



VICTIMS FOR RESTORATIVE JUSTICE

**Access to Justice: Hate Crime and Restorative Justice
An interim report**



1. Introduction	2
2. Activities and Findings: Access	4
3. Findings: Consultation with groups	9
4. Next Steps	14

1. Introduction

This report provides a glimpse of some interim findings from Why me?'s project, Access to Justice: Hate Crime and Restorative Justice (RJ). The final report will contain:

i) best practice guidance for Restorative Justice professionals in delivering RJ with hate crime ii) guidance for RJ services on how to improve access to RJ for hate crime victims.

This report contains initial findings to stimulate discussion on the findings so far.

This project has been carried out using semi-informal interview and focus group techniques. It is not a product of robust academic research and its findings should not be treated as such. It is intended to start a conversation around the practical use of Restorative Justice with hate crimes at the end of the first year of Why me?'s three year Access to Justice Project.

This project is, in many ways, a first of its kind. Although academic research has been done studying the topic of hate crime and RJ, this is the first nationwide project which aims to improve practice in this area.

Project aim

Hate crime is an area of crime that some criminal justice professionals have historically been hesitant to use Restorative Justice with. There are genuine concerns surrounding re-victimisation and power inequalities. However, recent empirical research by Professor. Mark Walters, University of Sussex¹ suggests that Restorative Justice can help repair the harms caused by hate.

Why me?, funded by the Barrow Cadbury Trust, produces this report almost one year into Access to Justice: Hate Crime and Restorative Justice, a project which seeks to improve the use of Restorative Justice with hate crime by:

- 1) Finding practical ways of improving victims of crimes' **access** to RJ.
- 2) Discovering **best practice** for doing RJ with hate crime.

Project background

Why me? secured funding for three years from Barrow Cadbury Trust to explore the use of Restorative Justice with specific crime types. We decided to start the project by focusing on hate crime. The reasons for this decision are that we are seeing increasing levels of hate crime being reported nationally and we believe that Restorative Justice has been underexplored as a response to hate crime.

Hate Crime is on the rise, with a 29% rise in reporting in one year to 80,393 in 2016-17². A University of Huddersfield report estimated that more than double that amount go unreported each year³.

Hate Crime victims more often feel traumatised by the incident. With 92% emotionally affected, compared to 81% for victims of crime generally. They are also less likely to be satisfied by the police handling of the incident, with only 52% satisfied, compared to 73% for victims of crime generally⁴.

¹ <https://global.oup.com/academic/product/hate-crime-and-restorative-justice-9780199684496?cc=gb&lang=en&>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652136/hate-crime-1617-hosb1717.pdf

³ <https://www.sciencedaily.com/releases/2016/10/161020092232.htm>

⁴ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/2015-10-15>

Restorative Justice has the potential to really address the harms caused by Hate Crime. It has the potential to allow Hate Crime victims to take back control by telling their story and having their voice heard. It also has the potential to bring the reality of victims' suffering into focus for Hate Crime offenders. This can break down prejudice and allow offenders to see the humanity in their victim. Why me? Published a blog on this topic.⁵

The Sussex Hate Crime Project recently reported that in a study with 3000 Muslim and LGBT people, 60% said they would prefer Restorative Justice to a longer prison sentence for Hate Crime offenders⁶.

In 2016, a report by the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion for Scotland recommended that the Scottish Parliament should explore the use of Restorative Justice with victims and perpetrators of hate crimes⁷.

Yet, despite featuring in the Government's 2012 Hate Crime Strategy for England and Wales, Restorative Justice is not mentioned in the current 2016 Strategy, Action Against Hate.

Other relevant work

The most relevant piece of existing work relating to this topic is *Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms* by Prof. Mark Walters⁸. This research took place over two years and focussed on two restorative interventions: the Hate Crime Project (HCP) at Southwark Mediation Centre and the Restorative Disposal used by Devon and Cornwall Police Service. Some relevant findings that have been taken into consideration throughout Why me?'s project.

