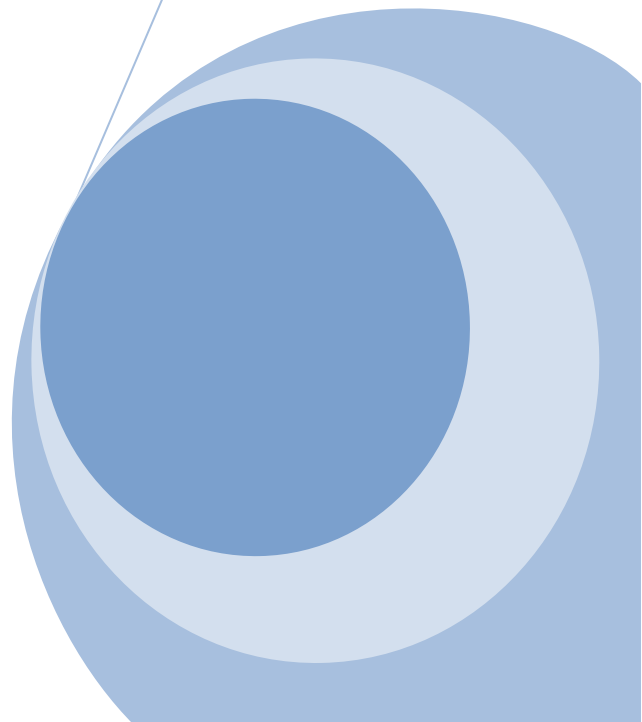


DEFEATING RACIAL HATRED

[PRODUCING SAFER COMMUNITIES]



First edition by Dr Frank Reeves, REWM 2005

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About Waterhouse Consulting Group

Waterhouse Consulting Group is a multi disciplinary management consultancy that brings together the UK's leading experts to deliver services in equalities & diversity, counter-extremism training, research and executive search.

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1. Purpose of the Report

The purpose of the conference was to bring public authorities and the voluntary sector together to discuss ways of using the law and the race equality duty to monitor and prevent race hate crime.

The conference was held in the West Midlands shortly before the General Election in May 2005 was announced. The West Midlands was expected to attract racist political activity during the election campaign primarily from the British National Party (BNP). Events showed that the BNP fielded a record number of candidates in parliamentary constituencies in the West Midlands in the 2005 General Election. Whilst the BNP did not come close to winning any parliamentary seats the number of votes they attracted across the region made it one of the party's best performances in the election.

The report is a summary of the main points that arose from the conference. It does not contain every point that was made. It is intended to assist practitioners to deal more effectively with race hate crime and racist political activity.

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2. Chairs Welcome

Shahid Malik, Head of the Safe Communities Initiative, CRE

Key Points

The aim was a memorable conference to take place at which all those attending would take something away from and be able to give something to the conference.

The conference was a timely event and one that was in the right location as the Midlands were challenged by racial hatred.

The luxury of complacency cannot be afforded as shown by the holocaust and subsequent genocides' in Bosnia and elsewhere. At the June 2001 election when a second Labour government was elected there was a high level of votes for far right parties. At a time when there are low voting patterns in the UK there is a need to be vigilant.

The key message for the conference was that: over the last two decades there had been a focus on diversity. However, there had been a failure to celebrate our commonality and our shared values. Everyone is different but equal.

3. Defeating Racial Hatred: An Introduction

Atul Patel Deputy Head of the Community Cohesion Unit Home Office

Key Points

The conference was timely, especially in light of recent debates over asylum seekers and refugees and the critical gypsy /traveller campaign in the Sun newspaper. These events framed the discussions that were going to take place at the conference.

According to the 2001 Census:

- 1 in 12 British people belong to a BME community.
- Ethnic minorities are 4 times more likely to live in areas of poverty;
- Education and employment rates are lower for BME communities.
- The fear of crime is higher within BME communities and 20% of BME communities have been victims of crime.

There is a need to think about religious communities, particularly in light of the far right and possible changes to the legal framework.

Issues such as age, gender and sexual orientation should be included in the conference debate. Whilst racist incidents have increased by 10% since 1999-2000, 28% of the gay community has experienced homophobic attacks, two thirds of which has been violent. The British Crime Survey states that 24% of women are sexually victimised.

Prosecutions on racially aggravated cases are rarely won. However, the Crown Prosecution Service (CPS) had made a commitment to examine cases of incitement to religious hatred and the Home Office is looking at widening incitement to racial hatred to include incitement to religious hatred.

The Home Office had produced a strategy earlier in 2005 regarding social cohesion. Generally, there is an emphasis to tailor services to the specific needs of communities. The Home Office are in the process of setting up a ministerial committee to address this.

The Commission for Racial Equality are drawing up proposals to monitor race equality schemes. The Home Office are in the process of faith monitoring. The Home Office are holding a citizenship day in October 2005 and have held extensive consultations with young people. The Home Office is implementing a £3 million programme for faith communities.

Public opinion surveys had shown that 9 out of 10 British people disagreed that you needed to be white to be British.

Frank Dobson, MP

Key Points

After the British National Party (BNP) won a local authority by election in 1991 at Millwall, Tower Hamlets, the Labour party convincingly won it back by confronting the BNP and far right activity head on. Since then far right political activity had dwindled to nothing in Tower Hamlets.

