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## HATE CRIME

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### BACKGROUND

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#### What is hate crime?

Hate crime is the term used to describe a crime against someone that is motivated by hatred or hostility towards that person's disability, race or ethnicity, religion or belief, sexual orientation or transgender identity. Hate incidents are non-criminal incidents with the above motivation.<sup>1</sup>

#### How does it impact victims?

While victims' reactions to hate crime differ according to their culture, age and gender, we know that it can have a significant effect on the victim because they have been attacked for a central element of their identity. 92% of hate crime victims report being emotionally affected by the incident, with a third being highly affected. The most prevalent emotional effects of hate crime reported to the Crime Survey are anger, annoyance, shock, fear and loss of confidence. Victims also report anxiety, panic attacks, depression and difficulty sleeping.<sup>2</sup>

Research by VS found that impact of hate crime can include fear, particularly of repeat attacks; anger; illness including depression and physical ailments; trauma in children; restrictions in lifestyle; and substantial financial loss.<sup>3</sup>

Hate crime has a disproportionate impact on victims; victims of hate crime can feel more traumatised by hate crime than by equivalent crimes with no such motivation. A comparison of hate crime victims and victims of parallel crimes found that victims of hate crime are much more likely to report being highly emotionally affected, having a strong emotional reaction and having a longer period of recovery.<sup>4</sup>

#### What support does VS provide to victims?

In 2016/17, VS offered support to 10,960 victims of hate crime across England and Wales, with 4,230 victims receiving at least one service.<sup>5</sup> In addition to the support offered in our core victim services we run a number of specialist hate crime services. This includes the all Wales National Hate Crime Report and Support Centre, where we work in partnership with the police, local authorities, housing associations and schools. We also run third party reporting centres, which enable victims to report a crime without having to deal directly with the police. Our services involve emotional, practical and financial support; advocacy;

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<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

<sup>2</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467366/hosb0515.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf)

<sup>3</sup> <https://www.victimsupport.org.uk/sites/default/files/Crime%20and%20prejudice%20report.pdf>

<sup>4</sup>[http://eprints.lancs.ac.uk/69528/1/Hate\\_crimes\\_hurt\\_some\\_more\\_than\\_others\\_accepted\\_manuscript\\_version\\_2\\_.pdf](http://eprints.lancs.ac.uk/69528/1/Hate_crimes_hurt_some_more_than_others_accepted_manuscript_version_2_.pdf)

<sup>5</sup> VS data with crime flag primary hate crime April 2015-March 2016. Data may be subject to human error.

signposting; personal and home security; awareness raising activities; and understanding their experience through quantitative victim research.

As well as providing frontline support we have also produced research to gain an understanding of the effects of hate crime and the needs of those who fall victim to it.<sup>6</sup>

## Key statistics

The Crime Survey estimates that 222,000 incidents of hate crime take place each year. Of these:<sup>78</sup>

- 48% (106,000) are race hate crimes
- 31% (70,000) are disability hate crimes
- 17% (38,000) are religious hate crimes
- 13% (29,000) are sexual orientation hate crimes

In 2015/16 the police recorded 62,518 hate crimes, an increase of 19% on the previous year (52,465), while 15,442 cases of hate crime were prosecuted the highest number of record.<sup>910</sup> It is estimated that only between 24-48% of victims of hate crime report to the police, while just under half of hate crime victims (44%) report being dissatisfied with the police.<sup>11 12</sup>

Of the hate crime recorded by the police:

- 79% (49,419) were race hate crimes
- 12% (7,194) were sexual orientation hate crimes
- 7% (4,400) were religious hate crimes
- 6% were disability hate crimes (3,629)
- 1% were transgender hate crimes (858)

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## OVERVIEW OF ISSUES

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- Increasing reporting of hate crime, either to statutory agencies such as the police or to third party reporting centres.
- Reducing incidents of hate crime by addressing the underlying beliefs behind the prejudice or hostile behaviour and increasing confidence in the criminal justice system.
- Defining of hate crime to ensure parity between all protected characteristics and to ensure that hate crimes against certain groups are not perceived as being less serious.

