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A NIACRO occasional paper to mark the launch of 'Get Real' - a NIACRO project helping those with hate-crime offences, their victims and those at risk of committing such offences to acknowledge the hurt and damage caused and to move forward with greater tolerance.



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Working to reduce crime and its impact on people and communities

HATE CRIME:

THE NEED TO STRENGTHEN 'CIVIL COURAGE'

PROFESSOR PAUL IGANSKI

When it comes to tackling hate crime, a potentially vital resource has been neglected to date: what I would like to think is the 'silent majority'—those persons who do not share, and who find abhorrent, the values and attitudes expressed by acts of hate crime. Often such persons are bystanders. They are potential 'first responders' well before the police can get on the scene if they are called.

The significance of bystanders cannot be underestimated. Most acts of hate crime occur in public places and are witnessed by others: on housing estates, on public transport, in and around schools, shopping centres, pubs, clubs and take-aways. While the police can only largely respond after the event, bystanders can play an important role at the time of, and immediately after, an attack. In Germany, bystander intervention has very aptly been called 'Civil Courage'—because for sure, putting oneself forward in such situations takes courage.

But given understandable concerns about personal safety, why should anyone be prepared to take a stand? In the case of hate crime, arguably the importance of civil courage goes beyond being just the right thing to do in any circumstance when a bystander witnesses an act of physical or verbal violence. Instead, if we understand the particular impact of hate crime upon the person on the receiving-end we can then begin to appreciate the potential worth of an act of civil courage in response. And if we can convince those with appropriate resources at their disposal (such as Policing & Community Safety Partnerships and Local Authorities/Councils) of the potential value of civil courage then effort might be spent on helping to equip ordinary persons with the skills of bystander intervention.

Hate crimes can hurt more

Civil courage can be especially valuable in cases of hate crime as such crimes potentially inflict greater harms compared with similar but otherwise motivated crimes. Most victims of violence—whether it be physical or verbal violence—suffer some post-victimisation impact. Sometimes there is physical injury. Sometimes, the person changes their behaviour in some way. More often, there is emotional and psychological harm. Notably, one person I talked with recently in Belfast—who had been harassed by neighbours for almost a year because of her Muslim identity, and physically assaulted on occasion—described her experience as an "emotional attack". Her doctor had prescribed medication for the depression and anxiety she suffered because of her experience. She doesn't sleep at night: if she hears sounds like a knock on a door she thinks it's her door being knocked. She told me that "I feel like I am losing myself. If I see some people laughing, I think they are laughing at me." Another person I also spoke with recently in Belfast who had been subject to a racially aggravated assault over eighteen months ago said "I still now have anxiety. I feel concerned that somebody will come and attack me... Still now I feel it."

Crime survey evidence shows that mental distress such as this can potentially be greater in cases of hate crime compared with similar crimes but which occur for other reasons.

Criminal victimisation affects different people in different ways. Therefore, while the pattern of difference is not consistent for every hate crime victim compared to every victim of otherwise motivated but comparable crime, on average it is clear that hate crime hurts more.

This has been scientifically established by an international body of research evidence¹:

- **Socio-emotional distress**—victims of hate crime are more likely to report significant problems with their job or school work following victimisation. They are also more likely to report that being a victim of hate crime resulted in significant problems with family members or friends;
- **Psychological distress**—victims of hate crime are more likely to report suffering protracted and higher levels of post-traumatic stress type symptoms, and;
- **Psychosomatic symptoms**—such as headaches, trouble sleeping, changes in eating or drinking habits, stomach upset, fatigue, high blood pressure, muscle tension and back pain—are more likely to be reported by hate crime victims when compared with victims of otherwise motivated but comparable crimes.

Why can hate crimes hurt more?

When considering why hate crimes can hurt more our understanding moves away from the scientific evidence of crime surveys to anecdotal evidence. But the evidence is nevertheless compelling. My discussions with practitioners supporting victims, or advocating for their rights, have suggested to me that the answer lies in unravelling the message that the victim believes is sent to them by hate crime—which in effect is seen as a communicative act.

First, hate crime victims—and those around them who share their social identity and witness or come to hear about the attack—can perceive the offender's actions as an attack upon the core of their identity: the very essence of their being. Hate crime can therefore strike deeply inside a person: more deeply than many other crimes that occur for other reasons. The wound that can be inflicted is the message that is perceived behind the crime: a message that the victim, and others who share their social identity, are devalued, unwelcome, denigrated, and despised. Hate crimes are different in this way when compared with similar but otherwise motivated crimes.

