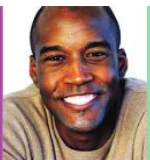


# Learning Outcomes and Next Steps Following the 2018 Hate Crime Conference

February 2019



**POLICE  
SCOTLAND**  
Keeping people safe  
**POILEAS ALBA**



## Learning Outcomes and Next Steps Following the 2018 Hate Crime Conference

The 2019 Conference on '*Tackling Prejudice and Building Connected Communities*' will take place in October 2019. If you would like to receive the most up to date information about the 2019 conference please register your interest at [mail@bemis.org.uk](mailto:mail@bemis.org.uk)

BEMIS Scotland and Police Scotland would like to thank you for your attendance at the October 2018 '***Thematic Conference on Hate Crime Motivated by Racial and Religious Prejudice***'.

The legacy of the conference will continue to inform our work. In the short term the conference and forthcoming consultations (7th and 8th of February 2019) on '***One Scotland: Hate Has No Home Here***' will inform the intelligence required to provide a detailed response to the Scottish Governments hate crime legislative proposals. In the medium to longer term the conference outcomes will inform:

- Our response and input to the Strategic Group on Tackling Prejudice and Building Connected Communities
- The content, planning and delivery of the 'Tackling Prejudice and Building Connected Communities Conference 2019'
- The evolution of partners required to participate collaboratively in response to our 8 conference learning outcomes.

The initial outcomes from the 2018 conference identified that in addition to hate crime law providing a remedy of last resort the following strategic interventions are necessary to pro-actively and comprehensively tackle hate crime and prejudice in Scotland.

## Learning Outcomes

1. Restorative Justice
2. Pro-active race equality educational resources (Not to be confused with anti-bullying resources. A component of a Race Equality Educational Package)
3. Coherent hate crime legislation
4. Sociological terms vs. Legal understandings (Race and Sectarianism)
5. Cultural recognition of diverse communities and resources to integrate diverse communities pro-actively into an 'inclusive national identity'
6. Increased communication opportunities with Police Scotland and communities
7. A human rights based approach. "Voices from our Communities". This engagement must underpin our collaborative and comprehensive efforts to tackle hate crime in Scotland. Capacity building and what are our rights?
8. Intersectional challenges, recognition and solidarity. Learning from each other's best practice, methods and experience.

## Conference 2019

If you would like to participate or have ideas about conference representation in 2019 please contact us at:

[Danny.boyle@bemis.org.uk](mailto:Danny.boyle@bemis.org.uk)

We want to listen to your ideas with regards 'tackling prejudice and building connected communities' and how we can work together collaboratively in the coming months to positively shape this piece of work.

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	Conference Outcome	Next Steps	Action	Potential Conference 2019 Lead
1	Restorative Justice	<p>Rania Hamad of Edinburgh City Council to help integrate this key area of work into conference 2019 programme.</p> <p><u><i>What is Restorative Justice and Hate Crime?</i></u></p> <p>Hate crime often targets the core of a person's identity. Research indicates that, as a consequence, the emotional and psychological trauma caused by hate crime can be heightened compared to other types of crime, and vicarious trauma can be experienced by those who share the same identity characteristics as the victim, such as family or community members.</p> <p>As such, developing an understanding of the harms caused by hate crime (the core concept of fostering victim empathy) is viewed as an important facet of any rehabilitative intervention with people who commit hate crime.</p> <p>Many perpetrators are potentially not fully aware of the harm caused by their actions at the time of committing the offence.</p> <p>A restorative justice (RJ) approach may thus be well-placed to address the harms of hate crime by allowing those responsible for the harm to foster empathic connections, develop victim empathy, and challenge negative stereotypes they may hold, with a view to reducing the risk of further offending and harm.</p>	Ongoing	Rania Hamad Edinburgh City Council – Restorative Justice Team