Far right political activity has taken on a different form in recent times and they are no longer clearly identifiable by, for example, wearing boots and being skin heads. The United Kingdom Independence Party (UKIP) is an example of an acceptable political party who have similar messages to the BNP.

There is a misconception that the BNP and other far right political groups are only confined to being anti-Muslim. This is not true – they are still very much against Jewish, Black and Asian people.

He supported making incitement to religious hatred a criminal offence. It will inhibit assaults and abuse against people from identifiable faiths. There is a misconception that people choose the religion or faith that they belong to. This is not always the case. Attacks on religion are used to stir up racism and undermine the political process.

Far right political groups/parties exploit legitimate local discontent and the three main political parties need to deal with this discontent. The media also exploit this discontent and it is worth thinking who might be behind this. However, often local discontent is down to the poor performance of local councillors. The far right feed off 'dead meat' and exploit poor performance.

There is a need to stand up and rally support against the far right. There is a need to associate the far right with their true beliefs, for example, that the Holocaust didn't exist. It is important to work with partners such as Holocaust Memorial Trusts and the Anne Frank Trust UK to run campaigns and road shows that develop and change the attitudes of young people. It is not possible to combat the far right through a few lines in the Guardian newspaper. There is a need to personalise things and appeal to decency. Local issues need to be addressed (such as poor housing estates).

Joseph Rowntree Foundation research in the North of England had shown that where the main political parties said that they could beat the BNP voters would vote for them. It shows that you can 'turn the table' and portray the far right as 'the aliens'; you can reveal their criminality and Hitler-esque qualities. It is important to draw on student bodies and their idealism. It is important not to fall out or be divided over the far right and to ensure that gaps do not appear that can be exploited by the far right.

Assistant Chief Constable Stuart Hyde, West Midlands Police

Key Points

He gave a brief background to his career. It included working in South Africa and St. Pauls in Bristol as well as being a policeman in Bradford at the time of the riots in 2001. It was important for everyone to keep up the fight against the far right. It was also important to train and build the confidence of police staff to deal with community tensions.

In his current position in the West Midlands police he had seen some of the highest reductions in crime in the country. Their crime recording system had been accredited. However, there was still more to do.

The Association of Chief Police Officers (ACPO) definition of a hate crime is:
'a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimized'.

It amounted to a victim who is selected because of prejudice against, for example, their race, gender or sexual orientation. It is always the victim or any other person who decides whether a hate crime has been committed as this gives a sufficiently broad definition to ensure as many cases of hate crime as possible are investigated.

In the West Midlands police the following procedure and practice has been put in place to tackle hate crime:

- Every area has a vulnerable persons officer
- The police have regular liaison with professional bodies that can provide support to victims
- The police have set up a criminal justice board which involves bodies like the Crown Courts and the CPS
- A sub-group has been set up to look specifically at how the police handle hate crime and whether they are providing a good service
- A booklet containing a self reporting form has been published. Self reporting centres have been set up – reporting can take place via email, phone or partner agencies

The West Midlands police are concentrating on challenging re-offending by perpetrators of hate crime. This is achieved through the following means:

- Having an open and transparent approach
- Focusing on convictions and proving that the police have done something about hate crime (e.g. a person found to have desecrated Jewish gravestones was given a 6 year sentence; a person found guilty of racism in a football stadium was given a prison sentence...etc)

- Adopting the approach of focusing on the investigation and resolution of cases.

Sometimes the West Midlands police were criticised by individuals saying that they were only focusing on hate crime to pander to BME groups. However, the clear view of the West Midlands police was that the comments and actions of perpetrators of hate crime were directed against the whole community. Their approach was that it would not be tolerated.

The West Midlands police were meeting the CRE recommendations on their public duty to promote race equality through:

- Analysis of their recruitment and training procedures
- Setting more consistent standards across the force
- Understanding Race Impact Assessments
- Positive action within the police – leading to operational effectiveness
- Race and diversity training – ensuring that recruits understood the causes of racism and the need for fairness
- Ensuring grievance handling procedures are clearly set within the force

As a result of this action there had been visible improvements. For example:

- Contact counts – through more community policing and regular contact with members of communities relations of trust had been built
- Improved detection rates – within the West Midlands race hate crime had been falling
- Greater accessibility to services provided by the police
- Constructive interventions in dealing with crime and community issues
- Better support to victims of crime
- Partnership working with key agencies in the criminal justice system and communities
- Better understanding of what was required to deliver on race equality.

Questions and Answers Session:

Questions:

- Everyone should learn from the Holocaust. The Jewish community should be leading the Muslim community in this respect, particularly in the West where the situation of both communities is not so different
- The issue of Stop and Search is losing the trust of young people

Answers:

Stuart Hyde

- The West Midlands police are reviewing their Stop and Search procedures to ensure that officers understand why they are carrying it out and its consequences. A review /analysis of some of the statistics into Stop and

Search is required. There is a need to prove to young people that the police are fair in carrying out Stop and Search.

Frank Dobson

- When he was working to defeat the far right in Tower Hamlets it involved the Hindu, Jewish and Sikh communities as well as others pulling together against a common enemy.

