

Hate Crime Briefing

Aims and Objectives

Hate crime from many perspectives can be viewed as a growing issue which needs to be tackled. It is important to outline what hate crime is and how it can affect not only an individual but also the wider community as well. Recent legislation surrounding hate crime is changing, which means it will have different outcomes for different people. This means it is important to spread awareness on how legislation is changing and why it is important to report incidents of hate crime, which is the aim of this briefing.

The following briefing will aim to:

- Explain what hate crime is
- How it affects different parties
- How legislation is changing
- Why it is important to tackle hate crime
- What support is given to those who experience hate crime

1) Definitions of Hate Crime

Hate crime is defined as actions of either verbal or physical behaviour which is rooted in prejudice and hatred and can have a hugely damaging effect on the victim. These are acts of violence or hostility directed at people because of who they are or are perceived to be. Such actions are specifically targeted at a person with a range of characteristics such as;

- Disability
- Race or ethnicity
- Religion or belief
- Sexual orientation
- Transgender identity

This sort of hate and prejudice people are faced with ranges between these characteristics, and it can take place in different forms such as;

- Harassment
- Verbal abuse such as name-calling and offensive jokes
- Bullying or intimidation
- Physical attacks such as hitting, punching, pushing, or spitting etc.
- Threats of violence
- Hoax calls, hate mail or abuse phone calls and texts
- Abuse through online platforms such as Facebook or twitter
- Displaying or supporting discriminatory literature or posters
- Harm or damage to your belongings
- Graffiti
- Arson
- Malicious complaints for example over parking, smells, or noise

However, hate crime incidents can also become hate crimes when placed in more serious circumstances such as assault, criminal damage, harassment and so on, and can be deemed as such if carried out in the instance of hostility or prejudice. If the crime is perceived to be

the outcome of prejudice or hate, the judge has a right to impose a tougher sentence on the offender under the Criminal Justice Act 2003.

However, there does not have to be a crime committed for instances of prejudice or hatred to be taken seriously. For example, in June of 2020 David Starkey interviewed the historian Darren Grimes who made a racial comment while discussing the Black Lives Matter Movement and were both found to be stirring up racial hatred.¹ The police have been passed on a public order offence and a file was submitted to the Crown Prosecution Service for an investigation. Although the investigation has been dropped, if found guilty, both individuals would have been sentenced to seven years in prison.² This highlights the importance of stirring up prejudice and hatred which is taken into consideration in criminal proceedings.

2) Evidence

In June of 2021 the police released a HM thematic inspection of recorded hate crimes in Scotland which included details of the characteristics which have been identified above. The study found that in 2019-20 Police Scotland recorded 6,448 hate crimes, along with 6,745 hate incidents during the same time period.³ The most common trend which was discovered was hate crimes being committed based on race, then sexual orientation and further, religion and disability. This increase in hate crime, specifically based upon race, could be attributed to Brexit and the Covid-19 pandemic which could have fuelled more prejudice attitudes in individuals.

Further, in February 2021 the Scottish Government published its research paper titled 'A Study into the Characteristics of Police Recorded Hate Crime in Scotland' which provides an update of the work of Police Scotland in reviewing information on hate crime recorded by them. They found that in 2019-20 around 62% of hate incidents had a race aggravator, 20% included a sexual orientation aggravator, 8% religion, 4% disability and 1% transgender identity.⁴ Further, almost two-thirds (or 64%) of race aggravated hate crimes had a victim from a non-white ethnic group.

This supports the evidence pointing towards race being the most common aggravator for prejudice and hatred, among others. This increase could be attributed to people getting better at reporting crime, or in general that hate crime is rising. Although this is an important issue which seems to be increasing, we must keep in mind that there is a possible

¹ Campbell, L. (2020) 'Police Investigate David Starkey Over Slavery Remarks to Darren Grimes'. (Online) the Guardian. Available at: <https://www.theguardian.com/culture/2020/oct/13/police-investigate-david-starkey-over-slavery-remarks-to-darren-grimes> (Accessed 28 February 2022).

