



Report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion

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REPORT OF THE INDEPENDENT ADVISORY GROUP ON HATE CRIME, PREJUDICE AND COMMUNITY COHESION

SEPTEMBER 2016

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FOREWORD



Recent events in Orlando and, closer to home, following the EU Referendum, demonstrate starkly that hatred and prejudice continue to have very serious consequences for people and communities across society. The Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion was established last year by Scottish Ministers to advise on the current state of these issues in Scotland, and to suggest further steps to tackle these issues and build a Scotland where everyone matters. I have been privileged to undertake this work with my fellow group members.

It is worth noting that the Advisory Group has been established some years after the introduction in Scotland of legislation to strengthen protections against hate crime. This is therefore an opportune moment to reflect on the journey Scotland has been on since then, and the impact of policy and legislation nationally on the lives and experiences of individuals and communities locally.

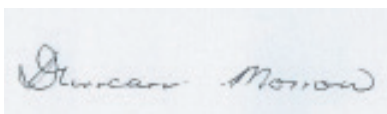
The Advisory Group has been busy during its relatively short lifespan. Meetings and focus groups have enabled the Advisory Group to gain a direct understanding of the human cost of prejudice and hate crime in Scotland and its profound impact on personal lives and social cohesion. We were both moved and humbled to listen to many of these stories of trauma and resilience. The meetings underlined that facing prejudice and fear remains part of the everyday life of too many people in Scotland, escalating into direct personal violence and threat. We heard of people routinely abused on the street or on public transport, of people isolated in their own homes because they feared to go out and of verbal and physical abuse ranging from insults and catcalling on a daily basis to being spat on, or molested. We heard stories of bullying at school and in the workplace and of people frightened by the changing news agenda which seemed to blame everyone of one religious group or another. We heard of young people feeling isolated as the only member of a minority in small communities.

It was clear to the Advisory Group that much of this experience remains hidden to the general public. Only those acts that are serious enough as to warrant criminal prosecution and with sufficient evidence ever reach the courts, and the sensationalism of such incidents through the media masks the deeper long-term impact of persistent lower level forms of abuse that are a continuing part of the day-to-day experience of too many. We heard of many cases where the victims of hate decided not to proceed for fear of drawing further violent attention to their circumstances and of many incidents where the absence of witnesses made prosecution difficult. Of greater concern is that we also heard of the acceptance by many people in these minority communities that a certain amount of abuse is just 'part of life'.

Prejudice and hate have a huge impact on the quality of life of individuals the community to which they belong. Trust becomes more difficult, and whole families and groups withdraw into smaller circles of safety with huge consequences for the overall level of trust and social capital across the whole of society. Even worse, this degree of isolation and fear is a threat to the basic values of an open democratic society and undermines the rule of law and the principle of equality under the law. The long-term impact of social isolation is only beginning to be understood, but it is already clear that it leads to a degeneration of both the personal mental and physical health and wellbeing and this, in turn, leads to a disintegration of community cohesion. Even worse, alienation can lead directly to radicalisation and violence and contribute further to the stability of society as a whole and the quality of life of everyone.

Addressing prejudice and hate crime is therefore not only an issue for minorities or those who are targeted but must be a priority concern for the whole of society. Change will require political leadership, including legal support and public policy, as well as changes in behaviour in attitudes in community and society. Our concern in this report is not to pretend to resolve these issues, but to reflect on the learning from our listening process, to analyse the research evidence and to suggest practical pathways to reduce hate, prejudice, violence, isolation and mistrust.

We very much hope that this report can set the context for the many changes required, as well as making practical suggestions for who should do what to advance this crucially important agenda.

A handwritten signature in blue ink that reads "Duncan Morrow". The signature is written in a cursive style and is positioned above a light blue rectangular background.

Dr Duncan Morrow

Chair of Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion

POLICY AND LAW

1. The Advisory Group took time to understand the policy and legislative context for hate crime, prejudice and community cohesion in Scotland, and also considered an evidence paper produced by the University of Glasgow which drew from stakeholder views and the available literature on these issues¹.
2. The Scottish Government has expressed a strong commitment to tackling hate crime, clearly stating that all forms of prejudice and bigotry are unacceptable in Scotland. They encourage anyone who believes that they are or have been a victim of a hate crime to report it to the police.
3. In 2009 Parliament passed legislation which helps to tackle hate crime, creating an offence of racially aggravated harassment² and statutory aggravations where criminal offences are aggravated if they are motivated by prejudice based on a victim's membership of a racial group³, religious group⁴, disability⁵, sexual orientation⁶ or transgender identity⁷. More recently, Parliament has passed legislation designed to tackle hateful, threatening and otherwise offensive behaviour at football matches⁸. The offence of 'Threatening Communications' provides for a criminal offence concerning the sending of communications which contain threats of serious violence or which contain threats intended to incite hatred on religious grounds⁹.
4. The most recent statistics published by the Crown Office and Procurator Fiscal Service, indicate that all groups continue to experience hate crime, and the 'Hate Crime in Scotland 2015/16'¹⁰ report note that race hate crime is still the largest hate crime category (3,712) but has decreased 3% since last year. Sexual orientation crime is the second largest category of hate crime, and has increased 20% since last year - there were 1,020 charges reported in 2015-16. Religious crime has increased 3% since last year, but the number is at its second lowest level since 2004-05. There were 201 disability charges, which is 14% higher than last year. And transgender charges remain low, although there were 30 in 2015-16, the highest number since legislation was introduced. Within the associated report on religiously aggravated crime¹¹, the number of charges relating to Islam has increased 89% to 134 charges from the 71 recorded charges last year. This increase is not attributable to a single event or pattern, and appears to reflect a general rise in the reporting of these types of charges. Jewish hate crime remains very low and has fallen further, to 18 incidents.

1 Annex A contains the executive summary, and the full report is published separately by the University of Glasgow alongside this document.

