

EXECUTIVE SUMMARY

RESPONSE FROM THE RACE EQUALITY FOUNDATION AND PARTNERS: THE HOME AFFAIRS COMMITTEE INQUIRY INTO HATE CRIME AND ITS VIOLENT CONSEQUENCES

I: About our submission

This submission has been made by the Race Equality Foundation working in partnership with other members of the Coalition of Race Equality Organisations (CORE) – Black Training and Enterprise Group, Black South West Network, Council of Somali Organisations, Croydon BME Forum, Friends, Families and Travellers, JUST West Yorkshire, Operation Black Vote, Race on the Agenda – and the Joint Council for the Welfare of Immigrants (JCWI) and Race Equality Matters (REM). We are regional and national voluntary organisations committed to challenging discrimination faced by the UK's Black and Minority Ethnic (BME), migrant and refugee communities. We are committed to advancing equality of opportunity and good community and race relations.

II: The context for this submission

Our submission is made against a background of hostile immigration legislation, rising anti-Semitism, Islamophobia, Xenophobia, racism, a bruising Brexit referendum and recent year on year rises in reported race and religious hate crime. Like many parliamentarians, the Equality and Human Rights Commission (EHRC) and the UN Committee on the Elimination of Racial Discrimination (CERD), we are profoundly concerned that the often intemperate and anti-migrant tone of the Brexit debates have exposed hate, fear and social and racial divisions across the UK.ⁱ

This July, under the leadership of Operation Black Vote, we called for a new [national strategy](#) to tackle rising race and religious hate crime in England and Wales; our submission expands on that call. We are concerned that our Government has failed to recognise the importance of good race and community relations in advancing race equality and tackling hate crime. We share the concerns about race equality, racist hate speech and hate crimes expressed by the EHRC and CERD.ⁱⁱ We contend that there has been a failure of national leadership by our Government in relation to advancing race equality and addressing race hate crime. We welcome the call by the EHRC for a new national race equality strategy and a new strategy in relation to tackling race and religious hate crime. We are concerned that that the UK Government's Hate Crime Action plan, 2016, published in July 2016, does not

i Healing a divided Britain: the need for a comprehensive race equality strategy. EHRC, August 2016. at: <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>

ii Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom* to the Committee on the Elimination. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1073&Lang=en

provide an effective race and religious hate crime strategy nor does it address the concerns of the EHRC or the CERD. This Executive Summary explains the context for this submission and sets out key themes and recommendations. It is followed by our detailed 56 page submission which is divided into eight parts supported by seven appendices.

III: The need for a comprehensive race equality strategy, the calls from the EHRC and CERD and the race audit announced by the Prime Minister

The EHRC's call for a national race strategy and call for action on race hate

In August 2016, the EHRC published 'Healing a divided Britain' and called for a comprehensive race strategy. The EHRC provided a stark assessment of the UK's failure to advance race equality over the last five years and argued that failing *'to tackle deep-rooted race inequality will exacerbate divisions in our society unless urgent Government action is taken.'* Whilst welcoming Theresa May's statements as the new Prime Minister, the EHRC's new chairperson also noted that *'previous efforts to address race inequality have been piecemeal and stuttering' with 'more one nation platitudes than policies'*. Life chances have worsened over the last five years for many people from BME communities and white working class backgrounds. The EHRC's chairperson and the report call for: *'a comprehensive new race strategy from Government, the development of stretching new targets to reduce race inequality including in criminal justice, education and employment, as well as better research and reporting to monitor progress.'* We welcome the EHRC's clarity, policy prescriptions and calls for action fully support their EHRC recommendations (see our recommendations).

The UN Committee on the elimination of racial discrimination (CERD)

The CERD's concluding observations were published on 26 August 2016. Under the heading race hate speech and hate crimes the Committee expressed serious concerns about the sharp increase in 'racist hate crimes especially in England, Wales and Northern Ireland' before and following the Brexit referendum (para. 15). The CERD also expressed deep concerns that the referendum campaign was *'marked by divisive, anti-immigrant and xenophobic rhetoric'* (para.15). It raised serious concerns about the behaviour of *'many politicians and prominent political figures.'* It said these politicians and political figures: *'not only failed to condemn it, but also created and entrenched prejudices, thereby emboldening individuals to carry out acts of intimidation and hate towards ethnic or ethno-religious minority communities and people who are visibly different'* (para. 15).

The CERD also commented on the underreporting of hate crimes and noted that the gap between reported cases and prosecutions remains significant. Noting that this means that *'a large number of racist hate crime seem to go unpunished'* (para. 15). Reflecting on the context, the CERD also noted that the negative portrayal of *'ethnic or ethno-religious minority communities, immigrants, asylum-seekers and refugees'* by the media particularly

in the aftermath of terrorist attacks (para. 15). Serious concerns were also expressed about rising racist hate speech on the Internet as well as continuing concerns about the UK Government's decision to maintain an interpretative declaration on article 4 on the international convention (ICERD).ⁱⁱⁱ We welcome the analysis and recommendations from the CERD and the analysis and recommendations contained in the Shadow Report (see our recommendations).^{iv}

The UK Government's response

Whilst we welcome the fact that the Government has responded quickly to some of the EHRC's call, we are concerned that the Government's various responses do not fully address the EHRC's substantive recommendations nor do they appear to refer directly to those recommendations. Nor do the various government announcements address the calls made by the CERD, published on 26 August 2016, the same day that the Prime Minister announced a race audit.^v

The race audit has been described in the press as '*an audit of public services to reveal racial disparities and to help end injustices that people experience.*'^{vi} Like our colleagues, Simon Woolley, the Director of Operation Black Vote and Dr Omar Khan, the Director of the Runnymede Trust, we accept this as a welcome first step - but it is a means to an end, not the end in itself. A race audit must be seen as a key component of a race equality strategy designed to lead to meaningful, concerted and measurable action across the public sector to reduce the racial disparities. Many of these racial disparities are clearly identified in the EHRC's recent reports and the CERD report published in late August 2016. Any planned race audit must build on the work of the EHRC, CERD and work already undertaken by civil society organisations. To ensure that this work leads to meaningful change, the audit and strategy must also be developed and undertaken in partnership with BME, migrant and other civil society organisations, including the signatories to this submission.

Press reports also say that the Home Secretary, Amber Rudd has announced that police '*handling of hate crime is to be reviewed after a sharp rise in incidents following the EU referendum*'... '*Her Majesty's Inspectorate of Constabulary (HMIC) will analyse how forces in*

ⁱⁱⁱ Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom* to the Committee on the Elimination. Available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1073&Lang=en

^{iv} Visit:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1073&Lang=en
and NGO Shadow Report published July 2016, the Runnymede Trust <http://runnymedetrust.org/projects-and-publications/europe/cerd.html>

^v The CERD recommendations, endorsed in this submission, appear as recommendations 11 to 17 and the CERD's concluding comments on race hate speech and race hate crime appear in full as appendix 6 of our main submission.

^{vi} May launches 'race' audit into public services. James Richards, Public Finance, 30 August 2016. Available at: <http://www.publicfinance.co.uk/news/2016/08/may-launches-race-audit-public-services>

England and Wales respond.’ However the website, on which the Government’s Hate Crime Action Plan for 2016 was announced, currently refers to a scoping study, stating that the Home Secretary ‘plans to commission Her Majesty’s Inspectorate of Constabulary to carry out a scoping study into forces’ understanding of (and response to) hate crime. Rather than the full scale review of the operation and effectiveness of sentencing called for by the EHRC, so far it has only been reported that prosecutors ‘will be urged to press for tougher sentences for perpetrators of hate crimes after a surge in reported incidents in the wake of the EU referendum’.

The UK Government’s Hate Crime Action Plan 2016 is not a strategy and its key deficiencies
We have profound concerns about the Government’s new Hate Crime Action Plan announced this July, which is due to run from 2016 to 2020. Although some of the individual actions are welcome, this is not a strategy.^{vii} There is an absence of analysis about the reasons for rising race hate crime and what interventions might address this rising tide. Apart from some general statements, race is rarely cited in the Plan and no effective links are made between tackling race discrimination, advancing race equality, good race and community relations and tackling race hate crime. The Plan also fails to properly consider the relationship between racially and religiously motivated hate crimes. The Plan fails to demonstrate a real understanding of the significance of good race and community relations in creating a positive climate in which discrimination and hate do not thrive. There is no reference to the relevance of the Public Sector Equality Duty (PSED) and/or to the good relations provisions or other legislative or social policy levers at the disposal of central and local government to tackle hate crime. Further details of our critique are provided in part 11 of our main submission.

IV: Our recommendations

Developing a race equality strategy, good relations, a hate crime strategy and funding

1. We urge the Committee to press the Government to ensure that there is a proper dialogue and consultation to develop an effective, properly funded national strategy to combat race and religious hate crime and foster good community relations. The development of a real strategy must engage national, regional and local race equality organisations including CORE members, RECs, others tackling race and /or religious hatred as well as national faith bodies, the Criminal Justice family, the Local Government Association, Community Safety Partnerships and others.
2. We urge the Committee and the Government to ensure that any future review of the PSED recognises the importance of good community and race relations and seeks to strengthen rather than weaken or repeal this important and unique duty.

^{vii} See parts 11 and 12 of our main submission.

3. The new hate crime strategy must be informed by an analysis of: the causes of rising race and religious hate crime; how the Public Sector Equality Duty can be used to reduce such hate crime and; what forms of intervention reduce the incidence of race and religious hate crime. It should include a focus on prevention and reporting.
4. We urge the Committee to press the Government to make EHRC programme funding available to support community and civil society engagement in the development and implementation of the national strategy to combat race hate and a wider national race equality strategy. This funding should be available in a three year programme to fund the community and civil society organisations, particularly BME and migrants rights VCOs and others working with refugees and asylum seekers. The funding should be available for local, regional and national work.
5. The 2016 Hate Crime Action Plan predates the CERD recommendations that were published in August 2016. The UK Government's new strategy for tackling race and religious hate crime must fully address the CERD recommendations.
6. The Home Secretary and the Home Office should to enter into discussions with CORE, Racial Equality Councils, those tackling race and /or religious hatred, national faith bodies, the Criminal Justice family, the Local Government Association, Community Safety Partnerships and wider civil society organisations to ensure that the UK Government's 2016 Hate Crime Action Plan is developed into an effective, properly funded national strategy that effectively combats race and religious hate crime and fosters good community relations.
7. The UK Government should fund and monitor the implementation of this new national hate crime strategy and ensure that it effectively addresses and challenges race and religious hate crimes.
8. VCOs need to consider what roles they can play, working with statutory partners, to develop and deliver services, activities, work and measures to challenge race, religious and other forms of hate crime. VCOs can play key roles: in reducing barriers to victims reporting hate crimes; improving support to victims and their families, and; facilitating access to justice. However, this will require proper levels of funding to be available at local, regional and national levels to support high quality initiatives that will make a meaningful contribution to reducing race, religious and other forms of hate crime, building good community and race relations and sharing good practice.
9. Where there is no CVS or REC at local level consideration needs to be given to how community based work to tackle hate crime will be co-ordinated. Where CVSs and RECs do exist, local authorities, Community Safety Partnerships and Police and Crime Commissioners need to consider providing funding to support this essential work.
10. The UK Government should ensure that the new hate crime strategy provides a strategic framework that provides effective guidance to Police and Crime Commissioners,

the Mayor of London and police forces so that progress can be measured with respect to referrals to the CPS.

11. The EHRC and public bodies must work together to facilitate and fund effective monitoring and research into race, religious and other forms of hate crime.
12. The EHRC and other public bodies should also evaluate existing and previous programmes to identify which activities are most likely to reduce and /or prevent race and religious hate crime.
13. We welcome the EHRC's clarity, policy prescriptions and calls for action. We urge the Committee to press the Government to fully adopt the EHRC's recommendations. We also ask the Committee to press the Government to ensure that there is genuine involvement from the race and community sectors as well as adequate scrutiny by the EHRC and relevant select committees including this Committee.

The EHRC's recommendations to the UK Governments on the laws on hate crime and criminal justice

14. The UK Governments should adopt the recommendation made by the Equality and Human Rights Commission (EHRC) set out below.
15. The UK Governments should 'carry out a full-scale review of the operation and effectiveness of the sentencing for hate crimes in England and Wales, including the ability to increase sentencing for crimes motivated by hate'.
16. The UK Governments should 'take steps to mitigate any discriminatory effects from the access to justice reforms'.
17. The UK Governments should 'ensure that police forces use monitoring, training and scrutiny to make sure stop and search is being used in a lawful and non-discriminatory way.'
18. The UK Governments should 'provide stronger evidence to prove their hate crime strategies are working'.
19. The UK Governments should 'work with criminal justice agencies to understand what drives perpetrators to commit hate crime and to use that evidence to develop new preventative measures.'

The recommendations from the CERD and the CERD shadow report

20. We fully support the recommendations made by the UN Committee on the elimination of racial discrimination (CERD) in paragraphs 16 and 17 of their concluding observations published on 26 August 2016. The recommendations are reported in full below
21. The CERD recommends that the UK Governments investigate 'all reported acts of racist hate crimes, prosecute and punish the perpetrators with sanctions commensurate with the gravity of the offence, and provide effective remedies to victims.'

22. The CERD recommends that the UK Governments systematically ‘collect disaggregated data on hate crimes, ensure that measures to combat racist hate crimes are developed with the meaningful participation of affected groups, and undertake a thorough impact assessment of the measures adopted to ensure their continued effectiveness.’
23. The CERD recommends that the UK Governments adopt ‘concrete measures, in consultation with affected groups, to increase the reporting of racist hate crimes by ensuring that the reporting mechanism is transparent and accessible, and that victims have trust in the police and the justice system.’
24. The CERD recommends that the UK Government take account of its general recommendation No. 35 (2013) ‘on combating racist hate speech’. It therefore recommends the adoption of ‘comprehensive measures to combat racist hate speech and xenophobic political discourse, including on the Internet, particularly with regard to the application of appropriate sanctions, and ensure that public officials not only refrain from such speech but also formally reject hate speech and condemn the hateful ideas expressed so as to promote a culture of tolerance and respect.’
25. The CERD recommends that the UK Governments, take ‘effective measures to combat racist media coverage, taking into account the Committee’s general recommendation No. 35 (2013) on combating racist hate speech, and ensure that such cases are thoroughly investigated and, where appropriate, sanctions are imposed.’
26. The CERD also reiterates its ‘*recommendation that the State party withdraw its interpretative declaration on article 4 of the Convention.*’
27. The UK Government should adopt the recommendations on hate crime presented in the Runnymede Trust’s shadow CERD report.^{viii} The courts should have the power to keep racially-aggravated circumstances of a crime on the table when a defendant is willing to plead guilty to the crime but not as a racial offence. There should also be greater funded support to schools to tackle racist bullying.

Equality data, monitoring and research

28. The Home Office should ensure that data on the ethnicity of perpetrators and victims of race hate crime are published by the CPS, police forces and the Home Office. In addition, consideration must be given on how to record nationality to tackle race hate crime directed towards EU or other migrants.
29. We urge the Committee note the recommendations by the EHRC and CERD on equality monitoring and systematic data collection. We urge the Committee to explore with Government how the EHRC should work with the NPCC, the CPS and any others to: identify any barriers in relation to equality monitoring with respect to both victims and perpetrators; how any barriers can be overcome; how consistent practice can be secured; whether any new

^{viii} NGO Shadow Report published July 2016, the Runnymede Trust <http://runnymedetrust.org/projects-and-publications/europe/cerd.html>

arrangements should be developed and or piloted before being rolled out; how the performance of police forces can be monitored in a manner that is seen as problem solving rather than punitive?

30. VCOs and others have produced policy guidance and research on tackling hate crime across their areas of interest, some with the EHRC and some independently. Where the EHRC has not already drawn together key research and policy guidance, it should do so. Key gaps in the research evidence should be identified and relevant research programmes commissioned by government departments working in partnership with the EHRC, CORE, academics and others. This repository should inform the development of evidence based policy and initiatives in relation to tackling hate crime.

31. The EHRC, the Home Office, the Local Government Association in partnership with local authorities, CORE members, partners and others should undertake a joint mapping exercise to identify access to support at local, regional and national levels in England and Wales for victims who face hate crime on the basis of their race, religion or the fact that they are Gypsy, Traveller or Roma or an asylum seeker, migrant or refugee.