		<p>Furthermore, traditional ‘retributive justice’ often fails to consider that seemingly isolated hate offences typically form part of a ‘process of victimisation’, with many of these incidents occurring within broader inter-personal conflicts between local community members and with several underlying causes.</p> <p>Therefore, an RJ approach may well be able to strive to resolve these complex disputes and repair the harms. Ultimately, with RJ, victims of hate crime will be afforded the opportunity to ‘tell their story’ and move from feeling disempowered to empowered.</p>		
2	<p>Pro-active Race Equality Educational Resources</p>	<p>Human characteristics such as language, faith, culture, identity, migration history, colonialism, empire history (as identified by the UN Committee of Elimination of Racial Discrimination) and all that define people as individuals are relevant to race equality education. Race equality resources used within CfE could emanate from any number of sources, topics or curriculum approaches. This emphasises that race equality is more than solely anti-racism resources, important as these are.</p> <ul style="list-style-type: none"> <li>• Race equality education needs to be embedded in the life and teaching of schools and colleges. Race equality education is not only for schools and colleges with high numbers of ethnic minority learners but benefits all the young people of Scotland as we learn more about our communities and the diverse people who call Scotland home.</li> <li>• Race equality education should be cognisant of the United Nations Convention on the Rights of the Child. Future work would benefit from further engagement with the office of the Children and Young People’s</li> </ul>	Ongoing	<p>Education Scotland and members of the Curriculum Resources Review Group</p>

		Education Scotland and partners involved in the Curriculum Resources Review Group (CRRG) will continue the next stage of the work to progress race equality educational resources in conjunction with the time frames of the race equality action plan in the months and years ahead		
3	Coherent Hate Crime legislation:	<p>In November 2018 the Scottish Government published its consultation paper on the future of hate crime legislation in Scotland.</p> <p>BEMIS will hold consultations in early February 2019 to consider key racial and religious aspects of the proposals.</p>	Ongoing	BEMIS / Police Scotland / communities / government
4	Sociological terms vs. Legal Understandings	<p>This topic is linked to ongoing hate crime legislation proposals. In short it has become apparent to BEMIS that the term 'Race' is used simultaneously as both a sociological race studies concept and as a legal definition. Where the terms are used at the same time in their different understandings it can create confusion and miss-understanding.</p> <p>Race as a sociological term is more restrictive than the legal definition of 'race' inherent in international human rights law and domestic equalities and existing hate crime legislation.</p> <p>There continues to be a confusion across society about what the word 'race' actually means.</p> <ul style="list-style-type: none"> <li>As a scientific fact there is only a single human race.</li> </ul>	Ongoing	BEMIS

- As an area of sociological theory and academic study it predominantly considers people and communities as racial classifications such as black, white, brown etc....
- Race in international human rights law, domestic equalities legislation and domestic criminal law reflects the scope of Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination. Namely race covers “colour, nationality, and citizenship, ethnic and national origins”.

It would be beneficial for statutory bodies, duty bearers and individual citizens to understand when each applies and in what circumstances.

Sectarianism is also a sociological term which causes confusion and frustration within the context of hate crime legislation. Currently, sectarian crimes would be prosecuted using either a religious or racial aggravation. The language of “sectarianism” however is used to discuss issues which would not meet the criminal law thresholds such as political or cultural expressions and are therefore not hate crimes.

Communities that are disproportionately the victims of religiously aggravated hate crimes and most likely to be analysed as ‘sectarian’ such as ‘Catholics’ have indicated that they would prefer their experience to be identified as the statutory aggravation which covers the motivation of the crime and not via a sociological concept.

		<p>In order to track trends of issues which fall within the discussion of “sectarianism” it would be highly beneficial to be able to identify the locus, manifestation and regularity of ‘anti-Protestantism’ as well as the specific issues of Islamophobic and anti-Semitic religious aggravations. This would enable concerned stakeholders to respond to specific issues and not generic sociological concepts which confuse ‘hate crime’ with political or cultural expressions.</p> <p>Thus, the value of the social concept of sectarianism within criminal law remains contested and it will be critical, from a human rights based approach, to listen to victims and respond accordingly.</p>		
5	<p>Cultural Recognition of diverse communities and resources to integrate diverse communities pro-actively into an ‘inclusive national identity’</p>	<p>Scotland diversity increases on a weekly, monthly and annual basis. The intangible cultural heritages of all of the people of Scotland are core assets and can be utilised to find communality between cultural characteristics.</p> <p>Utilisation of individual and communities core cultural assets can be utilised to isolate ignorance and undermine prejudice.</p> <p>BEMIS have, in conjunction with the Scottish Government and other key partners including the Scottish Football Association, GRAMNet, Food and Drink Scotland, Dundee Health and Leisure, Glasgow Life, Architecture and Design Scotland, Celtic Connections International Music Festival, The Fair Saturday Foundation and Traditional Arts and Culture Scotland facilitated community events, conferences, bespoke cultural events and film screenings.</p>	ONGOING	<p>Approach to key cultural sector organisations. For example – Creative Scotland and local authority arts bodies.</p>