2 Criminal Law Consolidation (Scotland) Act 1995 section 50A

3 Crime and Disorder Act 1998, section 96

4 Criminal Justice (Scotland) Act 2003, section 74

5 Offences (Aggravation by Prejudice) (Scotland) Act 2009, section 1

6 *Ibid*, section 2

7 *Ibid*, section 2

9 Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

10 <http://www.crownoffice.gov.uk/publications/equality-and-diversity>

11 <http://www.gov.scot/Publications/2016/06/7309>

5. Within the Scottish Government's Equality Outcomes, first published in 2013 as a requirement of the then new Public Sector Equality Duty, there was a recognition that hate crime was of immediate concern to a number of groups and that this had come out strongly during consultation on the outcomes. Whilst there was agreement about its importance, there was less clarity at that stage about what such an outcome might look like. There was a commitment to give consideration as to whether hate crime should form the basis of a future programme of work or a specific equality outcome, the next tranche of which are due to be published in 2017.
6. Funding has been made available through the Scottish Budget to tackle hate crime, eradicate prejudice and build community cohesion. In 2015/16 (the last financial year), the Scottish Government invested £20.3 million through the Equality Budget to advance equality, eliminate discrimination and foster good relations. Within the Equality Fund (which amounted to approximately £3 million in the last financial year), there was a specific theme of tackling discrimination and hate crime. From the Community Safety Budget, a further £3 million was invested over the same period in tackling sectarianism. The Equality Budget has been maintained at £20.3 million for the 2016/17 financial year while £1 million is being invested to tackle sectarianism through taking forward the recommendations of the Independent Advisory Group on Tackling Sectarianism in Scotland.
7. Police Scotland have primary operational responsibility for ensuring that the public is protected from hate crime and that, when hate crime does occur, perpetrators are apprehended and charged under appropriate legislation. Police Scotland have made clear that hate crime is unacceptable and encourage victims to report, either directly or through an online form on their website or through the network of third party reporting centres it has responsibility for supporting and maintaining. There are a number of centres in Scotland¹².
8. The Crown Office and Procurator Fiscal Service (COPFS) is responsible for prosecuting those charged with hate- and prejudice-related offences, and in supporting victims and witnesses in engaging with the prosecution process. COPFS has a 'zero tolerance' approach to crimes and told the Advisory Group that there is a presumption in favour of prosecution where an offence is aggravated by prejudice and there is sufficient evidence. Any decision not to prosecute in such a case must be made at a senior level after careful consideration of the public interest. The Crown Office liaises with the victim on progress and also refers to the Victim Information and Advice Service (VIA) who can offer advice and support. Successive Lord Advocates have endorsed and promoted this approach.
9. Scottish Courts have long-standing powers to punish someone more severely for committing a hate crime through common law powers to take into account aggravating factors when sentencing. As noted above, the new statutory hate crime powers have been provided to the courts by Parliament to complement these common law powers. Legislation also provides that the aggravation must be taken into account in determining the appropriate sentence. This approach can mean higher sentences for such offences but also contributes to better recording, monitoring and understanding of this type of crime.

12 <http://www.scotland.police.uk/assets/pdf/205073/hate-crime-3rd-party-reporting-centres>

10. The Justice system can punish and deter hate crime, but it cannot on its own build strong social relationships or ensure positive and informed attitudes and behaviour within society. In 2010, the Scottish Government published the Scottish Social Attitudes survey: Attitudes to Discrimination and Positive Action. In 2010, a significant minority of people in Scotland (28%) maintained that there was sometimes good reason to be prejudiced, although two-thirds felt Scotland should do everything it can to get rid of all kinds of prejudice. While people who knew someone from a particular group were less likely to express discriminatory views about someone from that group, there was evidence that prejudice was sometimes considered acceptable in some parts of society. Prejudiced and discriminatory attitudes were particularly common in relation to Gypsy/Travellers and transgender people and the wearing of religiously symbolic clothing and jewellery was still regarded as a problem by some people.
11. In general, the survey showed that prejudicial and discriminatory attitudes have changed little since 2006. There has, however, been a significant decline in the expression of negative attitudes towards gay men and lesbians. By 2010, 61% agreed that gay and lesbian couples should be allowed to marry. There was a small increase in the proportion of people believing that people from ethnic minority groups and people from Eastern Europe take jobs away from other people in Scotland. An updated module was conducted in 2015, to be published later in 2016. Stakeholders have produced surveys evidencing the lived experience of individuals with protected characteristics, which highlights issues around feelings of safety and a prevalence of individuals experiencing both low level and significant incidence in their day-to-day lives. Qualitative and quantitative aspects of this data, alongside regular engagement with stakeholders and community representatives, help to inform the Scottish Government's approach to building 'One Scotland'.
12. The Scottish Government is refreshing its *National Approach to Anti-Bullying for Scotland's Children and Young People* (which includes bullying based on prejudice) to ensure that it remains current and reflects policy developments in line with the legal framework outlined in the Equality Act 2010, and captures findings from recent research including the respectme research *Bullying in Scotland 2014* and *Behaviour in Scottish Schools Research* (2012). This ties into broader work to foster good relationships and positive behaviour within the learning environment, which underpins the four capacities of the Curriculum for Excellence. Continued funding and support is also given to Scotland's National Anti-Bullying Service, respectme.
13. Respectme works with local authorities and all those working with children and young people to build confidence and capacity to tackle bullying effectively. A priority for this service is to continue to be a holistic and inclusive approach to anti-bullying, which includes prejudice-based bullying and takes consideration of the protected characteristics. Education Scotland has a key role to play in the education of children and young people and in supporting schools and local authorities to deliver learning through Curriculum for Excellence about rights, responsibilities, equality and tackling discrimination, whilst local authorities and schools themselves have responsibility for implementing government policy in these areas. Education Scotland also continues to provide support for local authorities and schools around promoting positive relationships with children and young people, which includes providing support on anti-bullying and inclusion.

14. A robust framework of policy and legislation for tackling these issues is already in place. Furthermore, there is evidence of investment in communities over a period of time. The Scottish Government continues to articulate a clear commitment to building a positive country which celebrates diversity, and the authorities are committed to taking hate crime seriously and to responding to it. However, the critical test in tackling hate crime, prejudice and community cohesion is not the existence of legal frameworks but evidence of real change for people and communities. The Advisory Group therefore spent the bulk of our time investigating how these issues actually impact on people in communities.

WHAT WE HEARD

1. The Advisory Group engaged with a number of stakeholders (listed at Annex B) and heard many views. Some stakeholder attended meetings of the Advisory Group, whilst others attended focused thematic roundtables looking at issues pertaining to a particular protected characteristic. These roundtables were immensely useful, and they raised a number of issues, both of specific relevance to a particular group, as well as of broader relevance to all minorities who may be at risk of hate crime or prejudice. The Chair of the Advisory Group also met with political leaders to explain the purpose of the Advisory Group's work. This section seeks to summarise some of what we have heard.
2. The harms of prejudice, bullying and hate crime to individuals, communities and society are real, long-lasting and deeply damaging. Participants in research reported many and widespread experiences of direct harm, prejudice and discrimination on a regular basis. Many people also experience indirect harms resulting from prejudice and threat, including self-isolation through fear and a lack of social support structures; and resistance to engaging with statutory services leading to wider social harms and inequalities of reduced health, wellbeing and longevity with the accompanying economic disadvantage. In addition, there is sometimes a perception that certain protected characteristic groups receive priority attention over others, and that this has the consequential effect of further marginalising other groups (such as those with learning disabilities or people in prison).