² Williams, J. (2020) 'Policing Hate: Have We Abandoned Freedom and Equality?'. (Online) the Guardian. Available at: <https://www.theguardian.com/law/2020/oct/13/policing-hate> (Accessed 28 February 2022).

³ HM Inspectorate of Constabulary in Scotland (2021) 'Thematic Inspection of Hate Crime'. (Online) HM Inspectorate of Constabulary in Scotland. Available at: <https://www.hmics.scot/sites/default/files/publications/HMICS%20Thematic%20Inspection%20of%20Hate%20Crime%202021.pdf> (Accessed 28 February 2022).

⁴ Scottish Government (2021) 'A Study into the Characteristics of Police Recorded Hate Crime in Scotland' (Online) Gov.scot. Available at: <https://www.gov.scot/publications/study-characteristics-police-recorded-hate-crime-scotland/> (Accessed 28 February 2022).

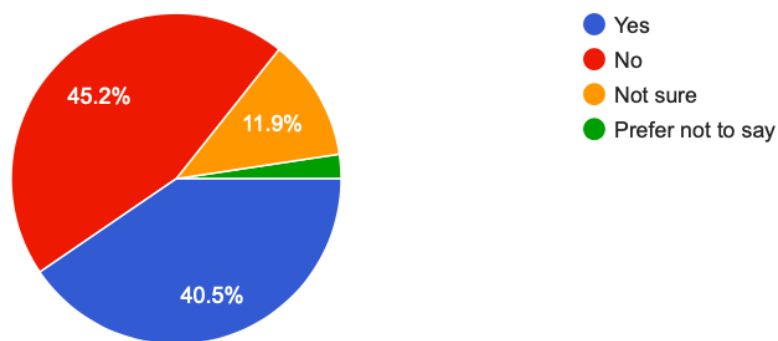
blurred line in statistics due to the number of hate crimes which have not been yet reported by the victim, thus not being included in annual reports.

In October 2021 I conducted a survey for hate crime responses which I sent to my acquaintances. The total number of participants which filled out the survey was 42, with 88.1% of participants being in the 18-24 age bracket, 9.5% in the 25-34 age bracket, and 2.4% of people aged between 45-54. Although this is not a wide representation of participants, the responses are still significant as it is the personal experience of hate crime which is important to the victim.

What is interesting in these responses which you can see below in the graph is that overall, over just half of the participants (54.8%) have been subject to some sort of hate incident.

Have you ever been subjected to a hate incident?

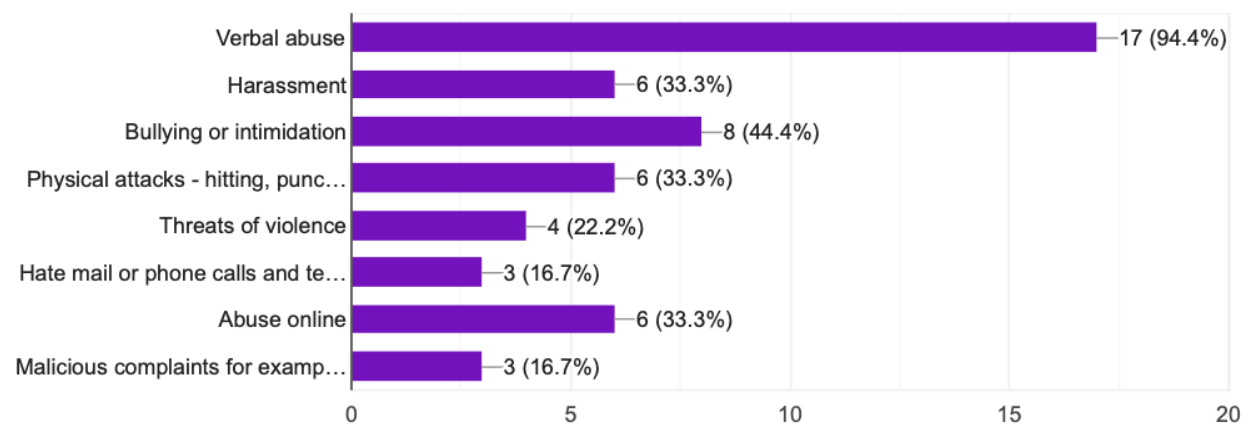
42 responses



Further, as seen in the graph below, those who have experienced a hate incident state it took on a form of either of the incidents mentioned in the graph. As seen, there is a much bigger turnout for the 'yes' response than expected.

