

*Summary and conclusions*

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### **Summary of findings**

A number of recent developments have served to focus attention on the problem of racial violence and harassment in Britain. Of most concern has been the volume and alarming nature of physical attacks in parts of east London. Although it is not always clear how far actions on the street relate to developments in the political sphere, rising violence has been accompanied by the electoral emergence of the far-right BNP who have established a presence within several local wards in the east London Boroughs of Tower Hamlets and Newham.

These developments in Britain have been reflected in disturbing racial violence in parts of Europe, and the electoral success of far-right parties. In Italy, the fascist National Alliance recently formed part of the government. In France, The Front Nationale has established a strong presence in national elections and is well represented in the European Parliament. On the other hand, the electoral success of the German far-right Republikaner Party has waned recently but concern remains about the continuing level of racial violence.

However, the minority ethnic communities have not been passive victims of racial violence and harassment in Britain. In addition to calling for local councils and the police to address the problem more effectively they have established local groups which provide advice and support to people who have been racially attacked or harassed. Similarly, the apprehension that events in east London may be the precursor to racial violence and harassment in other parts of the country have led to the establishment of two national anti-racist organisations – the Anti-Nazi League (ANL) and the Anti-Racist Alliance (ARA).

There has been concern in official circles too. The Home Office and the Department of the Environment have both developed policies on racial violence and harassment. The House of Commons Select Committee published a report on racial attacks and harassment in 1994, with a number of recommendations for tackling the problem more effectively.

A first step towards a better understanding of the phenomenon is to establish the nature and scale of the problem. This has been greatly contested because of the lack of national data available on the problem. However, since 1988, there have been two national data sets which provide information on levels of racial violence and harassment in Britain.

The first of these, statistics on incidents reported to the police, suggested there were nearly 10,000 racially motivated incidents in 1993/94, a 120 per cent increase since 1988. However, this finding needs to be treated with caution. The victims of racially motivated incidents do not necessarily report them to the police. The increase in recorded levels of the problem could potentially represent changes in the behaviour of any of the three parties: more racially motivated incidents undertaken by the perpetrators; more of those crimes reported by the victims; or more of those reports recorded as racially motivated incidents by the police.

The second data set which provides information on levels of racial violence and harassment is the British Crime Survey (BCS). By covering people's experience of racially motivated crime irrespective of whether it has been reported to the police, this victimisation survey gives a more accurate picture of the scale of the problem. The survey estimated there had been a total of 130,000 racially motivated crimes against South Asians and African Caribbeans in 1991, comprising 89,000 against South Asians and 41,000 against African Caribbeans. This greatly exceeds the estimates based on police statistics. The BCS indicated only a slight increase in the number of racially motivated crimes between 1987 and 1991, though there was an increase in the rate of reporting to the police.

The British Crime Survey therefore suggests that although the level of racial violence and harassment has been steadier than the police statistics indicated, the overall number of incidents throughout the period has been far higher than people had realised.

Although this victimisation survey represented a step forward in providing a more accurate estimate than had been provided by the police statistics, it remains only a partial picture. The BCS asks questions about selected kinds of criminal activity, and then asks minority ethnic victims whether they thought each incident was racially motivated. Although there was a specific question about whether threats were racially motivated, the questionnaire failed to cover a range of non-criminal incidents such as racial abuse, malicious complaints, and other types of insulting behaviour which have been referred to as 'low-level' racial harassment. 'Low level' racial harassment has been an aspect of the problem that has been greatly neglected when attempting to understand the nature of the phenomenon. These types of incident, although not criminal, can represent an equally

serious form of the problem, especially if they are part of a campaign of harassment.