Social media

32. The UK Government should adopt the recommendations on hate crime presented in the Runnymede Trust's shadow CERD report and the CERD recommendation on Internet hate crime (see recommendation 10).

33. The UK Government should investigate the possibility of a new criminal offence whilst also developing a strategy and working closely with social media companies.

34. We ask the Committee to welcome the Code and to ask which government department or departments will be leading on behalf of the UK Government in ensuring that the Code is fully implemented and that the UK Government contributes to this important initiative by the European Commission.

**MAIN RESPONSE TO THE HOME AFFAIRS COMMITTEE INQUIRY INTO HATE CRIME AND ITS
VIOLENT CONSEQUENCES**

Response from the Race Equality Foundation working in partnership

with CORE members

Black South West Network (BSWN), Black Training and Enterprise Group (BTEG), Council of
Somali Organisations, Croydon BME Forum, Friends, Families and Travellers, JUST West
Yorkshire, Operation Black Vote (OBV), Race on the Agenda, the Runnymede Trust

and other partners

Joint Council for the Welfare of Immigrants (JCWI) and Race Equality Matters

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A: Introduction and defining key terms

1. About this submission

- i. We are regional and national voluntary organisations committed to challenging discrimination faced by the UK's Black and Minority Ethnic (BME), migrant and refugee communities. We are committed to advancing equality of opportunity and good community and race relations.
- ii. The inquiry's terms of reference refer to all forms of hate crime. Given our remit this submission focuses on race, religious and interrelated hate crime.
- iii. The evidence provided in parts A, B and C underpins our response to the areas specifically cited by the Committee in its call for evidence (areas D to G). We hope that Committee members will also consider our recommendations set out in part H.
- iv. Our executive summary provides a summary of key themes and recommendations. We hope that members of the Committee will read the executive summary and this detailed submission.

2. The context for this submission

- i. This joint submission is made against a background of hostile immigration legislation, rising anti-Semitism, Islamophobia, Xenophobia, racism, a bruising Brexit referendum and recent year on year rises in reported race and religious hate crime.
- ii. Like many parliamentarians, the Equality and Human Rights Commission (EHRC) and the UN Committee on the Elimination of Racial Discrimination (CERD), we are profoundly concerned that the often intemperate and anti-migrant tone of the Brexit debates have exposed hate, fear and social and racial divisions across the UK.¹
- iii. This July, under the leadership of Operation Black Vote, we called for a new [national strategy](#) to tackle rising race and religious hate crime in England and Wales; this submission expands on that call.
- iv. We are concerned that our Government has failed to recognise the importance of good race and community relations in advancing race equality and tackling hate crime. We share the concerns about race equality, racist hate speech and hate crimes expressed by the EHRC and CERD.² We contend that there has been a failure of national leadership by our Government in relation to advancing race equality and addressing race hate crime.
- v. We welcome the call by the EHRC for a new national race equality strategy and their call for a new strategy in relation to tackling race and religious hate crime.
- vi. We are concerned that that the UK Government's Hate Crime Action plan, 2016, published in July 2016, does not provide an effective race and religious hate crime strategy nor does it address the concerns of the EHRC or the CERD (see appendix 6).

3. Welcoming this Inquiry

- i. We welcome this Committee's timely, and important, inquiry and hope that this marks a positive turning point for effective engagement, between the Government,

parliamentarians and BME, migrants rights and other civil society organisations, on tackling race, religious and other hate crimes.

- ii. We therefore urge the Committee to press the UK Government to develop a national hate crime strategy that effectively tackles anti-migrant hostility, Anti-Semitism, Islamophobia, racism and Xenophobia by working in partnership with BME, migrant rights and civil society organisations.

4. Key terms defined

- i. A racist incident is *'any incident, including any crime, which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on a person's race or perceived race.'*³ A religiously motivated incident is *'any incident which is believed to be motivated because of a person's religion or perceived religion, by the victim or any other person.'*⁴ A racist or religiously motivated incident would include offences but also incidents that do not constitute offences.
- ii. Hate crime is *'any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic.'*⁵ A wider definition – agreed by the National Police Chiefs' Council (NPCC), the CPS and other partners in the criminal justice sector – is *'any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.'*⁶
- iii. An offence is considered to be racially or religiously aggravated if: *'at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.'*⁷
- iv. The guidance from the CPS also explains that certain offences, including *'assault, harassment, criminal damage and public order offences, can be prosecuted specifically as racially or religiously-aggravated offences.'* In relation to other offences, if there is evidence of *'racial or religious aggravation, the defendant faces a harsher sentence than if he or she were found guilty of a non-racial or religious crime.'*⁸ The Crown Prosecution Service (CPS) has published detailed guidance on offences and associated tariffs.⁹

B: The importance of good community and race relations

5. The relevance of good relations and the history of the duties

- i. As longstanding race equality and migrants rights organisations we know that good race and community relations are essential and provide a framework for preventing and tackling race and religious hatred. The legislative history of key UK-wide good relations duties is overviewed in appendix 2.
- ii. The Public Sector Equality Duty (PSED), section 149 of the Equality Act 2010 contains good relations provisions. Public authorities when exercising their functions are required to *'have due regard to the need to' ... 'foster good relations between persons who share a relevant protected characteristic and persons who do not share it.'*¹⁰
- iii. Under section 10 of the Equality Act 2006, from 2007 until June 2013, the EHRC also had important good relations' duties. These were to: a) to promote understanding between different groups; b) encourage good practice in relation to good relations; c) *'work towards the elimination of prejudice against, hatred of and hostility towards members of groups;* and d) work towards enabling members of groups to participate in society.^{ix} Under section 19, of the 2006 Act, the EHRC had powers to take action to monitor certain kinds of crime affecting certain groups, prevent or reduce crime that affected certain groups and support activities designed to involve members of groups.¹¹
- iv. In June 2013, the EHRC's good relations duties and powers were repealed despite concerns expressed during the parliamentary debates and in submissions from race equality organisations (see appendix 3). The Government argued then that the Association of Chief Police Officers (ACPO) and others, not from the race equality sector, saw no need for these powers. In 2012, the Government said that the removal of these duties was not intended to undermine the EHRC's ability to advance good relations.¹²
- v. We urge the Committee and the Government to ensure that any future [review](#) of the PSED recognises the importance of good community and race relations and seeks to strengthen rather than weaken or repeal this important and unique duty.

6. Good relations and tackling race and religious hate crime

- i. According to the EHRC, *'bad relations have been associated with the costs of policing or investigating hate crime, the individual and social impacts of community tension, the economic costs of interventions and of incarceration.'*¹³ Fostering good relations involves public bodies and others in planning how to tackle prejudice and promote understanding.¹⁴
- ii. Despite their repeal, the EHRC's previous good relations duties and powers still provide a helpful framework for understanding what action should be taken to foster good community and race relations.^x

^{ix} Section 10, Equality Act 2006 repealed in June 2016 (see appendix 2).

^x Previously, until 2013, sections 10 and 19 of the Equality Act 2006.

- iii. The EHRC and public bodies need to: a) promote an understanding of the importance of good relations; b) encourage good practice with respect to good relations; c) work towards eliminating prejudice against, hatred of and hostility towards members of communities; d) to work towards enabling members of groups to participate in society.
- iv. Good community and race relations are not just about potential conflicts between BME, migrant and white communities, relations between different migrant groups, different BME communities and different faith groups must also be addressed. Whilst not falling into the trap of assuming that those who voted for Brexit are necessarily anti-migrant, we do need to be aware that Brexit undermined good community and race relations, stirred up anti-migrant feelings and appears to have generated a spike in attacks targeting migrants and BME communities. However, it is important to remember that reported incidents, of race and religious hate, have been on the rise since 2012.
- v. Extremist atrocities, fears about extremism and strategies to combat extremism add additional challenges. For example, spikes in race and religious hate have been reported by some community organisations and police forces following extremist attacks in the UK or abroad.
- vi. There are important questions about government strategies designed to tackle extremism. For example, about whether the Prevent strategy having negative or unintended consequences and undermining good community and race relations? On 11 August 2016, Maria Miller MP, the Chair of the Women and Equalities Select Committee (WESC), commented on the publication of WESC's report 'Employment opportunities for Muslims in the UK'. She said that the Government faces many challenges in tackling extremism that could not be underestimated. However, she also said that *"in the course of this inquiry we came across individual Muslims who were reluctant to speak to us for fear that our inquiry was part of the Prevent programme. The Prevent strategy was cited as a significant source of tension by a number of participants."*¹⁵
- vii. The WESC report says that the Government must work to rebuild trust with Muslim communities *'by adopting an approach to integration which focuses on how it improves the life chances of disadvantaged communities rather than through the lens of counter extremism.'*¹⁶ Like the EHRC, the WESC report comments on the need to tackle the disadvantages facing Black and Minority Ethnic (BME) and calls for *'a coherent cross-Government strategy focused on specific groups, including Muslims, and recommends that a plan should be developed by the end of this year.'*
- viii. We call on the EHRC, the Home Office, Police and Crime Commissioners (PCCs) and other public bodies to work together to facilitate and fund the effective monitoring of, and research, into race and religious hate crime, and other forms of hate crime.
- ix. The EHRC, the Home Office, Police and Crime Commissioners (PCCs) and other public bodies should also evaluate existing and previous programmes, activities or initiatives to identify which are most likely to reduce and/or prevent race and religious hate crime.^{xi}

^{xi} These may be social, recreational, sporting, civic, educational or other activities.

7. The importance of financial support for local and national community and race relations work and financial challenges since 2008

- i. Between the 1970s until 2007, the then Commission for Racial Equality funded local bodies that were known as Community Relations Councils and many of their successor agencies were called Race Equality Councils or Racial Equality Councils (RECs).
- ii. Since the CRE's demise in 2007, much of the core funding enjoyed by around one hundred RECs has evaporated (see part G). Since 2008, austerity and the economic crisis financial downturn, have hit BME communities disproportionately hard. For example, the unemployment rates for BME young people, and BME young men in particular, have remained stubbornly high. The unemployment rate for black youth rose substantially from 2010 but the unemployment rate for white youth fell. Furthermore, the voluntary and community organisations (VCOs) to which individuals might want to turn for help (e.g. RECs, BME VCOs, advice agencies and law centres) have been hard hit by the cuts and the economic downturn.^{xii}
- iii. According to the TUC, cuts to civil society organisations have been hit on an unprecedented scale. For example, research indicates that charities faced net funding reductions of more than £110 million in 2011/12. The number of RECs and local, regional and national race equality organisations has fallen sharply (see part G). Where they do still exist most have fewer staff, reduced resources and less capacity. However, they still have the expertise, knowledge and experience to help to shape, develop and work on programmes to foster good relations and tackle hate crime.

^{xii} See parts C, G and H.

C: Calling for a comprehensive race equality strategy and a national hate crime strategy and commenting on deficiencies in the UK Government's 2012 and 2016 Hate Crime Action Plans

8. The EHRC's call for a national race strategy

- i. This August, the EHRC published 'Healing a divided Britain' which calls for a comprehensive race strategy.¹⁷ The report provides a stark assessment of the UK's failure to advance race equality over the last five years; the EHRC's chairperson (David Isaac) said failing *'to tackle deep-rooted race inequality will exacerbate divisions in our society unless urgent Government action is taken.'*
- ii. The EHRC's chairperson welcomed Theresa May's statements, as the new Prime Minister as *'very encouraging'*.¹⁸ However, he also noted that *'previous efforts to address race inequality have been 'piecemeal and stuttering' with 'more one nation platitudes than policies'*.
- iii. The report reveals that: *'while for certain people life has become fairer over the past five years, for others progress has stalled and for some— in particular young Black people – life on many fronts has got worse.'*
- iv. The report also reveals that if: *'you are young and from an ethnic minority, your life chances have got much worse over the past five years and are at the most challenging for generations.'* It also notes that: *'Black workers are also more than twice as likely to be in insecure forms of employment such as temporary contracts or working for an agency – which increased by nearly 40% for Black and Asian workers, compared with a 16% rise for White workers.'*
- v. The EHRC's chairperson and the report call for: *'a comprehensive new race strategy from Government, the development of stretching new targets to reduce race inequality including in criminal justice, education and employment, as well as better research and reporting to monitor progress.'*¹⁹ He, and the report, also call for:
 - *'a comprehensive, coordinated and long-term UK Government strategy with clear and measurable outcomes to achieve race equality;*
 - *the strategy to 'be developed and delivered between the UK, Scottish and Welsh Governments' and to 'come under the responsibility of one secretary of state, with clear accountability across Government';*
 - *the UK's four governments to 'improve their ethnicity data and ensure it covers a range of research, statistics and ethnic groups to inform their race equality strategies'.*
- vi. The EHRC's submission to the UN Committee on the Elimination of Racial Discrimination made a number of direct calls in relation to criminal justice issues and race and religious hate crime.²⁰ The EHRC specifically advised, and called on, the Government to:
 - *'carry out a full-scale review of the operation and effectiveness of the sentencing for hate crimes in England and Wales, including the ability to increase sentencing for crimes motivated by hate;'*

- *‘take steps to mitigate any discriminatory effects from the access to justice reforms’;*
- *‘ensure that police forces use monitoring, training and scrutiny to make sure stop and search is being used in a lawful and non-discriminatory way’;²¹*
- *‘provide stronger evidence to prove their hate crime strategies are working’;*
- *‘work with criminal justice agencies to understand what drives perpetrators to commit hate crime and to use that evidence to develop new preventative measures.’²²*

9. The concluding comments from the UN’s Committee on the elimination of racial discrimination (CERD)

- i. The CERD’s concluding observations were published on 26 August 2016. Under the heading race hate speech and hate crimes the Committee expressed serious concerns^{xiii} about the sharp increase in *‘racist hate crimes especially in England, Wales and Northern Ireland’* before and following the Brexit referendum (para. 15).
- ii. The CERD also expressed deep concerns that the referendum campaign was *‘marked by divisive, anti-immigrant and xenophobic rhetoric’* (para.15). It raised serious concerns about the behaviour of *‘many politicians and prominent political figures.’* It said these politicians and political figures: *‘not only failed to condemn it, but also created and entrenched prejudices, thereby emboldening individuals to carry out acts of intimidation and hate towards ethnic or ethno-religious minority communities and people who are visibly different’* (para. 15).
- iii. The CERD also commented on the underreporting of hate crimes and noted that the gap between reported cases and prosecutions remains significant. Noting that this means that *‘a large number of racist hate crime seem to go unpunished’* (para. 15).
- iv. Reflecting on the context, the CERD also noted that the negative portrayal of *‘ethnic or ethno-religious minority communities, immigrants, asylum-seekers and refugees’* by the media particularly *‘in the aftermath of terrorist attacks’* (para. 15).
- v. The CERD expressed serious concerns about rising racist hate speech on the Internet as well as continuing concerns about the UK Government’s decision to maintain an interpretative declaration on article 4 on the international convention (ICERD).²³

10. The UK Government’s response

- i. We welcome the fact that the Government has responded quickly to some of the EHRC’s call but we are concerned that the responses do not fully address the EHRC’s substantive recommendations nor do they appear to refer directly to those recommendations.
- ii. On 26 August 2016, Theresa May, the Prime Minister, announced a race audit, described in the press as *‘an audit of public services to reveal racial disparities and to help end injustices that people experience.’²⁴* Like our colleagues, Simon Woolley, the Director of Operation Black Vote and Dr Omar Khan, the Director of the Runnymede Trust, we accept this as a welcome first step.²⁵ However, a race audit is a means to an end, not

^{xiii} Appendix 6 sets out the full comments and recommendations provided by the CERD.

the end in itself. A race audit must be seen as a key component of a race equality strategy. Such a strategy should be designed to lead to meaningful, concerted and measurable action across the public sector to reduce the racial disparities. Many of these racial disparities are clearly identified in the EHRC's recent reports and the CERD report published in late August 2016. Any planned race audit must build on the work of the EHRC, CERD and work already undertaken by civil society organisations.