If answered yes, in what form did this take place in?

18 responses



Although only 18 out of 42 respondents have been subjected to a hate crime, it is crucial to point out that it took place in all types of hate crime forms. Most importantly, 6/18 of those have been a form of physical attacks such as hitting, pushing, punching or spitting.

3) Changes in Legislation

There are many laws and legislation which ensure that people identifying with a certain characteristic are protected from hatred and prejudice. However, there is debate from the Government whether changes are needed to be made.

One of the pieces of legislation which protects individuals is the Equality Act 2010. It was created in order to replace previous existing anti-discrimination Acts into one, and to strengthen people's protection in certain situations such as discrimination in the workplace and in wider society. The main purpose is to strengthen the law to support progress on equality. Before the Act came into force there were several pieces of legislation which covered discrimination such as;

- Sex Discrimination Act 1975
- Race Regulations Act 1976
- Disability Discrimination Act 1995

There are 9 characteristics of discrimination which are protected within the Act

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

This means that these characteristics are protected from the possibility of being subjected to hate and prejudice in the workplace and from wider society.

Further efforts have been made by the Scottish Government with ambitions to tackle hate crime and build better community cohesion. In 2017, Lord Bracadale undertook an independent review of Hate Crime Legislation in Scotland which considered whether changes needed to be made to the current laws and should be extended to cover other groups, and if all hate crimes should be brought under one single law. The consultation of implementing the Bill was a lengthy process, but the Hate Crime and Public Order (Scotland) Act 2021⁵ has been created and with aims to;

- Ensure that the groups covered by the Act are protected from hate crimes and that the existing laws are fit for protecting people in the 21st century

⁵ Legislation.gov.uk. (2021) '*Hate Crime and Public Order (Scotland) Act 2021*'. (Online) Available at: <https://www.legislation.gov.uk/asp/2021/14/contents> (Accessed 30 February 2022).

- The Act was created in order to update these existing laws and apply them all together as one Act rather than having several separate laws
- The Act also updated the list of characteristics protected under hate crime legislation and proposed the addition of age as well as variations in sex characteristics to the list
- It also abolished the offence of blasphemy which has not been prosecuted in Scotland for more than 175 years
- The Act also created a new crime of 'stirring up' hatred against any of the protected groups covered by the Act
- If an offender is found guilty, the court must take statutory aggravation into account when determining the sentence, which is where the offender demonstrated, or was motivated by, malice and ill-will based on one or many of the listed characteristics
- Currently these offences only apply to stirring up racial hatred which is part of the Public Order Act 1986
- The Act also includes provisions to ensure that information on hate crime recorded by the Police and information on hate crime convictions will be published annually

This is an important piece of legislation as the Act was created with the means to make it clear to the victims and perpetrators their rights, and that prejudice will be treated more seriously and not tolerated by society. As the Act extended the list of protected characteristics, it ensures people are not discriminated on the basis of their age or sex characteristics, which could make employability opportunities better for individuals. It is an important piece of legislation as society needs to understand what hate crime is and why it is not acceptable, and people will feel safer, while diversity will be accepted. These procedures in place will help to ensure that we as a society recognise the harm caused to victims and communities.