It is of increasing importance, particularly in the light of recent developments in both Britain and Europe, to have a regular national survey on racial violence and harassment which is able to provide an overall picture of the scale of the problem in Britain and which allows changes over time to be regularly measured. The Home Affairs Select Committee (1994: Vol.2 pp.x) ‘strongly recommend[ed] that the Government improves its performance in providing statistics to judge the nature and extent of racial attacks and harassment’ and repeated its recommendation, first made in its report of 1989, for the government to commission a national survey to examine the occurrence of racial attacks and harassment nationally. A detailed survey would not simply count the number of racially motivated incidents but also distinguish between the different forms that it can take. Furthermore, such a national survey could be used to identify those areas where the problem is most prevalent to enable more detailed follow-up work to be undertaken in order to explain local variations in the incidence of the problem in terms of the composition of the population, and the series of social, economic and historical factors which might influence the scale of the problem. A much more subtle understanding of the phenomenon is needed before a more effective policy response can be developed.

Our qualitative interviews sought to explore the nature of the various constituent parts of racial violence and harassment, with particular attention being paid to the wide range of incidents that constitute ‘low level’ racial harassment. The study found that about a third of all respondents had suffered some form of racial violence and harassment in the past year. The South Asians were more likely to have been victims of racial violence and harassment than African Caribbeans, though we are not sure that this finding would be replicated in a representative national sample.

Three types of violence and harassment were identified among the 74 respondents:

- racial abuse or threatening behaviour (24 incidents);
- physical attacks (7 incidents);
- damage to property (5 incidents).

The incidents of racial abuse and threatening behaviour occurred in a wide variety of locations that included the victim’s place of work or study; in or near the home; places of entertainment; while using public transport; and in the street.

Almost all those who had been racially abused or threatened in their place of work or study, or in or near the home, knew the perpetrator beforehand whereas none of those who had been racially abused or threatened in the street, on public transport or in a place of entertainment knew the perpetrator beforehand. Four of the victims reported they had been racially insulted or threatened by police officers. The type of person engaged in this form of racial harassment tended to be almost always a young white male (usually in a group).

On the whole, these incidents were not reported to any official organisation. Only two of the 24 incidents of racial abuse and threatening behaviour were reported by the victims. The person who reported being racially abused and threatened to the police was disappointed by their failure to tackle the problem seriously. On the other hand, racial abuse directed at a Bengali teacher by a fellow member of the teaching staff did result in the dismissal of the offender.

About one in ten people reported they had been racially attacked in the past year. Most of these racial attacks constituted common assaults rather than serious woundings. On the whole, racial attacks tended to occur in the street and were carried out by groups of young white males, sometimes of school age. Two of the seven cases of racial attack were reported to the police. Both the victims revealed their dissatisfaction with the response of the police in addressing the problem.

Five of the 74 respondents reported that they had been victims of racially motivated damage to property. Most cases had involved the breaking of windows of the victim's house or car. However, in one case, a fire was started on the front doormat of a woman's house. In the three cases of racially motivated damage to the house, the victim again identified the perpetrators as being young white males who lived in the same residential areas. Three of the five cases were reported to the police, but these victims tended also to be disappointed with the response of the police. Indeed in one case, not only did the police officer fail to address the initial complaint, but their refusal to do so led directly to an escalation of the problem and another offence being committed.

Little is also known about the 'hidden injuries of racism', that is, how the lives of South Asians and African Caribbean people are affected beyond the actual harassment that takes place. About a third of the people interviewed said the way they led their life was constrained in some way by the fear of being racially harassed. Those people who had experienced some form of racial violence and harassment in the last 12 months were especially likely to say that the fear of racial harassment had affected the way they led their life.

The fear of being racially harassed was an important factor for some in deciding where to live. It placed a number of constraints on their social lives with some people not prepared to go out at night, even locally; others expressed concern about going out in areas where mostly white people lived; others were not prepared to use public transport.