The global and political context

3. The global and media context is a crucial driver shaping the perception of safety for particular communities (such as Muslim or Jewish communities). Experiences of and anxiety about hate crime were both heightened during or following particularly high profile international events (examples included terrorist attacks by so-called 'Islamic State' and violence in Israel and Palestine). Some communities reported a sense of helplessness, isolation and 'retreat from external contact' following particular international incidents. This raises the need for government and community leaders to consider ways of ensuring that networks and channels of contact and communication are established and sustained to monitor and respond to the impact of events outside Scotland on communities within Scotland with a view to supporting internal community resilience and cohesion and the removing any sense of isolation and alienation which might result.

The domestic policy context and narrative

4. The Scottish Government's approach was widely appreciated, especially strong messaging about the unacceptability of hate crime. Engagement with celebratory events (such as LGBT History Month) and religious festivals was seen as important in demonstrating the practical commitment of Ministers to 'One Scotland'. Broader efforts to promote and encourage equality such as legislation on same-sex marriage and British Sign Language have been important for people directly affected by hate crime in underlining the commitment to long-term attitudinal change. While existing laws were considered to be relatively progressive, some participants also felt that

the Government should review the current legal framework to ensure it is fit for purpose under changing circumstances. For example, some felt that the Equality Act and the associated duties could be strengthened in relation to schools, although it was acknowledged the Scotland Act 2016 devolved only certain aspects of equality. The language and communication of the UK PREVENT strategy¹³ was widely considered to be problematic, even though it was acknowledged that the Scottish approach to PREVENT was rooted in positive community relations and cohesion. An assets-based approach to building community cohesion (one that focuses on harnessing the strengths of communities to achieve positive change, rather than solely on tackling perceived or actual deficits) was considered very helpful, alongside a more explicit focus on prevention and tackling the underlying attitudes and inequalities that create the conditions for hate crime.

5. The media has a critical role in shaping wider social attitudes and creating the context for understanding and acceptance. Many respondents expressed the view that reporting on emotive issues and responses to international events can deliberately or inadvertently show whole communities in a negative light. For example, we heard that the public narrative around migrants and asylum had significant consequences for people in local communities. Likewise, reporting of transgender and disability issues can legitimise intimidation against these already vulnerable groups, with the use of pejorative language and attempts to portray whole groups in a negative way for political and commercial purposes. Reporting of international issues or high profile events in the media could have a direct impact on the lives of people in Scotland through a perception that all members of specific minority communities were perpetrators of violence and abuse simply by virtue of cultural or religious association.

Definitions and language

6. Hate crime continues to be relatively poorly defined and understood, both in terms how it is defined, and what the law says. There is currently no specific formal offence of 'hate crime' in Scotland. The criminal law deals with 'prejudice' rather than 'hate'; offences that are motivated by prejudice based on a person's membership of a specific group are thereby aggravated and subject to more severe penalties as a result. In addition, there is a specific offence of racially aggravated harassment. These are the crimes referred to as 'hate crime' in this report.
7. There was a widespread concern among our respondents that the threshold for what constitutes inappropriate language in relation to target groups has fallen in recent years and that pejorative terms are being used, both in the media and in wider society. Too often prejudicial language or terms seems to be excused away as just 'banter' or challenge to such behaviour is dismissed as 'political correctness gone mad'. It was felt that through the rhetoric of some high profile figures was creating a new and dangerous 'permissive environment' licencing bigotry and intimidation as part of 'normal' debate and conversation.

¹³ <https://www.gov.uk/government/publications/2010-to-2015-government-policy-counter-terrorism/2010-to-2015-government-policy-counter-terrorism#appendix-2-prevent>

8. There is a lively and important ongoing debate around priorities and approaches to hate crime, prejudice and social cohesion. Some have great difficulty with the term 'hate crime', with concerns that the term obscures much more prevalent, and arguably more pernicious, prejudice, bullying and harassment that minority groups experience on a daily basis. It also potentially prevents some perpetrators, or potential perpetrators, from addressing their attitudes and behaviours, as many people would not consider themselves capable of committing or having committed a 'hate crime' while simultaneously expressing views that are clearly prejudicial. This unwillingness to see contradictions between self-perception and behaviour the real impact that such behaviours have on individuals and communities.

Communities, place and geography

9. Scotland is home to a huge variety of communities and cultures. Hate crime occurs in all of these places, including the home, school, workplace, in the community and on the move. Participants identified a number of issues which require specific attention. Third party reporting functions sitting within third sector organisations, whilst seen as important, are not specifically resourced for this function and may be unevenly distributed across the country. Victims of hate crime report persistent issues of 'bystanding' by members of the public rather than intervention in incidents of bullying, intimidation and hate crime. The level of indirect harms caused by hate crime (such as social isolation and poor mental health) is not fully monitored, and there needs to be more recognition of the interaction with other social issues such as poverty, unemployment and social isolation. There may be a distinction of experience for minorities in urban and rural communities. Whilst isolation is evident in both urban and rural settings, there may be far less opportunity in rural settings to seek support and much more of a sense of being a 'minority of one', particularly for visible minorities. Paying attention to the available support infrastructure for people in these circumstances, both in terms of providing third party reporting sites and in building community cohesion and a sense of belonging, is crucial.

The Justice response

10. We heard strong evidence that different parts of the criminal justice system (such as the police, and the Crown Office and Procurator Fiscal Service) take prejudice-based crime seriously and are keen to show strong leadership in this area. For example, the provision of guidance for Procurator Fiscals on the presumption to prosecute when a sufficiency of evidence is available sends an important signal: that the vast majority of hate crimes reported to the Procurator Fiscal result in criminal proceedings.
11. However, we also heard evidence that the system continues to feel disjointed from the perspective of many victims. Better and more joined up communication between victims and the criminal justice system throughout the process would be helpful, and it is vital that agencies support victims to clearly understand particular prosecution outcomes. Improving opportunities to provide feedback to agencies, alongside transparency from these agencies on how issues raised will be addressed in future, would also be useful. We heard additional concerns that diversity within the workforces of criminal justice agencies remains limited, and that agencies generally would benefit from greater recruitment from the communities they serve.

12. Confidence in reporting incidents of hate crime to the police continues to be too low. Whilst the police have shown strong leadership and made significant progress in being more responsive and sympathetic, some participants believe that the police are not always consistently confident in dealing with reports and that some that some types of hate crime are better understood and receive more attention. It is not always possible for every officer to correctly interpret the subtlety and nuance of particular incidents, and well-informed local liaison officers therefore have a key role in direct engagement and building force capacity. Concern was expressed that individual officers might take decisions about referring cases to the Procurator Fiscal, and these decisions are not monitored for consistency. The creation of a single national police force has also led to fears of a loss of engagement at the local level, and a reduction in the quality and consistency of relationships in some areas.
13. Reporting a hate crime is often seen as a significant but difficult step for a victim. Many potential barriers were identified by participants including a fear of retribution, fear that an incident has not breached the threshold needed to be considered an act of criminality, fear that the legal process may be costly, exhausting and counter-productive and a fear that the victim will not be taken seriously when reporting the crime. More generally, many people who experience hatred and prejudice on a daily basis said that it would be impossible to report them all to the police. Many participants reported that people subject to repeated incidents of prejudice or hate crime internalised such behaviour as a 'normal' experience of everyday life and developed coping strategies to deal with these that do not include contact with Justice agencies or support services. It is important to ensure that the definition of the MacPherson report on racism continues to be recognised especially the insistence that a hate incident is defined by the perception of the victim.
14. All respondents agreed that hate crime continues to be underreported across all characteristics. Comparison of relevant statistics in Scotland and England by stakeholders suggests that hate crime is notably underreported by transgender people in Scotland, suggesting a level of isolation and fear. Participants suggested that, in cases of trans people, there may be fears of being the subject of salacious media attention in the event their case is made public which dissuades many transgender victims from seeking justice. Strong support was expressed for the operation of an effective, resourced network of third party reporting centres to help people report and access support.