4) The Effects of Hate Crime on Different Parties

Being a victim of hate crime is a very personal and individual experience, although, it can further affect other institutions and the wider community. From a personal level, the harms of hate crime can be significant with individuals experiencing;

- Short and long-term emotional impacts
- Continuing to feel "frightened or scared" following the offence
- Loss of confidence
- Having a longer recovery period
- Higher levels of depression, anxiety and anger
- Having suicidal thoughts
- Reduced feelings of safety
- Loss of sense of belonging
- Avoidance of social spaces

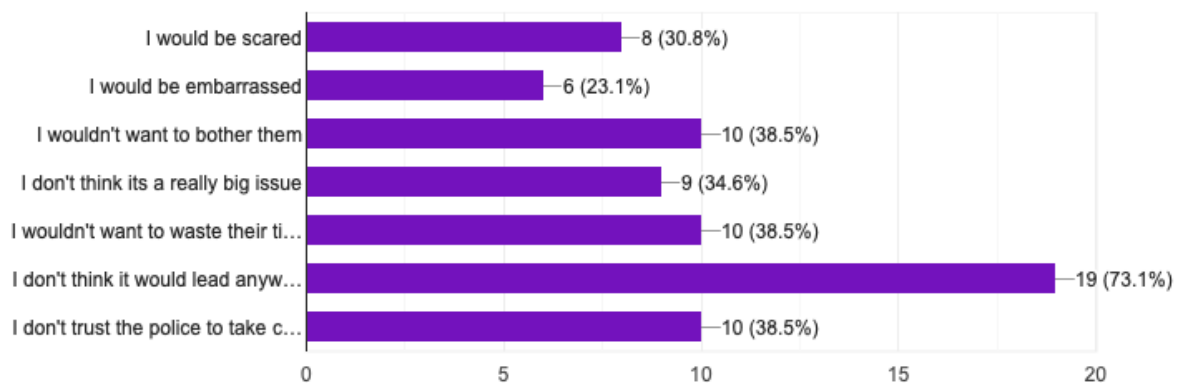
However, hate crime can have damaging impacts on further groups the individual identifies with. If a person belongs to a certain protected group, such as a person of colour or part of the LGBTQIA+ community, it reminds the members of the group that they can be a potential victim at any time. This creates a fear of having the same identity as those who have previously been targeted and having a fear of feeling confident, protected, and having a sense of self while gathering in such groups.

Condoning such behaviour in the community can have further damaging effects on society as a whole, as it can undermine society’s moral values and create less tolerable individuals, while ensuring hatred stays unchallenged. For instance, often people under a protected characteristic have issues with employability as they are faced with assumptions and stereotyping during the employment process, which only reinforced prejudice in society. Therefore, it is important to challenge prejudice as the more accepted it is, the more it becomes a norm and causes individuals to be faced with inequality.

5) Importance of Tackling Hate Crime

Although annually there is a large number of hate crime incidents which are reported, it is also important to note that some individuals do not feel confident in reporting their experiences. Although, under-reporting of hate crime is still a serious issue in the UK. For instance, in the Police Inspection, is shown that still over 68% of hate crime incidents are unreported to the police.⁶ Data suggests that the two most common reasons for this is due to victims not thinking that their complaint would be taken seriously by Police Scotland (67%), and that they were not confident that reporting it to Police Scotland would help (58%).

This is also represented in my survey, showing that only 26.2% of respondents said they would report the incident to the police, 40.5% saying no, and 33.3% not sure. This could be due to the general lack of trust in the police. This can be represented in another graph below when asking why respondents would not report hate crimes to the police.



It is important to report instances of hatred and prejudice as some hate crimes can start as small incidents which may escalate into more serious instances and frequent attacks. By this, people can get the right support and advice, which can stop things from escalating.

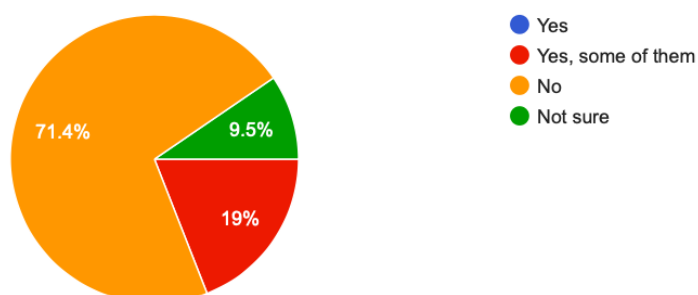
6) Support given to victims of hate crime

When asked if participants of the survey were aware of third-party reporting organisations, 71.4% answered with ‘no’. This could be seen in the graph below.