### **Policy implications**

Herman Ouseley, the first black chair of the Commission for Racial Equality (CRE) said recently that the CRE has

identified a society free from racial prejudice and attacks as being a pre-requisite for a just society based on racial equality and free from racial discrimination. (Foreword by Herman Ouseley in Seager, R. and Jeffrey, J. (1994))

The more we learn about racial violence and harassment, the clearer it becomes that the publicly reported police statistics represent the visible tip of the iceberg. The 10,000 reported incidents no doubt include the majority of the most serious and violent cases. However, the British Crime Survey revealed more than ten times that number of criminal events which appeared to the victims to have been racially motivated. Our own interviews suggest that there are other, and potentially much larger, forms of racially insulting and threatening behaviour which are not seen as criminal events in themselves. This pyramid of violence and harassment must be based on a continuing level of racial prejudice and antagonism in sections of the white population of which harassment is only a symptom.

It is important to form a judgement about the relationship between these types of racial violence and harassment. It would be counter-productive to suggest that every time research digs deeper to reveal ten or a hundred times as many incidents as had previously been known about, that meant the problem was ten or a hundred times as serious. As an individual event, an epithet shouted across a road is trivial compared to grievous bodily harm, or even murder. It only cheapens our revulsion at the latter to pretend otherwise.

But it would be just as wrong to understate the importance of the 'low level' form of harassment. In the first place, the incidents should not be seen just as individual events. When they are linked together as a series, they create a continued climate of insecurity amongst the victims. As the former minister of state at the Home Office Peter Lloyd said, people

should be concerned about smaller incidents and harassment. Although each incident is not very significant, with repetition they become corrosive, deeply hurtful and destructive. (*Hansard*, 10 February 1994)

Second, the widespread experience of ‘low-level’ harassment shows that overt racial hostility is not confined to a handful of white people, affecting only a few members of the minority ethnic groups. The really serious cases are not just isolated incidents – they are part of a pattern of hostility in which a large number of white youths resent and confront the minority community as a whole.

Third, attempts to downgrade the importance of ‘low-level’ harassment risk dismissing the specifically racist element. All civilised people are horrified by racially motivated attacks and murders, partly because they disapprove of all attacks and murders. When a black or Asian person is taunted about his or her colour, that is pure racism, unaffected by any other considerations.

Fourth, the serious and violent incidents should be seen as extreme examples of an underlying climate of racism that exists in Britain today. The underlying level of harassment is serious not only in its own right, but also as the breeding ground for violence.

These considerations point to the need to develop an approach to racial violence and harassment which encompasses all the different types of the problem. But it will immediately be apparent that the traditional discussion of harassment as a crime to be dealt with by the law, the police and the courts does not deal adequately with the range of issues raised by ‘low-level’ harassment. Consideration of the content and enforcement of law should certainly be included in a policy, but we will argue below for a much broader ranging approach to the problem.

### ***The law on racial harassment***

A number of organisations, ranging from the all party Home Affairs Select Committee on racial attacks and harassment (1994), the Labour Party, the Commission for Racial Equality (CRE) to campaigning organisations like the Anti-Racist Alliance (ARA) have called for a new offence of racial violence to be created. More recently, Paul Condon, Metropolitan Police Commissioner, has also welcomed such calls for a new law saying it would be a ‘help rather than a hindrance’ (cited in the *Voice* 12 July 1994).

It is contended that the creation of a specific offence of racial violence would serve three purposes. Firstly, it would demonstrate unambiguously the government’s and society’s abhorrence of this kind of crime. Secondly, it would enhance the confidence of ethnic minorities in the criminal justice system. Thirdly, it would allow the judiciary to deal more effectively with racially motivated crime. The Home Affairs Select Committee (1994) on racial attacks and harassment put forward the recommendation that whenever there is a charge of violent assault and there is sufficient evidence

that the violence was racially motivated, a separate charge should be added to the indictment. If the jury then decided the person was guilty of the offence and that it was racially motivated, an additional and consecutive sentence should be imposed on the offender of up to five years imprisonment for the racial element in that offence.

Others have contended that such a law should also take account of how religious bigotry can be intertwined with violent racism arguing that otherwise anti-Muslim harassment and violence would slip through the net in the way that anti-Muslim discrimination does in respect of the 1976 Race Relations Act (Modood 1994: 15).

