

FACTSHEET- Hate Crime

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1. INTRODUCTION

A hate crime is any criminal offence that is motivated by the perpetrator’s hostility, prejudice or indeed hatred based upon the victim’s perceived:

- race
- religion or belief
- sexual orientation
- transgender
- disability

In 2008-09 domestic violence moved out from Hate Crimes to be managed under the Violence against Women (VAW) Strategy, with a specific VAW Indicator.

Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or insults, or offensive graffiti or letters.ⁱ

2. KEY FACTSⁱⁱ

- In the four years ending March 2009, over 49,200 defendants were prosecuted for hate crimes
- The conviction rate rose from 74% in 2005-06 to 82% in 2008-09
- In the four years ending March 2009, over 45,200 defendants were prosecuted for crimes involving racist or religious crime. 57,055 racist incidents were reported in 2007/8, so figures of actual crimes are far higher.ⁱⁱⁱ
- In the four years ending in March 2009, over 3,400 defendants were prosecuted for homophobic or transphobic crimes.
- In the two years ending March 2009, 576 defendants were prosecuted for disability hate crime.

Crime Type and Convictions 2008-9^{iv}

Motivation Type	Total	Percentage of Convictions Completed	Percentage of Unsuccessful Convictions
Total	13,030	82%	18%
Racial	11,264	82.4%	17.6%
Homophobic	1,013	80.5%	19.5%
Disability	393	76.1%	23.9%

Cost

The Home Office provide in excess of £300,000 in 2009/10 for hate crime victim projects through the Victims' Fund Hate Crime Section.^v The total cost of hate crime to society in England and Wales is currently unknown.

3. DETAIL

(i) Key findings from Crown Prosecution Service Hate Crime report, 2009^{vi}

- In the four years ending March 2009, guilty pleas increased from 64% to 69%
- The majority of defendants across the hate crime strands were men.
- 75% of hate crime defendants were identified as belonging to the White British Category, and 79% were categorised as White.
- 25% of hate crime cases involve under-18s and 15% young men and boys.
- Data on victim demographics are less complete and remain under development. However, where gender is known, men formed the largest proportion of victims across all strands, at 68% of the total.
- London- cases of hate crime in London have gone up 4-11% (inc domestic violence)^{vii}
- Offences against the person and public order offences were the most numerous categories of offences, representing 83% of hate crime prosecutions in 2008-09 (43% and 40% respectively). Criminal damage accounted for a further 5%.
- Of 'Offences against the person' offences: 42% were racial and religiously aggravated cases, 48% homophobic and 45% disability hate crimes). Public order was the second largest for racial and religiously aggravated and homophobic cases (42% and 36%). Theft and handling offences were the second largest category in disability hate crime (12%).

Incident rates for 2005-9, breakdown of hate crime types

Type of hate crime	No. defendants prosecuted	Conviction rate	Guilty pleas	Percentage of male defendants
Racist and religious	45,200+	82% (up from 74%)	69% (up from 64%)	85%
Homophobic and transphobic	3,400+	81% (up from 71%)	81% (up from 67%)	86%
Disability	576 (2008-9) (up from 141 in 2007-8)	76% (N/A)	76% (N/A)	-

Racially-motivated crimes are often seen to be propelled by Stop and Search. Police have been accused of 'institutional racism' for disproportionately targeting ethnic minorities, particularly Black British, and as a result figures for racially motivated crime can be distorted. Nationally, black people are still stopped and searched at least six times the rate of white people and Asian people are about twice as likely to be stopped and searched as white people.^{viii}

(ii) Honour crime

- The number of murders, rapes and assaults on people who dare to break strict religious or cultural rules is doubling every year, police figures show. Up to two violent "honour crimes" being committed every day and up to 12 honour killings every year^{ix}
- Charities which help victims of honour crimes say the true extent of the problem is far worse than the statistics show, as every year hundreds of victims - normally women - are too frightened to report attacks or to give evidence in court.
- Often cases are unresolved due to the unwillingness of family, relatives and communities to testify. A 2006 BBC poll for the Asian network in the UK found that 1 in 10 of the 500 young Asians polled said that they could condone the murder of someone who dishonored their family^x
- UK Honour-crime is predominantly London based, Met Police recorded huge rise: 211 incidents reported Apr-Oct 2009 in London, of which 129 criminal offences.^{xi}

(iii) Key Cases: hate crimes that have been in the public eye and have led to amendments in legislation.