⁶ HM Inspectorate of Constabulary in Scotland (2021) ‘Thematic Inspection of Hate Crime’. (Online) HM Inspectorate of Constabulary in Scotland. Available at: <https://www.hmics.scot/sites/default/files/publications/HMICS%20Thematic%20Inspection%20of%20Hate%20Crime%202021.pdf> (Accessed 28 February 2022).

Are you aware of any other third party reporting organisations?

42 responses



However, although this is the case, it is crucial to point out that previously when asked if participants would trust reporting incidents to the police, 40.5% stated they would not. This is important since 35.7% of participants stated they would feel more comfortable reporting to a third-party reporting organisation, although 71.4% expressed they weren't aware of any specific organisations. This outcome could be due to the general lack of trust in the police.

Nonetheless, if individuals generally do have more trust in third-party reporting organisations, it is crucial to spread awareness on what organisations they are and what support they offer. These third-party organisations are most commonly charity, voluntary and community-based organisations which aim to provide a service to support communities at a local level, based on the specific needs they require.⁷

Fife Centre for Equalities is one of the organisations which deals with reporting incidents of hate crime and gives support to individuals which ranges from emotional to psychical support, such as giving access to hire assistive equipment, but most importantly they offer victims a safe and inclusive space. Individuals have the opportunity to report the hate incident to the police⁸, but they are not required to and can keep their identity anonymous if they feel uncomfortable doing so.

Fife Centre for Equalities finds it crucial to spread awareness on hate crime as some are not aware they are a victim or understand the implications and consequences that it causes. They do so by holding the Equality Collective which allows individuals to stay informed and be included in recent events and activities, take part in research projects, and most importantly celebrating sharing personal experiences which help promote equality and inclusion. The organisation also has a range of training courses in collaboration with other organisations which cover topics on support and protection, violence against women, health promotion and trauma training. This ensures that individuals are informed about what hate crime is and its negative impact, as well as spreading awareness on the opportunities and support available through reporting these incidents.

⁷ 'What is the Third Sector and What does it do?' (Online) Available at: <http://toolkit.northernbridge.ac.uk/engagingwithpolicymakers/engagingwiththethirdsector/whatisthethirdsectorandwhatdoesitdo/> (Accessed 21 March 2022).

⁸ <https://www.scotland.police.uk/secureforms/c3/>

Although they themselves offer support to victims, the organisation also works alongside other third-party organisations such as Victim Support⁹ or SACRO¹⁰. It is important for Fife Centre for Equalities to be transparent with the people who reach out to them, and if they cannot offer the help the victim requires, they contact such organisations to ensure their needs are fully met.

Gaining a better understanding behind the forces of hate and prejudice, as well as working alongside the police and spreading awareness on hate crime and its recent legislation allows for both the victim and the offender, as well as the whole community to understand the implications and consequences posed with hate crime. This can ensure to close the gap between hate crime and reporting statistics, as well as ensures that society is an inclusive and fair space for all, regardless of your race, religion, disability, sexual orientation, or transgender identity, among others.

7) About the Author

My name is Weronika Bernat and I am currently finishing my degree in Criminology at the University of Abertay. I had the opportunity to take up placement with Fife Centre for Equalities as part of my course and I chose this organisation because I was interested in the work they do and the support they offer to people. I had the opportunity to learn about hate crime and its implications and be able to apply the skills and qualities I have learned at university to the placement, which allowed me to create this briefing. It has been a pleasure to work alongside the organisation and I have not only managed to gain a much deeper understanding of hate crime, as well as the legal side of it, but also learned a lot of transferrable skills which will be useful for the future world of work after I graduate.

⁹ <https://www.victimsupport.org.uk>

¹⁰ <https://www.sacro.org.uk>

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