- iii. To ensure that this work leads to meaningful change, the audit and strategy must also be developed and undertaken in partnership with BME, migrant and other civil society organisations, including the signatories to this submission.²⁶
- iv. Press reports say that the Home Secretary, Amber Rudd has announced that police *'handling of hate crime is to be reviewed after a sharp rise in incidents following the EU referendum'...* *'Her Majesty's Inspectorate of Constabulary (HMIC) will analyse how forces in England and Wales respond.'*²⁷ However the website, on which the Hate Crime Action Plan for 2016 was announced, currently refers to a scoping study, stating that the Home Secretary *'plans to commission Her Majesty's Inspectorate of Constabulary to carry out a **scoping** study into forces' understanding of (and response to) hate crime.'*²⁸
- v. Rather than the full scale review of the operation and effectiveness of sentencing called for by the EHRC, so far it has only been reported that prosecutors *'will be urged to press for tougher sentences for perpetrators of hate crimes after a surge in reported incidents in the wake of the EU referendum.'*²⁹
- vi. We welcome the EHRC's clarity, policy prescriptions and calls for action. We urge the Committee to press the Government to fully adopt the EHRC's recommendations. We also ask the Committee to press the Government to ensure that there is genuine involvement from the race and community sectors as well as adequate scrutiny by the EHRC and relevant select committees including this Committee.

11. The UK Government's Hate Crime Action Plan 2016 is not a strategy

- i. We welcome the fact that the UK Government has published a hate crime action plan for England and Wales but we have serious concerns because this is an action plan, not a strategy. This is not just about semantics, it is about the absence of analysis about the reasons for rising race hate crime and what interventions might address this rising tide.
- ii. Apart from some general statements about race, race is rarely cited in the Plan. The Plan makes no effective links between tackling race discrimination, advancing race equality, good race and community relations and tackling race hate crime. It also fails to properly consider the relationship between racially and religiously motivated hate crimes.³⁰
- iii. There is no reference to the relevance of the Public Sector Equality Duty (PSED) and/or to the good relations provisions. The content of the Plan fails to demonstrate a real understanding of the significance of good race and community relations in creating a positive climate in which discrimination and hate do not thrive.
- iv. The Plan fails to clearly reference the legislative or social policy levers at the disposal of central and local government to tackle hate crime. The Plan does not provide a coherent

analysis of what has worked previously in terms of reducing race, religious or associated hate crime or what lessons were learnt from delivering the 2012 Action Plan.³¹

- v. As with the 2012 Plan, few of the actions specifically reference race or appear likely to actually contribute positively to addressing/reducing race hate crime. The Action Plan says race hate crime *'remains as the most significant strand of hate crime. While all hate crimes, whatever the motivation, are equally appalling, more resources are dedicated to race hate crime as it makes up the greatest number of experienced crimes (para. 22)*. It would be helpful to know what additional resources, over and above those that any victim reporting hate crime is entitled to, are being referenced.
- vi. The Plan fails to consider the roles that key partners should play. We need a strategic framework that provides effective guidance to Police and Crime Commissioners, the Mayor of London, police forces, Community Safety Partnerships and others.
- vii. It is unclear how the reviews and actions announced re HMIC's review of police handling of hate crime, prosecutors and sentencing will inform the 2016 Plan or be monitored. We need a hate crime strategy that incorporates all relevant initiatives.
- viii. The Plan says that we *'will work with groups such as local Race Equality Councils to understand how we can ensure that those who advocate against race hate have their voices heard by those responsible for national and local hate crime responses (para. 23)*.' It also says that we *'will continue to work with local Race Equality Councils to strengthen the voice of victims and advocates against hate crime, and to ensure that their views are taken into consideration by local and national bodies (para 112)*. However there seems to be little awareness that RECs and race equality organisations have been decimated over the years. Many RECs and race equality agencies no longer exist and there are big gaps in the coverage across the UK. Furthermore, there appears to be no recognition that many of the remaining organisations, may have limited capacity. It is essential to work with national, regional and local race equality organisations to aid reach and ensure effectiveness, but this needs to be better informed, thought through and properly resourced. We pick up on these, and related, issues in part G of this submission.
- ix. The Plan says that it *'includes support for a range of projects focusing on young people and forging good relationships between those from different backgrounds (para. 39)*. However, the language used suggests a limited understanding of good race or community relations, what outcomes are being sought or how they are to be achieved. The new strategy must address the recommendations made by the EHRC.³²
- x. The Plan must be developed into a strategy informed by an analysis of: the causes of rising race and religious hate crime; how the PSED can be used to tackle such hate crime and; what forms of intervention reduce the incidence of race and religious hate crime.
- xi. The Plan predates the CERD recommendations published in August, the new strategy for tackling race and religious hate crime must fully address the CERD recommendations.
- xii. We urge the Committee to press the Government to ensure that there is a proper dialogue and consultation to develop an effective, properly funded national strategy to combat race and religious hate crime and foster good community relations. The

development of a real strategy must engage national, regional and local race equality organisations including CORE members, RECs, others tackling race and /or religious hatred as well as national faith bodies, the Criminal Justice family, the Local Government Association, Community Safety Partnerships and others.

12. The 2016 action plan's 'welcome actions' about which we have questions

- i. The Plan says *'we will work with the Crown Prosecution Service (CPS) to ensure that perpetrators are punished, and to publicise successful prosecutions to encourage people to have the confidence that when they report hate crime, action will be taken (para. 4).'*
This is sensible but how will progress or success be measured?
- ii. The Plan says *'there will be a £2.4m funding scheme for security measures at vulnerable faith institutions (para. 4).* This is welcomed but greater clarity would be welcomed on how this scheme will actually work.
- iii. The Plan says that there *'will be increased reporting of hate crime, through improving the reporting process, encouraging the use of third party reporting and working with groups who may under-report, such as disabled people, Muslim women, the Charedi community, transgender people, Gypsy, Traveller and Roma communities, and new refugee communities (para. 4).* We welcome this but would welcome further details.
- iv. The Plan says the aim is to prevent hate crime *'by challenging the beliefs and attitudes that can underlie such crimes. We will work to give young people and teachers the tools to tackle hatred and prejudice, including through a new programme to equip teachers to facilitate conversations about 'difficult topics' and carry out a new assessment of the level of anti-Muslim, antisemitic, homophobic, racist and other bullying in schools to inform further action to reduce levels of such bullying' (para. 4).*
- v. The Plan also says that we *'will continue to work with community partners such as the Anne Frank Trust and Streetwise to deliver educational projects that help young people challenge prejudice and discrimination.'* This programme is really important and could provide valuable cutting edge work. What resources are being put into this work? Are the programmes being piloted and /or what is its intended reach? How will it be evaluated? Working across different protected characteristics can be challenging. Have programmes been developed and evaluated that are working well?
- vi. The Plan makes a commitment to understanding the causes and effects of hate crime. It also says that there is engagement *'with academics through the International Network for Hate Studies and through individual research studies that have taken place. By doing this, we have identified gaps in our knowledge about the connections between groups that advocate race hatred and about the motivation of perpetrators. (para. 113).* This is welcome and positive but the Plan provides no sense of how this is informing, or will inform, what is to be done on race hate crime.

D: Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved

13. Key sources and questions about the nature and reliability of some data

- i. The police record data on racist incidents and hate crime. The Home Office publishes annual hate crime reports including data gathered by the Police and other data. The British Transport Police also publish data on race and religious hate crimes committed on the railways.
- ii. The Crown Prosecution (CPS) also publishes data on hate crime. The data published by the CPS includes referrals for charging, hate crimes prosecuted by the CPS and how many hate crime cases are successfully prosecuted each year. In this submission, we have focused on data published by the police, the Home Office and the CPS. We have commented briefly on data from the Crime Survey for England and Wales (CSEW).
- iii. The Office of National Statistics (ONS) has raised some questions about the reliability of some crime statistics (see appendix 4).
- iv. Before looking at the data, we have commented on a number of assertions made about the hate crime statistics. According to the *'CSEW, there were an estimated 222,000 hate crimes on average each year from 2012/13 to 2014/15. This represents a decrease of 56,000 since the previous period covered by the survey. At the same time, the number of hate crimes recorded by the police rose from 44,471 in 2013/14 to 52,528 in 2014/15.'*³³
- v. The Hate Crime Action Plan suggests that the increase in recorded hate crime is welcome because *'it is likely to reflect improved police practice and victim confidence in coming forward to report crimes.'* However, the report also says that *'the difference between CSEW figures and Police Recorded Crime figures shows that hate crimes continue to be significantly under-reported.'*³⁴
- vi. So if this analysis were correct, we might not have rising race hate crime but more reporting of hate crimes, due to increased confidence, and better recording of such crimes due to improved police record keeping. We have a different analysis, which is backed up by the visceral images of the post Brexit surge in race and religious hate incidents and by the assessments of the EHRC and the CERD. This assessment is that the evidence suggests more race and religious hate crimes are being reported because the number of these incidents and crimes has actually increased. If the Government's assertions, that the increase reflects increased reporting and better recording, are based on evidence, we need to know exactly what the evidence base is.

14. Crime Survey for England and Wales (CSEW)

- i. The [Crime Survey for England and Wales](#), was previously known as the [British Crime Survey](#). We note that the CSEW has found that hate crime may be significantly underreported and we note that this is widely accepted.³⁵
- ii. Whereas race hate crime is identified as eighty percent plus of hate crime reported to the police, the CESW reports that race hate incidents made up only 48% of overall hate

crime.³⁶ The significant variance could result from a number of factors and we wonder whether the survey methodology has been considered. For example, we wonder how well the CESW is able to pick up Britain's increasingly diverse BME and migrant communities and newer arrivals, refugees or asylum seekers who may be particularly at risk of race and religious hate crime.

- iii. We wonder if the variance is significant enough for the EHRC to seek to clarify if there are any issues that need to be addressed with the Office of National Statistics and the Crime Survey team at TNS BMRB.
- iv. In January 2014, the ONS reported that there were some questions about some crime data; the comments made by ONS are provided unamended as appendix 4.
- v. We do not know if all the issues have been addressed and it may be that the Committee is already familiar with the issues (see appendix 4). We hope that the Committee will seek clarification from the ONS and the CSEW if there are any outstanding questions.

15. The ethnicity of victims and perpetrator in race and religious hate crimes

- i. We have important questions about the recording and publication of data on the ethnicity of victims of race and religious hate crime. We have searched diligently through the Home Office reports for data on the ethnicity of both perpetrators and victims. The data on perpetrators appears to be available to a lesser or greater extent. However, in relation to the ethnicity of victims, the data is not routinely available.
- ii. We argue that this data should be routinely gathered and published by Police Forces. In part F, we comment on similar problems with the data gathered and published by the CPS in relation to the ethnicity of victims of race hate crimes. We note that our call for the collation of systematic and disaggregated equality data is also supported by the EHRC and the CERD.
- iii. Given these apparent gaps, we searched FOIA requests published in [WhatdotheyKnow](#) and parliamentary questions and answers on the [TheyWorkForYou](#) website. What the efforts of many an intrepid FOIA writer and parliamentarian, tell us, is that many people want this data, as well as other equality monitoring data on hate crime. However, too often one can only access the data through FOIA requests or parliamentary questions.
- iv. It is nearly impossible to compare the data across police forces or even across the same force because each police force responds to the requests for information in different ways and the quality of the information provided is so variable. At best, one receives the total number people in each relevant class, and if lucky, the percentage breakdown.
- v. Some forces police forces just send spread sheets, anonymised, but with a long list of entries with the date of the incident with yes no under the victim class. Unless police forces are being difficult, this suggests that they are not analysing this data themselves because why else would they provide raw data in a spread sheet in response to FOIA requests which only the most diligent could or would analyse.
- vi. The absence of a consistent or standard practice begs a number of questions:

- Is there is a common standard in relation to monitoring the ethnicity of the victims of race hate crime and if so, what is it, what does it require and who monitors compliance?
 - If there is a common standard in relation to recording the ethnicity of race hate victims is it being worked to by police forces?
 - If there is no common standard for locally recording, publishing and centrally gathering and publishing ethnicity data on perpetrators and victims can one be developed in partnership with the EHRC and external agencies?
- vii. These difficulties also remind us that when the Government argued that there was no need for Section 19 of the Equality Act 2006, to develop monitoring in relation to certain classes of crime. A Government Minister reported that ACPO (the Association of Chief Police Officers) now the National Police Chiefs' Council (NPCC) had said that the duty was not needed because ACPO and others would ensure compliance with the PSED and ensure that relevant equality monitoring data was gathered.
- viii. We believe that these ongoing difficulties around equality monitoring data and victims demonstrate that without proactive leadership and proactive external scrutiny, the bar in relation to the performance of the PSED can be set very low.
- ix. We urge the Committee to note the 2016 recommendations by the EHRC and CERD on equality monitoring and systematic data collection. We urge the Committee to explore with Government how the EHRC should work with the NPCC, the CPS and any others to: identify any barriers in relation to equality monitoring with respect to both victims and perpetrators; how any barriers can be overcome; how consistent practice can be secured; whether any new arrangements should be developed and or piloted before being rolled out; how the performance of police forces can be monitored in a manner that is seen as problem solving rather than punitive?

16. Racist incidents in England & Wales 2011/12 to 2014/15

- i. In 2014/15, 53,902 racist incidents were recorded by the 43 police forces in England and Wales. A summary is provided in table 1, the full data appears as Appendix 5.
- ii. The five police forces that recorded the most racist incidents were in London (21 per cent), the North West (15 per cent), the South East (12 per cent), the West Midlands (10 per cent) and Yorkshire and the Humber (10 per cent). In the seven of the nine English regions, excluding Yorkshire and Humber and the East Midlands, reported racist incidents increased in 2013/14 and 2014/15 compared to the previous year.
- iii. The reported number of race hate crimes has not only remained worryingly high but has increased as has the number of religiously motivated hate crimes. In five regions (London, the North West, West Midlands, East of England and the North East) reported racist incidents were higher in 2014/15 than in 2009/10.
- iv. Whilst the 2016 Hate Crime Action Plan and some other government reports have suggested that the increased number of hate crimes could reflect improvements in reporting and/or recording, the evidence base for such claims is unclear.

Table 1: Table 3.01 Racist incidents by police force area in England & Wales, 2009/10 to 2014/15

Police force area	Numbers						Change 2013/14 to 2014/15	
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Num.	(%)
London	10,599	9,464	8,386	9,078	9,301	11,536	2,235	24
North West	8,246	6,980	7,384	7,255	7,737	8,326	589	8
South East	7,517	6,954	5,985	5,682	5,970	6,377	407	7
West Midlands	5,121	5,132	4,940	4,880	5,023	5,600	577	11
Yorkshire and the Humber	5,713	5,819	5,092	5,385	5,488	5,362	-126	-2
East of England	3,886	3,732	3,823	3,977	4,002	4,710	708	18
East Midlands	5,030	4,648	4,173	4,223	3,986	4,119	133	3
South West	4,595	4,209	3,620	3,118	3,165	3,467	302	10
Wales ³⁷	2,630	2,785	2,544	2,243	2,277	2,433	156	7
North East	1,797	1,862	1,731	1,707	1,879	1,972	93	5
ENGLAND AND WALES	55,134	51,585	47,678	47,548	48,828	53,902	5,074	10

Source: Police recorded incidents, Home Office

Note:

- In this table, an orange background indicates a rise in reported racist incidents compared to the previous year. The yellow background indicates a fall in reported racist incidents compared to the previous year. The green background means that the number of reported racist incidents in 2014/15 was above the peak level identified in 2009/10.
- The full table from which this data was extracted appears as Appendix 5.

17. Rising reported racial and religious hate crimes

- i. All forms of reported hate crime have been rising since 2013/14 but in each year reported race hate crime has made up around eighty percent of reported hate crime and has increased year on year (see table 2). Race hate crime was either a motivating factor or the motivating factor in the majority (80 – 85 per cent) of reported hate crimes each year from 2011/12 to 2014/15.³⁸
- ii. Recorded religious hate crime is much lower but whilst 1,618 offences were reported in 2011/12, reported offences increased to 3,254 by 2014/15; at double the 2011/12 level, this was the highest rate of increase of all reported hate offences. The Home Office's annual report indicates that the rise in reported race and religious hate crime could be due to better reporting or could be due to a real increase in such offences. Of the rise of 8,057 in reported hate crime between 2013/14 and 2014/15, the bulk, 5464 or 69 per cent, appears to come from the increase in reported race hate crime.

