



Commission for Racial Equality

RESTORING RELATIONSHIPS: ADDRESSING HATE CRIME THROUGH RESTORATIVE JUSTICE

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Race on the Agenda**

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EXECUTIVE SUMMARY

In June 2006, Race on the Agenda (ROTA) started a research and policy project to examine the use of community based approaches – namely restorative justice – to hate crime. One of the primary objectives is to collect evidence from existing practices to examine the applicability of restorative justice with race hate crime in London. This interim report presents the findings from desk research, meetings with key stakeholders in the criminal justice field and presentations to various national and international conferences. The findings aim to inform and influence policymaking but also to prepare Phase 2 of the project which will be carried out with fieldwork. Phase 3 will involve training and awareness raising, using the findings of Phase 1 and 2. The project will conclude in June 2008.

Phase 1 of the project was supported by City Parochial Foundation which co-funded the post of ROTA's Head of Policy, the manager of the project. Safer London Foundation funded project costs for Phase 1 and will continue to fund project costs for Phase 2. Phase 2 and 3 will be funded by the Commission for Racial Equality.

To deliver the project, ROTA forged strategic partnerships with organisations from the voluntary and community sector that complement its expertise. For example, Independent Academic Research Studies (IARS), an expert group of academic volunteers in restorative justice responded to ROTA's call for partners. IARS was involved in the drafting of this report and will collect the evidence during Phase 2.

The key conclusions and recommendations from Phase 1 are:

- ✚ Hate crime falls within a special category of criminological interest due to the complex sociological, psychological, biological and economic reasons that create it. Its impact on victims and the community, and the methods that are employed to address it make it distinct to other types of crime.
- ✚ Hate crime has appeared relatively late on the policy agenda, and then onto the agenda of various statutory agencies. It is not until recently that criminologists started to think about the definitional issues surrounding it. Its definitional ambiguity has led to inconsistency in public policy and judicial decisions. Research on hate crime is relatively underdeveloped and the way it is being recorded needs to be improved. Further research needs to be carried out in relation to potential perpetrators. For instance, no information exists on race-related violence between different Black, Asian and minority ethnic (BAME) communities or the hostility directed towards recently arrived migrants and asylum-seekers. Legislation deals with hate crime on a piecemeal basis and existing policies do not appear to be linked-up.
- ✚ Recent UK reports show that the criminal justice system often fails victims of hate crime, while statutory criminal justice agencies are usually faced with

unfamiliar questions. Criminal justice practitioners and victim support workers are keen to explore the prospects of restorative justice with more serious crimes such as hate crime to complement existing methodologies.

- ✚ However, little legislative or political support has been given for the use of restorative practices with hate crime cases. There are fears that its practices, such as mediation and family group conferencing, could expose victims to further victimisation and trauma. The ability of hate crime perpetrators to engage in an honest dialogue has also been questioned. The reluctance on the part of victims and offenders to participate in restorative justice is also seen as another challenge, while there may be limitations with dealing with cross-cultural orientations where decidedly different ideas of what is required for restoration continue to prevail. The unlikelihood of inspiring moral reflection and development is also considered problematic as well as the fact that restorative justice may not have the capacity to address public interest in the way criminal law would.
- ✚ This paper identifies a number of case studies which portray a framework within which hate crime was addressed successfully in a restorative justice way. The majority of these success stories come from the community and are implemented by voluntary and community sector organisations. Most often they are practised in the shadow of the law and without the support of statutory agencies. Evaluation has shown that they do work and that when partnerships are formed between mainstream criminal justice agencies and community groups the results are even more encouraging.
- ✚ With particular reference to restorative justice programmes run by community organisations that focus on young people, both in and outside schools and other educational institutions, the effects can be life changing, targeting directly the root of the biases that lead to hate crime.
- ✚ The overall message of this report suggests that to win the battle against hate crime and its consequences there must be a break down of the stereotypes, attitudes and world views that foster it in the first place. This battle is being fought on a daily basis within schools, places of worship, families, person-to-person relationships and voluntary and community organisations. The criminal justice system has set up mechanisms to facilitate this fight but its limited retributive and punitive approach does not encourage the process of dialogue which appears to be one of the means for combating hate crime. Restorative justice is one form of this dialogue.
- ✚ The various types of intervention (mainstream or other) that play a role in preventing hate crime come from a variety of sources. Guidance is needed in order to link their work effectively, adopting a multi-agency approach. Some models of effective partnership between public, private and voluntary organisations have been identified in this paper. Phase 3 of ROTA's project,

particularly the training stage, should include guidance on forging, building and maintaining successful cross-sector, and inter-agency partnerships to address hate crime. The role of Safer Neighbourhood Teams and Community Wardens should be supported, while emphasis should be given on increasing awareness about existing restorative justice schemes addressing hate crime.

- ✚ Funding for work to bring about attitude change should be long-term as the government supports for the voluntary and community sector through the Compact¹, in order to allow for the change in attitudes to take root. Restorative justice does not offer quick-fix solutions. It is a long-term process which can gradually lead to healing and restoration. A firm political commitment is needed to direct work and policy more explicitly towards prevention and long-term solutions that heal the victim and the community and educate offenders.
- ✚ Although most of the case studies that appear in this report are taken from London, hasty conclusions should be avoided. Therefore:
 - Phase 2 should focus on understanding what makes a London-based restorative justice programme successful. This will allow the identification of the elements that may be used to construct models for both short term and long term conflict resolution and prevention of racist violence and hate crime at large. Appendix I provides a draft questionnaire for Phase 2.
 - The discussion guide should also help increase knowledge about the types of racist violence and hate crime that are more common in London.
 - The sample of the study should include people who have experienced restorative justice in practice. The Phase 1 report shows that the restorative justice literature is extensive and therefore there is no need to collect the views of academics. In addition, it is recommended that people working on the various equality strands (race, disability, age, sexual orientation, gender) are included. The geographical location of the fieldwork should be London with particular interest in areas high in hate crime statistics (Appendices III & IV). Appendix II provides a draft sample list for the fieldwork.
- ✚ The project should take into account the recent recommendations of the Commission for Integration and Cohesion and the statutory obligation of the Commission for Equality and Human Rights to record and address hate crime. The work of the Government Office for London Community Reassurance Strategic Group² should also be considered and supported.

¹ Compact is the voluntary and community sector's written agreement with the government which has undertakings on both sides, shared principles and values such as recognising the sector's independence, and mechanisms for making it work <http://www.thecomcompact.org.uk/>

² This is a strategic group led by London's voluntary and community sector, chaired by ROTA and supported by Government Office for London. Its members (e.g. Metropolitan Police Service/ Authority, Commission for Racial Equality, Greater London Authority, London Councils, London Civic Forum, London Voluntary Service Council) are concerned with the engagement of community groups in the delivery of community reassurance services before and after an emergency.