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## INCREASING REPORTING

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### Overview of issue and how it affects victims

Hate crime is currently under-reported, often because victims feel the incident to be too trivial or believe the police would not take the incident seriously or be unable to tackle it. Reporting hate crime allows victims to be directed towards the necessary support, gives

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<sup>6</sup> <https://www.victimsupport.org.uk/sites/default/files/Crime%20and%20prejudice%20report.pdf>

<sup>7</sup> <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2014-to-2015>

<sup>8</sup> Totals may not add up due to crimes being motivated by more than one strand. The number of transgender hate crimes was too low to estimate

<sup>9</sup> [http://www.cps.gov.uk/publications/docs/cps\\_hate\\_crime\\_report\\_2016.pdf](http://www.cps.gov.uk/publications/docs/cps_hate_crime_report_2016.pdf)

<sup>10</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/559319/hate-crime-1516-hosb1116.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf)

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467366/hosb0515.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf)

<sup>12</sup> <http://www2.le.ac.uk/departments/criminology/hate/documents/fc-full-report>

them the possibility of achieving justice and allows local agencies to develop intelligence of the scale and scope of the problem.

Under the Code of Practice for Victims of Crime, all victims who report hate crime to the police are entitled to a needs assessment to identify any needs or support required, and to be referred on to support services within two working days of reporting.<sup>13</sup> This means that reporting a hate crime to the police opens up a referral pathway to the relevant support that the victim may need. Reporting a hate crime to the police also gives the opportunity for the victim to seek justice as it allows the police to explore any lines of investigation.

In addition, reporting hate crime is important to build up intelligence on the scale, scope and type of hate crime in an area. Whether to the police or a third party centre, reporting allows agencies to better understand and effectively tackle hate crime and incidents.

However, the Crime Survey for England and Wales estimates that only 48% of hate crime is reported to the police,<sup>14</sup> while research from the University of Leicester found that only 24% of victims reported their most recent hate crime experience to the police.<sup>15</sup> The reasons for under-reporting hate crime are numerous and varied, with different communities facing different barriers.

Research by the University of Leicester found the most frequently cited reasons for not reporting hate crime to the police are that the victim feels the police would not take the incident seriously; that the incident was dealt with personally or with the help of others; that the police could not have done anything; or that it was a private matter.<sup>16</sup> Believing the incident to be too trivial and belief in police inaction are often highlighted as the main reasons for not reporting a hate crime. Victims also do not report due to fear of reprisal, previous bad experiences of the police or because the incidents experienced are so common that they have become normalised.<sup>17</sup>

According to the Crime Survey for England and Wales, hate crime victims were more likely to be very dissatisfied (35%) with the police handling of the matter than overall crime (14%). They were also less likely to think the police had treated them fairly or with respect.<sup>18</sup>

While some common themes arise, the reasons for not reporting hate crime can vary among different communities.

- Members of the LGBT community state that one of the main concerns with reporting homophobic or transphobic crimes is the fear of being 'outed' by doing so.<sup>19</sup>
- Relatively poor perceptions of the police among some ethnic minority groups may also represent a barrier to reporting racially or religiously motivated hate crime. For example, Black British and mixed race adults report lower levels of confidence

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<sup>13</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

<sup>14</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467366/hosb0515.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf)

<sup>15</sup> <http://www2.le.ac.uk/departments/criminology/hate/documents/fc-full-report>

<sup>16</sup> <http://www2.le.ac.uk/departments/criminology/hate/documents/fc-full-report>

<sup>17</sup> <http://shura.shu.ac.uk/10393/1/Hate-Crime-in-Suffolk.pdf>

<sup>18</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

<sup>19</sup> <https://www.equalityhumanrights.com/sites/default/files/research-lgbt-hate-crime-reporting-identifying-barriers-and-solutions.pdf>

in the local police and are much less likely to believe that they will be treated with respect.<sup>20</sup>