Table 2: Hate crimes recorded by the police, by monitored strand, 2011/12 to 2014/15					
<i>Numbers and percentages</i>					England and Wales, recorded crime
Hate crime strand	2011/12	2012/13	2013/14	2014/15	% change 2013/14 to 2014/15
Race	35,944	35,845	37,466	42,930	15
Religion	1,618	1,572	2,269	3,254	43
Sexual orientation	4,345	4,241	4,584	5,597	22
Disability	1,748	1,911	2,006	2,508	25
Transgender	313	364	557	605	9
Total number of motivating factors	43,968	43,933	46,882	54,894	17
Total number of offences	N/A	42,255	44,471	52,528	18
<i>Source: Police recorded crime, Home Office</i>					
Hate crimes are taken to mean any crime where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.					
Data were collected from 44 police forces in England and Wales and cover notifiable offences only (see the User Guide for more information).					
Source: Hate Crime, England and Wales, 2014/15 , table 2 page 4, Statistical Bulletin 05/15, Oct. 2015					

18. The British Transport Police and rising reported race and religious hate crimes

- i. In January 2016, the Guardian Newspaper [reported](#) that the British Transport Police (BTP) had responded to a Freedom of Information Act (FOI) request on race and religious hate crime. BTP reported race hate crimes on UK railways had increased by 37 per cent in five years and that in 2015, racially or religiously motivated harassment, alarm or distress were the most commonly reported hate crimes.³⁹
- ii. *'Such incidents accounted for 58% of all those recorded by BTP. Common assaults where no injury was recorded accounted for about 11% of hate crimes – 220 incidents – while racially or religiously motivated aggravated assault resulting in bodily harm accounted for 1.5%, or 30 such crimes.'* In 2015, the BTP recorded *'1,993 racially motivated hate crimes ... an average of 5.5 per day on the railway services'* in England, Scotland and Wales, including London underground.
- iii. The race of the victim was not stated in 27 per cent of cases. Excluding these incidents, where the race was unknown, *'more than three-quarters of incidents recorded in 2015 involved non-white victims: 36% were perpetrated against black victims, 33% against those of Asian origin, 3% involved mixed-race victims and 3.5% were against those of another race.'* 24 per cent of these cases involved white victims. According to the Guardian's FOI response, where the race of the suspect was stated 73 per cent were white and 17 per cent were black suspects.

- iv. The Guardian reported that in recent years, the most significant growth in racially motivated crimes was against white victims. With 346 hate crimes that involved white victims in 2015 *'compared with 204 crimes in 2011, which represented 19% of such hate crimes at the time.'* What is not clear is whether this represents a growth in cases against migrants or other minority ethnic groups who define themselves as white or white people who were born in the UK.
- v. Given the increase in attacks against migrants and Eastern Europeans since the Brexit announcement, it is important to understand what the data is telling us. Worryingly, in relation to prosecutions, BTP's FOIA response identified that the number of race hate crimes resulting in a prosecution fell between 2011 and 2015, from 704 to 663.

19. Anti-Semitic hate crime reported by the Community Safety Trust

- i. In February 2016, the Community Safety Trust (CST) published its 2015 report on anti-Semitic hate crime.⁴⁰ CST Anti-Semitic Incidents identifies that CST recorded 924 anti-Semitic incidents nationwide during 2015 which represented a 22 per cent fall from 2014's record high of 1,179 incidents. CST indicated that the 2014 spike had *'been caused by anti-Semitic reactions to the conflict in Israel and Gaza during July 2014 (316 incidents) and August 2014 (228 incidents).'*
- ii. The CST explains that there were 924 recorded anti-Semitic incidents which included 86 violent anti-Semitic assaults, an increase of 6 per cent from 2014 representing the highest number of violent incidents since 2011. It also explains that four of these 86 violent incidents were classified by CST as 'Extreme Violence', meaning they involved potential grievous bodily harm (GBH) or threat to life.
- iii. There were 65 incidents of Damage & Desecration of Jewish property in 2015 and 685 incidents of Abusive Behaviour, including verbal abuse, anti-Semitic graffiti, anti-Semitic abuse via social media and one-off cases of hate mail
- iv. There were 76 direct anti-Semitic threats and 12 cases of mass-mailed anti-Semitic leaflets or emails.⁴¹

20. Islamophobic hate crime reported by Tell Mama

- i. Tell MAMA's annual report, published in October 2015, says that the vast majority of anti-Muslim incidents were aimed at women wearing the full veil.⁴² Tell Mama also expressed concerns that many more incidents involving Muslim men go unreported.⁴³
- ii. In June 2016, Tell Mama reported that there were spikes in Islamophobic attacks in the wake of global events, such as the Charlie Hebdo massacre in January 2015.
- iii. Tell Mama also reported that incidents of anti-Muslim abuse and attacks in public areas of the UK rose by 326 per cent in 2015, with women disproportionately targeted by mostly teenage perpetrators.
- iv. More than one in 10 of all incidents reported to the organisation took place in educational establishments, with public transport in city centres another cluster area;

- v. Far-right extremist groups and sympathisers were actively promoting hatred of Muslims on social media, which was a significant radicalisation factor.
- vi. According to Tell Mama the statistics *'paint a profoundly bleak picture of the explosion of anti-Muslim hate both online and on our streets, with visible Muslim women being disproportionately targeted by cowardly hatemongers.'*⁴⁴
- vii. Tell Mama publishes a range of data and infographics which can be accessed by visiting their [website](#). Resources include a national picture of reported Islamophobic hate crime by [English Police Force for 2012-2014](#) and information on [racially aggravated offences recorded by the British Transport Police](#), 2014 and 2015.

21. What do we know about race and religious hate crimes in 2016?

- i. According to Metropolitan Police's deputy commissioner, Craig Mackey, the Brexit vote appears to have *"unleashed something in people"*.⁴⁵ We await the publication of the Hate Crime report for 2015/16 but the following selection of press and news reports suggests that something dangerous has indeed been unleashed and needs to be controlled and challenged.
- ii. [Met Police deputy chief links Brexit vote to hate crime rise](#): *'Complaints filed to police online hate-crime reporting site True Vision have increased fivefold since last Thursday, the National Police Chiefs Council said, with 331 hate crime incidents reported to the site compared with a weekly average of 63.'* BBC, 20 July 2016
- iii. [Police log fivefold rise in race-hate complaints since Brexit result](#) *"In a number of forces, migrants are reporting verbal abuse, negative social media commentary including xenophobic language, anti-migrant leafleting and, in very limited numbers, physical assaults. All of these incidents are under active investigation."... 'A senior Church of England official warned that the rise in hate crimes since the EU referendum could lead to fascism. Arun Arora, the church's director of communications and an ordained priest, said the UK faced a choice about what kind of country it wanted to be.'* The Guardian, 30 June 2016.
- iv. [Brexit: Wave of hate crime and racial abuse reported following EU referendum](#): *'Purported responses to Brexit include signs saying 'leave the EU, no more Polish vermin' being posted through letter boxes. More than a hundred incidents of racial abuse and hate crime have been reported since the UK voted to leave the European Union. Many of the alleged perpetrators cited the decision to leave the EU explicitly.'* The Independent, 26 June 2016.
- v. [Police blame worst rise in recorded hate crime on EU referendum](#): *Mark Hamilton, head of the National Police Chiefs' Council (NPCC), said: "I believe the referendum debate has led to an increase in reporting of hate crime. It is very clear in the last couple of weeks that more people have been aware of experiencing such incidents than we have had before." Reports to police increased by 42%, to more than 3,000 allegations of hate crime across Britain in the week before and the week after the 23 June vote. "It's probably the worst spike," Hamilton said... He said there was a direct link to the vote.*

“Some people took that as a licence to behave in a racist or other discriminatory way. We cannot divorce the country’s reaction to the referendum and the increase in hate crime reporting.” The Guardian, 11 July 2016

- vi. [Scotland Yard was today accused of failing victims of hate crime as figures obtained by the Evening Standard revealed a “shocking” fall in prosecutions](#): ‘In December [2015] the Met, led by Commissioner Sir Bernard Hogan-Howe, revealed that the number of Islamophobic incidents in the capital more than tripled in the wake of the Paris terror attacks.’ The Evening Standard, 14 April 2016

22. Drawing the strands together

- i. This report identifies evidence of rising reported race and religious hate crime and racist and religiously motivated incidents except for anti-Semitic crime recorded by the Community Safety Trust (CST). However, according to CST, 2014 was a record high year for anti-Semitic incidents with 1,179 incidents so the 924 anti-Semitic incidents needs to be viewed against a particularly difficult preceding year.
- ii. Between 2013/14 and 2014/15, reported racist incidents increased by 2235 or 24 per cent. Rising reported race hate crime from 2011/12 to 2014/15 is reported in table 2. Between 2013/14 and 2014/15, reported race hate crime increased by 5464, or 15 percent (see table 2). Reported religious hate crime increased, between 2013/14 and 2014/15 by 985 or 45 percent, from 2268 (2013/14) to 3,254 (2014/15).
- iii. Race hate crime recorded the greatest numerical increase and continued make up more than 80 percent of the overall hate crime statistics (see table 2). However, religious hate crime recorded the highest percentage increase of all forms of hate crime (see table 2)
- iv. Rising religious hate crimes were reported by the British Transport Police (BTP). BTP recorded a 37 per cent increase in five years in race and religious hate crime. For BTP, such hate crime accounted for nearly 60 per cent of the most commonly reported hate crimes. The Guardian reported that the most significant increase in race hate crime was experienced by white victims; 346 such crimes were reported in 2015 compared to 204 in 2011. However, without data on nationality, it is unclear whether this represents an increasing number of attacks against white people born in the UK or white EU migrants.
- v. Reported anti-Semitic hate incidents fell in 2015 (924 incidents) compared to 2014 (1179) but this only appears to reflect the fact that such incidents hit a peak in 2014. By contrast, in relation to Islamophobic incidents, not only were incidents in public places up by an astonishing 326 per cent but Tell Mama also reports that Muslim women were targeted disproportionately.
- vi. The omens for 2016 are not good, with press reports identifying a five-fold increase in race hate complaints, a wave of race hate crime and racial abuse following the Brexit decision. Concerns have also been identified about whether prosecutions have kept pace with these rises in race and religious hate crime and this theme is picked up next.

E: The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence

23. The effectiveness of current legislation

- i. We note and support the calls from the CERD for the UK to fully address Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination; these recommendations are set out as recommendations 9 – 16 of this report.⁴⁶
- ii. At present various crimes (such as assault or criminal damage) are prosecuted as aggravated offences with higher sentences if the offender demonstrates hostility or is motivated by racial or religious hostility at the time of the offence. In 2013, the Law Commission considered whether changes should be made to the legislative framework.
- iii. The Law Commission examined whether the same approach, as with race and religion and aggravated offences should apply if the offender shows hostility or is motivated on grounds of: disability, sexual orientation or gender identity. The project was referred to the Law Commission by the Ministry of Justice.
- iv. The review was led by Professor David Ormerod, Law Commissioner for criminal law. At the time Professor Ormerod said: *“Hate crime can be devastating for its victims, and it can divide communities.”* The Commission completed the final report ‘Hate Crime: Should the Current Offences be Extended?’ and published its report on 28 May 2014. The Law Commission’s website says that we *‘are awaiting a response from Government.’*⁴⁷
- v. The terms of reference asked the Law Commission to look only at: extending the aggravated offences in the Crime and Disorder Act 1998 to apply equally to all five protected characteristics; extending the stirring up of hatred offences under the Public Order Act 1986 to apply equally to all five protected characteristics. The Law Commission also *‘examined the current “enhanced sentencing” regime applicable to cases where hostility is established, as this already applies to all five characteristics and involves similar elements to the aggravated offences.’*
- vi. Given the work already undertaken by the Law Commission, if the issue of the effectiveness of the legislation and sentencing are to be reviewed, it would seem sensible to: draw on the Law Commission’s review with respect to other protected characteristics; explore whether there were any specific lessons for race and/ or religion.
- vii. We have commented on online hate activities in part F of this submission.

24. CPS strategies and prosecutions

- i. The CPS has developed a number of hate crime policies and strategies under the banner ‘Hate Crime and Crimes Against Older People in relation to: Homophobia and transphobia; racist and religious crime; Disability hate crime; and Crimes Against older People.’⁴⁸

- ii. In relation to race and religion, the CPS has also developed: a Racist and religious crime - CPS prosecution policy;⁴⁹ Racist and Religious Crime - CPS Guidance;⁵⁰ and a leaflet called Policy for Prosecuting Cases of Racially and Religiously Aggravated Crime.⁵¹
- iii. Significant work went into the production of these materials, which were originally produced around 2009/10. We now understand, and welcome the fact, that these materials are being updated in consultation with community representatives.
- iv. On community engagement, the CPS website makes a clear commitment to community engagement. However the most current document, on the website, appears to be dated 2012/13. Again the question is what is the current engagement policy?⁵² Having reviewed the hate crime reports for 2014 and 2016, we note that the CPS appears to be continuing to engage actively.
- v. The CPS's 2016 report refers to a number of strategies and key actions: The Hate Crime Assurance Scheme which was extended to racist and religious offences in May 2015; the Religiously Aggravated and Antisemitic Crime; Instructions for Prosecuting Advocates which was updated in respect of racially and religiously aggravated crime in August 2015;⁵³ feedback from Local Scrutiny and Involvement Panels and the Hate Crime Assurance Scheme; CPS engagement with partners specific to this strand and next steps. The programme looks to be thought through as well as underpinned by a commitment to, and understanding of community engagement.
- vi. We do have three central areas of concern with respect to the CPS and these relate to ethnic recording, issues related to the prosecution rate and problems associated with trying compare the CPS report published in 2014 with the report published in 2016.

25. Ethnic monitoring, victims and the CPS

- i. We have reviewed each of the CPS' Hate Crime reports published since 2008.⁵⁴ The first report stated that in '2007-08, 78% of hate crime defendants were identified as belonging to the White British category, and 81% were categorised as White. 5% of defendants were identified as Asian, and a further 5% were identified as Black. 4% of defendants did not state an ethnicity on arrest.' The CPS then explained that data on victims and ethnicity was not available but work was in hand.⁵⁵
- ii. Fast forward seven years, to the CPS report published in 2014, and this report said '83.9% of defendants were men and 70.5% White British. Those who were aged between 25-59 accounted for 61.1% with a further 24.9% aged between 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 2.6% and 20.5% respectively in 2007/08 to 1.1% and 9.5% in 2013/14.'
- iii. Some equality information was available on victims.⁵⁶ However, in relation ethnicity, whilst reference was made to improved reporting, no statistics were provided on the ethnicity of victims.⁵⁷ Despite searching, we could find no reference to the ethnicity of perpetrators or victims in the CPS's latest report, published in July 2016, this looks like a

step backwards. We have already commented on what needs to happen to address this issue, please see part D (15) of this submission.

26. Prosecutions, referrals, success rates and challenges

- i. The last two hate crime reports published by the CPS identify that it year on year increases in prosecutions for racially and religiously motivate hate crimes: 9415 (2012/13), 10532 (2013/14), 12,795 (2014/15) and 13,032 (2015/16). The conviction rate has hovered around 83 per cent to 84 per cent. 12 per cent of convicted persons had a sentence uplift in 2014/15 whereas this rose to 34.8 percent in 2015/16.⁵⁸ This looks like good news but we are not able to compare the CPS's performance over more than the two years because the reporting framework in 2016 is very different to 2014.
- ii. We do have questions about the referral rates for charging for racially and religiously aggravated crimes. 12,071 (2014/15) people were identified as police referrals for charging but this dropped to 10,728 (2015/16). Does this mean that despite the increase in the number of such hate crimes recorded by the police, 1343 fewer people were referred by the police for charging In England and Wales comparing 2014/15 to 2015/16? If yes, does this means that reported hate crime increased but the number of people charged for racially or religiously motivated hate crimes decreased?
- iii. The reporting format for the CPS hate crime in 2016 is different to the reporting format used in 2014. As a result, it is hard to compare some data provided in 2014 with the data provided in 2016. This makes a comparative assessment very difficult.
- iv. Between 2013/14 and 2014/15 the number of race hate crime recorded by the police in England and Wales increased by 5464; religiously motivated crimes increased by 985. However the number of referrals for prosecution in 2015/16 went down by 1343, we would like to know why. Reported race hate crime has been on the rise in 2013/14 and 2014/15, we would also like to know why did referrals by the police for charging decreased by over 10 per cent in one year.
- v. The Bureau of Investigative Journalism obtained the figures from 40 out of 43 police forces in England and Wales that suggest further deterioration in reports versus hate crime prosecutions during 2015/16. Together these 40 forces serve a population of almost 54 million people. According to the Bureau, *'victims of hate crime now have only a one in four chance of seeing a perpetrator charged, cautioned or dealt with in some other way by the police – down from one in three in the previous year.'*⁵⁹
- vi. The Bureau reports that, its survey shows that the *'total numbers of reported hate crimes have soared by 20% over the past year [2015/16] (from 50,288 to 60,225), with 34 out of the 40 forces recording a rise in offences. But despite this increase, in most of these forces police and prosecutors took action in fewer cases last year than previously.'*⁶⁰ According to the Bureau, main possible explanations that have been put forward, for the decrease in police action against hate crimes, are: cuts in police budgets, new CPS guidance covering crimes related to social media, and a lack of officer training on how to deal with hate crime.