Questions:

- There is underachievement by ethnic minorities in schools?
- People do not report hate crime as they do not trust the police?
- What is the panel's view on the recent statement by Home Office Minister, Hazel Blears, regarding Stop and Search and that Asian people have to 'put up and shut up'?
- In the media, Muslims have been referred to as 'Dogs'?
- It was reported on BBC Radio Five Live that orders had been issued that terrorists or suspected terrorists in detention should not be allowed to pray?
- Why is the police force not representative of BME communities?
- There are other extremists who exist such as Islamic extremists
- Are we supposed to be managing community tensions or the far right?

Answers:

Atul Patel

- The Home Office is putting together a training package on race equality for teachers
- The Home Office is working with the Society of Newspaper Editors to put together a code of practice on stories or articles which could fuel community tension

Stuart Hyde

- Recently an Institute had been set up in Pakistan for underachieving boys – it will be interesting to see if this method works
- Race hate crime has decreased by 10% in the last 10-12 months according to Home Office and British Crime Survey statistics

Frank Dobson

- It should be remembered that there is also a gender distinction in education with girls achievement rates higher than boys
- If incitement to religious hatred is passed by Parliament as a criminal law then it will apply to everybody – both those who promote religious hatred and also religious extremists. It is always portrayed in the media that extreme faith or 'nasty' faith derives from Islam which is not the case.
- It must be accepted with regard to Stop and Search that in certain circumstances discrimination is the only course of action. Stop and Search must be intelligence lead.
- In terms of community tension, violent behaviour from a minority ethnic community will be exploited by the far right. There is a need to think about how best to appeal to people's sense of decency.

4. Combating Racial Hatred: A Look at the Current Law

Alexander Goldberg: Senior Policy Officer Good Race Relations CRE

He introduced the session and the speakers.

There was a clear need for clarification on race hate law particularly as there had few prosecutions for incitement to racial hatred.

Robin Allan QC

Key Points

He gave a brief background on his relationship with the Birmingham CRE Office and the former Race Relations Board.

His overall message was that there was a long menu of legal rights that could be invoked for racial hatred and religious hatred. The presentation would look at:

- International background – including basic human rights
- Race hate criminal law
- Other criminal laws
- Civil law

International Background

The Council of Europe's investigation into hate speech. The key points in their report were;

- Public Bodies and those in public life have a special responsibility not to promote hate speech and to refrain from using hate speech.
- It is necessary to establish and maintain an effective legal framework to deal with hate speech.
- Hate speech exists at the interface between two human rights: the right to dignity and respect and the right to freedom of expression. It makes dealing with hate speech complicated.
- There are special instances of expression that may be so insulting as to undermine human rights, for example, bullying and placing certain groups in fear.
- Special attention must be given to hate speech by prosecuting authorities. However, the prosecution process and penalties must be proportionate.
- Position of the media in exposing hate speech. Article 10 of the European Convention on Human Rights (ECHR) guarantees the freedom of the press. The press are entitled to report on hate speech but must not be

the instigators or authors of hate speech. How the courts view the media's treatment of hate speech must comply with /support the ECHR.

The right to freedom of expression supports discourse, debate and speaking freely. Sometimes the nature of public debate is to be argumentative or insulting. But there are occasions when that debate goes too far.

Key Criminal Law Provisions

The Public Order Act 1986 prohibits and makes incitement to racial hatred a criminal offence. However its totemic/symbolic value is greater than its use. It is totemic because the law against incitement to racial hatred is not used very much. The law has established a golden principle, namely, 'there is a line beyond which you cannot go'.

It is proposed that these laws are extended to include incitement to religious hatred: it will not just cover Islamophobia. This is partly due to the fact that hating religions has become more acceptable post September 11th2001.

Other Criminal Provisions:

There are criminal provisions covering: plays, recordings, the media, published material, football related incidents and harassment. The Obscene Publications Act can be used to deal with published race hate material. There are circumstances where action can be taken to deal with offences of racially aggravated crime and racial hatred committed against British Nationals when they are abroad.

The Appeal Court in the case of *James v Peel* said '*racism is evil: it cannot co-exist with fairness and justice: it is incompatible with democratic civilisation*'.

There can be said to be an eight stage control mechanism in cases of racial hatred:

- Police officers must follow the Human Rights Act
- The CPS and Director of Public Prosecutions must follow the Human Rights Act
- The Attorney General must measure cases in terms of public interest
- Prosecuting counsel must comply with the Human Rights Act
- The judge
- The jury
- The appeal process
- The European Court of Human Rights

Civil Law:

In criminal cases the burden of proof is that the evidence shows that the offence was committed 'beyond a reasonable doubt'. In civil law the burden of proof test is not so high. It is based on 'the balance of possibilities' that a breach of civil law took place. Civil actions to address racial hatred include

- actions for harassment
- Anti social behaviour orders (ASBO's)
- Injunctions
- CRE powers under the Race Relations Acts (it includes acts that aid discrimination, pressure to discriminate and discriminatory advertisements)
- Local Authorities have powers and duties (e.g. how they allow political meetings during an election period)

Patrick Stevens, Crown Prosecution Service (CPS)

CPS Policy on Incitement to Racial/Religious Hatred:

It stems from the Lawrence Enquiry, the statutory duty on the CPS to promote race equality; and the CPS equality and diversity commitments. The CPS claims to have a truly diverse workforce and to carry out community engagement. It includes informing the public of its policies and practices; building public trust and confidence in their service and producing policy booklets.

