resentment and inequality.

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Appendix 1: Stakeholder Survey on Data Collection, Use and Perceptions

2. What is the geographical field of your organisation? (You may enter information into all or only one of the below)

City

Region (you can specify if you work in areas larger or smaller than cities, e.g. Southwest of Scotland or Northeast Glasgow)

UK-wide or international organisations, please specify location of Scottish office (e.g. Aberdeen)

National coverage - please indicate yes or no

Additional comment

3. Information on groups:

What communities or populations do you serve? (E.g. Glasgow Roma community, Scottish people with learning disabilities, LGBT youth, those affected by sectarianism)

What is the primary protected characteristic* of the group your organisation works with or for? *protected characteristics are categories where there is legal protection against discrimination, including: *Race/ethnicity, gender, gender reassignment, sexual orientation (LGBT), nationality, marriage status, age, maternity/pregnancy status.

You may serve a community whose members may have multiple protected characteristics. Please can you tell us what these are?

4. How big is your organisation in terms of paid full-time staff based in Scotland (to the nearest 10, e.g. 20, 30, 100, fewer than 10, etc.)

5. Have you ever collected any information directly from your clients or the community you serve about hate crime and/or experiences of prejudice, discrimination or harassment, or responses to?

Yes

No

Call for information on Hate Crime in Scotland

Survey Information

This survey is gathering information about Hate Crime in Scotland. We are asking organisations that work with or serve communities that share a characteristic protected in equalities legislation. We would like to know about any information you hold, collect or are aware of. It should take around 20-25 minutes.

We are defining 'hate crime' as any crime that is targeted at a person because of hostility or prejudice towards a protected characteristic.

A 'protected characteristic' means a quality of an individual, such as their nationality, religious belief or gender that is protected in law against discrimination.

This research is being conducted by researchers at the University of Glasgow (Scottish Centre for Crime and Justice Research). It has been commissioned by the Scottish Government. You should have received information about this survey. If you have not, or have any questions at all about what your involvement means or how the results will be used, please get in touch.

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Scottish Government Contacts:

Ben.Cavanagh@gov.scot

Neil.Davidson@gov.scot

1. Name of organisation:

10. In addition to any of your own data collection activities about hate crime, what other sources of information do you use or consult? Select all that apply and you can enter more information about these sources in the box below:

Official statistics (police, crown office, court, social work, etc.)
 Academic research (any key authors or publications?)
 Other third sector organisations' data (name of main ones used)
 Any other sources of information used by your organisation

Specify material, data and other sources of information here (e.g. We use the reports produced by the Glasgow Media Group occasionally)

11. What kind of information would be useful for improving understanding of hate crime and effective responses to it (either for the groups you work with specifically or in general)?

12. What gaps in knowledge do you feel there are in relation to fully understanding the issue of hate crime and preventing or responding to it effectively?

13. Is there anything else you would like to add?

14. Please provide the contact details of someone in your organisation (this might be you) who is responsible for or knows about the kinds of information you collect or need about hate crime. If your organisation has information that could be shared, this contact would be someone we could follow up with for collection. This is optional, and your responses will be analysed whether or not you choose to list a named contact for follow-up. Please include name, email and phone number.

6. If you have answered Yes to Q5, what is this information, and when was or how often is it collected (e.g. conducted survey of members in 2010; conduct annual survey of members)

7. Do you hold or have you published information about hate crime experiences? If it is published online, please can you provide web link in box below, or if not online please can you supply a contact with an email or phone number whom we may contact (you can enter this information in Question 14)?

8. How do you use information, whether or not you collect it yourself, about hate crime affecting groups you work with? Select all that apply:

- To inform own practice/knowledge
- To inform and/or educate the public
- To inform Government and other key official stakeholders and their policy making
- To participate in academic research (other than this particular project)
- To support media coverage
- To document experiences of hate crime
- To collect evidence of good practices in responding to, addressing or preventing hate crime
- To turn over to police and prosecution

Other (please specify)

9. Is there anyone in your organisation whose job it is (or who has specific responsibility exclusively or alongside other duties) to conduct or collect research or information on hate crime, discrimination, prejudice or discrimination experiences?