Education

15. Participants agreed that schools and education have an important role in addressing the prejudice and underlying attitudes that fuel hate crime, as well as in creating safe environments within schools for pupils with protected characteristics and for building relationships that support social cohesion in the long term. Developing age-appropriate interventions which address prejudice and prevent violence is critical as part of an effective approach to tackling bullying within and outwith schools. It was agreed that, while there is clearly an area of common experience between bullying in schools and the specifics of hate crime, schools should be equipped to make distinctive and appropriate interventions, or to draw on external support to make targeted responses. LGBTI groups were particularly keen to address the schools context, with young people continuing to report prejudice and bullying on the basis of their sexual orientation or gender identity.

16. At present, there appears to be a lack of consistency in the approaches of individual schools and local authorities towards issues of prejudice and discrimination. While it was accepted that the Curriculum for Excellence framework offers flexibility and possibilities for engaging with specific issues of prejudice and hate crime, there was serious concern that the highly decentralised model of education left individual teachers, schools and local authorities to determine how these issues are tackled at a local level with resulting inconsistency. There were suggestions that the perception of the impact on a school's reputation and/or record could be leading to some schools underreporting or being reluctant to report these issues. There were also suggestions that teachers often lacked confidence to address the range of issues at classroom level.
17. At a national level, there is an opportunity to influence, regulate and monitor the approach of schools through support, resources and inspection. Alongside the current strong focus on narrowing the attainment gap, it is important to ensure that issues of cohesion and of prejudice facing minorities, including the impact of prejudice-based bullying on learner outcomes, should not be overlooked. It was suggested that further tools and drivers were required to support all schools to reach a common standard in addressing these issues. Equality and inclusiveness should be integral to all aspects of the education of young people.
18. There are a number of steps that could be taken by educational institutions to deliver better outcomes in this area. Teachers must be equipped to identify and challenge racist behaviour and hate speech when it occurs within educational facilities by ensuring that educators receive professional development support. The education system should be required to embed equality, diversity and anti-discriminatory education within the curriculum and encouraged to diversify the schools workforce to ensure students are more exposed to different cultures and the full diversity of society. It is also important to ensure that educational material does not inadvertently reinforce negative stereotypes about minorities. Programmes and courses for schools leadership and individual teacher professional updates should ensure these issues form part of any professional development. This requires those who quality assure and inspect for standards to ensure consistency of scrutiny on equality and diversity matters.

Public and community services

19. While schools and the law have important roles in setting standards, most instances of prejudice and prejudice based bullying and harassment take place in communities and in settings which are not immediately monitored or controlled. It is therefore vital that public authorities develop policies and practice designed to improve good relations, develop co-operation on civic matters and promote leadership which is integrated and inclusive. This requires promoting action to tackle hate crime and prejudice at the core of community and youth services and ensuring that all public services are delivered on a fully equal basis. Public Services and local government have direct responsibility to foster good relations under the Equality Act, and it is crucial that key public services delivering services to the public such as health workers, public transport drivers and community and youth services have the capacity to respond to issues of prejudice or discrimination and alert management to potential issues of social cohesion and good relations. Addressing hate crime and prejudice and promoting social cohesion should remain important priorities for community planning, including reporting towards the national outcomes.

Workplace

20. We heard evidence that hate crime and prejudice are also manifested in the workplace. While there are some good examples of anti-bullying and harassment policies in place (particularly within larger organisations), these do not always recognise hate crime and prejudice. A number of issues have been raised through trade unions, including a lack of confidence in the police and concerns about rising numbers of incidents towards particular groups (such as disabled people). There are challenges in seeking redress in small and medium sized enterprises, where due process may not always be followed and the employee-company relationship may be different. Within the workplace, there is a need to raise awareness of what hate crime and prejudice looks like and greater appreciation of equality within the ongoing work between employees and companies to improve the workplace.

Work of the third sector

21. Most participants believe that a vibrant third sector has a central role in ensuring direct victim and community engagement and service provision, and many organisations are taking forward work of importance. In addition to providing services and enabling direct participation by people targeted by hate crime and prejudice, voluntary organisations make a huge contribution in extending social capital and underpinning community cohesion. Faith organisations are actively in dialogue with Police Scotland, whilst race organisations have produced guidance on dealing with social media-related hate crime¹⁴. Disability organisations have worked to create 'Safe Spaces' within communities (such as shops and libraries) whereby individuals who are experiencing hate crime, or fear it, can go to those places and seek support. LGBTI organisations are training police liaison officers across Scotland¹⁵. A number of other organisations provide support to individuals and act as third party reporting centres.
22. The learning and expertise of these organisations is significant and it is essential that third sector organisations are integrated into multi-agency approaches to addressing hate crime and prejudice in Scotland.

Children and young people

23. The developing attitudes of children and young people towards minorities is vital to long-term prevention and healthy community cohesion. Peer-led support is critical to engaging with children and young people on these issues. Approaches to violence and prejudice pioneered by youth services have an important role to play both in promoting best practice and remaining up to date on trends and dangers. Many respondents considered that it was important to establish a culture of openness and inclusion in schools and considered important to avoid labelling young people as 'criminal' which may be a barrier to working with them to address behaviours and attitudes. This might include fostering a culture of learning to prevent prejudice and discrimination.

14 <http://www.crer.org.uk/81-front-page-articles/620-hate-online-a-guide-to-reporting-online-hate-speech-and-hate-crime>

15 <http://www.equality-network.org/your-rights/hate-crime/>

Perpetrators

24. Better understanding the composition and the motivations of perpetrators, and the culture which produce them, is necessary to address the underlying behaviours that manifest themselves in hate crime. The Equality and Human Rights Commission (EHRC) has published research in this area, and previous work was taken forward by the Scottish Government to better understand the motivations of perpetrators. It is important in this context to avoid pathologising or individualising all instances of hate crime, as what evidence does exist on the demographics of convicted perpetrators suggests that they are likely to be young (25 years of age and under), unemployed or underemployed men with increased likelihood of being involved in the criminal justice system more generally.
25. There are therefore important and complex issues of inequality and community alienation that require broad consideration by community leaders and policy makers. Generally, there is a need to consider the broader structural dynamics of perpetrating, experiencing and addressing hate crime and how structural disadvantage (for example, in access to services, or in the labour market) combines with discrimination and violence to negatively shape people's life experiences and community relations.