Stephen Lawrence (1993) - racially motivated

- Low Point in community confidence in Police after forensic evidence mishandled/misplaced
- Seen as the single most important hate crime case in recent decades, it acted as a catalyst for significant improvements
- Tireless large-scale campaigning led by Stephen's parents Doreen and Neville has improved confidence
(See *Measures taken* section for table of legislative amendments brought about by this case)

Anthony Walker (2005) - racially motivated

- Following measures put into place after the Stephen Lawrence Inquiry, Baroness Scotland was famously quoted as saying "The handling of the Anthony Walker prosecution has indeed set a standard which we can and surely must aim to achieve in all similar cases" (Nov 2007)

Jody Dobrowski (2005) - homophobic

- Deemed a 'tip of the iceberg' case by police and gay rights campaigners

- Brought to public attention the real threat of homophobic violence still in existence, despite the apparent confidence of today’s gay community.
- 12 years after the Stephen Lawrence murder, the Dobrowski case has been a success story, with the efforts of police and prosecutors resulting in the attackers being jailed less than 10 months after the murder.

Tulay Goren (1999) - honour killing

- Wife’s testimony lifted the ‘veil of secrecy’ surrounding honour crimes and acted as a ‘wake-up call’ to negligent police who didn’t respond to nine complaints from the family, in the run-up to the murder because they had little understanding of the concept of honour crimes.^{xii}

(iv) Measures taken

Regulatory bodies

Hate Crime Scrutiny Panels—At local level, these community involved panels examine finalised hate crime and domestic violence files in order to learn lessons for the future about handling such cases. Importantly, the panels are chaired by a member of the community. The majority of the 42 CPS Areas are now covered by either a single or a shared Hate Crime Scrutiny Panel. Each panel consists of 3- 6 community members largely drawn from organisations and people who have experience of supporting victims and witnesses of hate crime. The Hate Crime Scrutiny Panels assist with business planning and other strategic matters. They vary in their focus depending on local contexts, with some focusing on all types of hate crime, some focusing on domestic violence, and others, initially at least, focusing only on a particular hate crime or on domestic violence prevalent in the local area. The Crown Prosecution Service then take over at the stage of hearing/sentencing.^{xiii}

Race for Justice- the Attorney General's strategy for how to deal with hate crime right across the justice system. It takes crimes reported from when a person calls the police, or goes into a third party reporting centre, right the way through to when a judge sentences in court. It represents the first coherent strategy across Government of dealing with hate crime.^{xiv}

Association of Chief Police Officers (ACPO) Hate Crime Group- Signed off a consistent definition of hate crime in 2008 and set minimum standards for investigations of suspected hate crimes. They will also publish annual data on hate crime beginning in 2010.^{xv}

Legislation

Year	Amendments made to legislation prompted by the Stephen Lawrence case ^{xvi}
1993	Stephen Lawrence murdered.
1999	Government’s response to the Stephen Lawrence Inquiry published.
2000	The Race Relations (Amendment) Act 2000 passed, placing a general duty on public bodies to promote racial equality.

2002	CPS publishes its policy and guidance for prosecutors on prosecuting homophobic offences.
2003	Criminal Justice Act 2003 places a general duty on courts to treat more seriously any offence that can be shown to be racially or religiously aggravated or motivated. It also places a duty on courts to increase the sentence for any offence aggravated by the demonstration or motivation of hostility based on the victim's disability (or presumed disability) or sexual orientation (or presumed sexual orientation).
2003	CPS publishes policy and guidance on the prosecution of racist and religious crime.
2005	ACPO publishes guidance for police staff in its manual <i>Hate Crime: Delivering a Quality Service – Good Practice and Tactical Guidance</i> .
2007	The CPS publishes its policy and guidance on prosecuting cases of disability hate crime. The Inter-Departmental Working Group on Antisemitism is established.
2008	The CPS publishes its first annual hate crime report, bringing together figures on the prosecution of all forms of hate crime for the first time.
2008	The Criminal Justice and Immigration Act 2008 amends the Public Order Act 1986 to include incitement to hatred on the grounds of sexual orientation.
	Department for Communities and Local Government (CLG) funding commitment of over £7.5 million to facilitate interfaith dialogue.
2009	A common definition of hate crime is accepted by ACPO and the CPS, drawing directly from the definition in the report of the Stephen Lawrence Inquiry.
	Publication of the <i>Stephen Lawrence Inquiry 10 Years On: Progress Against the Recommendations</i>
	London Declaration on how to Tackle Antisemitism