		<p>These events aspire to progress the utilisation of ‘cultural rights’ as a pathway to citizenship, belonging and integration.</p> <p>While this may provide an example of good practice there is still significant progress to be made in integrating diverse communities into sustainable and available arts and culture core funding streams.</p> <p>Increased awareness is also required as to the core value of intangible cultural heritage as a route to integration, an inclusive national identity and method of tackling prejudice and hate crime.</p>		
6	Increased communication opportunities with Police Scotland and communities	<p>Police Scotland engages with all communities, from a variety of backgrounds and operates within its Code of Ethics and values of Integrity, Fairness, Respect and the protection of fundamental Human Rights. Engagement with all communities, partner agencies and key stakeholders takes place at various levels, with regular communication and activity across Scotland through contacts in place at both local, operational and national, strategic levels.</p> <p>Police Scotland is committed to effective engagement, so that we can better understand our evolving communities and tailor our responses and services as appropriate. We are acutely aware of the enormous diversity of community groups (including diversity of faith, belief, ethnicity and culture) in contemporary Scotland. Police Scotland continually aims to better identify, network, coordinate and support such groups or individuals through either strategic or local police support, to enhance community relations.</p>	ONGOING	Police / Communities / BEMIS etc...

7	<p>A human rights based approach. “Voices from our Communities”. This engagement must underpin our collaborative and comprehensive efforts to tackle hate crime in Scotland.</p>	<p>A human rights based approach must inform every aspect of work to develop a comprehensive approach to tackling prejudice and building connected communities.</p> <p>A key learning outcome illuminated the fact that many communities and individuals find hate crime, equalities and human rights legislation complicated. The inability to articulate and analyse the protections of communities as covered for example in the criminal law system of prosecuting hate crimes can create confusion in communities. This centres on the fact that hate crime law works as such;</p> <ol style="list-style-type: none"> <li>1) A crime must be committed (i.e. assault, verbal abuse, vandalism etc...) – <u>the crime must be corroborated by 2 sources of evidence.</u></li> <li>2) As an addition to the crime a statutory aggravation can be attached to the act of the crime. This means that the COPFS will argue that the crime was motivated hate. In order to attach an aggravation there is only required to be a <u>single source of evidence</u> (I.e. the victim)</li> <li>3) At the time of committing the crime the perpetrator must have demonstrated <u>‘malice or ill will’</u> towards the victim.</li> </ol> <p>This process is understandably robust however new approaches are required to build the capacity of citizens to understand this process and the meaning of the legal language such as ‘aggravations’, ‘thresholds’, ‘corroboration’ and other legal terms.</p> <p>The process of listening to individuals and communities is only the first step in a human rights based approach.</p>	ONGOING	<p>Approach key organisation. The Scottish Human Rights Commission. The Equality and Human Rights Commission. Human Rights Consortium Scotland.</p>
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		<p>The PANEL process - Participation, Accountability, Non-Discrimination and Equality, Empowerment and Legality will continue to shape and inform our response to the issue of tackling prejudice and building connected communities.</p> <p>Our feedback from the 2018 conference outlined that this was a key asset and should be broadened and extended into 2019.</p>		
<p><b>8</b></p>	<p>Intersectional challenges, recognition and solidarity. Learning from each other's best practice, methods and experience.</p>	<p>Our conference in 2018 had a specific thematic focus on racial and religiously aggravated hate crime. In 2019 these aspects of hate crime will continue to receive a specific focus however BEMIS and Police Scotland want to extend the coverage of the conferences informed expertise.</p> <p>This is not dilute the issues which any community or protected characteristic faces. On the contrary, while each characteristic will receive specific focus there is much we can learn from each other's individual and often intersectional experiences.</p> <p>With this in mind we intend to outreach to key agencies across other characteristics and invite them to programme a specific session relevant to their communities and members.</p> <p>The approach of recognition of the diversity of challenges faced by other communities in relation to hate crime and building connected communities is also part of our human rights based approach.</p>	<p>ONGOING</p>	<p>Tackling prejudice and building connected communities strategic groups</p>