Data

26. While official data on reported incidents of hate crime in Scotland establish the existence of a significant problem, it remains difficult to analyse reliable trends. It is widely acknowledged that reporting issues (both underreporting and uncertainty and inconsistency in reporting practices) significantly affect overall figures. We heard that many people who experienced prejudice and hate crime avoided contact with the police and their experiences would therefore not be reflected in official statistics. Levels of prejudice and hate crime are therefore generally acknowledged to be higher than is reflected in official figures. In relation to incidents which do not reach the threshold of 'crime', this situation is even less satisfactory, including a lack of data in relation to the wider concept of incidents, for example where an individual is targeted on the basis of their refugee or asylum status within a broader category of race. More generally, there are gaps in existing data provision in some areas such as prisons and the workplace; in terms of the latter, hate crime can and does occur in the workplace and this needs to be better understood.
27. Having access to high quality, useful data is important for policymakers, for communities and for informed debate on the issues more widely. Data on hate incidents should capture a number of metrics, including the number of direct reports; the number of reports made through third party centres and the number of engagements third party reporting centres have had with victims, who may not always end up reporting the incident. Currently, data collection and disaggregation appears to be inconsistent, and the system is not necessarily being fully interrogated. Many of our participants reported that Police Scotland data is mixed in terms of usefulness, in particular because it has not been available at local level since the creation of Police Scotland, and that the whole system of data collection appears to be somewhat disjointed and inaccessible. Continued delays in establishing a vulnerable persons database is an obvious barrier to producing

good police data, and data sharing across agencies needs to improve. It was noted that capturing cases of intersectionality (for example, someone could be targeted because of their disability and their sexual orientation) was also essential. Finally it is difficult to obtain clear data about the outcomes of those cases that do come before the courts, and so it is therefore difficult to assess how effective the system is in tackling hate crime and what outcomes are effective in reducing offending rates.

28. Experiential surveys such as the Scottish Crime and Justice Survey and the Scottish Household Survey are important in providing a more reliable picture of the level of prejudice and hate crime. Consistent data from the education sector on issues of prejudice-based bullying would also be helpful. It would be helpful to disaggregate all the relevant data to inform the approach across partner bodies, and to apply a critical lens to qualitative data around lived experience.
29. There are a number of sources of data, and it is important to consider how different sources of data can be brought together in considering the extent, nature and means of addressing hate crime in Scotland. There also appear to be gaps in data, particularly in relation to the private sector and people's experience of hate crime and prejudice in the workplace. There is a need for more robust qualitative research to develop a more detailed picture of the experiences of people (both in terms of incidence and service response) as an additional perspective to the official statistics. Generally, there is an appetite for more data to better understand the problem and the long-term trends, and to use this to develop appropriate interventions.

Social media and digital communications

30. Online abuse is a relatively recent (but rapidly growing) phenomenon and has proved an extremely difficult arena to manage or 'police'. We heard disturbing evidence that social media was being used to target vulnerable people and to perpetrate bullying, prejudice and even hate crime. Therefore, providing effective ways for victims to report online abuse is essential. The perceived anonymity afforded by online profiles has created an environment where some perpetrators act without fear of consequence. This is increasingly an issue for children and young people, who are more likely to use such technology and therefore be negatively impacted when being subject to bullying or hate crime through social media platforms. Alongside justice agencies, providers of social media such as Facebook and Twitter have an important role in tackling online abuse.

Intersectionality

31. The issue of gender as an aggravation (e.g. in relation to behaviours driven by extreme misogyny) was touched upon, along with the issue that some hate crimes are perpetrated against people who are perceived to be asylum seekers and refugees and that this is also not an aggravation under the current law was touched upon. These matters require research and further exploration, especially in relation to community-based approaches designed to address these challenges.

WHAT WE RECOMMEND

1. The Advisory Group carefully considered what it heard and the available evidence. We offer the following thoughts and recommendations as next steps.
2. The definition of hate crime and the understanding of the definition was raised throughout our discussions as significant, as has (to a lesser extent) what we mean by prejudice and community cohesion. Using the language of 'hate' in this context sometimes leads to a lack of recognition of what has transpired, as sometimes neither victim nor perpetrator recognise their experience or actions to be based on, or driven by, hate. Using the language of crime can also be confusing, especially in circumstances where the criminal law deals with offences motivated by prejudice rather than hate. The importance of having clear definitions and common understandings was clear. We therefore recommend that:
 - the Scottish Government should lead discussion on the development of clearer terminology and definitions around hate crime, prejudice and community cohesion; and
 - Public education should be undertaken to improve understanding of the nature and extent of hate crime.
3. Prejudice-based crime laws currently protect people based on their race, faith, sexual orientation, transgender identity and disability. There are no similar protections on the basis of gender or age. The issue of whether prejudice based on gender should be added to the list of criminal aggravations is presently the subject of discussion within equality and human rights organisations. Intersectionality of characteristics was frequently raised, as many people have multiple protected characteristics. It was recognised that the present criminal law allows prejudice based on multiple characteristics to feature as aggravators of the one charge, if appropriate, but data did not make it clear the extent to which, if at all, this had happened. Questions were raised regarding the extent to which laws protect groups such as asylum seekers and refugees, and this is something that requires further reflection. We therefore recommend that:
 - the Scottish Government should consider whether the existing criminal law provides sufficient protections for those who may be at risk of hate crime, for example based on gender, age or membership or other groups such as refugees and asylum seekers.
4. Prejudice and hate crime is intimately connected to the individual experience – whether in the home, at school, at work, in public spaces and on public transport. These experiences can be one off and open or hidden and frequent. They can have direct and long term impact on personal lives. Significant further impacts – such as resulting social isolation, mental health issues, poorer economic outcomes and a general reduction in quality of life – also arise in too many cases; this can be seen at both a personal and a community level. There are particular issues to address across all environments and communities, and work is ongoing to address this in some areas more than in others. We heard of three areas in particular, where our respondents agreed that specific change was needed: public transport; the internet (in particular social media); and the workplace.

