

**Equality and
Human Rights
Commission**

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Promoting the safety and security of disabled people

‘ They were calling me the usual names like “speccy” and I tried to ignore it because it’s not worth it. But when they threw the brick – that’s too far. ’

Disabled people are at greater risk of experiencing violence or hostility than the wider population. This includes violence or hostility which might be perceived as a ‘hate crime’. This report summarises new research from the Equality and Human Rights Commission and sets out the actions the Commission will take to promote disabled people’s safety and security.

The full research report can be downloaded from www.equalityhumanrights.com/en/publicationsandresources/Pages/disabilitytargetedviolence.aspx

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Foreword

There can be no more important human right than to live life in safety and with security. Its absence prevents us from living our lives to the full. And, for some, its absence has led to the loss of life itself.

New research from the Commission finds that for many disabled people in Britain, safety and security is a right frequently denied. Violence and hostility can be a daily experience – in the street, on public transport, at work, at home, on the web – so much so that many disabled people begin to accept it as a part of everyday life. Disabled people – including those who have not experienced such behaviours directly – are all too often forced to go to extraordinary lengths to avoid it, thereby limiting their own lives. If we needed a clear and visible example of the denial of the human rights to freedom in a modern society, this paints an all too vivid picture.

Horrific cases such as the killings of Brent Martin and Steven Hoskin should assault our consciousness as a decent society and daily remind us just how serious a situation this can become if left unchecked. There is a critical need for a preventive strategy, ‘nipping in the bud’ such attitudes and behaviours before they escalate. We also need to address the wider geographical, social and economic factors identified in our research which can leave disabled people and others at greater risk.

And, crucially, responsibility for change has to be placed in the right hands. It is not the disabled person who creates their own oppression. It is others. As Sir Ken Macdonald so eloquently argued in one of his final speeches as Director of Public Prosecutions, we must overcome a prevailing assumption that it is disabled people's intrinsic vulnerability which explains the risk they face – an assumption unsupported by evidence. At best, this had led to protectionism, constraining rather than expanding the individual freedom and opportunity which greater safety and security should provide. Only by extending the same expectations of safety and security to disabled people as to everyone else can we truly come to address the deficits in our current approach and wake up to the need to act.

We are committed to doing our part to make disabled people's right to safety and security an everyday reality. We call on others to do likewise.

Trevor Phillips, Chair
Equality and Human Rights Commission

Promoting disabled people's safety and security

Introduction

Disabled people are at greater risk of experiencing violence or hostility than the wider population. This includes violence or hostility which might be perceived as a 'hate crime'.

The Commission has a duty to promote human rights and equality of opportunity and to work towards the elimination of prejudice against, hatred of and hostility towards members of groups, including disabled people. Our powers allow us to make, co-operate with or assist in arrangements for monitoring, preventing or reducing crimes affecting certain groups.

This report summarises new research into disabled people's experiences of targeted violence and hostility and sets out the actions and initiatives the Commission plans to deliver over the coming three years to promote disabled people's safety and security.

Research on disabled people's experiences of targeted violence and hostility

The Office for Public Management (OPM) carried out research on behalf of the Commission looking into disabled people's experiences of targeted violence and hostility.

The first phase involved a literature review conducted in partnership with the UK Centre for Evidence-based Policy and Practice. A total of 73 items were included for review, mapping out the existing evidence base, its strengths, weaknesses and gaps. It identified evidence relating to risk and prevalence, documents the types of incidents and their impact on disabled people, and identifies the responses from disabled people and from key agencies.

The findings of the literature review informed the second phase of the project – semi-structured interviews with nine stakeholders from a number of key organisations and agencies, as well as interviews with 30 disabled people with learning disabilities and/or mental health conditions from England, Wales and Scotland. Interviews with stakeholders probed the roles and experiences of key agencies; challenges in inter-agency working and their implications for disabled people; examples of good practice; and recommendations for improvement. Interviews with disabled people explored experiences at greater depth, and identified key barriers and suggestions on how they could be dismantled. The quotations included in this report are those of the disabled people interviewed.