However, there has been opposition to the creation of a new offence of racially motivated violence from both the government and several anti-racist groups. The central criticism of anti-racist groups like the Campaign Against Racism and Fascism (CARF) is that legislation already exists to deal effectively with the problem and that what is required is a greater will to enforce these remedies. Bridges (1993: 69) has argued that

there has been a failure of political will at all levels – among national and local leaders, local authority officialdom, the police and prosecuting authorities, and the courts – actively and effectively to bring the wide range of existing laws to bear on those carrying out racial attacks and harassment.

Critics of a new offence of racial violence have also argued that ‘race relations’ may worsen if racial violence were singled out as a crime requiring special legal treatment. It is argued that this would allow racists to claim they are the victims of special ‘race’ laws.

There is already specific provision for racially motivated criminal acts in the Public Order Act 1986 which states:

- a person is guilty of an offence where he or she uses threatening abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting if it is intended to stir up racial hatred;
- a person is guilty of an offence where he or she publishes such material;
- possessing racially inflammatory material is an offence.

A person convicted under these provisions is liable to imprisonment for up to two years. But the racial hatred provisions within this legislation have rarely been used. The number of prosecutions for publishing racially-inciting material rose from four in 1986 to 65 in 1991 (Labour Research February 1994: 8).

The debate about new legislation needs to take account of the different forms of the problem. The existing law offers severe penalties for such



crimes as assault, and the courts are allowed to take account of the assailant's motives in determining a sentence. Would the primary object of a new law and of longer prison terms be to express society's disapproval of the crime, or to deter potential criminals? It is to be doubted whether a young male looking to attack a black or Asian person would be deterred by the risk of a double term in prison if a racial motive was established, where he was not already influenced by the probability of a long stretch under existing legislation.

It is at the other end of the scale that changes in the law might be more appropriate. There are some existing provisions which can be brought to bear. These include the 1988 Malicious Communications Act when the victim has been the recipient of 'poison pen letters'; the 1984 Telecom Act to deal with abusive telephone calls; and the Environmental Protection Act 1990 to deal with noise nuisance campaigns. But the police and the courts might be able to deal more directly with low level harassment if a new law made it an offence to taunt or abuse a member of another ethnic or religious group, where no other crime was being committed.

No laws and penalties will be of much use in dealing with isolated minor incidents. But legislation forbidding 'taunt or abuse' might be particularly valuable in dealing with repeat victimisation. Some individuals and families can be victims of continuous racial violence and harassment, often by the same group of people. It is difficult for the police to prosecute on the basis of each episode, but a charge based on a series of incidents could prove effective. Bridges (1994) has called for legislation which would allow for a conviction if two or more crimes have been committed against a person, his or her immediate family or property, with evidence that the perpetrator (of whatever 'race') acted in part on the basis of the victim's racial identity.

### ***The role of the police***

Part of the debate about legislation is concerned about the role of the police. Do they take adequate action in response to reports of racially motivated incidents?

Evidence from the BCS shows that the police campaign to encourage victims of racial violence and harassment to come forward has been partially successful. Nevertheless, well over half of all victims of racially motivated incidents still do not report them to the police. Our own qualitative study showed there is still a lack of confidence about whether the police treat reported incidents of racial violence and harassment seriously. Many victims had not reported their experiences. Among those who had, most expressed disappointment at the result: the victims often felt

that the police had treated harassment as a trivial incident, and had not taken appropriate action.

There are two possible reasons why the police might respond ineffectually to complaints of 'low-level' racial violence and harassment. One might be that there is not much that they can do, in practice. Millions of reported crimes are effectively ignored every year because the effort of investigating, obtaining proof and prosecuting would be disproportionate to the severity of the crime and the probability of obtaining a conviction. This might be true of 'low-level' harassment just as it is of theft of bicycles. But if that is the police's policy, it is open to public debate; and if Parliament thinks harassment should be investigated more rigorously than bicycle theft, it should say so by increasing the scale of the penalties available.