When dealing with incitement to racial hatred cases the CPS looks at:

- How the crime is defined
- The types of offence
- Their role (the CPS can only bring a case if there is enough evidence for conviction, meaning that there is a strong evidential test).
- The charges that can be prosecuted
- Assisting victims to give evidence
- Accepting pleas of guilt or mitigation (which the CPS are free to challenge)
- Keeping victims informed
- Monitoring what happens to cases

Racially Aggravated Offences/Racial and Religious Hatred

- Public order assaults
- Racist chanting at football matches
- Incitement to racial hatred: what the law says:
 - Behaviour: It includes publishing/possessing written material; performance of a play; images/sounds; radio/TV programmes
 - The behaviour has to be insulting: the courts have given the words their ordinary meaning so if a statement is annoying, rude or offensive this is not necessarily enough to bring a case; vigorous, distasteful speech or behaviour is allowed; freedom of speech includes freedom to offend; it is

not a criminal offence to be racist but only if it involves behaviour that is likely to stir up racial hatred.

- Racial Hatred: For an offence to take place the behaviour must be intended to or likely to stir up racial hatred; 'likely to' must not be read as 'liable to'; 'hatred' is an extreme word and means provoking someone to feel or think in a certain way; being prejudiced is not necessarily enough to show hatred. Issues relating to hatred against the Muslim faith are not as well defined as racial hatred and there are currently inequalities in treatment.

There are no proceedings under the Public Order Act for incitement to racial hatred without the assent of Attorney General. Decisions are monitored at a high level. Very few cases have proceeded (84 in the past 3 years of which 2 have resulted in successful prosecutions). There are a number of cases pending.

Alternatives to using incitement to racial hatred laws include Section 5 of the Public Order Act; harassment laws, public nuisance laws and complaints procedures of institutions.

The CPS has a key role in protecting diversity and racial/religious aggravated crimes perpetuate inequality. How well the CPS can address this is linked to wider government and public consent /ownership of what the CPS is doing.

Chitra Karve: Head of Legal Enforcement Commission for Racial Equality

The address would look at the race equality duty as it relates to safer communities particularly in the lead up to the General Election.

Under Section 71 of the Race Relations Act (as Amended) there is a duty on public bodies to promote good race relations. It forms part of a forward looking drive and the making of a commitment to tackling endemic/systemic racism in order to promote a more cohesive society. These laws apply to all public bodies, including local authorities and police forces. They can be enforced by a judicial review. The CRE can assist others to take action or take action itself against public bodies who do not meet these duties. The CRE can also mount a formal investigation.

There has been a failure to gain fair representation for minority ethnic communities on Local Strategic Partnerships (LSP's) and in local business. There has been a failure to prepare host communities in terms of refugees and asylum seekers. There has been a failure to consider minority ethnic communities when setting or cutting funding to the voluntary/community sector...

In relation to incitement to racial hatred, individuals can take responsibility as well as all listed bodies. Public bodies need to ask themselves what messages they are putting forward to prevent incitement and are they being proactive about delivering such messages. Questions that need, for example, to be asked include is bullying in schools being dealt with appropriately and is the police service consulting with minority ethnic communities?

In the run up to the General Election it is vital that the police ensure public safety. Information which could damage good race relations needs to be monitored. The police and local media should be working together to promote a message of not tolerating actions/material that damages community relations or promotes incitement to racial hatred. The police need to give clear advice on this matter and record a 'diary of incidents' that could be used as evidence in prosecutions for offences.

Questions and Answers Session

Questions:

- How does the current law relate to the Bezhti incident? It appeared to be a clear example of the media inciting racial hatred. Is this the case?
- What is the power of 'well being' that local authorities have?
- How is the race equality duty on public bodies impacting on community cohesion?

Answers:

Robin Allan

- The Bezhti incident and the Salman Rushdie affair were not instances where cases could be successfully brought under the incitement to racial hatred laws.
- The 'well being' amendment to local authority powers is welcome and can be used in conjunction with Section 71. It does not need to be seen as a barrier to promoting good race relations.

Chitra Karve

- The media has a voluntary code that it should abide by. However, there is no longer any trust that it does abide by its own code. Individuals and organisations with concerns about media articles should complain to the Press Complaints Commission.
- If public bodies do not meet their duties under the race equality duty then individuals should notify the CRE
- The more that race is discussed, the more that prejudice and discrimination can be tackled. If these debates do not take place then problems can arise. Discussions on religious issues are also important.

Patrick Stevens

- There have been no successful prosecutions of the media for incitement to racial hatred.

Robin Allan

- There has been a case brought against the media under harassment laws.

5. WORKSHOPS

Workshop 1: Voluntary Sector Monitoring Racist Activities

Presenter: Frank Reeves Director Race Equality West Midlands (REWM)

Moderator: Zahid Nawaz Commission for Racial Equality

Presentation: Frank Reeves

Workshop participants were asked to consider the question: In dealing with the content of racist far-right propaganda which features of far-right parties' ideology and policy do you feel is most damaging to social cohesion and how best might it be countered? How would you go about putting across a more persuasive alternative message?