Below is a summary of the key findings of the research. The full report can be downloaded from: www.equalityhumanrights.com/en/publicationsandresources/Pages/disabilitytargetedviolence.aspx

The prevalence and nature of targeted violence and hostility towards disabled people

'We went away that Christmas and when we came back we had a broken window. I was beaten up and spat at by the local kids. We had our front door broken four times and the kitchen window was broken. We had fireworks chucked over the garden and our house was paint bombed.'

The available evidence points to significant risk and prevalence of targeted violence and hostility against disabled people. Disabled people are at higher risk of being victimised in comparison with non-disabled people. There is also a strong link between risk and actual victimisation.

Prevalence

There is considerable material on the existence and prevalence of various forms of targeted violence and hostility experienced by disabled people. For example, it has been reported that:

- 22 per cent of disabled respondents in 2002 suffered harassment in public due to their impairment (DRC 2003). This was an increase from 20 per cent from the previous year (DRC 2002);
- Eight per cent of disabled people suffered a violent attack compared to four per cent of non-disabled people in London during 2001/2002 (GLA 2003);
- Disabled people are four times more likely to be victims of crime compared to non-disabled people (British Council of Disabled People 2007);
- 47 per cent of disabled people had either experienced physical abuse or had witnessed physical abuse of a disabled companion (Scope 2007); and
- One in five disabled people in Scotland were found to have experienced disability-related harassment, 47 per cent had experienced hate crimes due to their disability (DRC and Capability Scotland 2004).

Within the disabled population, the evidence suggests that those with learning disabilities and/or mental health conditions are particularly at risk and suffer higher levels of actual victimisation.

- 71 per cent of those with mental health issues had been a victim of crime in the past two years, 22 per cent had experienced physical assault, 41 per cent experienced ongoing bullying, 27 per cent experienced sexual harassment (with 10 per cent experiencing sexual assault), with only 19 per cent feeling safe at all times within their own home (MIND 2007);
- 90 per cent of people with learning disabilities have experienced harassment and bullying, with 32 per cent stating that bullying was taking place on a daily or weekly basis (Mencap 1999); and
- 41 per cent of those with mental health conditions in Scotland had experienced harassment, compared with 15 per cent of the general population (National Schizophrenia Fellowship Scotland 2001).

Type of incidents

‘They were calling me the usual names like “speccy” and I tried to ignore it because it’s not worth it. But when they threw the brick – that’s too far.’

The research identifies eight key types of incidents:

- physical incidents;
- verbal incidents;
- sexual incidents;
- targeted anti-social behaviour;
- damage to property/theft;
- school bullying;
- incidents perpetrated by statutory agency staff; and
- the more recent phenomenon of cyber bullying.

While some incidents are severe, the research has identified the prevalence of ongoing, low-level incidents that may go undetected but may escalate at some point. The wider literature suggests that disabled people are often subjected to persistent hostility and violence. A Home Office report, published in 2007 (Home Office 2007: 4), built on the findings from the Higgins survey of Scottish people with learning disabilities, which reported that 20 per cent of respondents had experienced an attack ‘at least once a week’. The Home Office report extrapolated this figure and noted that if such an incidence of attack occurred in England, this would result in 32,000 people experiencing a ‘hate crime’ on a weekly basis (Home Office 2007: 4). Furthermore, our primary research with people with mental health conditions shows that incidents are often multiple and escalating; either experienced on an ongoing basis perpetrated by the same person(s), or frequent ‘one off’ incidents so that they become part of people’s everyday lives.

Understanding risk

‘I recall a Hispanic lady being very upset that once when she was wheelchair bound, she started suffering comments like “go home Paki”, at the same time as being harassed or assaulted.’

Risk and resultant victimisation is highly complex, with a number of factors at work. The evidence suggests that an accumulation of risk factors heightens significantly the likelihood of being a victim of targeted violence and hostility. Real or ascribed identity labels (for example ethnicity, gender, religion and faith, sexual orientation) as well as wider demographic characteristics (for example where people live and their socio-economic status) can interact in a complex way to bring about differential levels of risk and diverse experiences of victimisation. A number of interviewees reported of having been falsely labelled ‘paedophiles’ and felt this was the focus of the hostility towards them. More research is required to understand such ‘intersectionality’.