F: The role of social media companies and other online platforms in identifying online sources of hate crime and preventing escalation

27. The European Commission and IT Companies and their Code of Conduct on illegal online hate speech

- i. At the end of May 2016, the European Commission and together with Facebook, Twitter, YouTube and Microsoft (“the IT companies”) published a code of conduct that includes a series of commitments to combat the spread of illegal hate speech online in Europe.⁶¹
- ii. The Code states that: *‘in order to prevent the spread of illegal hate speech, it is essential to ensure that relevant national laws transposing the Council Framework Decision on combating racism and xenophobia are fully enforced by Member States in the online as well as the in the offline environment.’* It calls for *‘effective application of provisions criminalising hate speech’* which it says is dependent on *‘a robust system of enforcement of criminal law sanctions against the individual perpetrators of hate speech.’*
- iii. The Code calls for *‘illegal hate speech online to be expeditiously reviewed by online intermediaries and social media platforms, upon receipt of a valid notification, in an appropriate time-frame.’* We ask the Committee to welcome the Code and to ask which government department or departments will be leading on behalf of the UK Government in ensuring that the Code is fully implemented and that the UK Government contributes to this important initiative by the European Commission.

28. Commenting on the Hate Crime Action Plan on online hate crime

- i. The actions on social media are spread through the Plan so we have drawn out the central provisions in the report and commented on them below. As we have previously said, we accept that some of the actions are welcome however we do not believe that what is presented represents a clear articulated strategy in relation to hate crime. Moreover, we are concerned that the report makes limited reference to race, BME and migrant communities and even fewer references to asylum seekers and refugees who may be risk of hate crimes motivated by race, religion, Islamophobia and/or Xenophobia.
- ii. The Plan says that there will be a ministerial seminar with social media companies and counter-narrative work (para. 4). The central question is what is the aim?
- iii. The Government says that it has already engaged with social media companies and internet service providers (para. 36); it does not say what has been achieved.
- iv. The Government appointed Baroness Shields in May 2015 as the Minister for Internet Safety and Security, with a remit that includes tackling online harassment and hatred (para 36). The Plan does not say what has been achieved or what the objectives are.
- v. The Plan says that the Government is committed to working with social media companies and internet providers to address this problem (para. 69) but it does not indicate what a measure of success might be nor reference the new European Code.
- vi. The Government says that it will convene a ministerial seminar on hate on the internet that brings together victims’ groups, stakeholders and industry representatives to find

- ways in which internet providers and social media companies can help improve the response to online hate crimes (para. 70). The stated aim is a reasonable and helpful.
- vii. The Government will provide more support to young people who are exposed to hate material online and targeted social media advertising will increase awareness of the portal (para. 71). There is no sense of what will be done, how or to what intended effect.
 - viii. The police are now required to flag whether a crime has an online element to give a clear picture of online crime, including online hate crime (para. 71). The Government will work with police forces to improve the use of these online flags which will in future give us a national picture of the levels of online hate crime (para. 72). This is a good idea however we wonder how effectively this will be done. The biggest issue of course is if there are limited reports, all the flags in the world will not help.
 - ix. The College of Policing has included guidance to police and partners on responding to internet hate crime in its National Policing Hate Crime Strategy and Hate Crime Operational Guidance (para 73). This will rise or fall on the quality of the guidance and how it is implemented. How is the impact of this initiative to be monitored?
 - x. Following public consultation, the Director of Public Prosecutions will publish guidance to prosecutors on prosecuting cases involving communications sent via social media. This will include specific guidance on hate crime offences and the use of ancillary orders in preventing further offending (para. 74). The CPS will monitor the application of the guidance and consult on its contents and subsequent updates (para. 74). The DPP has done some good work in this area and established a range of community engagement, monitoring and feedback mechanisms. This looks like a positive initiative.

29. Internet hate crime

- i. True Vision, the website for reporting for hate crimes set up by the Association of Chief Police Officer (ACPO), explains that whilst it can be an offence to incite racial or religious hatred, there are many challenges associated with tackling offensive materials.
- ii. The key challenges are that there is often no editorial control and there is a veil of anonymity but material may reach many people. Whilst we may find material on the Internet offensive *'very little of it is actually illegal'* because *'UK laws are written to make sure that people can speak and write, even offensive material, without being prosecuted for their views.'* In addition, although the Police and other agencies have *'duties to promote good relationships between different parts of our communities, but they do not have powers to control offensive thoughts or words unless they are shared illegally.'*
- iii. True Vision acknowledges that hate material *'can damage community cohesion and create fear'* and indicates that the *'police want to work alongside communities and the Internet industry to reduce the harm caused by hate on the Internet.'*
- iv. We support the new European Code. We also support the calls from CERD and the call, made by the Runnymede Trust and partners who drafted the shadow CERD report, for an investigation of the possibility of a new criminal offense. We also support the CERD recommendations in relation to Article 4 of ICERD and online hate crime.

30. A positive role for some online platforms

- i. We are aware of the work of I-StreetWatch.^{xiv} I-StreetWatch tracks racist and xenophobic harassment in public spaces. It calls on members of the general public to make a post to the website if they have witnessed or experienced racist or xenophobic harassment. This initiative based on a community engagement, community empowerment and good relations model. It says to those who might otherwise be isolated that they matter and someone else cares. I-StreetWatch says that *'everyone has the right to feel safe on the street. For many people, leaving their house means risking verbal and sometimes physical abuse. This site has been created in response to the rise in hate crime following the referendum result. We all have a role to play in making our streets safe for everyone.'*
- ii. I-StreetWatch aims to make everyday incidents visible to a wider community and to help people at risk map which areas are safer to be in. It also aims to collect data to help monitor the correlation between incidents and inflammatory speech from the media or politicians. Launched in June 2016, it has hit the ground running; there were 448 posts of first person accounts on incidents at the end of August. So long as individuals do not put themselves, or anyone else, at risk this is a really positive initiative.
- iii. Race on the Agenda, working in partnership with the United Nations Interregional Crime and Justice Research Institute (UNICRI), launched an initiative to tackle hate crime on new media. PRISM is Preventing, Redressing and Inhibiting hate Speech in new Media – the project is funded by the Fundamental Rights and Citizenship Programme of the European Commission. The project consortium, led by the Associazione Ricreativa e Culturale Italiana (ARCI), includes UNICRI and ROTA plus 8 other partner organisations based in 5 European countries.
- iv. The PRISM workshop targeted lawyers and law enforcement officers to promote knowledge on hate speech, hate crime prevention strategies and actions. The 15 hour-training course covered a wide range of topics, including an overview of the concepts of racism and anti-discrimination, the legal frameworks for dealing with hate speech and hate crime at the international, EU and UK levels, and information on how to investigate and report these issues, with a focus given to victim assistance. Its goal was to provide law enforcement authorities and legal professionals with innovative tools to identify, investigate and counter hate crime and hate speech. The workshop will also promote victim support and assistance within the criminal and civil justice processes. It develops the skills of those who prosecute hate crime. It promotes community engagement, good relations and capacity building,

^{xiv} <http://www.istreetwatch.co.uk/>

G: Barriers to victim's reporting, support and voluntary sector roles

31. Barriers to reporting hate crime motivated by racism, religion, Islamophobia or Xenophobia

- i. Ensuring justice for hate crime victims: professional perspectives provides a useful starting point for why victims of hate crime find it difficult to report:
 - victim suffer from feelings of fear, guilt or shame;
 - victims believe that they would not benefit from proceedings;
 - victims believe that they will not be believed;
 - victims lack awareness of their rights and the support services available to them;
 - victims do not trust that the police will treat them in a sympathetic manner;
 - victims believe that reporting is too bureaucratic costly or time consuming;
 - victims believe that the offence is not so serious;
 - there is a lack of targeted support services.
- ii. We agree with the issues cited but our experience of work in race equality and race relations leads us to add additional issues that may affect our communities and issues related to institutional racism and the actions and approaches of the police.
- iii. Victims may:
 - fear that it will not change anything for the better;
 - fear the police because of previous negative experiences (e.g. stop and search);
 - fear the consequences especially if they know the perpetrator (s) and/ may face reprisals;
 - not be fluent in English and find it too difficult to find out what to do;
 - fear engagement with public bodies especially given the hostile environment associated with the Immigration Acts 2014 and 2016.
- iv. However, it is important to also understand that there may be institutional barriers and issues of institutional racism the list of fears identified first may be the actual experience that someone experiences when they attempt to report a hate crime to the police:
 - the victim may not be believed or may be given that impression;
 - there may be a failure by the police to take and /or maintain proper records;
 - police may be unsympathetic;
 - there may be a lack of focus on race or religious hate crimes or hate crimes;
 - there may be little support and assistance through the process.

32. Measures to reduce barriers and improve reporting

- i. The recommendations from Ensuring justice for hate crime victims are to: i) ensure that a more comprehensive and coordinated approach is taken to establishing support services for hate crime victims; ii) reach out to victims and encouraging people to report; evaluating all measures aiming to enhance reporting and recording of hate crime; iii)

introducing third party reporting as a means of overcoming underreporting; iv) ensure that bias motives are not overlooked when assessing victims' protection needs in accordance with Article 22 of the Victims' Rights Directive; v) raise awareness of professionals – police officers, prosecutors and judges – through comprehensive training on hate crime; acknowledging the institutional aspects of discrimination; taking hate speech seriously.⁶²

- ii. National, regional and local hate crime strategies need to be developed, these need to be supported by associated policies and implementation needs to be driven.
- iii. The police and prosecutors must make it clear that hate crime will be taken seriously.
- iv. Statutory partners need to work with BME, migrants rights and other community organisations to design, develop, run and review services and activities designed to tackle race and religious hate crime including outreach, advice and support services.
- v. High standards must also be maintained by designing and then providing guidance, information and training to police officers and prosecutors to ensure that they provide high quality services.
- vi. Police and community organisations need to undertake outreach work and provide information to the widest range of community organisations, schools and others.
- vii. Community Safety Partnerships and others must publicise positive outcomes and how people can be supported.
- viii. Community Safety Partnerships, their regional and national equivalents must draw on the research into: barriers to victims reporting hate crime; victims support needs; and good practice. The EHRC has produced a number of research reports on hate crime and barriers to victims reporting and how to improve professional practice.

33. Voluntary and community organisations leading work on tackling race, religious, anti-traveller and anti-migrant hate crimes in England and Wales

- i. The Community Security Trust (National Organisation for Jewish victims), Forum Against Islamophobia and Racism (FAIR), Monitoring Group, SARI (Stand Against Racism and Inequality), TELL MAMA (National Organisation for Muslim Victims), MuslimLine, National Assembly Against Racism and Southall Black Sisters have a significant national and/or regional track record in tackling race and religious hate crimes at regional and/or national level. In relation to Gypsies, Travellers and Roma hate crime, Friends Families and Travellers and the Traveller Movement are key national agencies. In relation to combatting hate crimes against asylum seekers, migrants and/or refugees, the Joint Council for the Welfare of Immigrants (JCWI), Refugee Action, the Refugee Council and the Welsh Refugee Council play leading national roles.⁶³
- ii. In developing any new strategy for tackling hate crime, it will be essential to draw on the experience, knowledge and expertise of these and other organisations who have led work on challenging race, religious, anti- Gypsy and Traveller hate crime and hate crimes against asylum seekers, migrants and refugees. Many of these organisations, like the rest of the BME and migrant rights voluntary sector, have significant expertise but are

underfunded. Consideration should be given to supporting the work of these agencies around advancing good race relations and tackling hate crime.

- iii. These organisations have produced a range of policy guidance and research on tackling hate crime across their areas of interest, some with the EHRC and some independently. Where the EHRC has not already drawn together key research and policy guidance on hate crime by these and other leading organisations, academics and think tanks, this work should be undertaken by the EHRC.
- iv. The EHRC, the Home Office, the Local Government Association in partnership with local authorities, the Coalition of Race Equality Organisations, partners and others should undertake a joint mapping exercise to identify access to support at local, regional and national levels in England and Wales for victims who face hate crime on the basis of their race, religion or the fact that they are Gypsy, Traveller or Roma or an asylum seeker, migrant or refugee.

34. Funding issues – lessons from the CRE for the EHRC

- i. In 2007, the CRE made 124 awards through its Getting Results funding programme to RECs and other VCOs through section 44 funding. The funding priorities were integration, inter-community conflict prevention and Race Relations Act 1976 case work. The budget for the main programme was £4.1 million, and there were two smaller programmes, one for small grants under £10,000 and one for research, the budgets were respectively £252,000 and £65,000.
- ii. Since 2010, the EHRC has faced budget significant budget cuts and further cuts are planned for 2016.⁶⁴ The EHRC was supposed to be able to access additional programme funding of up to £7.8m in 2013/14 and £8m in 2014/15 *‘to support wider activities that contribute to equalities and human rights priorities, as appropriate.’* However, the Government held this funding in reserve and had the final say over if and how this programme funding would be allocated.⁶⁵
- iii. We urge the Committee to press the Government to make EHRC programme funding available to support community and civil society engagement in the development and implementation of the national strategy to combat race hate and a wider national race equality strategy. This funding should be available in a three year programme to fund the community and civil society organisations, particularly BME and migrants rights VCOs and others working with refugees and asylum seekers. The funding should be available for local, regional and national work.

35. What can voluntary and community organisations (VCOs) do?

- i. VCOs need to work at local, regional and national levels on a number of different fronts.
- ii. VCOs need to be actively involved in the development locally, regionally and nationally of hate crime strategies and action plans.
- iii. VCOs need to contribute to the local, regional and national mapping of hate crime support services provided by public, private and voluntary organisations.

- iv. VCOs need to contribute to the development and delivery of local, regional and national race equality strategies. They also need to contribute to identifying and identifying with partners how to tackle any emerging community conflicts.
- v. VCOs need to consider what roles they can play, working with statutory partners, to develop and deliver services, activities, work and measures to challenge race, religious and other forms of hate crime. VCOs can play key roles: in reducing barriers to victims reporting hate crimes; improving support to victims and their families, and; facilitating access to justice. However, this will require proper levels of funding to be available at local, regional and national levels to support high quality initiatives that will make a meaningful contribution to reducing race, religious and other forms of hate crime, building good community and race relations and sharing good practice.
- vi. At local level, Councils for Voluntary Service (CVSs), Race Equality Councils, and other race equality bodies have important roles to play in co-ordinating local VCO action, developing community based initiatives to tackle race and religious hate crimes, and working in partnership with local Community Safety Partnerships.
- vii. Where there is no CVS or REC at local level consideration needs to be given to how community based work to tackle hate crime will be co-ordinated. Where CVSs and RECs do exist, local authorities, Community Safety Partnerships and Police and Crime Commissioners need to consider providing funding to support this essential work.
- viii. Roles that regional and national race equality organisations can play have been identified in various sections of this submission. Key proposals are set out in our recommendations which follow.