Information and support available:

- The Midlands Monitoring and Networking Group on Racist-Far-Right Activity (convened by the CRE, REWM, and TUC Midlands Region).
- REWM publication Race Equality Digest (RED) 4: The success of the British National Party and other extremist right-wing parties in the local elections on 1 May 2003. (May 2003)
- REWM publication Race Equality Digest 4 supplement: From BOF to BNP: a concise chronology of extreme right-wing activity in Britain and of the responses to it.(May 2003)
- REWM publication Race Equality Digest 11: Confronting the racist activities of political parties. A guide for voluntary and community organisations. (January 2005)
- REWM publication Race Equality Digest 12: Confronting the racist activities of political parties. A guide for public authorities. (February 2005).
- CRE/REWM/TUC Midlands region conference report: Combating racism through the ballot box: meeting to challenges of the far right. ((conference organised by the CRE, REWM, and TUC Midland Region April 2004).

All these reports are posted on www.rewm.org

Steps to combat racist political activity (see publication RED 4):

- Identification of relevant individuals and groups.
- Information gathering.
- Community awareness-raising.
- Cooperation with other organisations.

- Developing tactics:
 - Identifying electoral wards at risk.
 - Campaigning in these wards.
 - Knowledge of local features.
 - Potential electoral pacts between political parties opposed to BNP
 - Collaboration and information sharing.
 - Meeting with local people including ethnic minorities.

Action Checklist (see RED11):

- Monitor racist political activity to identify and quantify the damage to race relations in areas where you are working. (Specifically you want to know of any adverse impact on the work and services your organisation is providing.)
- Rebut: have a rebuttal views strategy in place to deal with inaccurate or false claims arising from racist political activity. Use media and or other local groups and distribution networks.
- Pressure public authorities to refute any untrue or misleading information that lies within their remit. This should form part of their race equality duty and authorities are entitled to do this even during periods when elections are taking place providing it does not show support for, or opposition to, a particular political party or candidate.
- Promote good news stories on race equality. Make available positive stories about minority ethnic communities or stories about how well race relations are working.
- Ensure your own members are aware of your organisation's commitment to your race equality policy because racist political activity undermines community confidence and your organisation's reputation. Failure to address it may jeopardise funding by public bodies.
- Campaign against far-right and racist political activity within the parameters permitted by (1) your constitution (2) your charitable status (3) conditions imposed on grant aid and (4) restraints imposed by an election campaign.

Use of the law:

- Infringement of human rights under the Human Rights Act. Individuals are entitled to protection in certain circumstances from racist political activity.
- Incitement to racial hatred. Under the Public Order Act 1986 incitement to racial hatred is a criminal offence. Actions (including use of words) must be threatening, abusive and insulting and the offender must intend to stir up racial hatred.
- Discriminatory advertising contrary to the Race Relations Act.
- Racial discrimination by political policies under the Race Relations Act. Political parties must not discriminate in access to membership, treatment of members, ways in which they provide facilities to the public, or by putting pressure on others to discriminate.

- Marches and processions that may result in serious public disorder can under public order legislation be the subject of restraints.
- Election candidates using public premises under the Representation of the Peoples Act 1983 in an election period for meetings to promote their campaigns. The meetings must be open to the public. Where candidates attached to the BNP have such meetings it needs to be checked if they are genuinely open to the public.

Questions and Answers:

Questions (posed for workshop participants):

- What is the level of racist far-right political activity in the area in which your organisation operates? Who is responsible for monitoring it and its impact on local communities? What is its potential for damaging race relations and jeopardising the work of local voluntary groups, especially the work undertaken by your group?
- What are the legal and practical constraints imposed on your organisation on campaigning against racist far-right political activity? How might they best be circumvented? Which organisations are better placed than your own to deal with racist political activity and which you might want to cooperate with?
- Are all your organisation's members, staff and volunteers aware of the dangers to race relations posed by the racist far-right? Are the beneficiaries of your services aware of these dangers? How might you best go about alerting your board, members, staff, volunteers and beneficiaries about the threat? How might you steer your organisation into taking a more active role in confronting and countering racist activity in the communities you serve?
- Drawing on experience from your own organisation and area of operation, what are the practical steps you could take in mounting an effective campaign against the racist far right (a) before the period of an election and (b) after an election has been declared? You might also wish to consider how you might go about conducting an effective media campaign.
- As a voluntary organisation how might you make use of the law to hinder racist far-right activity in your area?
- In dealing with the content of racist far-right propaganda, which features of far-right parties' ideology and policy do you feel is most damaging to social cohesion, and how best might it be countered? How would you go about putting across a more persuasive alternative message?

Workshop 2: Race Equality Duty - How and when should the public sector respond to organised racist activity?

Presenters: David Klausner-Janner *Local Government Information Unit (LGIU)*
Paul Winstone *Leicester City Council*

Moderator: Priya Lukka *Commission for Racial Equality*

Presentation: David Klausner-Janner

Community leadership is very important and holding community leaders to this leadership role is critical. A key question was how do local leaders deal with issues of new communities? They need to be prepared to refute (negative) propaganda.