‘Situational vulnerability’

‘Money protects. For example, taxis, nicer environments, more choice about where you live. Living alone on a council estate might make you more vulnerable to abuse, for example being “befriended” by an abuser.’

The types of targeted violence and hostility which happen in different settings vary, and can have an impact on different groups of disabled people. The term ‘situational vulnerability’ describes how the motivation to perpetrate acts of targeted violence and hostility against disabled people may not always be triggered because of wider factors which prevent it. For example, the degree of control an individual is able to exert over their own lives, their contact with family and the wider community or the social and economic conditions in their immediate area are all factors influencing the levels of risk they face.

‘Living alone on a council estate might make you more vulnerable to abuse...’

‘ Sometimes {they} don’t see the disabled person as a person. ’

More nuanced understandings of shifting risks, triggers and vulnerabilities need to be developed as there is no ‘one-size-fits-all’ approach in targeting interventions.

A number of ‘hot spots’ where targeted violence and hostility tend to occur are identified in the research, namely: on the street, in and around home-based settings (particularly in relation to social housing but also including private accommodation), in institutional settings; in schools, colleges and at work; and on public transport.

Motivation of perpetrators

‘Sometimes, [they] don’t see the disabled person as a person.’

There is little existing research on perpetrator motivations in committing targeted violence and hostility against disabled people. The factors motivating such acts against disabled people identified in our research vary significantly. Perceptions of vulnerability (especially in relation to those with ‘visible’ impairments or with learning disabilities) and perceptions of threat (particularly so for those with mental health conditions) can motivate acts of targeted violence and hostility against disabled people, depending on the situation and the person in question. Perpetrators may also perceive disabled people as being ‘lesser’ people and think that they can get away with their actions.

The impact of targeted violence and hostility

'I was so scared from the harassment from these men. I was scared for my life and I could feel myself getting close to having a nervous breakdown.'

The impact of targeted violence and hostility is wide-ranging, including adverse physical, emotional, and sexual implications. In some instances, the experience can result in the victim's death.

Impact can also be long-lasting, causing disabled people to restructure their lives to minimise risk – with strategies employed such as taking longer routes to avoid certain places and not leaving the home at night, through to 'voluntarily' leaving employment, school or moving home. Most commonly, coping mechanisms involve acceptance or avoidance strategies.

Responses by disabled people to their experience of targeted violence and hostility may be perceived to be perpetrating anti-social behaviour, and may also aggravate targeted violence and hostility against themselves. The impact of targeted violence and hostility is not confined merely to those disabled people who have suffered from direct acts. Family members of disabled people can also be subjected to targeted violence and hostility, suggesting that impact is more pervasive than statistics on prevalence alone.

Wider conditioning

'My auntie tells me to ignore it if people say bad things to me. When I ignore them, she says I have done the right thing. She doesn't want me to get into more trouble if I look like I'm upset by the names that people call me.'

Disabled people are also advised by those around them and by agencies they come into contact with to avoid putting themselves at risk. This wider conditioning means that actions are not taken to address disabled people's access to justice. These acceptance/avoidance and coping strategies have significant implications for social inclusion and freedom and opportunities of disabled people. Issues of dependency and the lack of viable alternatives can further constrain the ability of disabled people taking actions to improve their lives.

What is happening to challenge violence and hostility and to provide redress?

There has been considerable progress at the national level in recognising and initiating responses to targeted violence and hostility against disabled people. Nevertheless significant problems remain, and there is little evidence in particular of the important preventive role that health and social care agencies, housing associations, local authorities, civil justice agencies, voluntary bodies, and others could and should play.

Reporting and recording of incidents

‘Something did happen that I didn’t tell the police about. I don’t know why I didn’t tell them. When I was at Auntie’s house there were some neighbours who were trying to get inside the house. They were standing outside the windows flashing at me when Auntie had gone out... I didn’t tell Auntie when she came home because I thought that she would be angry with her neighbours and would tell them off. That might have made them worse.’

Given the evidence concerning the prevalence of targeted violence and hostility, it is notable that in the year ending March 2008, just 183 defendants were prosecuted for disability incidents.

‘Something did happen that I didn’t tell the police about. I don’t know why I didn’t tell them.’