Yes
 No

* 15. I would like to be identified as the author of the comment in Question 14

- Yes
 No

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Appendix 2: Stakeholder Groups Completing Surveys

Organisation	Status
Interfaith Scotland	Survey completed
Article 12	Survey completed
Scottish Commission for Learning Disability	Survey completed
Equality Network	Survey completed
People First (Scotland)	Survey completed
Stonewall Scotland	Survey completed
Prison Service	Survey completed
LGBT Youth	Survey completed
BEMIS	Survey completed
Coalition For Racial Equality And Rights	Survey completed
Scottish Council of Jewish Communities	Survey completed
Victim Support Scotland	Survey completed
Glasgow Women's Library	Survey completed
Scottish Courts and Tribunals Service	Survey completed
Community Safety Glasgow	Survey completed
Crown Office and Procurator Fiscal Service	Survey completed
Youthlink Scotland	Survey completed
Scottish Refugee Council	Evidence submitted

Appendix 3: Summary of Survey Responses – Selected Topics

Organisational Size

5 responding organisations had fewer than 10 FT staff *3 had between ten and less than 20 FT staff* *9 reported 20 or more FT staff*

Organisational Coverage

All organisations reported serving communities across Scotland (and some were part of UK wide organisations). Most organisations are based in the central belt.

Protected Characteristics

*Only **three** responding organisations did **not** mention serving communities having multiple protected characteristics.*

Data Collection Activity

11 organisations reported conducting their own data collection on hate crime, prejudice and discrimination.

Data Collection Examples

<ul style="list-style-type: none"> •Annual surveys •Ongoing surveys of online media •Less frequent than annual surveys (one-off or intermittent) •Own research on experiences of public services •Commissioning independent research •Evaluations of interventions and awareness raising 	<ul style="list-style-type: none"> •Focus groups •Community mapping •Collection of stories and experiences through informal networks •Oral history •Film work •Dialogue •Setting Google alerts to capture latest research and news
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Other Sources of Data

All but one organisation reported using official data, particularly COPFS and Police Scotland data.

Most reported using other organisations' data and academic research.

Gaps in information

- Gap between reported and actual incidents
- Lack of dis-aggregated data by regions/localities and by sub-categories of groups
- Mis-categorisations
- Lack of information on perpetrators as well as victims
- Need of qualitative research

Lack of information at Local Authority level

Lack of regionalised statistics on reported incidents

Need to dis-aggregate data by learning disability to understand prevalence in this group

Quarterly publication of hate crime statistics

'True' number of hate crime given under reporting

Quantifying unreported incidents

Generic, 'catch all' terms create misunderstanding of scale and specifics of problems

Conflation of one protected category with multiple others (e.g. religion for cultural or ethnic identity)

Mis-categorisations

Outcomes of prosecutions of hate crimes that can be matched with COPFS reports of crimes (as England does)

Work on a 'Vulnerable Persons Database' to support regionalised reporting

Lack of qualitative information to convey impact of hate crime through actual stories

Need research on detailed characteristics of sexual orientation, transgender identity and disability hate crimes – including perpetrators, type and circumstances of crime

Research on homophobia, biphobia and transphobia in

schools, what forms it takes, and what if anything schools are doing to address it

Information about both victims and perpetrators (e.g. which ethnic groups are most likely to target which ethnic groups)

Suggestions for
practice

- Improving awareness and education
- Providing practical and specific information
- Dynamic, comprehensive and accurate data
- Better information sharing between partners
- Developing community capacity and involvement in solutions

Youth Workers require information of how they can discuss Hate Crime with young people. Supporting young people and youth work practitioners to understand the relationship between prejudice, discrimination and hate crime.

Resources which will build capacity are required.

The development of an effective training package for the third sector on hate crime, what it is, how to report it and how to educate people not to commit hate crimes and be open to 'others'.

A hate crime website where information is continually updated rather than having to rely on annual information.

A facility which would allow relevant organisations to follow cases from police report to sentencing and intervention without having to individually follow each case.

Detailed info on effective responses

Information to improve understanding of hate crime and effective responses to come from the women themselves

Clear information about how to report a hate crime (e.g. Article 12 has reporting page on its website)

*A national campaign focusing on protected characteristics and examples of groups who are protected developed with *direct* input from groups involved in the issue.*

We need to find out whether restorative justice is being used effectively for different kinds of hate crime, including

against LGBTI people, in other countries.

Effective schools approaches

*Approaches to dealing with online hate crime (especially an
issue with young people)*

Ensuring victims are taken seriously

*There is lack of knowledge on the impact of challenging
structural inequalities of people experiencing hate crime
or prejudice.*

*Research on evidence of effectiveness of current
practices/interventions*

*Data at a very local level to assist with hotspot mapping,
trend analysis and intelligence led resource deployment.*