Local authorities need leadership. They need to know how to respond should BNP councillors be elected to their authority.

The LGIU carries out risk management assessments on cohesion issues. It helps them to look for early warning systems for community tensions.

What happens in international arenas can lead, for example, to synagogues in North London being attacked.

In the longer term cohesion issues need to be embedded by institutions into communities to reduce the likelihood of conflicts. A lot of local authorities have good examples of doing this (see LGHIU report 'Scrutiny of Community Cohesion' issues).

Presentation: Paul Winstone Leicester City Council

From 1968 to 1975 the ethnic minority population of Leicester grew from 5% to 25%. Almost overnight there was a growth of multiculturalism. However, there was a fascist reaction to this situation and there was conflict between fascists and anti-racists.

After the 1976 Race Relations Act was there was a growth in community confidence. In particular, Asian communities developed power and their own voice. Asian communities were able to adapt from some of them being a commercial class from East Africa and re-establish their own kind of commercial entrepreneurship in Leicester. There are also thriving Afro-Caribbean businesses and more recently 10,000 Somalian citizens in Leicester.

The BNP are no longer active in Leicester but they are still active in Hinckley, Bosworth and Market Harborough. They are all areas where the new Asian middle class are moving to.

Leicester has had to manage multiculturalism and manage the process of change especially as there are now many asylum seekers.

Ethnic minorities are viewed as providing Leicester with new opportunities, not challenges. Currently 36% of the population of Leicester is from ethnic minority groups. By 2011 it is estimated that this will have risen to 49%. All local services will have to be responsive to this change.

As part of promoting good race relations in Leicester there are mediators operating in various areas of the city. There are often some community members who want to bring the politics of their own subcontinents to Leicester. A recent example of a threat to good race relations: after the massacres in Gujarat there was a rumour that Hindu shopkeepers were dipping the sweets that they sold in cow's urine. We needed to employ a professional anti-racist strategy and go round shops to dispel this myth.

Part of the solution to combating tensions is the Leicester Mercury newspaper multicultural meeting. Its participants are leading persons involved with race relations in Leicester. They meet regularly to discuss problems.

It is often asked by journalists why Leicester has no history of racial disturbances and riots. One of the reasons is that Leicester has a strong and comprehensive council of local faith groups that is united and will work with everyone. For example, in recent years it has included Serbs, Bosnians and Kosovans.

Leicester has a secular local authority which takes a partisan view on any conflict situation between ethnic minority communities. The message is 'keep the politics of the subcontinent out of the city'.

Leicester local authority has cross-party agreement on cohesion and racism. It is very important to get political leaders tied to this concept. The local authority has tried to be a 'Beacon Council' on race equality. The local authority also works with the voluntary and private sectors. The city has a Leicester Asian Business Association, an Afro-Caribbean Business Association and a new Somalian Business Association. Also, a high proportion of the local police are from ethnic minority backgrounds.

Some racist marches can still happen in the Leicester area. Whilst they can't be banned by public authorities marches are usually routed well away from ethnic minority communities e.g. 'a nice route through wastelands on the outskirts of the city'.

In 2005 there will be a major event/festival on Hinduism in Leicester. Football is also a good way to promote anti-racism work. Another good practice idea is that in Leicester a gypsy camp has been twinned with another gypsy camp in Bulgaria.

Questions and Answers:

Question:

- There are many Asian families who live in Birmingham but very few attend football matches. How can this be addressed?

Answer:

- The Leicester City football club seeks to attract the Asian business community, for example, an Asian business now sponsors and uses a VIP box at their football ground.

Additional Points

- It can be difficult to carry out risk assessments on cohesion and race equality issues in local authorities where BNP councillors are legitimately sitting as local councillors.
- Certain racist groups can be marginalized by mainstream political parties working together.
- There was a need for practical examples on successful schemes to target a lack of engagement between communities and promote cohesion.

Workshop 3: Community Cohesion: Policing and Public Order Models

Presenters: Tom Harrigan MBE, *Strathclyde Police*
Chief Inspector Strathclyde Police Diversity Unit; Force Race
Relations Co-Coordinator.

Mick Gillick *Chief Inspector West Midlands Police Diversity*
Unit Co-Coordinator.

Moderator: Rachel Carey *Commission for Racial Equality*

Presentation: Mick Gillet

The presentation looked at the events surrounding the Bezhti play in Birmingham just before Christmas 2004.

The Sikh community had flagged up at an early stage concerns in the community about the play and opposition to Bezhti being shown at the Repertory Theatre. At this stage certain recommendations were made and taken on board by the Repertory Theatre. The main points of concern from the Sikh community were

that the play was held in a Gurdwara and that some of the plays content focused on sexual abuse. There was an impasse between the community and the theatre over this issue and the Sikh community approached the police to seek a legal remedy. After consultation with the CPS no readily available legal remedy existed for the police to intervene at that stage. The Sikh community sought and gained support for their position from multi-faith representatives, for example, from Hindu's, Anglicans and Muslims.

The theatre decided to stage the play. On the opening night there were peaceful demonstrations. By the 4th and 5th night of the play being shown larger numbers of protestors had arrived from outside Birmingham and demonstrations erupted. The police were able to quell the disturbances effectively. The theatre halted further performances of the play until the police could provide some assurances on the safety of theatre-goers and actors.