In practice, though, it is individual police officers who make judgements about whether a complaint is worth following up. The attitude of the police themselves is therefore an important consideration. The higher echelons of the police force such as the Association of Chief Police Officers (ACPO) do take the issue of racial violence and harassment seriously. But concern remains about whether the frontline police culture has been affected by the ACPO stance. The qualitative study highlighted several examples where police officers themselves were perceived as being the perpetrators of racial harassment – 'part of the problem', rather than an organisation to which victims should turn for help.

It is clear, therefore, that senior officers need to continue their three-pronged strategy: encouraging victims of racial violence and harassment to come forward; emphasising to their frontline staff the need to recognise, record and investigate the incidents reported to them; and making it clear that harassment by police officers themselves will not be tolerated.

Much of the discussion of the role of the police is concerned with their decisions on whether or not to investigate and prosecute after the event. Another set of issues concerns their potential activities as keepers of the peace, preventing racial violence and harassment rather than punishing it. How often and how visibly do they patrol areas of known tension? How fast do they respond to calls for help, and how vigorously? Some minority families have been subjected to sustained campaigns of intimidation which would not have been allowed to continue if the victim had lived in Downing Street. How serious does the problem have to be before the police make a real and effective commitment to protecting those people who are subject to such racial violence and harassment?

***A broader policy***

Liberal and left-of-centre commentators are generally critical of the government's heavy-handed and punitive stance on general law and order issues. The causes of crime need to be understood, and prison is more concerned with meeting society's need to inflict punishment than with reforming criminals or deterring potential criminals. But when it comes to racial violence, these reservations are put aside, and calls are made for more vigorous prosecutions and heavier sentences.

There is no doubt that more appropriate laws and effective enforcement are necessary components of a policy to reduce and eliminate racial violence and harassment. But these tools cannot solve the problems on their own, any more than they have eliminated the wave of other types of crime committed. The underlying problem lies in how different groups of people interact with each other in their local communities; this is not an aspect of human life that can be controlled (though it may be influenced) by the law.

- More research, of the type started in this study, will help to identify the various situations where minority ethnic groups are at risk. There is then a whole range of organisations which can influence the extent to which racial violence and harassment is accepted or rejected from day to day.
- Many of the complaints concerned harassment at work. Employers could take a much stronger initiative than they do at present in helping to create a workplace culture which makes it clear to their staff, and even to customers, that racial harassment will not be tolerated. Employers should consider making racial violence and harassment an offence within their disciplinary codes and policies to enable the perpetrators to be brought to book under the normal disciplinary machinery.
- Much harassment occurs in and around the victim's homes. Local authorities have an important role to play, both as landlords and as town planners, in identifying trouble spots, allocating accommodation, reprimanding tenants for racist activities and so on.
- Other incidents occur in public places such as the street, buses and trains, places of entertainment and so on. These areas are partly the responsibility of the police, but also of shopkeepers, bus conductors, and others. They may not be responsible for racial harassment; but they could be encouraged to make themselves responsible for preventing it.

Looking wider still, there are many organisations which influence public opinion in one way or another – schools, the media, advertisers and

so on. Each of them could play some positive role in the campaign against racial intolerance if they decided that the issue was important enough.

The campaign will not be effective, though, until research has provided a clearer understanding of the motives of those who perpetrate racial violence and harassment. It is not clear whether the harassers are an isolated minority of young men, alienated by 'failure' at school and in the labour market, and anxious to vent anger on a rival group perceived to have overtaken them in the social hierarchy, or whether their actions are an aggressive expression of racial prejudice which spreads much wider in the communities of which they are members.

It is a matter of urgency that effective action be taken by both official agencies and ordinary citizens if the problem of racial violence and harassment is to be prevented from becoming a worse national affliction.