5. Public transport appears to present a particular kind of enclosed 'space' where a vulnerable individual was often more at risk, and more needs to be done to ensure providers are aware of this and capable of responding well to incidents. Many people also observed that open expression of prejudiced attitudes and beliefs and the perpetration of online bullying and hate crime may be encouraged by the perceived anonymity provided by social media platforms. We exist in an increasingly interconnected global environment, where communication happens at a much faster pace and information is much more readily available than in the past. Whilst this can help to foster a much greater awareness and understanding of cultural and other differences it can also facilitate cyber bullying and the spread of prejudice and hate. We therefore recommend that:
 - the Scottish Government work with all stakeholders (including transport providers and workers) to consider how better to protect those experiencing hate crime on public transport;
 - the Scottish Government to undertake work with key stakeholders to improve the monitoring of and response to online hate crime and prejudice; and
 - the Scottish Government work with employer bodies and others to explore improved methods to prevent, detect and respond to hate crime and prejudice in the workplace.

6. Consistency and range of data was an issue that came up frequently. Data on hate crime is being held by a range of different bodies – the police, the Crown Office and Procurator Fiscal, the Courts and many local third party reporting centres and community organisations, as well as a range of public authorities, such as local authorities and health boards. Evidence of attitudes (like the Scottish Social Attitudes Survey) is also relevant to understanding the 'holistic' picture of hate crime and the drivers of perpetrators. The data held is mixed – whilst useful in some regards, there are issues around the quality of initial recording and challenges presented by the move to a single police force and the adoption of new systems. There is, therefore, a need to consider how information is recorded, how different statistics are drawn together to present a picture of the 'whole', and how data is disaggregated to understand issues particular to characteristic, demographic and place. Undertaking this work can be resource intensive if the right systems and processes are not in place, and this is an issue that needs to be considered across the different holders of information. We therefore recommend that:
 - the Scottish Government works with partners to improve the monitoring and data collection in relation to hate crime, and to develop methods to include qualitative indices of improvement in community cohesion for minorities.

7. The role of the police in criminal justice issues is central. We are encouraged by the commitment of Police Scotland at a senior level to tackling these issues, and to working with people in communities proactively and positively in order to understand their concerns and keep people safe. The creation of a single force has undoubtedly resulted in anxieties about local engagement, with many stakeholders concerned their communities will be less engaged with local divisions than they might have been with the legacy forces. As discussed above, there are also perceived issues around the police providing a consistent response across Scotland in relation to all categories of hate crime. Further, our evidence suggests that the existing third party reporting system, which relies on third sector organisations, does not operate consistently across the country. We recommend that:

- Police Scotland and its partners should review the effectiveness of the third party reporting centre network and develop action steps to improve this;
 - the Scottish Government should work with Police Scotland and key partners to identify barriers to reporting, with a view to ensuring that third party reporting is widely available and publicised and that identified barriers are removed; and
 - Police Scotland should monitor and report on their engagement with key communities and stakeholders across the protected characteristics at both a national and a local level.
8. There are strengths and weaknesses in the collective response to hate crime across the justice system, and the wider public sector. Tackling prejudice and hate crime is not only a justice issue, but requires the active involvement of a range of agencies, including local government and public services. Key to an effective response is the creation of genuine multi-agency partnership working at a national and local level, strong leadership, clear and consistent policies, capacity within the system in terms of resources and ability, and practical implementation of interventions designed to achieve policy goals. It must be framed in the context of what are described as Scotland's fundamental values, which include strong commitments to achieving social justice, advancing equality and upholding human rights. Whilst there is a high level commitment across Scotland to addressing these issues, this needs to feed better into local practice. We therefore recommend that:
- the Scottish Government should encourage a greater multi-agency strategic and operational approach towards tackling hate crime, eradicating prejudice and building community cohesion that is clearly linked to community planning structures and underpinned by guidance for partners;
 - the Scottish Government should develop clear plans for taking forward the public sector equality duty to 'foster good relations', and encourage other public bodies to do likewise;
 - local examples of good practice in tackling hate crime should be identified and presented in a consistent way to inform policy and practice;
 - local government and key partners should afford building community cohesion greater prioritisation within community planning structures, and link this to targets to reduce the incidence of hate crime and isolation;
 - public services should ensure that their systems for managing complaints and feedback and reporting on the outcomes of complaints and feedback are fit for purpose, and work with affected minority communities to develop these further; and
 - the Scottish Government and partners should explore the use of restorative justice methods with victims and perpetrators of hate crime.
9. Education was consistently identified as a significant potential contributor to making progress in this area. The education system has an important role in developing positive behaviour and ensuring children and young people have modern, outward looking attitudes that embrace equality and diversity. Education also has a key role in shaping citizens of tomorrow who are able to recognise and challenge discrimination. This requires a number of interventions, including inspections which clearly focus on promoting equality and addressing discrimination, a willingness to discuss and tackle prejudice in all its forms, clearer guidance and training for education professionals at all levels and above all clear leadership and

commitment from those in the education sector to promote equality throughout the system. The heavily decentralised model of education makes building whole system capacity challenging; whilst the Scottish Government and Education Scotland have an important role, it is also for local authorities and individual schools to recognise more needs to be done, in line with their public sector equality duties and responsibilities. There are clearly anxieties around how some schools engage with questions of equality, particularly around LGBTI issues, and especially where this results in prejudice, isolation or discrimination. We therefore recommend that:

- the Scottish Government should encourage all primary and secondary educational institutions to use Curriculum for Excellence to address issues of prejudice and hate crime;
 - key stakeholders that contribute to the professional development and continuing professional development of teachers (e.g. Education Scotland, University Schools of Education, local authorities, and the General Teaching Council of Scotland) should seek to develop the capacity of the teaching workforce to better understand issues of prejudice and equality in the context of their role as educational professionals;
 - the Scottish Government and Education Scotland should utilise the schools inspection framework to better monitor how schools are tackling issues relating to prejudice and equality, including identifying models of best practice and supporting efforts to raise standards in all schools;
 - education Scotland should explore further the potential of youth work (as a model of peer-led intervention) to contribute to tackling hate crime and prejudice; and
 - youth work practice in the area of challenging prejudice and promoting inclusion and cohesion should be shared with relevant partners including police, schools and local government.
10. We recommend that the Scottish Government publishes an update on activity undertaken and progress at regular intervals following the publication of this report. This should set out how the Scottish Government and partner organisations such as Police Scotland, Education Scotland and the Crown Office and Procurator Fiscal Service have taken forward these recommendations.

THE ADVISORY GROUP

At a summit convened by the Scottish Government on 14 October 2015, Ministers announced their intention to establish an Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion. The main purpose of the group was to provide evidenced findings and recommendations which the Scottish Government can take forward in partnership with communities to help eliminate hate crime for good.

The Advisory Group's terms of reference were to:

- take forward consideration of the nature, extent and impact of hate crime and broader hate behaviour on modern Scottish life. This should include considering existing evidence; identifying what further evidence is needed; and considering a realistic and achievable programme for gathering that evidence;
- assess current practice to tackle hate crime, hate behaviour, reduce prejudice and build community cohesion, engaging with stakeholders and communities throughout on the issues of important to them whilst considering whether improvement can be delivered in these areas in a holistic and coordinated way; and use the evidence, information and views gathered provide initial findings to Scottish Ministers on future priorities and actions in this area in the spring of 2016;
- provide independent and specialist expertise on the development of a robust policy agenda to tackling hate crime; and
- take a consensual, thematic approach to working with a broad range of stakeholders, interest groups and representative organisations, and aim to create a space for free and open discussions.