H: Recommendations

Developing a race equality strategy, good relations, a hate crime strategy and funding

1. We urge the Committee to press the Government to ensure that there is a proper dialogue and consultation to develop an effective, properly funded national strategy to combat race and religious hate crime and foster good community relations. The development of a real strategy must engage national, regional and local race equality organisations including CORE members, RECs, others tackling race and /or religious hatred as well as national faith bodies, the Criminal Justice family, the Local Government Association, Community Safety Partnerships and others.
2. We urge the Committee and the Government to ensure that any future review of the PSED recognises the importance of good community and race relations and seeks to strengthen rather than weaken or repeal this important and unique duty.
3. The new hate crime strategy must be informed by an analysis of: the causes of rising race and religious hate crime; how the Public Sector Equality Duty can be used to reduce such hate crime and; what forms of intervention reduce the incidence of race and religious hate crime. It should include a focus on prevention and reporting.
4. We urge the Committee to press the Government to make EHRC programme funding available to support community and civil society engagement in the development and implementation of the national strategy to combat race hate and a wider national race equality strategy. This funding should be available in a three year programme to fund the community and civil society organisations, particularly BME and migrants rights VCOs and others working with refugees and asylum seekers. The funding should be available for local, regional and national work.
5. The 2016 Hate Crime Action Plan predates the CERD recommendations that were published in August 2016. The UK Government's new strategy for tackling race and religious hate crime must fully address the CERD recommendations.
6. The Home Secretary and the Home Office should to enter into discussions with CORE, Racial Equality Councils, those tackling race and /or religious hatred, national faith bodies, the Criminal Justice family, the Local Government Association, Community Safety Partnerships and wider civil society organisations to ensure that the UK Government's 2016 Hate Crime Action Plan is developed into an effective, properly funded national strategy that effectively combats race and religious hate crime and fosters good community relations.
7. The UK Government should fund and monitor the implementation of this new national hate crime strategy and ensure that it effectively addresses and challenges race and religious hate crimes.
8. VCOs need to consider what roles they can play, working with statutory partners, to develop and deliver services, activities, work and measures to challenge race, religious and other forms of hate crime. VCOs can play key roles: in reducing barriers to victims

- reporting hate crimes; improving support to victims and their families, and; facilitating access to justice. However, this will require proper levels of funding to be available at local, regional and national levels to support high quality initiatives that will make a meaningful contribution to reducing race, religious and other forms of hate crime, building good community and race relations and sharing good practice.
9. Where there is no CVS or REC at local level consideration needs to be given to how community based work to tackle hate crime will be co-ordinated. Where CVSs and RECs do exist, local authorities, Community Safety Partnerships and Police and Crime Commissioners need to consider providing funding to support this essential work.
 10. The UK Government should ensure that the new hate crime strategy provides a strategic framework that provides effective guidance to Police and Crime Commissioners, the Mayor of London and police forces so that progress can be measured with respect to referrals to the CPS.
 11. The EHRC and public bodies must work together to facilitate and fund effective monitoring and research into race, religious and other forms of hate crime.
 12. The EHRC and other public bodies should also evaluate existing and previous programmes to identify which activities are most likely to reduce and /or prevent race and religious hate crime.^{xv}
 13. We welcome the EHRC's clarity, policy prescriptions and calls for action. We urge the Committee to press the Government to fully adopt the EHRC's recommendations. We also ask the Committee to press the Government to ensure that there is genuine involvement from the race and community sectors as well as adequate scrutiny by the EHRC and relevant select committees including this Committee.

The EHRC's recommendations to the UK Governments on the laws on hate crime and criminal justice

14. The UK Governments should adopt the recommendation made by the Equality and Human Rights Commission (EHRC) set out below.
15. The UK Governments should *'carry out a full-scale review of the operation and effectiveness of the sentencing for hate crimes in England and Wales, including the ability to increase sentencing for crimes motivated by hate'*.
16. The UK Governments should *'take steps to mitigate any discriminatory effects from the access to justice reforms'*.
17. The UK Governments should *'ensure that police forces use monitoring, training and scrutiny to make sure stop and search is being used in a lawful and non-discriminatory way.'*
18. The UK Governments should *'provide stronger evidence to prove their hate crime strategies are working'*.
19. The UK Governments should *'work with criminal justice agencies to understand what drives perpetrators to commit hate crime and to use that evidence to develop new preventative measures.'*⁶⁶

^{xv} The activities may be social, recreational, sporting, civic, educational or other activities.

The recommendations from the CERD and the CERD shadow report

20. We fully support the recommendations made by the UN Committee on the elimination of racial discrimination (CERD) in paragraphs 16 and 17 of their concluding observations published on 26 August 2016. The recommendations are reported in full below.
21. The CERD recommends that the UK Governments investigate *'all reported acts of racist hate crimes, prosecute and punish the perpetrators with sanctions commensurate with the gravity of the offence, and provide effective remedies to victims.'*
22. The CERD recommends that the UK Governments systematically *'collect disaggregated data on hate crimes, ensure that measures to combat racist hate crimes are developed with the meaningful participation of affected groups, and undertake a thorough impact assessment of the measures adopted to ensure their continued effectiveness.'*
23. The CERD recommends that the UK Governments adopt *'concrete measures, in consultation with affected groups, to increase the reporting of racist hate crimes by ensuring that the reporting mechanism is transparent and accessible, and that victims have trust in the police and the justice system.'*
24. The CERD recommends that the UK Government take account of its general recommendation No. 35 (2013) *'on combating racist hate speech'*. It therefore recommends the adoption of *'comprehensive measures to combat racist hate speech and xenophobic political discourse, including on the Internet, particularly with regard to the application of appropriate sanctions, and ensure that public officials not only refrain from such speech but also formally reject hate speech and condemn the hateful ideas expressed so as to promote a culture of tolerance and respect.'*
25. The CERD recommends that the UK Governments, take *'effective measures to combat racist media coverage, taking into account the Committee's general recommendation No. 35 (2013) on combating racist hate speech, and ensure that such cases are thoroughly investigated and, where appropriate, sanctions are imposed.'*
26. The CERD also reiterates its *'recommendation that the State party withdraw its interpretative declaration on article 4 of the Convention.'*
27. The UK Government should adopt the recommendations on hate crime presented in the Runnymede Trust's shadow CERD report.⁶⁷ The courts should have the power to keep racially-aggravated circumstances of a crime on the table when a defendant is willing to plead guilty to the crime but not as a racial offence. There should also be greater funded support to schools to tackle racist bullying.

Equality data, monitoring and research

28. The Home Office should ensure that data on the ethnicity of perpetrators and victims of race hate crime are published by the CPS, police forces and the Home Office. In addition, consideration must be given on how to record nationality to tackle race hate crime directed towards EU or other migrants.
29. We urge the Committee note the recommendations by the EHRC and CERD on equality monitoring and systematic data collection. We urge the Committee to explore with

Government how the EHRC should work with the NPCC, the CPS and any others to:
identify any barriers in relation to equality monitoring with respect to both victims and perpetrators; how any barriers can be overcome; how consistent practice can be secured; whether any new arrangements should be developed and or piloted before being rolled out; how the performance of police forces can be monitored in a manner that is seen as problem solving rather than punitive?

30. VCOs and others have produced policy guidance and research on tackling hate crime across their areas of interest, some with the EHRC and some independently. Where the EHRC has not already drawn together key research and policy guidance, it should do so. Key gaps in the research evidence should be identified and relevant research programmes commissioned by government departments working in partnership with the EHRC, CORE, academics and others. This repository should inform the development of evidence based policy and initiatives in relation to tackling hate crime.
31. The EHRC, the Home Office, the Local Government Association in partnership with local authorities, CORE members, partners and others should undertake a joint mapping exercise to identify access to support at local, regional and national levels in England and Wales for victims who face hate crime on the basis of their race, religion or the fact that they are Gypsy, Traveller or Roma or an asylum seeker, migrant or refugee.

Social media

32. The UK Government should adopt the recommendations on hate crime presented in the Runnymede Trust's shadow CERD report and the CERD recommendation on Internet hate crime (see recommendation 10).
33. The UK Government should investigate the possibility of a new criminal offence whilst also developing a strategy and working closely with social media companies.
34. We ask the Committee to welcome the Code and to ask which government department or departments will be leading on behalf of the UK Government in ensuring that the Code is fully implemented and that the UK Government contributes to this important initiative by the European Commission.

Appendix 1: Supporters of this submission	
Black South West Network (BSWN)	<p>The Black South West Network (BSWN) is a provider of support services operating primarily in the South West developing National provision, working with civil society organisations in rural and urban communities. The primary focus is to facilitate access to information and to empower BME and marginal community organisations as leaders of social action. The vision and mission of the network is to promote and advocate on behalf of BME, other marginal, Voluntary, Civil Society and Community organisation.</p> <p>http://www.bswn.org.uk/about/bswn</p>
Black Training & Enterprise Group (BTEG)	<p>Black Training Enterprise Group's (BTEG's) mission is to end racial inequality. BTEG believes that the contribution of all communities makes a nation, builds dynamic local communities, generates wealth and improves well-being. BTEG champions fairness, challenges discrimination and pioneers innovative solutions to empower BAME communities through education, employment and enterprise. BTEG's activities involve working with Government, business, public services, BAME organisations and the media.</p> <p>http://www.bteg.co.uk/</p>
Council of Somali Organisations	<p>The Council of Somali Organisations is a second-tier organisation. We aim to inspire, represent and help integrate Somalis in Britain. We do this by conducting research to provide a true picture of Somali communities living in the UK. Through our policy and campaign work we influence local and central government policy in order to improve the conditions of Somali communities. We also provide high quality organisational capacity building and technical support that improves service delivery of our members.</p> <p>http://councilofsomaliorgs.com/</p>
Croydon BME Forum	<p>Croydon's BME Forum was established in 2002 in response to the need for a representative body to look specifically at key local issues and their impact on Black and Minority Ethnic (BME) communities. The Forum has three main functions: a) engagement; b) capacity building; and c) strategic race equality for Croydon.</p> <p>http://www.bmeforum.org/</p>
Friends, Families and Travellers (FFT)	<p>Friends, Families and Travellers (FFT) seeks to end discrimination against Gypsies and travelers whatever their ethnicity, culture or background, whether settled or mobile and to protect the right to pursue a nomadic way of life. FFT's overall objective is to work towards a more equitable society where everyone has the right to travel and to stop without constant fear of persecution because of their lifestyle.</p> <p>http://www.gypsy-traveller.org</p>
JCWI	<p>JCWI is an independent national charity established in 1967. We work to ensure justice and fairness in immigration, nationality and asylum law and policy and we provide direct legal advice and assistance to those affected by UK immigration control. Our objective is to ensure immigrants and refugees are treated fairly by promoting their human, economic, and civil rights within</p>

Appendix 1: Supporters of this submission	
	<p>an international human rights framework. JCWI has been instrumental in influencing debates on immigration and asylum issues in the UK and EU.</p> <p>www.jcwi.org.uk</p>
JUST West Yorkshire	<p>JUST West Yorkshire promotes racial justice, civil liberties and human rights in the North of England. Projects challenge the diminution of community and youth rights and the inequity and inequality between the North and South through promoting activism and using research, advocacy and campaigning.</p> <p>http://www.justwestyorkshire.info/</p>
Operation Black Vote (OBV)	<p>Operation Black Vote's (OBV's) vision is for a fair, just and inclusive democracy - one that offers rights to all and demands responsibility from all. OBV aims to make that vision real through political education, political participation and political representation.</p> <p>http://www.obv.org.uk/</p>
Race On the Agenda (ROTA)	<p>Race on the Agenda (ROTA) is a BAME-led social policy think tank that focuses on race equality and issues affecting Britain's BAME communities, and creates an environment for the equalities third sector to flourish. ROTA works to strengthen the voice of BAME communities through increased civic engagement and participation in society and provides representation on issues affecting BAME communities and the sector that it was set up to serve.</p> <p>http://www.rota.org.uk/</p>
Race Equality Foundation (REF)	<p>The Race Equality Foundation (REF) seeks to use evidence to develop interventions that overcome barriers and promote race equality in health, housing and social care. REF explores what is known about discrimination and disadvantage; develop evidenced-based better practice to promote equality and disseminate better practice through educational activities, conferences, written material and websites.</p> <p>http://www.raceequalityfoundation.org.uk/</p>
Race Equality Matters	<p>Race Equality Matters (REM) is a network of policy experts, lawyers, academics, journalists and campaigners who have come together to promote race equality and good race relations. We do this by: raising awareness of law, policy and practice which impact on race equality and good race relations; developing policy analysis; monitoring the effectiveness of equality law; using our collective expertise to influence and inform government policy identifying issues of concern and actively addressing them where possible.</p> <p>https://raceequalitymatters.org/</p>
Runnymede Trust	<p>Runnymede is an independent race equality think tank which generates intelligence for a multi-ethnic Britain through research, network building, leading debate, and policy engagement. Runnymede's work aims to assist policy-makers, practitioners, and citizens to reduce the risk of society being blighted by racism and discrimination to the detriment of everyone.</p> <p>http://www.runnymedetrust.org/</p>

Appendix 2: The duties to promote good relations and the legislative history

Introduction

Whilst many parliamentarians will have a detailed understanding of the previous and current duties on the promotion and fostering of good race and community relations, others may be less familiar with the legislative history and the current statutory duties. In relation to race equality, the concept of good community and good race relations dates back to the Race Relations Act 1976 and beyond. Key good relations duties were embedded in the Race Relations (Amendment) Act 2000, the Equality Act 2006 and the Equality Act 2010.

The Race Relations Act 1976 and good relations

Some will remember the Commission for Racial Equality (CRE) which ceased to exist in 2007. As the body responsible for overseeing race relations and race equality legislation in the UK, the CRE had its own statutory duties. One of these statutory duties was to promote good relations between persons of different racial groups.⁶⁸ Under the 1976 Act, local authorities were also subject to a general race equality duty which required them to give due consideration to the promotion of good relations.⁶⁹

The Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act 2000 introduced the first general race equality duty to apply to the majority of public bodies. The Race Equality Duty, as it became known, required public bodies in exercising their functions to give due regard to the need to promote good relations between different racial groups.⁷⁰

The Equality Act 2006

The Equality Act 2006 provided for the closure of the old equality commissions including the CRE and the absorption of their powers into the newly created Equality and Human Rights Commission (EHRC). The Equality Act 2006 placed two sets of duties in relation to good relations on the EHRC. The promotion of good relations was part of the EHRC's general duties and there was a separate broadly drafted good relations duty.⁷¹ This duty required the EHRC to give particular consideration to race, religion and belief when exercising the good relations duty.⁷² Under the Equality Act 2006, the EHRC also had the powers to monitor crime that affected different groups and powers to work in co-operation with different groups to monitor, reduce crime affecting certain groups and promote activities to involve members of groups.⁷³ In June 2013, the Government introduced legislation to repeal the EHRC's good relations powers.⁷⁴

The Equality Act 2010

The Equality Act 2010 included the current Public Sector Equality Duty (PSED). The PSED which came into force in England in April 2011, requires public bodies to give due regard to

the advancement of equality of opportunity and to fostering good relations. Section 149 (1) and (2) which have been in force in England since 2011 are set out below.

*(1) A public authority must, in the exercise of its functions, have due regard to the need to— (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) **foster good relations between persons who share a relevant protected characteristic and persons who do not share it.***

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

Section 149(5) explains that addressing good relations means giving due regard to fostering good relations means considering tackling prejudice and promoting understanding.⁷⁵

Appendix 3: Concerns raised by CORE and the Equality and Diversity Forum about the decision to remove the EHRC's good relations powers

We strongly disagreed with the removal of the Commission's good relations functions and urged Government to reconsider these proposal. The arguments that we made in our 2011 submission are set out below.

1. Overall comments and significance for race equality and equality

We believe the proposal to remove the EHRC's good relations powers is unacceptable and presents particular challenges in relation to race equality but also for other protected characteristics. The power to promote good relations is central to the promotion of racial equality. The duty/power to promote good relations has been part of the legislative framework in relation to race equality since the inception of the modern race legislation framework as part of the Race Relations Act 1976; the concept of good relations is pivotal to race equality in Britain. We believe that a commitment to promoting good relations should mean that the EHRC undertakes, commissions and publishes research, and undertakes work to promote public education strategies and develops innovative ways to promote good relations. If the good relations function is removed work around diversionary activities and bringing communities together may not be undertaken in future. We feel a consequence of this absence may be the deterioration of relations between different racial groups and a distancing and potential conflict between communities. This conceptual framework applies equally to religion and other protected characteristics.

2 Good relations as a duty

Under the Race Relations Act 1976, the newly established Commission for Racial Equality had three duties, the second of which was to 'promote equality of opportunity, and good relations, between persons of different racial groups generally.'⁷⁶

3 Good relations and community cohesion

The promotion of good relations is recognised as being central to the community cohesion agenda. Whilst the good relations element of work in relation to race and religion is clear, even if exceptionally challenging at times, it has perhaps been less clear how the good relations agenda translates across to other protected characteristics. However who could argue that it would not make a tremendous difference to promote a better understanding and good relations between young people, who are not disabled, and learning disabled people and their carers especially where young people have engaged in antisocial behaviour.