Meetings were held at the local police station to see if a solution could be found. The regional CRE office was also involved. The outcomes arising from the meetings were:

- Sikh and other faith leaders were unable to reassure the police and the theatre that further protests would remain peaceful. The theatre said that they were not willing to resume productions of the play unless community safety could be assured.
- The circumstances raised issues about human rights and freedom of speech which were beyond the control of the police.
- Some individuals from the protests were charged
- The event illustrates the role of the police in a two – sided debate. The police are still seeking the lessons to be learnt and have not been able to draw any definite conclusions. There was a sense in which neither side felt there was a resolution.

Presentation: Tom Harrigan

The start of the presentation dealt with Iranian asylum seekers in Glasgow. A video was shown of their experiences.

Following the murder of a member of the Iranian community the police were asked to mediate with community leaders as there were major protests. It was seen by the community as a racist murder but after a full police investigation there was no evidence that it was. It was a question of the victim being in the wrong place at the wrong time and an unfortunate incident.

The police's role in building relations with the Iranian community was not to gather intelligence but to monitor tensions and take concerns to the appropriate agencies. They also needed to build trust with the community.

The area where asylum seekers had been moved to in Glasgow was Sighthill. 1200 asylum seekers have been moved to the area. When they first arrived four years ago the area had high levels of deprivation and unemployment. Tensions between communities developed.

The video depicted a recent festival where members of all the communities living in Sighthill were involved in cultural and educational events. The area now has a greater sense of community cohesion and a reduction in racist attacks. People are communicating with each other, new communities are accepted and some of the original biggest critics of the arrival of asylum seekers are now their strongest advocates. When incidents do take place the community seeks the assistance of the police and asks advice.

The Chris Donald murder in Pollockshields: it was explained how the community came together and with the police ensured that attempts by the BNP to use the situation to build their own agenda was quickly stopped. One instance involved a group of young people threatening to take up weapons to confront a distributor of BNP leaflets. The leaflets claimed the local area had deteriorated due to asylum seekers. Youth workers alerted the police to the situation and the police were able to intervene. The distributor of the leaflets was prosecuted and was given a six months prison sentence. This indicated to the local community that the police would not tolerate such behaviour.

Questions and Answers:

Question:

- In the Bezhti incident was there any evidence that groups were seeking to exploit this play?

Answer:

- The violence that took place was due to younger members of the community. There was an assumption that the elders in the community would take control of the situation which did not happen.

Question:

- Was the festival in Glasgow organised by the police?

Answer:

- The police were involved in the organisation and it was part of building relations with the community. The police also took an interpreting unit into the community to help understand the concerns of asylum seekers.

Question:

- Does the Bezhti incident show echoes of situations that have taken place over the last 30 years; do things ever change?

Answer:

- There are similarities but the situation was about a few people making it unsafe for others. History does repeat itself. The West Midlands police were ultimately unprepared for what took place and could not have

prevented it. The police thought at the time that they were doing everything they could possibly do.

Question:

- Is there a role for the police to proactively engage over potential tensions in communities?

Answer:

- The police do try to proactively intervene. For example, in Bradford and Burnley there are officers devoted to gaining community intelligence and knowing and connecting with communities. It cannot always be predicted what is going to happen. It is not just about white versus minority ethnic communities. The media also plays a role in relations between communities.

Additional points made by presenters

- There is a need for localised solutions to local problems.
- Initiatives are needed to develop young people as community leaders. The police have been responsible for some community development models.
- The statutory duty on the police to promote good race relations; the police cannot do this by themselves. They need the assistance of the community.
- In the case of far right groups the police have taken steps to combat them.

Workshop 4: Councillors Responsibilities: Maintaining Standards in Office

Presenter: Chris Boothman *Legal Director Standards Board for England*

Moderator: Shahid Malik *Commission for Racial Equality*

Presentation Chris Boothman

The Local Government Act 2000 (Part 111) established an ethical framework for the conduct of local government members. It set up the Standards Board for England to oversee the operation of this framework. Also a code of conduct was introduced for members that they are required to sign up to on being elected to a local authority. The code is an extension of the Nolan principles for public life.

Serious cases of a potential breach of the code are investigated by the Standards Board. If the inquiries show a potential breach the case can be referred to an Adjudication Panel for a hearing. If a Council member is found to be in breach of the code they can be reprimanded, suspended for up to a year or disqualified for 5 years in the most serious cases.

The code holds individual council members responsible for their conduct and applies to their official duties. The code is not about party political acts outside of their official duties. Also, the code is not about compensation for victims.

Under the code a member must:

- promote equality by not discriminating unlawfully
- treat others with respect
- not conduct him/herself in a manner which reasonably could be regarded as bringing his office or authority into disrepute

The code does not stop council members expressing unpalatable views. There are things members cannot do such as issue instructions to discriminate or putting pressure on someone to discriminate under the Race Relations Act. Currently there are attacks by some council members on travellers and asylum seekers. It is a question of degree as to whether or not there is a breach of the code. It has been found that the clause in the code dealing with members not bring their authority into disrepute is a more effective tool than the anti discrimination clause.