- Disabled people also face specific barriers. VS research on crime experienced by people with mental health problems found that fear of being blamed for causing the incident and having their mental health issues used by the criminal justice system as a basis for discrediting them can result in victims being less likely to report.<sup>21</sup>

We also know from our experience that the police do not always establish potential indicators of a hate motivated factor in incident descriptions and that often the onus is on the victim to explicitly state that they believe the incident to be a hate crime. This is evidenced by a 2015 Criminal Justice Joint Inspection looking specifically at disability hate crime which found that of the Crown Prosecution Service (CPS) files that had been identified as hate crime, only 20% had been adequately highlighted as such by the police.<sup>22</sup> We have no reason to believe that this failure to identify cases of hate crime is limited to disability hate crime incidents.

We also know that third party reporting centres are a useful means of enabling people to report hate crime who for a variety of reasons are reluctant to report to the police. One of our reporting centres has received 195 cases since launching just under two years ago; not one of these victims had also been to the police. Third party reporting centres also allow individuals who experience hate crime to report anonymously, thus further increasing their reach and enabling victims who do not want to hand over personal information, such as some LGBT victims, to report. Just over one third (35%) of people reporting to our third party centres do so anonymously. However, reporting to third party centres remains low.

Additionally, focus groups that VS have been involved with have identified language as a possible barrier to reporting hate crime and accessing services. It is well documented that poor English language skills be problematic when accessing public services,<sup>23</sup> although services such as VS, the police and Stop Hate UK do provide translation services or provide written material.<sup>24 25</sup>

### **What are the Government and Criminal Justice agencies doing?**

The government and law enforcement agencies have shown commitment to increasing the reporting of hate crime in the Home Office's *Action Against Hate* plan. They aim to increase the reporting of hate crime through improving the reporting process, encouraging the use of third party reporting centres and work with groups who may under-report, such as disabled people, Muslim women, the Charedi community, transgender people, Gypsy, Traveller and Roma communities, and new refugee communities.

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<sup>20</sup> Crime in England & Wales, year ending March 2016 - Supplementary tables Table s5

<sup>21</sup> <https://www.victimsupport.org.uk/sites/default/files/At%20risk%2C%20yet%20dismissed%20-%20full%20report.pdf>

<sup>22</sup> <http://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/joint-review-of-disability-hate-crime-review.pdf>

<sup>23</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575973/The\\_Casey\\_Review\\_Report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575973/The_Casey_Review_Report.pdf)

<sup>24</sup> <https://www.victimsupport.org.uk/languages>

<sup>25</sup> <https://www.stophateuk.org/languages/>

The Government has also committed to working with the CPS to ensure that perpetrators are punished, and to publicise successful prosecutions to encourage people to have the confidence that when they report hate crime, action will be taken.<sup>26</sup>

### **Victim Support's position**

VS supports the steps set out in the Government's Hate Crime Action Plan to increase reporting

These steps include an aim to increase the reporting of hate crime through improving the reporting process, encouraging the use of third party reporting and working with groups who may under-report.

Further steps need to be taken to address the perception that hate crime is too trivial to be reported.

The police and other statutory as well as voluntary agencies must raise awareness of the importance of recognising and reporting hate crime. Messages need to be targeted at communities and their social networks elucidating what constitutes a hate crime and highlighting the purpose of reporting. For example, by highlighting the successful conviction rate of between 75% and 84% (as set out in Action Against Hate) or how reports can help better understand the scale of the problem.

Visible and accessible third party reporting centres rooted in the local community are essential, as is publicising the ability to report confidentially and anonymously.

More can be done to increase awareness of third party centres and increase visibility in at-risk communities in order to build trust with, and reach out to, victims who under report. VS found that by undertaking an awareness raising campaign of hate crime reporting and our third party centre in a particular location, reports to us increased by over 100%. Third party centres also need to be rooted and visible in at-risk communities in order to build trust with, and reach out to, hard to reach victims.

A range of safe reporting options that clearly communicate processes and purposes, as well as what should be expected from criminal justice agencies, can help to improve reporting rates. The more victims are aware of what constitutes hate crime and are confident to report then the more likely they are to come into contact with the relevant support agencies.