4 Concurring with EDF's analysis

We concurred with the EDF's analysis:

- *The 'good relations power is very important in relation to 'issues arising from race, Gypsies and Travellers, interfaith relations, hate crimes, the causes of violence against women intergenerational age issues and highly stigmatised groups like people with mental health problems or HIV/AIDS.'*
- *The consultation document suggests that what EHRC does may overlap with the good relations work of NGOs citing, amongst others, the work of the Runnymede Trust. However, Runnymede's good relations work is funded by the EHRC. If section 10 is removed and, as indicated elsewhere, EHRC's grants programme is closed down, this work is likely to stop.*
- *Currently some projects could arguably be carried out either under the good relations remit or under section 8. However, if section 8 is amended in the way that the consultation document proposes and the good relations duty in section 10 is removed then there will be no provision for this aspect of the EHRC's work. The ability to undertake good relations work is important to the proper functioning of the EHRC if it is not to become narrowly a regulator, as the EHRC itself has characterised it, a compliance factory.*
- *We note that removing section 10 would also entail removing the duty in 10(5) to 'promote or encourage the favourable treatment of disabled persons'. This section recognises, as does the Equality Act 2010, that in order to achieve equal opportunities for disabled people it is sometimes necessary to treat disabled people more favourably than non-disabled people. This requirement is still frequently misunderstood and the EHRC has an important role to play in promoting a better understanding of this requirement.*
- *Section 19(2)(a)&(b) give the EHRC powers to co-operate or assist in monitoring crime affecting particular groups and to prevent or reduce crime affecting certain groups. We regard these as useful powers for the EHRC to enable them to record or take action to reduce criminal activities which are the result of prejudice. The recording and monitoring of this type of crime will be an important function for the EHRC as we understand that the Home Office has recently decided to stop doing this.*

5. Rejecting the proposal

- a) In 2012, we said that we believed that this proposal simply fails to take account of work which has developed both the conceptual analysis and framework for good relations in the UK.⁷⁷
- b) Given the increasing recognition in Scotland of problems around good relations associated with religion and the recognition of the importance of good relations work in Northern Ireland's legislative framework, there appears to be absolutely no rationale for proposing the removal of the good relations powers.

- c) We also said that we believed that the combined impact of this proposal, and the proposed amendments to section 8,⁷⁸ would lead to a drastic reduction in preventative work and other non-legal initiatives. We also believe that given the good relations provisions within the PSED, the removal of the EHRC's powers in this area would undermine the implementation of the PSED.
- d) We accepted that good relations function did not fall within the regulatory approach proposed in the GEO's consultation document. However, we believed that this clearly demonstrates a fundamental flaw in the approach adopted by the GEO in relation to this review. Without promoting good relations between different groups and associated societal changes, we will not achieve the sort of society envisaged in section 3, a good relations function should be maintained, as regulation alone will never achieve significant moves towards the sort of equal society set out in section 3.

Appendix 4: UK Statistics Authority Assessment

Following an assessment of ONS crime statistics by the UK Statistics Authority, the statistics based on police recorded crime data were found not to meet the required standard for designation as National Statistics. The full assessment report can be found on the [UK Statistics Authority](#) website. Data from the Crime Survey for England and Wales continue to be badged as National Statistics. In their assessment report the UK Statistics Authority set out 16 requirements to be addressed. ONS have been working in collaboration with the Home Office Statistics Unit, the Police Service and Her Majesty's Inspectorate of Constabulary (HMIC) to address these requirements. A summary of progress is available on this web page. Since the UK Statistics Authority's assessment was carried out, HMIC have completed and published findings from [inspections of crime recording](#) in police forces in England and Wales. HMIC concluded that the level of under-recording of reports of crime was "unacceptable" (estimating that 1 in 5 offences that should have been recorded as crimes were not) and made a number of recommendations to improve recording. In light of these findings ONS have decided to delay approaching the UK Statistics Authority to request a re-assessment of crime statistics until such time as we can provide further evidence of improvements in the quality of police recorded crime data. An exchange of letters earlier in 2015 between the [National Statistician](#), and the [Chair of the UK Statistics Authority](#) provides further detail on this decision.

Since the Authority's assessment and the conclusion of HMIC inspections there is evidence that the police have taken steps to improve recording. It is likely that recent increases seen in the number of crimes recorded by the police reflect improvements in police compliance with recording standards, particularly in the categories of violence against the person and sexual offences where the level of under-recording observed by HMIC was most pronounced. Further evidence of improvements in police recorded crime is provided through comparisons with the Crime Survey for England and Wales (CSEW). Previous ONS [analysis of variation in crime trends](#) highlighted a growing gap between police recorded crime and the CSEW between 2007/08 and 2012/13. However, more recently the gap between the two data series has narrowed, and the latest release of crime statistics (for the year ending December 2014) shows a further narrowing (further information is available in section 4.2 of the [User Guide to Crime Statistics in England and Wales](#)). ONS will continue to publish and provide commentary on police recorded crime data. Further information on the interpretation of recorded crime data is provided in the [User Guide to Crime Statistics in England and Wales](#).

- [Action plan to address requirements from UK Statistics Authority assessment - progress update, April 2014](#)
- [Action plan to address requirements from UK Statistics Authority assessment - progress update, July 2014](#)
- [Action plan to address requirements from UK Statistics Authority assessment - progress update, October 2014](#)
- [Action plan to address requirements from UK Statistics Authority assessment - progress update, January 2015](#)
- [Action plan to address requirements from UK Statistics Authority assessment - progress update, April 2015](#)

Appendix 5: Table 3.01 Racist incidents by police force area in England and Wales, 2009/10 to 2014/15

Police force	Numbers						Change 2013/14 to 2014/15	
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Number	(%)
Cleveland	494	581	554	577	523	603	80	15
Durham	332	254	264	192	282	251	-31	-11
Northumbria	971	1,027	913	938	1,074	1,118	44	4
North East	1,797	1,862	1,731	1,707	1,879	1,972	93	5
Cheshire	384	425	360	421	532	496	-36	-7
Cumbria	213	219	238	193	227	242	15	7
Greater Manchester	4,100	3,288	3,740	3,494	3,485	4,212	727	21
Lancashire	2,132	1,735	1,726	1,463	1,705	1,555	-150	-9
Merseyside	1,417	1,313	1,320	1,684	1,788	1,821	33	2
North West	8,246	6,980	7,384	7,255	7,737	8,326	589	8
Humberside	565	782	722	836	928	653	-275	-30
North Yorkshire	197	215	237	298	251	268	17	7
South Yorkshire	2,264	2,019	1,515	1,701	1,755	1,624	-131	-7
West Yorkshire	2,687	2,803	2,618	2,550	2,554	2,817	263	10
Yorkshire and the Humber	5,713	5,819	5,092	5,385	5,488	5,362	-126	-2
Derbyshire	839	972	660	562	665	672	7	1
Leicestershire	1,534	1,342	1,213	1,361	1,035	1,024	-11	-1
Lincolnshire	274	277	279	385	219	243	24	11
Northamptonshire	926	801	908	868	867	938	71	8
Nottinghamshire	1,457	1,256	1,113	1,047	1,200	1,242	42	4
East Midlands	5,030	4,648	4,173	4,223	3,986	4,119	133	3
Staffordshire	1,290	1,354	906	966	910	891	-19	-2
Warwickshire	358	367	365	309	256	260	4	2
West Mercia	715	765	904	796	730	743	13	2
West Midlands	2,758	2,646	2,765	2,809	3,127	3,706	579	19
West Midlands	5,121	5,132	4,940	4,880	5,023	5,600	577	11
Bedfordshire	474	493	370	465	433	652	219	51
Cambridgeshire	498	411	286	240	261	267	6	2
Essex	858	796	794	1,160	1,241	1,417	176	14
Hertfordshire	1,214	1,133	1,232	1,126	1,004	1,239	235	23
Norfolk	469	605	664	607	631	729	98	16
Suffolk	373	294	477	379	432	406	-26	-6

Appendix 5: Table 3.01 Racist incidents by police force area in England and Wales, 2009/10 to 2014/15

Police force	Numbers						Change 2013/14 to 2014/15	
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Number	(%)
East of England	3,886	3,732	3,823	3,977	4,002	4,710	708	18
London, City of	58	59	59	79	65	61	-4	-6
Metropolitan Police	10,541	9,405	8,327	8,999	9,236	11,475	2,239	24
London	10,599	9,464	8,386	9,078	9,301	11,536	2,235	24
Hampshire	1,564	1,491	1,429	1,334	1,232	1,320	88	7
Kent	1,396	1,357	1,237	1,161	1,270	1,159	-111	-9
Surrey	1,130	1,002	787	823	734	893	159	22
Sussex	802	635	531	573	880	1,214	334	38
Thames Valley	2,625	2,469	2,001	1,791	1,854	1,791	-63	-3
South East	7,517	6,954	5,985	5,682	5,970	6,377	407	7
Avon and Somerset	2,037	1,894	1,565	1,360	1,304	1,629	325	25
Devon and Cornwall	1,036	931	877	806	881	896	15	2
Dorset	641	587	481	366	360	430	70	19
Gloucestershire	462	404	322	242	240	254	14	6
Wiltshire	419	393	375	344	380	258	-122	-32
South West	4,595	4,209	3,620	3,118	3,165	3,467	302	10
Dyfed-Powys	172	141	152	148	157	135	-22	-14
Gwent	273	343	400	333	308	344	36	12
North Wales ²	375	327	377	341	282	389	107	38
South Wales	1,810	1,974	1,615	1,421	1,530	1,565	35	2
Wales	2,630	2,785	2,544	2,243	2,277	2,433	156	7
ENGLAND AND WALES	55,134	51,585	47,678	47,548	48,828	53,902	5,074	10

Source: Police recorded incidents, Home Office

1. A 'racist incident' is defined as any incident, including any crime, which is perceived to be racist by the victim or any other person. The coverage is wider than for the race hate crime collection as non-notifiable offences, as well as notifiable offences, are included.

2. For 2013/14, North Wales were unable to provide non-notifiable offences in their figure. As a result, for 2013/14, the racist incidents figure for North Wales is equal to the race hate crime figure.

Appendix 6: The CERD concluding observations (2-26 August 2016)

The comments in this appendix, on racist hate speech and hate crimes, have been extracted from the concluding observations from CERD's report on the UK. These concluding comments were published on 26 August 2016. The comments provided are:

15. The Committee is seriously concerned at the sharp increase in the number of racist hate crimes especially in England, Wales and Northern Ireland in the weeks prior to and following the referendum on the membership of the European Union held on 23 June 2016. In particular, the Committee is deeply concerned that the referendum campaign was marked by divisive, anti-immigrant and xenophobic rhetoric, and that many politicians and prominent political figures not only failed to condemn it, but also created and entrenched prejudices, thereby emboldening individuals to carry out acts of intimidation and hate towards ethnic or ethno-religious minority communities and people who are visibly different. The Committee remains concerned that despite the recent increase in the reporting of hate crimes, the problem of underreporting persists, and the gap between reported cases and successful prosecution remains significant. As a result, a large number of racist hate crimes seem to go unpunished. It also remains concerned at the negative portrayal of ethnic or ethno-religious minority communities, immigrants, asylum-seekers and refugees by the media in the State party, particularly in the aftermath of terrorist attacks, as well as the rise of racist hate speech on the Internet. Notwithstanding these challenges, the Committee regrets that the State party continues to maintain its interpretative declaration on article 4 of the Convention (arts. 2, 4 and 6).
16. The Committee recommends that the State party, including the governments of Northern Ireland, Scotland, Wales, the British Overseas Territories and the Crown dependencies:
 - a) Investigate all reported acts of racist hate crimes, prosecute and punish the perpetrators with sanctions commensurate with the gravity of the offence, and provide effective remedies to victims;
 - b) Systematically collect disaggregated data on hate crimes, ensure that measures to combat racist hate crimes are developed with the meaningful participation of affected groups, and undertake a thorough impact assessment of the measures adopted to ensure their continued effectiveness;
 - c) Adopt concrete measures, in consultation with affected groups, to increase the reporting of racist hate crimes by ensuring that the

reporting mechanism is transparent and accessible, and that victims have trust in the police and the justice system;

- d)** Taking into account the Committee's general recommendation No. 35 (2013) on combating racist hate speech, adopt comprehensive measures to combat racist hate speech and xenophobic political discourse, including on the Internet, particularly with regard to the application of appropriate sanctions, and ensure that public officials not only refrain from such speech but also formally reject hate speech and condemn the hateful ideas expressed so as to promote a culture of tolerance and respect;
- e)** Take effective measures to combat racist media coverage, taking into account the Committee's general recommendation No. 35 (2013) on combating racist hate speech, and ensure that such cases are thoroughly investigated and, where appropriate, sanctions are imposed.

17. The Committee also reiterates its recommendation that the State party withdraw its interpretative declaration on article 4 of the Convention.

Appendix 7: Endnotes and key references

1 Healing a divided Britain: the need for a comprehensive race equality strategy. EHRC, August 2016. at: <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>

2 Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom* to the Committee on the Elimination. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1073&Lang=en

3 Source: CPS visit http://www.cps.gov.uk/publications/equality/hate_crime/index.html

4 Source: CPS visit: <http://www.cps.gov.uk/publications/prosecution/rrpbcbook.html#a03>

5 Hate Crime, England and Wales, 2014/15. Statistical Bulletin 05/15, Home Office, Oct. 2015, para. 1.1, page 2

6 Source: CPS visit http://www.cps.gov.uk/publications/equality/hate_crime/index.html

7 Source: CPS visit: http://www.cps.gov.uk/publications/equality/hate_crime.html

8 Source: CPS visit: http://www.cps.gov.uk/publications/equality/hate_crime.html

9 Annex A - Legislation used to prosecute Racist and Religious Crime. Racist & Religious Crime - CPS Guidance

http://www.cps.gov.uk/legal/p_to_r/racist_and_religious_crime/#a21 accessed 20th July 2016

10 The protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation apply in relation to all three equality aims including fostering good relations. Section 149 (7), Equality Act 2010.

11 Section 19 (1) & (2), Equality Act 2006. *'(1) In pursuance of its duties under section 10 the Commission may do anything specified in this section (without prejudice to the generality of section 13). (2) The Commission may make, co-operate with or assist in arrangements— (a) for the monitoring of kinds of crime affecting certain groups; (b) designed to prevent or reduce crime within or affecting certain groups; (c) for activities (whether social, recreational, sporting, civic, educational or otherwise) designed to involve members of groups.'*

12 Jo Swinson, Government Minister *'In the consultation, a range of stakeholders spoke about the repeal of the good relations duty in section 10, and whether it was the Association of Chief Police Officers stating that a greater emphasis on its responsibilities in regulating the new public sector duty is broadly supported, or Stonewall saying that the need for the good relations function has not been sufficiently demonstrated, a wide range of stakeholders did not seem to think that there was a problem.'* Hansard: 16 Oct 2012: Column 235.

Available at:

<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121016/debtext/121016-0003.htm>

13 Good relations in Scotland: A short brief. EHRC November 2012. Available at:

14 *'Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to— (a)tackle prejudice, and (b)promote understanding.'*
Section 149 (5), Equality Act 2010

15 Government must tackle inequalities faced by Muslim people in employment. Women and Equalities Committee. Available at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/employment-opportunities-for-muslims-in-uk-report-published-16-17/>

16 Government must tackle inequalities faced by Muslim people in employment. Women and Equalities Committee. Available at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/employment-opportunities-for-muslims-in-uk-report-published-16-17/>

17 Healing a divided Britain: the need for a comprehensive race equality strategy EHRC, August 2016. Available at: <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>

18 Theresa May Speech on inequality:

"That means fighting against the burning injustice that if you're born poor you will die on average nine years earlier than others. If you're black you are treated more harshly by the criminal justice system than if you're white. If you're a white working-class boy you're less likely than anybody else in Britain to go to university. If you're at a state school you're less likely to reach the top professions than if you're educated privately. If you're a woman you will earn less than a man. If you suffer from mental health problems, there's not enough help to hand. If you're young you will find it harder than ever before to own your own home. If you're from an ordinary working-class family, life is much harder than many people in Westminster realise. The government I lead will be driven, not by the interests of the privileged few but by yours."

"We will do everything we can to give you more control over your lives. When we take the big calls we will think not of the powerful, but you. When we pass new laws we will listen not to the mighty, but to you. When it comes to taxes we will prioritise not the wealthy, but you. When it comes to opportunity we won't entrench the advantages of the fortunate few, we will do everything we can to help anybody, whatever your background, to go as far as your talents will take you."