Particularly, Professor Walters found that 'issues pertaining to power imbalances, social inequalities, and cultural differences may yet create vulnerabilities which prove inhibitive to the restorative process' (p. 57). He also found that 'in some cases, practitioners clearly failed to appreciate the complexities of hate-motivated offences' (p. 259). It is with these challenges in mind that we explore the support needs of victims of hate crimes.

There are also two other projects that we are aware of working on the use of Restorative Justice in hate crime cases: one at Brighton and Sussex Universities and one in Northern Ireland, being run by NIACRO. We spoke to both of these projects and shared learning with them.

2. Activities and Findings: Access

Once we had decided on hate crime as the project's remit, we decided which areas to work with. We carried out some initial analysis of Police and Crime Commissioners' Police and Crime Plans, looking for commitment to tackling hate crime and commitment to RJ. We invited a selection of areas to express interest in collaborating with us through an informal application process. We received six applications and selected three areas to work with.

We decided to work, in the first instance, with Lancashire (Restorative Justice team, Lancashire Constabulary), Cambridgeshire (Victim and Witness Hub, Cambridgeshire Constabulary) and Avon and Somerset (Bristol Restorative Approaches).

⁵ <https://why-me.org/2018/restorative-justice-smart-response-hate-crime/>

⁶ <https://www.sussex.ac.uk/webteam/gateway/file.php?name=sussex-hate-crime-project-report.pdf&site=430>

⁷ <https://www.gov.scot/Publications/2016/09/3565>

⁸ <https://global.oup.com/academic/product/hate-crime-and-restorative-justice-9780199684496?cc=gb&lang=en&>

The timescales are as follows:

Lancashire	January - September 2018
Cambridgeshire	April - December 2018
Avon and Somerset	November 2018 - July 2019

This report comes out at the end of the work with Lancashire, half-way through the work with Cambridgeshire and before the start of the work with Avon and Somerset.

Our aims working with the RJ services were twofold:

- 1) Work through the RJ service to find practical ways to reach out to hate crime victims and improve the accessibility of RJ to victims of hate crime. We used a test and learn model, which involved attempting various approaches to increasing accessibility for victims and learning from what worked and what did not.
- 2) Use contacts with local community groups and organisations that support hate crime victims to research attitudes towards RJ and develop best practice for supporting these victims.

Lancashire

The project team constituted representatives of the local RJ service, the Office for the Police and Crime Commissioner, the Police's hate crime team and Why me?. The practical work was carried out by the local RJ service team.

Lancashire's RJ Service is embedded within the Police force which meant that we were able to extract the data for all of the reported hate crimes over any given period. We began by extracting all cases for January 2018. We focused for this period on all crime disposals which meant that a lot had to be eliminated due to crimes still being under investigation or no further action. We began by making phone calls to the victims in each case, making the offer of RJ. We hoped that actively approaching all victims would be a more effective approach than encouraging and waiting for referrals.

The phone calls were made by a volunteer who supports the RJ service, who had substantial restorative skills. It was important that the person making the calls was trained in restorative approaches, in order to embody restorative practices when making the calls. Making the calls was time consuming as it was important for the caller to read the crime reports, which were often complex and detailed, and understand the background for each case before calling.

Many victims did not answer the phone and so we reviewed the approach. We speculated that victims may not be keen to answer the phone to a withheld (police) number. We therefore got the caller volunteer a mobile phone to call from. The volunteer reported positively that more people picked up the phone when calling from this number. Anecdotally, we found that disabled victims seemed less likely to answer the phone. It is possible that hate crime victims are less likely than other victims to answer the phone to an unknown number, due to the nature of their victimisation.

Where there was no phone number available or the victim did not answer the phone, letters were sent to them.

See table 1 for data on the cases dealt with in this period.