Second, the message sent to the victim by an act of hate crime is an exclusionary message. Whether the offender intends it or not—and in some cases offenders do very explicitly intend it—hate crime is an act of marginalisation, an act of social exclusion: exclusion from the civil community to which the victim might have thought they belonged.

¹ Iganski, P. and Lagou, S. (2015) 'The personal injuries of "hate crime"', in Hall, N., Corb A., Giannasi, P. and Grieve, J.D.G. (eds.) *The Routledge International Handbook on Hate Crime*, London: Routledge, pp. 34-46:

Iganski, P. and Lagou, S. (2016) 'The psychological impact of hate crimes on victims: an exploratory analysis of data from the U.S. National Crime Victimization Survey', in E. Dunbar., Blanco, A. and MacPhail, D.A. (eds.): *The Psychology of Hate Crimes as Domestic Terrorism* (Vol. 2), Santa Barbara, California: Praeger, pp. 279-292.

Sometimes the exclusionary sentiment is glaringly obvious: "Remove your hijab. If you don't remove it you don't belong here. You're a terrorist" a neighbour shouted at one person I spoke with in Belfast recently. In the case of another person I spoke with, the threat was explicit: "They said to me, if you live here, we'll come back and kill you."

The exclusionary message conveyed by hate crime—whether it is explicit or not—can lead to self-exclusion on the part of victims. Some victims, and potential victims, will try to manage their visibility where possible to escape potential victimisation by avoiding seemingly risky places. Hate crime can therefore have a profound spatial impact.

Given that many attacks occur in public places—and in some instances close to home on housing estates—the confinement can be profoundly limiting. The Muslim woman being harassed by her neighbours told me that she was scared and didn't want to go out. The person who was physically assaulted didn't return home to his rented accommodation once he had been discharged from hospital treatment for his injuries—making himself homeless.

Furthermore, as victims of hate crime are attacked because of their social identity, each act of hate crime conveys a threat of future violence. This is because victims carry around with them the reason for being attacked—their social identity. And unless they try to conceal it somehow, their social identity is carried like a target. Because of this, each act of hate crime conveys the potential for further victimisation. It can therefore have an intimidatory impact: as one person in Belfast said to me recently, "I keep myself away from everything because it might happen again."

Bystander inaction hurts even more

The hurts inflicted by hate crime are deepened when there are bystanders to the crime who fail to intervene in some way. This was explained to me by another person I spoke with in Belfast recently. He had been the victim of a racist attack over eighteen months ago and still felt the trauma. He put it to me that the inaction of bystanders hurt more than the attack itself. This was a stark assertion. He went on to say that it "left me with a scar basically to think why people are not helping...every time I think about that you know I feel just like somebody just getting stabbing pain—you know thinking about we are just sort of helpless...and you are bewildered and you need help and people are just walking by...There were two other people who walked by. I remember, and I was shouting, I was asking for help, begging for help, not shouting, begging for help, and they were looking at me and laughing and walking past. It felt really bad: really, really felt so bad."

He described the scar that was left as "painful, it's internal...and you know every time I think about looking for that help... every time I think about it I get a stabbing pain, it just hurts me...it makes me so breathless, because I was breathless, I was running, you know... 'anyone?', 'no-one?'...".

The person I spoke to in Belfast who is being harassed by her next-door neighbours in full sight of other neighbours said that after one occasion on which she was assaulted she felt very sad and was crying and asked herself why they didn't want to help: "I remember crying all night. I couldn't sleep."

The exclusionary message of hate crime is magnified by bystander inaction. This particular person said that the failure of neighbours to help "...makes me feel that they don't want me to be here: makes me feel that this is not my country. I'm not accepted."

Another person I spoke with said: "Everybody in the area knows these people, but nobody talks...When the police came...nobody tried to help...I feel I'm not acceptable, I shouldn't be there. Foreigners are not acceptable here. 'Just go away'". He said it makes him feel "so bad, that I'm not acceptable...to live here."

Civil courage in the face of hate crime

The limitations of criminal justice systems in managing the needs of victims of hate crime, and managing offending, are obvious. Only a minority of cases of hate crime come to the attention of the police and relatively few offenders go before the courts. To me this suggests that we need a re-think.

As hate crime is spawned and then enacted within everyday social encounters, often within public settings, it is within those settings that the opportunity, and the responsibility, lies for challenging the problem. The police are of course part of the communities in which hate crime occurs. But they are generally absent from the everyday encounters in which it erupts. If called upon, they arrive after the event. And in fact, significant numbers of victims of hate crime don't involve the police in any way as they don't report their experiences to them or to other authorities: they manage it in their own ways. In contrast to the police, very ordinary people going about their ordinary lives are often witnesses and bystanders to acts of hate violence. While the police, therefore, can only generally respond after the event, ordinary persons are potential 'first responders'.