Training police first responders to sensitively and appropriately inquire if the victim believes the incident to be hate motivated would help to improve identification and recording.

Increasing awareness and understanding of hate crime among police staff who take initial calls and first response officers could help ensure all hate crimes are being identified, by reducing the reliance on the victim to explicitly state they believe the crime was a hate crime.

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## **REDUCING INCIDENCE**

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### **Overview of issue and how it affects victims**

<sup>26</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

Reducing hate crime will require a number of measures, including addressing prejudicial beliefs, improving community cohesion and tackling online hate crime.

Hate crime can include non-criminal acts, which can be reported to the police, but they can only prosecute when the law is broken. However, the police can work with other organisations to prevent the situation escalating and address the underlying beliefs behind the hostile and prejudice behaviour.

Increased use of technology also creates new challenges for investigating incidents of hate crime. It is unclear exactly how prevalent online hate crime is but there is emerging evidence of its scale. With the increased use of social media, there are issues with the limited ability and capacity of law enforcement agencies to combat online hate crime. Stephen Kavanagh, the NPCC lead on digital crime, has warned that when it comes to online abuse: "I don't think there is one of the forces across the UK who think we have got this right at the moment" [sic]. MOPAC accepts that: "The police response to online hate crime is inconsistent, primarily because police officers are not equipped to tackle it."<sup>27 28</sup>

There is also evidence that successful integration of communities, as well as contact and relations between communities, has a positive impact on community relations and reducing prejudice. In her 2016 review into integration, Louise Casey said: "We know that where communities live separately, with fewer interactions between people from different backgrounds, mistrust, anxiety and prejudice grow. Conversely, social mixing and interactions between people from a wider range of backgrounds can have positive impacts ... in reducing anxiety and prejudice."<sup>29</sup> Numerous studies also suggest that interpersonal contacts between different communities can lead to increased empathy and reductions in negative stereotypes, anxiety and prejudice.<sup>30 31 32 33</sup>

### **What are the Government and Criminal Justice agencies doing?**

In their Hate Crime Action Plan 2016, the Government makes a number of commitments to tackle prejudice. These include giving young people and teachers the tools to tackle hatred and prejudice through a new programme to facilitate conversations about 'difficult topics' and carry out a new assessment of the level of anti-Muslim, anti-Semitic, homophobic, racist and other bullying in schools.<sup>34</sup> Additionally, the Government will work with community partners such as the Anne Frank Trust and Streetwise to deliver educational projects that help young people challenge discrimination.

The Government also announced 2.4m in funding for security measures at vulnerable faith institutions and measures to tackle hate crime on public transport and in the night-time economy by providing training, awareness raising activities and making reporting easier.<sup>35</sup>

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<sup>27</sup> <https://www.theguardian.com/uk-news/2016/apr/14/online-abuse-police-inconsistent-digital-crime-stephen-kavanagh>

<sup>28</sup> <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/governance-and-decision-making/mopac-decisions-2016>

<sup>29</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575973/The\\_Casey\\_Review\\_Report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575973/The_Casey_Review_Report.pdf)

<sup>30</sup> Allport 1954

<sup>31</sup> Brown et al (2003)

<sup>32</sup> Novotny and Polonksy (2011)

<sup>33</sup> Ellison & Powers 1994

<sup>34</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

<sup>35</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

For online hate crime, they commit to including a ministerial seminar with social media companies and counter-narrative work.<sup>36</sup>

HMIC is also looking into police forces' understanding of, and response to, hate crime. The study will look at how police forces deal with hate crime, and will look at all strands including disability hate crime.<sup>37</sup>

MOPAC has also established a team of five officers to work to identify online abuse and to train police and voluntary sector organisations to better address online hate crime.<sup>38</sup>