Table 1: Case Extraction – January 2018 - All Crime Disposals

Type of Crime	Amount
Racial	140
Sexuality	29
Disability	18
Transgender	6
Gender	2
Religious	10
Total	205
<ul style="list-style-type: none"> • 69 Crimes suitable for contact • 25 Victims contacted with success • 5 Interested in receiving further information • 3 Already referred for RJ via the Police • 1 Referred from calls • 5 Referred for RJ Letters 	

For those that did answer the phone, most victims did not take up the offer of RJ. Many victims were keen to relay the incident on the phone. Many victims reported having put the incident behind them. We therefore then started making calls for more recent cases focusing on April 2018. We also extracted a smaller amount of crimes focusing only on crimes which had a Police or Court disposal with a named offender. Where the crime had taken place more recently, victims were more interested to engage. When victims gave a 'maybe' response, we offered to go and speak to them in person.

See table 2 for data on the cases dealt with in this period

Table 2: Case Extraction – April 2018 – Court & Police Disposals Only

Type of Crime	Amount
Racial	25
Sexuality	2
Disability	1
Transgender	0
Gender	1
Religious	0
Total	29
<ul style="list-style-type: none"> • 29 Crimes suitable for contact • 15 Victims contacted with success • 1 Interested in receiving further information • 2 Already referred for RJ via the Police • 1 Referred from calls • 4 Referred for RJ Letters 	

Some victims were reassured that they were talking to a volunteer, rather than a police officer. This echoes findings from Mark Walters' work that trust in the police can be a barrier for victims of hate crime to accessing RJ.

As well as attempting to contact victims directly, we attempted to increase awareness of the service offer further upstream in the criminal justice process. We engaged with police officers, the local hate crime victim service providers and witness care. We spoke at a number of partner meetings including the Lancashire Third Party Reporting Partnership Group, the Strategic Hate Crime and Cohesion Group and also the Valuing different and Inclusion Board chaired by Lancashire's Deputy Chief Constable. We also attended meetings with the Victim Services Hate Crime support services. Securing senior leadership buy-in within the police force ensured that internal communications were sent out to raise the profile of the project and we gave input at internal police meetings with a remit for hate crime. We also put out a press release about the project which was picked up by local news outlets, which we hope also raised the project's profile.

Between Jan 2018 – July 2018 the service received 12 referrals for hate crimes. These cases have been referred internally from Police Officers, Victim Services and the Why Me? Project. See table 3 for a breakdown of the crimes by strand and their current status.

Table 3: Total Amount of Hate Crime RJ Referrals for Project Period Jan – July 18	
Type Of Crime	Amount
Racial	9
Sexuality	1
Disability	1
Transgender	1
Gender	0
Religious	0
Total	12
<ul style="list-style-type: none"> ● 4 Completed conferences with positive outcome ● 4 Referrals on-going ● 3 Discontinued ● 1 Enquiry only 	

During the entire previous year, 1st Jan 2017 - 31st Jan 2018, there were 18 referrals for hate crime. See table 4 for a breakdown of the crimes by strand and their outcomes. The service is hopeful that by the end of 2018, the number of positive outcomes will surpass that of 2017.

Table 4: Total Amount of Hate Crime RJ Referrals for Project Period Jan – Dec 17	
Type Of Crime	Amount
Racial	15
Sexuality	2
Disability	0
Transgender	1
Gender	0
Religious	0
Total	18

- 8 Completed conferences with positive outcome
- 1 Letter of apology
- 8 Discontinued/Enquiry only
- 1 Passed to another agency

Case study: Racist and ableist neighbourhood dispute

Victim had been experiencing noise nuisance from the flat below since September 2017. This had resulted in a number of confrontations between both neighbours which had subsequently been reported to the Police. The victim is disabled and during the last altercation her neighbours made reference to this and also her language due to her being German.