IF YOU WITNESS A HATE CRIME...

- **PHONE THE POLICE IMMEDIATELY.**
- **OBSERVE WHAT HAPPENS AND PAY ATTENTION TO AS MANY DETAILS AS POSSIBLE.**
- **FILM IT ON YOUR MOBILE PHONE OR TAKE A PHOTO IF YOU CAN.**
- **LISTEN TO WHAT IS BEING SAID WHILE THE CRIME IS COMMITTED. NOTE IT DOWN AS SOON AS YOU CAN.**
- **OFFER SUPPORT TO THE VICTIM: VOLUNTEER TO ACCOMPANY THEM TO HOSPITAL IF NECESSARY; OFFER TO STAY WITH THEM WHEN THE POLICE ARRIVE.**
- **TELL THE POLICE THAT YOU ARE A WITNESS.**

I am not proposing that bystanders should get involved in fights with perpetrators—far from it. However, there are techniques of intervention aimed at protecting the victim without directly confronting the offender that can be learned². Admittedly, a bystander who acts potentially puts them self in the firing line. There is the possibility that the perpetrator might turn on them. And if a bystander feels it is not safe to intervene, at the very least they can serve as a witness to the crime. But even more, they could offer some support to the victim.

² UNITED for Intercultural Action, *WHO, IF NOT YOU? How you can intervene when witnessing racist assault*, UNITED Information Leaflet 30: <http://www.unitedagainstracism.org/publications/who-if-not-you/>

In the first moments during and after an incident, when the victim is likely to be in a state of shock, possibly disorientated, feeling vulnerable and possibly a profound sense of danger, the reaction of others around them can be vital for reducing the mental impact and exclusionary power of victimization. Even small remarks of recognition of their experience and its impact, and the offer of support—emotional and practical—will be valuable.

Bystander action requires courage—the courage to speak-up when others are silent. Arguably, courage is not an inherent attribute that we are, or are not, born with. It is a learnt characteristic. Civil courage can be learnt. But civil courage has arguably been entirely neglected by hate crime policy. The response to hate crime at European Union policy-level, and in individual Member States has primarily been a criminal justice response—with civil society picking-up some of the pieces. And notably, there is no mention in the EU Directive (2012/29/EU)³ establishing minimum standards on the rights, support and protection of victims of the potential value of bystander intervention. It is also absent from the UK Government's plan for tackling hate crime—*Action Against Hate*⁴—one of the few European countries with such a plan.

If we understand the potential particular impact of hate crime victimisation upon the person on the receiving-end, however, we can then begin to appreciate the value of bystander action. And if we can convince others with appropriate resources at their disposal of the potential value of

IF YOU INTERVENE AGAINST A HATE CRIME...

- THINK BEFORE YOU ACT. BE CLEAR ABOUT YOUR OBJECTIVES.
- AIM TO DEFUSE THE SITUATION, NOT ESCALATE IT.
- SHOW THE VICTIM THAT YOU ARE THERE TO HELP THEM.
- DON'T CONFRONT THE PERPETRATOR: FOCUS ON THE VICTIM, NOT THE OFFENDER.
- STAY CALM AND BE MEASURED: DON'T LET FEAR OR ANGER OVERWHELM YOU.
- ASK FOR HELP FROM OTHER BYSTANDERS AND ATTRACT THEIR ATTENTION.
- NEVER USE VIOLENCE.
- DON'T BE ABUSIVE.

civil courage then resources might be channelled into helping to equip ordinary persons with the skills to intervene or act when they witness a hate crime.

³ DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

⁴ U.K. Home Office (2016) *Action Against Hate. The UK Government's plan for tackling hate crime*

And in looking beyond the general public going about their everyday lives, Policing and Community Safety Partnerships and Local Authorities/Councils could explore the provision of hate crime bystander training for public sector employees—and also for employees of commercial organisations in collaboration with the private sector—whose jobs bring them into frequent contact with people in public settings and where they will be potential witnesses to hate crime.



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For almost two decades he has specialized in research, writing, teaching, and public engagement about hate crime and hate speech. He particularly applies a victim-centred harms-based approach focusing on the impacts and consequences of hate victimization.

He mostly conducts his research in collaboration with, or commissioned by, NGOs and the equalities sector. He also serves as Chair of the conflict mediation charity, Smile Mediation, in the north west of England.



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