The research identified a number of barriers to reporting and recording, particularly in relation to the police. Physical, procedural and attitudinal barriers discourage disabled people from reporting and the cumulative impact of these barriers can lead disabled people to feel that they are not being taken seriously or, worse, being treated as if they are in the wrong. The relationship between the victim and the perpetrator can also throw up significant challenges to a disabled person's willingness and ability to report. Disabled people may blame themselves for what has happened to them, or may simply come to accept that these incidents are 'part of everyday life'.

As a result there is severe under-reporting of incidents but this is not simply due to the barriers within the criminal justice system. The predominant criminal justice focus should not overlook other agencies' roles in the monitoring of, and acting upon, targeted violence and hostility against disabled people. The research identified the important preventive role that health and social care agencies, housing associations, local authorities, civil justice agencies, voluntary bodies, and others can play.

Redress

'My solicitor wrote to the police asking why there hadn't been an investigation into the attempted rape and stabbing. The police wrote back saying that they had lost the incident log number and referred me to a psychiatrist. But I wanted some action against that man, not a referral.'

Disabled people can be deemed 'unreliable witnesses' creating a further barrier to redress. The Commission intervened in the case of 'FB' v Director of Public Prosecutions, in which the Crown Prosecution Service (CPS) was found to have breached FB's human rights in dropping a prosecution concerning a serious assault on the day of trial after the Senior Prosecutor determined FB to not be a credible witness. FB has a history of mental illness. The Commission will now work with the CPS to develop and promote good practice.

While there are legislative instruments that can help a disabled person seeking redress against the experience of targeted violence and hostility; these are insufficient in themselves to bring about change. There is a risk that legislative instruments remain at the level of 'messages' and are not being translated into practice. The awareness and use of these instruments are also inconsistent. Furthermore, disabled people themselves have low levels of awareness of their rights.

Prevention and multi agency working

The *No Secrets* protection guidelines published in 2000 (Department of Health and Home Office 2000) gave social care agencies in England and Wales the lead in responding to, and ultimately monitoring, crimes against vulnerable people. This has led to confusion arising from the blurring of responsibilities between social care agencies and the criminal justice sector in monitoring crimes against vulnerable people. This has, in some instances, led to a vacuum of responsibility, with disabled people falling between the cracks. The current review of *No Secrets* is seen as an important opportunity to better align the two sectors.

The Commission's response

The Commission believes that the success of steps to address safety and security should be measured in terms of their contribution to expanding disabled people's freedom and opportunities. This means replacing existing paternalistic approaches which at best have offered protection without regard to the wider impact upon disabled people's life chances with an approach focused squarely upon securing rights and justice.

Based on an assessment of the research findings summarised above and of wider evidence, through discussion with stakeholders and consideration of the Commission's duties and powers, the Commission has determined its own future actions and initiatives to promote disabled people's safety and security.

This includes:

- A themed review of the actions taken by public authorities to discharge their duties under the Disability Discrimination Act 2005 to have due regard to eliminating harassment and promoting positive attitudes towards disabled people.
- In Scotland, work will continue to ensure that the Scottish Parliament passes the Offences (Aggravation by Prejudice) (Scotland) Bill, which will introduce statutory aggravations for homophobic, transphobic and disability related hate crime. The Commission will work with the police, Crown Office and courts, and with our partners in the disability sector, to ensure the effective implementation of the Bill.
- Through our 2009-12 Grants Programme, investment in and evaluation of innovative approaches to independent advocacy to ensure that the most marginalised disabled people have a voice and the confidence to challenge negative behaviours and seek protection and redress.
- Action to remove barriers to reporting, recording, prosecution and successful conviction of targeted violence, hostility and hate crimes, including monitoring, practice development and where necessary legal intervention.
- Further research to build a comprehensive understanding of experiences and causes of prejudice, hatred and hostility, including intersections between 'groups' and types of violence and hostility.
- Continuing to address matters of safety and security in our wider work, including policy work on reform of care and support, and looking at the role of social housing allocations in relation to creating or minimising the risks faced by disabled people.

The Commission welcomes feedback on these proposals.

Contact us

You can find out more or get in touch with us via our website at www.equalityhumanrights.com or by contacting one of our helplines below:

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