The incidents resulted in the victim feeling vulnerable in her home and she has been supported by Victim Support since the initial report to the police.

Victim Support thought there was an opportunity for RJ/Mediation to help matters and referred the case to the team to progress.

As a result of an hour and a half conference, which at times was extremely challenging due to the history between both parties, the following outcome agreements were achieved:

1. The aggrieved apologised to her neighbours for not sending a letter of apology directly to them, following a door slamming incident when she was in a rage.
2. Both parties agreed that no threats would be made towards one another in the future
3. The aggrieved apologised for her behaviour around the time of her father's death
4. Soundproofing strips would be fitted to all the internal door frames of Flat 5 by the landlord to alleviate any further noise nuisance.
5. Both parties would show civility towards each other.
6. The occupants of Flat 5 apologised profusely for their behaviour during the time of this long running dispute.

Positive feedback was duly received from all parties.

The victim was extremely satisfied with the process and found it to be fair, and she was very satisfied that both parties had taken responsibility for their actions, and felt that the process would help them to move on. They would recommend a meeting of this type to others and gave positive comments about the facilitators.

The offenders stated it was the best way to have resolved this long running dispute which had become entrenched, and had also impacted on other residents in the block of flats. They also thought the process was fair and that it had given both parties a chance to explain the issues from each other's perspective. They stated the facilitators had acted sympathetically to all the issues raised, and had achieved an excellent result through their professionalism.

Cambridgeshire

The project team constituted representatives of the Victims and Witness Hub, where the RJ service is based, the Police's hate crime lead and hate crime co-ordinator.

In Cambridgeshire, we have made some phone call and letter contact with victims but, learning lessons from Lancashire, we decided to try alternative approaches.

We are in the process of setting up an event that we will invite victims of hate crime to, to learn about the RJ process and the potential benefits.

We are also contacting the officers in charge of any ongoing hate crime cases in the county to alert them to the potential for Restorative Justice and encouraging referrals in through these routes.

We also plan to trial a sample of cases where a softer approach is taken to making the RJ offer, whereby the caller asks for an opportunity to meet with the victim in the first instance. If a meeting is agreed, RJ facilitators will be sent to engage with the victim in a restorative conversation and explore whether RJ could benefit them through virtual conferencing. In virtual conferencing, the RJ practitioner explains the RJ process to the victim through a series of questions, such as: 'Imagine that the person who caused the harm is in the room with us now, what would you say to them?'⁹. The hope is that, through this method, the victim has a chance to really understand the process in order to decide whether it is right for them.

3. Findings: Consultation with groups

These findings come mainly from working with local groups in Cambridgeshire and Lancashire, however it will be important for any RJ service trying to improve their work with hate crime to engage with groups locally to them, both in general consultation about how to support victims from those groups and on a case-by-case basis. There may be local issues which are relevant to any specific case which local groups can provide insight into. Furthermore, involving local groups is likely to improve understanding about the benefits of RJ among these groups.

The community groups and support organisations that we engaged with were:

Lancashire:

Care Network
Disability Equality North West
Lancashire Council of Mosques
Sahara
Club Romanilor
British Red Cross
Renaissance
Crysalis
Lancashire LGBT

Cambridgeshire:

The Kite Trust
Fenland District Council
Cambridge City Council

⁹

https://www.why-me.org/wp-content/uploads/2016/04/Explaining-the-Restorative-Justice-process-through-Virtual-Conferencing_Final.pdf

We also engaged with relevant people and anti-hate organisations nationally:

Professor Mark Walters
Stop Hate UK
Southwark Mediation
NIACRO - Get Real
Brighton and Hove City Council
Community Security Trust
Stay Safe East
Inclusion London
UK Race Equality Network
East European Resource Centre
GATEHerts
Galop
Stonewall