With regards to community integration, the Government commissioned Louise Casey to conduct a review "to consider what could be done to boost opportunity and integration in our most isolated and deprived communities". The Secretary of State for Communities and Local Government, Sajid Javid MP, responded to the report saying: "I will carefully consider the findings in this review, in consultation with my government colleagues and faith and community leaders and will bring forward proposals in due course".<sup>39</sup>

### Victim Support's position

VS supports the implementation of the Government's 'Action Against Hate' plan

VS supports commitments in the Government's Hate Crime Action Plan to improve victims' experience of the criminal justice system, by:

- Improving the support for victims of hate crime by ensuring that they are provided with timely and effective information at the time of reporting their crime and as they progress through the criminal justice system. The Home Office and Fire and Rescue Services will also work together to understand what role they can play in identifying victims and perpetrators of hate crime and what practical actions can be taken to ensure that, where identified, these issues do not go unaddressed.
- Refreshing the CPS policy and legal guidance for prosecutors on racially and religiously aggravated crime.
- Improving the experience of witnesses at court. To this end the CPS will conduct a joint review of Witness Care Units in partnership with the police.

Police forces should provide officers with training to investigate online hate crime.

VS has concerns about the limited ability and capability of law enforcement agencies to combat online hate crime. MOPAC says that: "The police response to online hate crime is inconsistent, primarily because police officers are not equipped to tackle it."<sup>40</sup> Positive steps are being taken to address this, with a team of specialist officers being established to investigate online hate crime, but as only around 6% of officers are trained in

<sup>36</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

<sup>37</sup><https://www.gov.uk/government/news/government-support-for-communities-in-united-drive-against-hate>

<sup>38</sup><https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/governance-and-decision-making/mopac-decisions-206>

<sup>39</sup><http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statements/?page=1&max=20&questiontype=AllQuestions&house=commons%2clouds&use-dates=True&answered-from=2016-12-01&answered-to=2017-02-23&member=3945>

<sup>40</sup><https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/governance-and-decision-making/mopac-decisions-206>

investigating digital crime there is more to be done.<sup>41</sup> Appropriate training will ensure that officers have the skills and capability to fully and robustly investigate online hate crime. This is also vital to give victims the confidence to come forward in the knowledge that their allegation will be taken seriously and any investigative leads will be explored.

Strong preventative programmes that target schools should be promoted to provide victims and at risk individuals with safety strategies and information on where and how to seek help.

Safety programmes in schools can play a significant role in identifying victims of hate crime and helping them to cope with its impact and effects. VS runs the Switched On schools safety programme and on average three children in every class of thirty have disclosed to us that they have been the victim of a hate crime or incident. Children are not always aware of what constitutes a crime and crime against children is substantially underreported.<sup>42</sup> Safety programmes in schools are vital to drive up awareness and reporting among children and young people.

Perpetrator programmes can be an effective way of tackling some hate crime offending and can support victims allowing them to continue to live in their community without being re-victimised.

As hate crime is targeting a specific identity and community due to a prejudice or hostile belief against it, these underlying beliefs need to be addressed. Perpetrator programmes can be a good way of doing this, which is a lesson that can be learned from the response to domestic abuse. Perpetrator programmes work to re-educate offenders and teach them to understand the impact of their behaviour. They provide clear information about what is acceptable and unacceptable conduct and work to address the behaviour and triggers behind the abuse.

Accessible community policing and a multi-agency approach to intelligence aids statutory agency's response to hate crime.

We believe that agencies can learn from the recent improvements in their response to domestic abuse and apply the lessons learned to hate crime. Multi Agency Risk Assessment Conferences (MARACs) are victim focused information sharing and risk management meetings attended by key public and voluntary sector agencies held to discuss high risk cases of domestic abuse and to draft safety and support plans. In particular, VS feels that this type of multi-agency conference when applied to hate crime can help law enforcement agencies to tackle the crime by pooling and sharing information and intelligence about hate crime and its victims in the local area. This should give statutory agencies a better idea of which groups and areas are most affected by hate and will also allow them to work to reduce re-victimisation.