In the case of Thompson v Restormel Borough Council Cllr. Thompson declared in a training session in September 2003 that he was a racist and did not agree with the race equality duty placed on local authorities by the Race Relations Act 2000. He repeated these views in a local newspaper, on the radio and in a formal council meeting. The Standards Board took the case to an Adjudication Panel. The panel ruled that the member had brought his authority into disrepute and disqualified him for 3 years. The decision came out in early 2004.

To date the Standards Board has received some 9000 complaints and investigated 4000. Of the 300/400 cases taken by the Standards Board following an investigation to an Adjudication Panel 95% have been upheld. The code of conduct has been in force for 3 years. The Standards Board is currently consulting on the operation of the code and this ends in June 2005. Details on how to make comments can be found from the Standards Board web site.

Questions and Answers:

Question:

- When the British National Party (BNP) has persons elected to local authorities they do not attend meetings, give BME communities a hard time and do not respond to letters. They go against their communities and do not do anything.

Answer:

- The Standards Board cannot do anything about these circumstances. The code is about conduct or doing something. If members do not properly represent their communities this has to be dealt with in an election and by opposing political parties.

Question:

- Election leaflets: if groups actively challenge or respond to BNP leaflets they can end up being arrested or in breach of the law and not the BNP.

Answer:

- Election leaflets are not covered by the code apart from very extreme cases of racism or sexism. The Standards Board took a case to an Adjudication Panel where a Police Authority member had inferred in a published article that female police officers were less able. The Adjudication Panel determined that the article was written by the member in their private capacity and was freedom of expression. However, the panel did accept the article was contrary to the Police Authority's equality policies.

Additional points from discussion

- One of the issues coming out of the Standards Board's consultation on the review of the code of conduct was that the existing code was more concerned with council members not doing something on equality and it needed to be more positive i.e. encourage members to act.
- Where the BNP had elected members experience suggested that council members from mainstream parties whilst opposed to them did not always know how to deal with them or how to respond effectively to them in council meetings. This hampered action against the BNP.
- The code of conduct required council members to represent the interests of the whole community. It was difficult to reconcile how a BNP council member whose aim was the repatriation of a section of the community could meet the requirements of the code?
- A possible option was for persons to be required to sign up to the code of conduct when they put themselves forward as candidates in local government elections and not when they were elected as members. As candidates persons are under some public scrutiny. This may act as a filter for someone who does not wish to sign up to the code not standing for election in the first place.
- There is nothing equivalent to the code of conduct at national level. It would require a change of legislation /amendment to the Representation of the Peoples Act. However, before this can happen, counter arguments about it potentially putting limits on freedom of expression will have to be dealt with.
- Persons had constitutional rights to equality and diversity and society should be moving to a confident position on these issues. Persons/ political parties opposing these rights should find it more difficult to do so.
- Mainstream parties were 'using BNP language' to get elected. No serious debate had started on it being alien or contrary to persons' constitutional rights for politicians to advocate racist views/policies. The problem was made worse by an absence of accurate information and understanding in the public domain around migration issues. The sectional right wing press made public understanding of such issues more difficult. Underlying this

was alienation amongst the electorate to the political process. There was a need for political leadership to correct wrong public perceptions on equality and migration issues.

Appendix: Conference Programme

Defeating Racial Hatred: Producing Safer Communities

- 10.00 **Welcome and Introductions from CRE and Home Office**
 - Shahid Malik Safe Communities Initiative, CRE
 - Atul Patel, Faith and Community Cohesion Unit, Home Office
- 10.15 **Defeating Racial Hatred: An Introduction**
 - Frank Dobson MP
 - Ass. Chief Constable Stuart Hyde, West Midlands Police

 Moderator: Shahid Malik

 Followed by Questions and Answers
- 11.15 *Tea and Coffee*
- 11.45 **Combating Racial Hatred: A Look at the Current Law**
 - Robin Allen QC
 - Patrick Stevens, CPS
 - Chitra Karve, CRE

 Moderator: Alexander Goldberg, CRE

 Followed by Questions and Answers
- 13:00 **Lunch**
 Followed by Tea and Coffee
- 14.00 **Workshops**
- 1. Voluntary Sector: Monitoring Racist Activities**
 - Frank Reeves, Director Race Equality West Midlands
 Moderator: Zahid Nawaz
- 2. Race Equality Duty: How and When Should the Public Sector Respond to Organised Racist Activity?**
 - David Klausner-Janner, Local Government Information Unit
 - Paul Winstone, Leicester City Council
 Moderator: Priya Lukka
- 3. Community Cohesion: Policing and Public Order Models**
 - Tom Harrigan MBE, Strathclyde Police
 - DCI Mick Gillick, West Midlands Police
 Moderator: Rachel Carey
- 4. Councillors' Responsibilities: Maintaining Standards in Office**
 - Chris Boothman
 Moderator: Helal Shahid
- 15.15 *Tea and Coffee*
- 15:45 **Any Questions Panel**
 - Shahid Malik, CRE
 - Robin Allen QC
 - David Klausner-Janner
 - Tom Harrigan MBE

 Moderator: Alexander Goldberg, CRE
- 17:00 **Close**