General findings for victims of any hate crime

Not a magic bullet

- There was a general sense that hate crime is a societal issue based in prejudice which is reflected in individual incidents. RJ largely addresses the individual incident, and its capacity to address the societal issue more generally is limited. Restorative Justice will have limited ability to solve the underlying problems which affect hate crime victims.
- The potential capacity for life-changing transformation for victims of hate crime is less as they are likely to continue to experience hate and/or discrimination

Another form of justice

- There was acknowledgement that some victims simply do not want to report hate crimes, for various reasons and that RJ could provide a form of justice for those who do not want to report.
- There is a perception that currently the Criminal Justice System is promising a lot for victims of hate crime but not delivering a lot. It is therefore important for RJ services to set clear expectations about what may or may not happen.
- Many victims do not want to endure a long criminal justice process.
- Many victims just want to be heard and RJ can provide that.
- There was acknowledgement that RJ could be more effective at countering hate than short prison sentences or fines.
- Victims wanted to understand how RJ might affect formal criminal justice processes.
- It was proposed that RJ might be particularly effective with youth offenders.
- Multiple participants spoke about times when they had effectively informally used or participated in restorative approaches.
- RJ is not for everybody. However, it should be their choice. Victims need a 'menu of choices' to tailor their own recovery journey.

Victims' motivations

- Some victims had questions about the offender's intentions and motivations.
- Some victims expressed no desire to understand the motivation for the crime, but simply a desire for the hate to stop.
- Many participants raised the importance of education for hate crime offenders in changing their attitudes.
- Some people saw the potential for RJ to empower the victim, by facing their fear.

- Many victims thought that it was important that the offender understand the impact of their actions, both material and psychological.
- Victims of hate crime and those belonging to groups affected by hate crime were generally motivated by the idea that partaking in RJ might encourage desistance in offenders. They were motivated to try and prevent there being more victims.
- It is important to explain the potential impact on offenders to victims as it may be their desire to encourage desistance in the offender. However, it is important to make sure that the victim does not feel obliged to play a part in 'changing' the offender or that it is in any way a duty.
- Victims expressed not wanting to be overly exposed to any harmful beliefs or opinions.

Challenges

- Almost all groups expressed some distrust in the police.
- Many hate crime victims may not trust the criminal justice system and may not want to engage with authority. This makes it very important to stress the independence of the RJ process when engaging with victims.
- There is potential for the victim to be seen to 'overreact' in the eyes of the offender due to the concept of 'transference' (a phenomenon characterized by unconscious redirection of the feelings a person has about a second person to feelings the first person has about a third person/people). If the offender perceives the specific crime as minor but for the victim it is just one incident in a series of many, the victim may treat the incident as representative of other times that that have been victimised or of wider systems of discrimination and oppression and 'transfer' the hurt from past experiences into an RJ interaction. It is therefore important to acknowledge the wider context of the crime throughout the RJ. The facilitator could play an active role in explaining the wider context of oppression and discrimination so that the burden of education does not fall on the victim, if the victim desires. There were also suggestions that the RJ meeting script could be altered to include a 'getting to know you' section at the beginning of an interaction in which each party has an opportunity to explain what life is like for them. This is in order to situate the crime in its wider context.
- 'Transference' could also originate from own self-hate or internalised oppression.
- There were challenges raised around the incentive for the offender, especially when hateful views are very entrenched.
- It was acknowledged that it would take some bravery for a victim of hate crime to engage in RJ face-to-face.

Support needs

- Many participants raised the importance of thorough needs and risk assessments for victims of hate crime participating in RJ, to minimise the risk of revictimisation.
- The identity of the facilitators was discussed a lot. Many thought that it was important for services to have a diverse pool of facilitators. Some suggested that it would be preferable for the facilitator to belong to neither of the identity groups represented by the victim and offender, to highlight lack of bias. But it was also stressed that the equality and diversity literacy, an understanding of the victims' support needs and an awareness of discrimination and identity was more important than their identity.
- Youth mediators have been effective in youth cases.
- It was acknowledged that some victims might need time to think about the offer of RJ, rather than decide on the spot.
- Facilitators must be well-trained and experienced.
- More vulnerable victims may be more reticent and it is important to try to unearth their desires which they may not articulate up front.
- Offenders may not acknowledge that the crime was hate motivated and therefore may not have an understanding of the personal damage to the victim.