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## DEFINING HATE CRIME

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### Overview of issue and how it affects victims

Not all of the characteristics (race, religion, sexual orientation, disability, gender identity) are offered the same level of protection under current legislation, resulting in the perception that there is a hierarchy of importance when it comes to hate crime. Hate crime motivated by race and religion can be seen as more important in legal terms while hate crime motivated by hostility towards a victim's disability or gender identity can be

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<sup>41</sup> <http://www.bbc.co.uk/news/uk-37076995>

<sup>42</sup> <https://www.victimsupport.org.uk/sites/default/files/Suffering%20in%20silence%20-%20Children%20and%20unreported%20crime.pdf>



seen as less serious. Of the three pieces of legislation covering hate crimes only one of them actually covers all five characteristics, resulting in two pieces of legislation only covering certain hate crimes but not others. The three pieces of legislation are:

1. Sentence uplift: Enhanced sentencing provisions under Sections 145 and 146 of the Criminal Justice Act 2003 requires courts to consider hostility motivated by any of the five monitored strands to be treated as an aggravating factor. **This legislation covers all five characteristics.**
2. Aggravated offences: Certain offences - assault, criminal damage, minor public order or harassment - that are committed and motivated by hostility towards the victim on the grounds of race or religion become “aggravated offences”, with a higher sentence available. (Crime and Disorder Act 1998) **This legislation does not cover hostility based on sexual orientation, disability or transgender identity.**
3. Stirring up hatred: The Public Order Act 1986 contains the offence of stirring up hatred on the grounds of race, religion or sexual identity. **This legislation does not cover hatred on the grounds of transgender identity or disability.**

Under current legislation, not all of the protected characteristics are treated equally which can be confusing for victims. It also sends a message that disability, sexual orientation or gender identity hate crime is less serious, and will be treated less seriously, than the other forms of hate crime. This is highlighted by claims that certain racially or religiously aggravated hate crimes attract longer sentences than LGBT or disability hate crimes.<sup>43</sup>

Additionally, current legislation and police practice does not include all identities or groups, such as those belonging to alternative subcultures, as protected characteristics. Hate crimes are acts of hostility or prejudice committed against an individual because of a central element of their identity or their membership of a particular group.

### **What are the Government and criminal justice agencies doing?**

The previous Government asked the Law Commission (LC) to examine whether aggravated offences and stirring up hatred offences should be extended to all forms of hate crime. The LC consulted on the proposals and VS, the CPS, HMCPSP, Stonewall, Stop Hate UK and a number of police forces expressed support for a possible extension.

In 2014 the LC recommended that a full-scale review of the aggravated offences was needed. In lieu of a full scale review, the LC recommended that the aggravated offences should be extended to cover disability, sexual orientation and transgender identity. On stirring up offences legislation, they stated: “Although we consider there would be a case in principle for creating new offences of stirring up hatred on grounds of disability or transgender identity, we have not been persuaded of the practical need to do so.”<sup>44</sup> The Government has yet to respond, although VS has recently been informed that the Government will be taking some form of action to rectify this issue. Neither further details nor time scales are currently known.

At least 11 police forces now record crimes motivated by hostility towards those belonging to alternative subcultures as a hate crime. Last year, VS supported ten victims of this hate crime. Leicestershire Police, which records hate crimes against alternative subcultures, defines the crime as: “Alternative sub-culture means a discernible group that is

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<sup>43</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/hate-crime-and-its-violent-consequences/written/36588.pdf>

<sup>44</sup> <http://www.lawcom.gov.uk/project/hate-crime/>

characterised by a strong sense of collective identity and a set of group-specific values and tastes that typically centre on distinctive style/clothing, make-up, body art and music preferences.”<sup>45</sup>

The Government has also shown willingness in the past to extend hate crime characteristics, having amended the ‘sentence uplift’ legislation in 2012 to include hostility and hatred on the grounds of gender identity.<sup>46</sup> However VS is not aware of any current Government plans to extend hate crime to cover alternative subcultures.