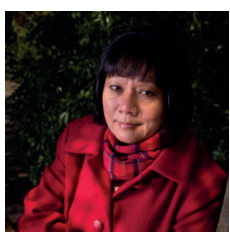
Group members



Dr Duncan Morrow (chair)

Director of Community Engagement at the University of Ulster

Duncan is responsible for developing the University's partnerships with groups and organisations across the community. His professional life began as a research officer in the Centre for the Study of Conflict looking into the role of churches and religion in conflict in Northern Ireland. He subsequently established the Understanding Conflict Trust, which was initially designed to lead and facilitate difficult dialogue and conversation around issues of history, politics and conflict and to identify practical steps to promote change. Much of that work was with community development organisations, in youth work and with reconciliation groups. After 1996 this developed into the Future Ways Project within the University of Ulster. Duncan's early research led to the development of the concept of Equity, Diversity and Interdependence as a vehicle to analyse interventions to promote reconciliation and change in a systematic manner. In 1998, he was appointed as sentence review commissioner responsible for implementing the arrangements for the early release of prisoners following the Good Friday Agreement. In 2002, Duncan was appointed as Chief Executive of the Community Relations Council where he championed the concept of a shared future and developed the council's role in research and active learning, in policy development and work on key issues such as interfaces, parading and regeneration and in work with victims and survivors of conflict. He was most recently appointed as Chairman of the Ministerial Advisory Committee on Tackling Sectarianism, Scottish Government, 2013-15. He holds a BA Philosophy, Politics and Economics, University of Oxford (1982); a PhD in 'Neutrality as Foreign Policy in Austria since 1955', University of Edinburgh (1987); and a PGCUT, University of Ulster (1993).



Dr Rowena Arshad OBE

Head of Moray House School of Education/Co-Director of the Centre for Education for Racial Equality in Scotland (CERES), University of Edinburgh

Rowena started her professional life in the private sector in business and banking and has worked with Scottish Education and Action for Development (SEAD) as an Education and Campaigns Organiser. In 1988, she became Director of the Multicultural Education Centre in Edinburgh and from there moved into Moray House to pursue studies including an interpretive study of teacher activism in equity and anti-discrimination in Scotland. She became the Head of School in 2013. She was awarded an OBE in 2001 for services to race equality in Scotland and an honorary doctorate from Edinburgh Napier University in 2010 for services to gender equality. She has held several public and government appointments, including as Equal Opportunities Commissioner for Scotland, a member of the Scottish Further and Higher Education Funding Council, Her Majesty's Inspectorate for Education and the Scottish Committee of the Equality and Human Rights Commission. She has a particular interest in equality and anti-discrimination issues and how these issues are taken forward in education (school, community education and tertiary) and within educational policy. Her recent research is on the everyday experiences of minority ethnic young people in Scotland.

Pauline Kelly



Hate Crime Policy Officer, Community Safety Glasgow

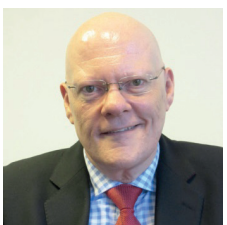
Pauline has been working in the field of equalities and social justice for over 30 years. She has extensive experience in developing and supporting both strategic and operational partnerships. Pauline has occupied her current position with Community Safety Glasgow since 2010, in which she is responsible for developing multi agency approaches to hate crime, building community safety partners' capacity to respond to hate crime and providing external policy expertise for public sector agencies. She brings a strong practical perspective and knowledge gleaned from operating in Glasgow City, Scotland's largest and most diverse local authority area. Her previous roles include working in the voluntary and public sectors in the fields of violence against women, employability, regeneration and community development within Glasgow and West Dunbartonshire.



Morag McLaughlin

Former senior prosecutor and Member of the Scotland Committee of Equality and Human Rights Commission

Morag was a front line prosecutor for several years in the West of Scotland and then held a number of senior positions including Head of the High Court Unit at Crown Office and Head of Policy for the Crown, where she led on implementation of the Equality Act for COPFS (Crown Office and Procurator Fiscal) interests. From 2005, she was Area Procurator Fiscal for Grampian, with responsibility for the investigation and prosecution of crime across the North East of Scotland. From 2008 until 2011, she was Area Procurator Fiscal for Lothian & Borders and a member of the COPFS Management Board. Throughout her time in senior positions with COPFS, Morag worked at a strategic level with the police service and key criminal justice system partners. She has a keen interest in equality and diversity matters and between September 2011 and April 2016 was a member of the Scotland Committee of the Equality and Human Rights Commission, a co-opted member of the UK EHRC Disability Committee, a legal member of the Parole Board for Scotland and a member of the Scottish Police Authority. She was a member of the Advisory Group until her appointment as a Summary Sheriff in Aberdeen in May 2016.



John Wilkes

Chief Executive of the Scottish Refugee Council

John is an experienced Chief officer in the public and third sector with extensive governance experience. Since 2008, he has been Chief Executive of the Scottish Refugee Council, leading the organisation through a sustained period of change. He was seconded to the Scottish Government's Equality Unit for four months in 2014 to support work in relation to asylum and constitutional reform and in the early development of the 50/50 by 2020 initiative. Prior to that, John was Scotland Director of the Equal Opportunities Committee (a precursor body to the Equality and Human Rights Commission) and also spent time heading an organisation for carers. He has a breadth of experience in relation to LGBT issues, having been a trustee of Stonewall UK; the Equality Network; and the Glasgow LGBT Centre. He holds or has held a range of other trusteeships which include ACOSVO; White Ribbon Scotland; and Citizens Advice Scotland.

Secretariat

Support to the Advisory Group was provided by Scottish Government officials from the Equality and Community Safety Units. This included external communications, making the logistical arrangements for meetings, providing administrative support at those engagements, implementing the Advisory Group's requests in terms of engagements, and assisting with the drafting of reports and correspondence.

Work undertaken

The Advisory Group met a number of times between December 2014 and May 2015. These included five general plenary meetings in Edinburgh and Glasgow which involved work planning, key stakeholder engagement and exploration of relevant issues. The Advisory Group hosted a number of thematic roundtable discussions with stakeholder groups on the issues of race, faith, sexual orientation and gender identity, disability, and children and young people. A schedule of engagements is at Annex B.