- Innovative solutions can be found if a victim and offender do not want to meet face-to-face. E.g. video recordings, audio recordings, video conferences. Although body language communication can be lost using these methods.
- As many hate crimes happen within broader inter-personal conflicts, many victims want to know what will happen after the conference, when the parties see each other. It is important to address this in the RJ outcome agreement.
- It is important to focus on the similarities among the parties, rather than dwell on the differences in order to build offender empathy.

Race, Ethnicity, Nationality and Religion specific findings

- It is possible to do RJ through a translator. It can have an effect on the fluidity to the conversation but not having a shared language does not have to be a blocker to the process.
- Para-language (non-lexical component of communication by speech, for example intonation, pitch and speed of speaking, hesitation noises, gesture, and facial expression.), and cultural difference can be barriers to fluid conversation, but preparation is key to managing expectations
- Some immigrant victims expressed feeling that the hate directed at them was deserved, so stressing that they deserve respect may be important.

Muslim .

- Muslim communities may be wary of agencies that they are not familiar with and ideally should be approached by a trusted source.
- Islam encourages forgiveness and this could be a motivating factor for some Muslim victims. One participant described the concept of RJ as Islamic. There is guidance from the prophet Mohammed which says 'You help your brother whether he is oppressed or oppressor' which encourages helping oppressors to change.
- Some Muslim victims may feel intimidated by police presence, so non-police services may be best placed to facilitate RJ if this is the case. Involving a local mosque may also engender trust.

Jewish

- The element of education can be key when offenders are not aware that language that they have used is a racial slur. This is particularly the case with anti semitic crimes.

Roma, Gypsy and Traveller

- Roma, Gypsy and Traveller communities may be hesitant to engage with RJ due to distrust in authorities and a culture of avoiding confrontation due to fear of violence or intimidation. In these cases, it would be important to communicate through people who are trusted in the community, perhaps working in collaboration with specialist support services. In this case, facilitators who are members of the community may be preferable. Furthermore, victim ambassadors and relevant case studies may be important to engender trust from this community.
- Roma, Gypsy and Traveller victims may fear being assumed to be criminals by the police and other services. It would be important to consider that stigma and stereotyping could infiltrate the risk assessment process.
- High levels of illiteracy among Roma, Gypsy and Traveller communities may mean that RJ services need to be innovative in how they deliver information.
- It was expressed that Roma, Gypsy and Traveller victims may be reluctant to report hate crime due to a perception that they will not be taken seriously by the police as well as the acceptance of hate crime as a fact of everyday life.
- It was mentioned that, due to strong family culture, Roma victims may want their families to be involved in the RJ process.

- Due to taboos around disability, learning difficulties and mental health, Roma victims may be uncomfortable talking about their support needs with regards to these aspects.

East European

- It was raised that hate crime does not exist as a crime type in some Eastern European countries. Therefore it is important to explain the meaning of the term and its weight in an RJ intervention.
- Some hate crime victims have been targeted due to the fact that they do not speak English. This may mean there is a need for a translator to be involved as well as a heightened facilitator sensitivity to the role that the language barrier may play in an RJ interaction.
- Eastern European victims may prefer RJ services to make face-to-face contact, rather than telephone or letter contact.
- Eastern European victims of hate crime may not be comfortable with the label 'victim'.