### Victim Support’s position

*All hate crime characteristics should be equal in law and the Government should expand existing legislation to reflect this.*

VS believes that all hate crime should be treated equally and that aggravated offences and stirring up hatred offences should cover hostility based on all of the protected characteristics. The present state of the law can be confusing for victims and it sends a message that a hate crime motivated by a certain prejudice is more or less serious than the same hate crime motivated by another prejudice. The law should treat all the protected characteristics equally.

*The Government should explore expanding hate crime legislation to include those belonging to alternative subcultures.*

Hate crimes are acts of hostility or prejudice committed against an individual because of a central element of their identity or their membership of a particular group. For this reason, VS recognises crimes targeted at alternative sub-cultures as a form of hate crime and believes the Government should look at the case to make alternative subcultures the sixth monitored strand of hate crime. People belonging to alternative subcultures can be subject to hatred, hostility or prejudice against their collective identity, group values or appearance and crimes motivated by these factors should be classed as hate crime.

#### CASE STUDY

### Sexual Identity Hate Crime

JD\* had been targeted and verbally abused by his neighbour as a result of his sexual orientation. This homophobic language and abuse then escalated into assault, leaving him badly beaten and physically injured. He went to the police who passed on his details to Victim Support who quickly got in touch. We spoke to him to assess his risk and determine his needs and provided him with immediate emotional support.

JD was appointed a VS case worker who had experience of working with people who had suffered hate crime as a result of their sexual identity. The abuse and assault had clearly and understandably had a huge impact on JD and a package of support was put in place straight away. We provided JD and his partner with emotional support, updates about the progress of the case and worked with the police to provide them with window and door alarms to secure their property.

This support continued for a number of weeks, helping JD to recover from the impact of the crime. Finally a date was set for court but JD was very concerned about going into the courtroom with the offender. Our case worker then ensured that he had access to special measures and arranged for him and his partner to provide evidence over video link. The caseworker accompanied them both to court, providing support and reassurance

<sup>45</sup> <https://leics.police.uk/categories/hate-crime>

<sup>46</sup> [http://www.report-it.org.uk/transgender\\_hate\\_crime\\_included\\_in\\_039enhanced\\_](http://www.report-it.org.uk/transgender_hate_crime_included_in_039enhanced_)

throughout the day. The neighbour plead guilty and JD and his partner were happy with the result. Since the completion of the court case our case worker has continued to provide emotional support to both JD and his partner, who both say they have been fully supported and reassured by VS throughout the whole process. at court and the support throughout.”

### **Gwent (Disability Hate Crime)**

LT\* was at a friend’s house when he was assaulted by an acquaintance who had targeted him because of his disability. The crime was reported to the police who had not flagged it as a hate crime. VS contacted LT and having undertaken a needs assessment it became clear that he had been the victim of a disability hate crime. LT was clearly alarmed and distressed and VS assigned him an experienced hate crime case worker who provided face-to-face support at his home where he felt most comfortable.

We ensured that LT felt a little safer by providing him with a personal alarm for his use. LT was nervous and unsure about the criminal justice process and how the police would handle his case so our case worker made contact with the police officer in charge of the case. After explaining LT’s concerns he then received a visit from the police officer who was investigating the crime. The case worker also informed the police of the additional needs that had been identified during the initial needs assessment.

VS has continued to support LT and liaise with his social worker and carers. When the case finally goes to court the case worker will accompany him and ensure that he has access to all the support and special measures that he needs.

\*Names have been changed

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### FURTHER READING

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Home Office: [Action Against Hate; The UK Government’s plan for tackling hate crime](#)

Victim Support: [Crime and Prejudice; The support needs of victims of hate crime](#)

University of Leicester: [The Leicester Hate Crime Project; Findings and Conclusions](#)

CPS: [Hate Crime Report; 2014/15 and 2015/16](#)

Home Affairs Select Committee: [Inquiry into hate crime \(ongoing\)](#)

Home Office: [Hate Crime, England and Wales, 2015/16](#)

Law Commission: [Hate Crime](#)

For more information please contact [policy.team2@victimsupport.org.uk](mailto:policy.team2@victimsupport.org.uk)

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