ANNEX A: EXECUTIVE SUMMARY OF UNIVERSITY OF GLASGOW'S EVIDENCE REVIEW

1. **Background of the research:** The SCCJR was commissioned to explore the nature of evidence on hate crime in Scotland in order to support the work of the Advisory Group on Hate Crime and Prejudice. This report summarises key sources of information as well as addresses some issues around the definition and understanding of hate crime as a social phenomenon. In addition, as part of this project, a series of key stakeholders comprising national and local organisations were surveyed to explore organisational data collection, usage and perceived gaps in information.
2. **Sources of information about hate crime in Scotland:** There are numerous sources of information about levels and types of hate crime in Scotland. These include officially produced data such as statistical information specifically about this form of crime reported by statutory agencies on an annual basis, as well as data on hate crime or other forms of discrimination collected as part of wider social surveys. This report also identifies stakeholder organisations as key collectors of data on hate crime experiences. There is also academic research on hate crime, and data collection efforts which are picking up 'hidden' problems of hate crime (e.g. reporting abuse experienced by NHS staff). Each of these sources of data has limitations and strengths, and in particular it is important to consider how different sources of data can be brought together in considering the extent, nature and means of addressing hate crime in Scotland.
3. **Levels of hate crime in Scotland:** Official data on reported incidents of hate crime establish that there is a problem of hate crime in contemporary Scotland. It is difficult to analyse trends in reported hate crime as it is widely acknowledged that reporting issues (both underreporting and uncertainty and inconsistency in reporting practices) significantly affect overall figures. However, all stakeholders consulted in this research report higher levels of hate crime than is reported in official figures.
4. **Need of qualitative research to develop a more detailed picture:** In addition to underreporting of hate crime in official data, there is also a need to differentiate hate crime experiences which are often aggregated in official sources of data. This research emphasises the need for more qualitative research on the nature and levels of hate crime, to help provide a clearer picture of victims' experiences as an additional perspective to the official statistics. Qualitative data can reveal whether there are particular intersections of protected categories that are targeted in hate crime, draw attention to circumstantial factors of victimisation and deepen understanding of the nature of the harms caused by hate crime.
5. **The harms of hate crime, both direct and indirect, are widely experienced in Scotland:** Stakeholder organisations reported many and widespread experiences of direct harm (direct experiences of being targeted and harmed through hate crime and discriminatory practices). People having protected characteristics experience harm, prejudice and discrimination on a regular basis. In addition and as a result, many people also are experiencing indirect harms of self-isolation, fear, resistance to engaging with services that lead to wider social harms and inequalities of reduced health and longevity, for example.

- 6. Attending to marginalised perspectives in hate crime research:** While there has been a great deal of progress in terms of privileging victims' voices through qualitative research, it is also important to consider whose voices are still marginalised. The research has highlighted the fact that some groups are less likely to take part in research about hate crime victimisation, such as those with learning disabilities due to accessibility issues, or people in prison who may experience hate crime but lack the support to report or challenge it. The qualitative research base has undoubtedly improved in recent years however more is needed if we wish to be able to present a more reliable account of hate crime victimisation.
- 7. Perception that some protected categories are prioritised over others:** Published research as well as responses to surveys administered in this research suggest there are perceptions that some categories and groups targeted by hate crime that are prioritised over others.
- 8. Stakeholders wanted more, and more regular, information from official data:** Issues were also raised about the collection and reporting of official data – consistency, the prioritisation of certain protected characteristics over others depending on the political climate, difficulties disaggregating the data (e.g. by learning disability).
- 9. Intersectionality is an important consideration for understanding and acting on hate crime:** Intersectionality refers to the interconnected nature of social categories. The intersectionality of hate crime was considered to be a crucial factor by most of the stakeholders who took part in this research, and was also emphasised in the literature and research studies consulted. It is important to think about how experiences of victimisation based on multiple protected characteristics might be better captured both in quantitative and qualitative research – for example by considering the statistics at an individual level – and addressed more effectively in responses to hate crime. This is recommended as a subject area for future research.
- 10. Need of research into perpetrators of hate crime:** More information is required on the perpetrators of hate crime, and this could be a focus for future research as it has received relatively little attention to date. In this vein, it is also crucial to avoid pathologising or individualising all instances of hate crime, as what evidence does exist on the demographics of convicted perpetrators suggests that they are likely to be young, unemployed or underemployed men with increased likelihood of being involved in the criminal justice system more generally.
- 11. Need to attend to structural dynamics of perpetrating, experiencing and addressing hate crime:** Sufficient attention should also be paid to the structural factors that help to shape hate crime patterns (as is the case in crime patterns in general). As well as this, it is important to focus on the ways in which the structural disadvantage of minority groups (for example, in access to services, or in the labour market) combines with discrimination to negatively shape people's life experiences.

- 12. Dissatisfaction with existing terminology:** Some stakeholders have suggested that there should be a discussion around the use of certain terminology, a point which is also supported by some of the academic literature. Problems with the term 'hate crime' are raised frequently in this report, with concerns that it obscures the more 'everyday' prejudice that minority groups face. It also potentially prevents perpetrators of prejudice (or people with the potential to act on prejudiced attitudes) from engaging in the debate, as most people would not consider themselves capable of a 'hate crime'. There are also issues with what was referred to as 'generic terms' or terms that could be misleading, such as 'sectarianism', which was raised as potentially creating a misunderstanding of the issues faced by a particular group. This is particularly the case in relation to the Irish community in Scotland, as it has been argued that such focus on the religious characteristic means that victimisation based on ethnic origin or cultural difference is not paid sufficient attention.
- 13. Key messages on effective practices and interventions:** Stakeholder responses and research identified numerous issues around effective practices including addressing barriers to reporting; developing confidence and trust in agencies responsible for managing complaints; involving those affected directly in developing solutions and interventions; improving understanding and education of what hate crime is and how to talk about it; developing training kits for use by the third sector; exploring use of restorative justice and developing information and research on effective practices. See also Appendix 3 for a summary of all stakeholder responses.

ANNEX B: ENGAGEMENT

Schedule

What	When
Meeting 1	4 December 2015
Meeting 2	14 December 2015
Thematic Roundtable: Race	1 February 2016
Thematic Roundtable: LGBTI	8 February 2016
Meeting 3	11 February 2016
Thematic Roundtable: Faith	26 February 2016
Thematic Roundtable: Disability	3 March 2016
Thematic Roundtable: Children and Young People	1 April 2016
Meeting 4	1 March 2016
Meeting 5	5 April
Meeting 6	29 April 2016

Stakeholders

Police Scotland	Inclusion Scotland
Crown Office and Procurator Fiscal Service	People First
Education Scotland	Scottish Commission for Learning Disability
BEMIS Scotland	British Deaf Association
Coalition of Minority Ethnic Voluntary Organisations	Muslim Council of Scotland
Coalition for Racial Equality and Rights	Scottish Council of Jewish Communities
Equality Network	Interfaith Scotland
Stonewall Scotland	Youthlink Scotland
LGBT Youth Scotland	Scottish Youth Parliament
LGBT Health and Wellbeing	Scottish Trade Unions Congress

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