LGBT+ specific findings

- There may be specific barriers to accessing RJ for LGBT+ victims of hate crime who are not 'out' to their friends or families. The RJ process can take a considerable amount of time and involve multiple meetings with facilitators, which could be difficult to explain to friends or families for someone whose gender identity or sexual orientation is secret. It is therefore important for facilitators to very careful with confidentiality and to be sensitive to victims' privacy needs.
- An important finding was that many LGBT+ victims may not have a supportive home environment and that they may not be able to rely on family for support during the RJ process. Therefore it is important that RJ services refer to other support services.
- Many people highlighted the risk or re-victimisation for LGBT+ victims of hate crime, especially regarding transgender victims and the risk of using the wrong pronouns, dead-naming (when someone, intentionally or not, refers to a trans person by a previous name) and problematic language. RJ facilitators working with LGBT+ victims will need to be LGBT+ aware and literate.
- Another factor raised regarding LGBT+ victims of hate crime was the potential for there to be an added element of shame on the part of the victim due to internalised homophobia/biphobia/transphobia. Victims may hold beliefs that they deserve the hate that they have received or may minimise the crime because of this.
- For many LGBT+ victims, especially trans victims, hate crime can be such an everyday occurrence that they may have developed coping mechanisms to deal with traumatic experiences. They may then have further psychological support needs when acknowledging that they have actually experienced trauma.
- LGBT+ groups were particularly keen to play a role in educating hate crime offenders. Many saw prejudice as stemming from ignorance and saw RJ as a way to combat that ignorance. They saw constructive conversation which humanises the victim as the most effective way to do this.
- Many LGBT+ participants saw RJ as more effective than retributive justice in showing offenders that what they have done is wrong.
- Some LGBT+ participants expressed that RJ would take a significant amount of time and effort expenditure which might be difficult on top of the exhaustion of oppression and constantly having to explain yourself to people.
- LGBT+ victims who are newly 'out' may struggle to engage in the process, depending on their acceptance of their own identity. These victims may need support from other agencies as well.

Disability specific findings

- It is incredibly important to ensure that there are no physical barriers to participating in RJ for victims with physical disabilities.
- It may be important to do particularly thorough risk and needs assessments for victims with mental health problems.

- It may be important for RJ facilitators to have specific skills and knowledge in order to adequately support victims with learning difficulties or non-traditional communication styles.
- Many disabled victims just wanted an apology. It would therefore be important to manage expectations if an apology was unlikely.
- Some victims expressed a need to feel trust in the facilitators.
- One disabled victim expressed doubt that they would be taken seriously in a court setting, due to their disability.
- There may be different vulnerabilities for disabled victims that need to be taken account of following an RJ intervention. It would be important to work with specialist support organisation to understand what these might be.
- It was suggested that RJ could be particularly effective in cases where the victim has a hidden disability and has been targeted for behaviour that can be attributed to their disability. An RJ process could help an offender to understand the victim's behaviour in the context of their disability and empathise.
- There is a risk that particularly vulnerable victims, such as disabled survivors of abuse may be pressured into doing RJ or agree to do it because they are used to being compliant and acting to please, rather than because they actively want to. It is therefore important for facilitators to have a good understanding of this mindset and to work in collaboration with specialist support services who have close relationships with victims. Consent should also be a key consideration in risk assessing.

It is important to note that individuals may belong to multiple groups that are affected by hate crime and that their experiences pertaining to each group will intersect, creating specific needs. For example, a gay Muslim victim of hate crime may have different needs to a white gay victim or a straight Muslim victim. Furthermore, it is important to acknowledge that the offender may also hold protected characteristics and may also have experienced hate.

4. Next steps

This report provides some initial findings from the Why me? project, Access to Justice: Hate Crime and Restorative Justice. While the project so far has generated important findings regarding best practice for hate crime RJ, there has been limited success with improving victims' access and uptake. The next stage of the process will explore innovative practice to boost access and uptake.

The final report aims to produce:

- i) best practice guidance for Restorative Justice professionals in delivering RJ with hate crime.
- ii) guidance for RJ services on how to improve access to RJ for hate crime victims.