Theresa May's speech: what she said and what she meant. Ann Perkins, 13 July 2013. The Guardian. Available at: <http://www.theguardian.com/politics/ng-interactive/2016/jul/13/theresa-mays-speech-what-she-said-and-what-she-meant>

19 Widespread inequality risks increasing race tensions, warns EHRC. EHRC website. Accessed: 25 August 2016. Available at: <https://www.equalityhumanrights.com/en/our-work/news/widespread-inequality-risks-increasing-race-tensions-warns-ehrc>

20 Race Rights in the UK: Submission to the UN Committee on the Elimination of Racial Discrimination in advance of the public examination of the UK's implementation of ICERD. EHRC, July 2016. Available at: <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-convention-elimination-all>

21 Widespread inequality risks increasing race tensions, warns EHRC. EHRC website. Accessed: 25 August 2016. Available at: <https://www.equalityhumanrights.com/en/our-work/news/widespread-inequality-risks-increasing-race-tensions-warns-ehrc>

22 Commission calls for a full-scale review of the UK's hate crime strategy. Available at: <https://www.equalityhumanrights.com/en/our-work/news/commission-calls-full-scale-review-uk%E2%80%99s-hate-crime-strategy>. Accessed: 18 July 2016.

23 The Joint Committee on Human Rights' in its fourteenth report, examined the UK's approach to article 4 of the ICERD. It explains the difference between the UK and CERD.'

'84. Article 4 of CERD commits states to taking measures to combat incitement to racial hatred and racial discrimination. Article 4(a) requires States to criminalise the dissemination of racist ideas, incitement to racial hatred or discrimination, and the provision of any assistance to racist activities. Article 4(b) provides that States Parties shall "declare illegal and prohibit organisations and also all organised and all other propaganda activities, which promote and incite racial discrimination, and shall recognise participation in such organisations or activities as an offence punishable by law." Article 4(c) prohibits the promotion of or incitement to race discrimination by public authorities.

85. Joint Committee on Human Rights: Obligations under Article 4 require a difficult balance to be struck between freedom of expression and assembly—protected under the Human Rights Act by Articles 10 and 11 ECHR as well as under the ICCPR—and the positive obligation on the State to prevent race discrimination. With this balance in mind, the UK has entered an "interpretative declaration" to Article 4.[120] The UK's declaration states that the UK—interprets Article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that Article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and

practice in those fields is necessary for the attainment of the end specified in the earlier part of Article 4.

86. The UN Committee has repeatedly stated its view that the right to freedom of expression does not prevent the UK from proscribing racist organisations or from criminalising racist speech. The Concluding Observations re-stated the UN Committee's view that the UK's interpretation of Article 4 was unduly restrictive, and stressed that the Article 4 obligation was a mandatory one.[121]'

Joint Committee on Human Rights, fourteenth report published online on 31 March 2005. Available at:

<http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8809.htm>

24 May launches 'race' audit into public services. James Richards, Public Finance, 30 August 2016. Available at: <http://www.publicfinance.co.uk/news/2016/08/may-launches-race-audit-public-services>

25 Race audit announced in the press on 27 August 2016: *'Prime Minister Theresa May has ordered a review into how ethnic minorities and white working class people are treated by public services such as the NHS, schools, police and the courts. The audit is aimed at highlighting racial and socio-economic disparities and showing how outcomes differ due to background, class, gender and income. The prime minister said the findings would "shine a light on injustices."* BBC, 27 August 2016. Available at: <http://www.bbc.co.uk/news/uk-politics-37194207>

26 *'Prof Danny Dorling, of Oxford University, said both Labour and Conservative governments had a "track record" of ordering such audits "when they don't want to do something". "What happens is within two or three years every single one of these audits is forgotten," he said.'* Theresa May launches race audit of public services. BBC, 27 August 2016. Available at: <http://www.bbc.co.uk/news/uk-politics-37194207>

27 Hate crime policing to be reviewed after spike in reports. BBC, 26 July 2016. Accessed: 25 August 2016. Available at: <http://www.bbc.co.uk/news/uk-36890398>

28 Government support for communities in united drive against hate. Home Office website accessed 25 August 2016. Available at: <https://www.gov.uk/government/news/government-support-for-communities-in-united-drive-against-hate>

29 New Government urges tougher sentences for hate crimes after spike in reports following EU referendum result. Hayden Smith, the Independent, 23 July 2016. Available at: <http://www.independent.co.uk/news/uk/politics/brexit-eu-referendum-hate-crime-racism-tougher-jail-sentences-a7152346.html>

30 For an assessment of the deficiencies of the Government's previous Hate Action Plan, see Calling for a national strategy to address rising race and religious hate crime in England and Wales, A report for the Race Equality Foundation by Dr Leander Neckles: July 2016.

31 Action against Hate was published on 26 July 2016. The four year plan is due to run from 2016 until 2020. Actions are set out in relation to five areas: i) preventing hate crime by challenging the beliefs and attitudes that can underlie such crimes; ii) responding to hate crime; iii) increasing the reporting of hate crime; iv) improving support for victims of hate crime; v) building our understanding of hate crimes and improving the data. The Plan also commits the Government to *'working in partnership with communities'* and *'joining up work across a hate crime strands to ensure that best practice in tackling hate crime is understood and drawn upon in all'* its work.

32 The EHRC has called for the Government to: *undertake a 'full-scale review of Britain's hate crime laws and strategies; carry out a full-scale review of the operation and effectiveness of the sentencing for hate crimes in England and Wales, including the ability to increase sentencing for crimes motivated by hate; provide stronger evidence to prove their hate crime strategies are working; work with criminal justice agencies to understand what drives perpetrators to commit hate crime and to use that evidence to develop new preventative measures.'*

33 Hate Crime Action Plan 2016. Para. 15 Home Office

34 Hate Crime Action Plan 2016. Para. 15 Home Office

35 Now known as the Crime Survey for England and Wales to better reflect its geographical coverage before April 2012, the survey was known as the British Crime Survey (BCS)
Available at: <https://www.gov.uk/government/statistics/british-crime-survey-methodology>

36 *'Racial hatred accounts for 82% of hate crimes recorded by the police, the largest proportion of the five strands. Under current legislation, Sikhs and Jews are identified as members of a race as well as a religion, and police can record crimes against them as either racially or religiously motivated. In contrast, race hate accounts for 48% of hate crimes captured by the CSEW.'* Source: Action Against Hate Crime, page Home Office, 2016, para. 21. Available at: <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>

37 For 2013/14, North Wales were unable to provide non-notifiable offences in their figure. As a result, for 2013/14, the racist incidents figure for North Wales is equal to the race hate crime figure.

38 Race hate was a motivating factor in reported hate cases in 2012/13 (85% of cases), 2013/14 (84% of cases), and 2014/15 (82% of cases).

39 Race hate crimes reported on UK railways rise 37% in five years, Peter Yeung and Pamela Duncan, the Guardian, 27 January 2016

40 The Community Security Trust is a charity that protects British Jews from antisemitism and related threats. CST is recognised by the Police and Government as a unique model of best practice. Visit: <https://cst.org.uk/about-cst>

41 CST's Anti-Semitic Incidents Report 2015, CST, February 2016. Visit:

<https://cst.org.uk/news/blog/2016/02/04/cst-antisemitic-incidents-report-2015-published-today>

42 Measuring Anti-Muslim Attacks (MAMA) is a secure and reliable service that allows people from across England to report any form of Anti-Muslim abuse. Visit:

<http://tellmamauk.org/about-us/>

43 We Fear for our Lives: Offline and Online Experiences of Anti-Muslim Hostility. Tell Mama, October 2015. Visit: [http://tellmamauk.org/wp-](http://tellmamauk.org/wp-content/uploads/resources/We%20Fear%20For%20Our%20Lives.pdf)

[content/uploads/resources/We%20Fear%20For%20Our%20Lives.pdf](http://tellmamauk.org/wp-content/uploads/resources/We%20Fear%20For%20Our%20Lives.pdf)

44 Incidents of anti-Muslim abuse up by 326% in 2015, says Tell MAMA. Harriet Sherwood, the Guardian, 26 June 2016. Visit:

<https://www.theguardian.com/society/2016/jun/29/incidents-of-anti-muslim-abuse-up-by-326-in-2015-says-tell-mama>

45 Met Police deputy chief links Brexit vote to hate crime rise, BBC News, 20 July 2016. Visit: <http://www.bbc.co.uk/news/uk-england-london-36835966>

46 ICERD. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

47 <http://www.lawcom.gov.uk/project/hate-crime/>

48 The Hate Crime: Homophobia and transphobia: Policy for prosecuting cases with a homophobic and transphobic element and further information. The racist and religious crime: Policy for prosecuting cases with a racist or religious element and further information. The Disability hate crime: Policy for prosecuting cases of disability hate crime and further information. Crimes Against older People: Policy for prosecuting cases of Crimes Against older People. Hate Crime and Crimes Against Older People. CPS Accessed on: 25 August 2016. http://www.cps.gov.uk/publications/equality/hate_crime/index.html

49 <http://www.cps.gov.uk/publications/prosecution/rpbcrbook.html>

50 http://www.cps.gov.uk/legal/p_to_r/racist_and_religious_crime/

51

http://www.cps.gov.uk/publications/prosecution/racially_and_religiously_aggravated_crime_leaflet.pdf

52 *'Community engagement statement: The CPS is committed to community engagement at both national and local levels. For us, community engagement starts from basic information giving about the CPS, through to more active consultation on existing policies or practices. Engagement in its most developed form involves communities working as partners with the CPS to improve the way we work, e.g. community groups being invited to contribute to staff training. By opening up the CPS and acting on input from diverse communities, we aim to inspire greater trust in the CPS, which in turn will lead to greater confidence amongst witnesses and victims, resulting in improved prosecution outcomes. National engagement is undertaken through our Community Accountability Forum (CAF) which is made up of community representatives, representatives from our staff networks and staff. CAF is chaired*

by the Chief Executive, Peter Lewis.’ Accessed 25 August 2016. Visit:

http://www.cps.gov.uk/publications/equality/community_engagement/index.html

53 The instructions were updated in 2015 *‘to ensure that those charged with prosecuting CPS cases at court are fully apprised of the specific issues arising in respect of these cases.’*

54 Hate Crime and Crimes Against Older People. CPS. Accessed: 25 August 2016.

http://www.cps.gov.uk/publications/equality/hate_crime/index.html

55 *‘Ethnicity is available from April 2006, and data on religion or belief and disability from April 2007. The completeness and accuracy of this information remains under development and figures have not been included in the present report. Work is planned for 2009-2010 to improve data collection and quality.’* Source: 2007/08 Hate crime report. Available at:

http://www.cps.gov.uk/publications/equality/hate_crime/index.html

56 *‘What we know about victims is that 56.5% were men and 27.3% were women. The number of victims whose gender was recorded (83.8%) has steadily improved since 2007/08 when it stood at 44.2%. However, we are still working to improve the disclosure rate for this along with other aspects relating to the victims of hate crime. 60.5% of victims were aged 25-59 and a further 13.1% were aged 18-24. Since 2007/08 the proportion of “age not provided” had dropped from 58.9 % to 18.0%.’* Source: 2014 Hate crime report. Available at:

http://www.cps.gov.uk/publications/equality/hate_crime/index.html

57 *‘The disclosure rate has improved from 23.2% in 2007/08 to 46.6% in 2013/14. Progress is being made but clearly more needs to be done by all concerned to improve this aspect of data collection.’* Source: 2014 Hate crime report. Available at:

http://www.cps.gov.uk/publications/equality/hate_crime/index.html

58 Section 145 of the Crime and Disorder Act 2003 *‘provides that, except in the case of offences under sections 29 to 32 of the Crime and Disorder Act 1998, the court must treat the fact that the offence was religiously or racially aggravated as increasing the seriousness of the offence, and must state in open court it was so aggravated.’* Explanatory notes to the Crime and Disorder Act 2003, Visit:

<http://www.legislation.gov.uk/ukpga/2003/44/notes/division/4/12/1/4>

59 UK Hate Crimes See Rapid Rise, Hate Crime Prosecutions Sees Rapid Decline. The Bureau of Investigative Journalism | July 26, 2016. Available at:

<http://www.mintpressnews.com/uk-hate-crimes-see-rapid-rise-hate-crime-prosecutions-sees-rapid-decline/218834/>

60 UK Hate Crimes See Rapid Rise, Hate Crime Prosecutions Sees Rapid Decline. The Bureau of Investigative Journalism | July 26, 2016. Available at:

<http://www.mintpressnews.com/uk-hate-crimes-see-rapid-rise-hate-crime-prosecutions-sees-rapid-decline/218834/>

61 http://europa.eu/rapid/press-release_IP-16-1937_en.htm

62 Ensuring justice for hate crime victims: professional perspectives

Available at: <http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>

63 http://www.report-it.org.uk/organisations_that_can_help#race_or_religion

64 The EHRC's core budget for 2016-17 '*had been frozen at £17.1 million, still a real terms cut, which followed years of cuts to its funding since the formation of the coalition government in 2010.. In 2010, the commission's annual budget was as high as £62 million. A budget of £17.1 million is already several million pounds lower than the annual budget of the Disability Rights Commission when it was merged into the new "cross-strand" equality body in 2007.*' Government set to slash equality watchdog's budget... again. John Pring. Disability News, 26 April 2016. Available at:

<http://www.disabilitynewsservice.com/government-set-to-slash-equality-watchdogs-budget-again/>

65 Comprehensive Budget Review of the Equality and Human Rights Commission. The Coalition Government, January 2013. Available at:

<https://www.gov.uk/government/publications/comprehensive-review-of-the-equality-and-human-rights-commission-s-ehrcs-budget>

66 Healing a divided Britain: the need for a comprehensive race equality strategy. EHRC, August 2016. at: <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>

67 NGO Shadow Report published July 2016, the Runnymede Trust

<http://runnymedetrust.org/projects-and-publications/europe/cerd.html>

68 '*There shall be a body ... named the Commission for Racial Equality ... which shall have the following duties—(a) to work towards the elimination of discrimination;(b) to promote equality of opportunity, and good relations, between persons of different racial groups generally; and ...*' Section 43 (1), Race Relations Act 1976

69 '*Without prejudice to their obligation to comply with any other provision of this Act, it shall be the duty of every local authority to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need— (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity, and good relations, between persons of different racial groups.*' Section 71, Race Relations Act 1976

70 '*Every body or other person specified ... shall, in carrying out its functions, have due regard to the need— (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations between persons of different racial groups.*' Section 71 (1), Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

71 '*The Commission shall, by exercising the powers conferred by this Part—(a) promote understanding of the importance of good relations— (i) between members of different groups, and (ii) between members of groups and others, (b) encourage good practice in relation to relations— (i) between members of different groups, and (ii) between members of groups and others, (c) work towards the elimination of prejudice against, hatred of and*

hostility towards members of groups, and (d) work towards enabling members of groups to participate in society.' Section 10 (1), Equality Act 2006

72 *'In determining what action to take in pursuance of this section the Commission shall have particular regard to the importance of exercising the powers conferred by this Part in relation to groups defined by reference to race, religion or belief.'* Section 10 (4), Equality Act 2006

73 *'In pursuance of its duties under section 10 the Commission may do anything specified in this section (without prejudice to the generality of section 13). The Commission may make, co-operate with or assist in arrangements— (a) for the monitoring of kinds of crime affecting certain groups; (b) designed to prevent or reduce crime within or affecting certain groups; (c) for activities (whether social, recreational, sporting, civic, educational or otherwise) designed to involve members of groups.'* Section 19(1) and 19(2), Equality Act 2006

74 *'In the Equality Act 2006 omit—(a) sections 10(1) and (4) to (8) and 19 (groups); (b) section 27 (conciliation).'*' Section 64 (1), Enterprise and Regulatory Reform Act 2013. These provisions were repealed on 25 June 2013 by virtue of the commencement provisions in ERRA and by statutory regulation.

75 *'Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to— (a) tackle prejudice, and (b) promote understanding.'* Section 149 (5), Equality Act 2010

76 Race Relations Act 1976, Section 43 (1b)

77 Good Relations: the Conceptual Analysis Institute of Community Cohesion. EHRC, 2009. Good Relations Measurement Framework, Policy Evaluation Group, 2010

78 In 2011, the Government also proposed changes to the EHRC's own duties around equality and diversity. These changes to section 8 of the 2006 Act were opposed in the House of Lords and ultimately were not passed.