4. ANALYSIS

(i) Problems

Challenges identified by the Government through engagement with stakeholders are: ^{xvii}

- under-reporting
- bringing perpetrators to justice
- incitement to hatred over the internet
- intervention and prevention
- limited evidence on the nature and extent of hate crime
- improving efforts within particular communities
- intersectionality (when various categories of discrimination interact on multiple/simultaneous levels, contributing to systematic social inequality)
- empowering and supporting victims.

Recurring themes across various reports regarding why victims did not report hate crimes:

- Hate crimes happen too frequently to report
- What happened was not 'serious' (victim confusion as to what constitutes a serious enough offence to warrant police involvement)
- That reporting could lead to escalation in victimisation
- Particularly sensitive issues of victim being involuntarily 'outed' or exposed as transgender.

Lack of transparency in sentencing is a general problem but one particularly affecting hate crimes. While the Criminal Justice Act has sections built in to deal with hate crime sentencing, they are unclear on how the 'aggravating factors' affect sentence length and Parole terms.

- Section 145 stipulates that if an offence was racially or religiously aggravated, the court (a) must treat that fact as an aggravating factor, and (b) must state in open court that the offence was so aggravated.^{xviii}
- Section 146 stipulates that if an offence was motivated wholly or partly by hostility towards persons who are (or are presumed to be) of a particular sexual orientation, or who have a disability or a particular disability, then the a) and b) clauses of section 145 must also apply.^{xix}
- Imprecise definitions: Even though the CPS settled on a definition, the use of the word hostility as opposed to hate remains problematic – "In the absence of a precise legal definition of hostility, let us consider dictionary definitions including 'unfriendliness', 'antagonism' and 'meanness' – Director of Public Prosecutions October 2008"^{xx}
- Non-crimes are an important consideration because it is very rare for an offender to commit murder as their first offence. Thus, especially when it comes to hate crime we often have to take into account pre-hate crimes that lead to tragic events (e.g. the Fiona Pilkington case).
- Reasonably high rates of 'unsuccessful' trials because of 'victim issues', such as 'victim retraction' in which the victim retracts his/her claim and/or evidence, or 'acquittal after trial'. Victim retraction is a significant issue with disabled victims of hate crime.
- Lack of awareness of victim support initiatives for certain types of hate crime mean that high proportions of victims are not being referred to these services.

(ii) Counter-arguments

A 2009 survey shows that 82% of people feel that people from different backgrounds get on well together in their local area.^{xxi}

CPS prosecution rates for hate crime are rising steadily with every year, improved overall conviction rate of 82% for guilty pleas.^{xxii}

International context- out of 56 Organisation of Security and Cooperation in Europe (OSCE) member states, the UK is one of only 12 to meet human rights legislation that allows for bias based on sexual orientation to be treated as an aggravating circumstance in the commission of a crime, and one of only 4 to be consistently proactive in the prompt implementation of appropriate monitoring measures. Yet compared with the other countries, the UK was found to have high rises of incidences in violent hate crimes motivated by racism and xenophobia, violent anti-Semitic attacks and violent attacks targeted at Muslims. ^{xxiii}

(iii) What needs to be done

- Raising awareness, especially amongst officials, victims, third sector and communities.
- Standardising definitions of hate crime and working more on pre-emptive strategies.
- Building on local partnerships by recording and responding to hate incidents, communications and scrutiny panels.
- Incremental changes made to certain legislations that eliminate confusion for hate crime sentences.
- Particularly with protecting victims of disability hate crime, the CPS admits it urgently needs to 'raise its game' ^{xxiv}

Glossary of terms: used by the CPS, specifically linked to hate crime:

Monitoring flags: sensitive case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. These allow proceedings to be monitored throughout the prosecution, and enable reporting of outcomes following the conclusion of the case.

Pre-charge decisions: in all but minor cases, and those where a guilty plea is anticipated, Crown Prosecutors are responsible for deciding whether a person should be charged with a criminal offence and, if so, what that offence should be, in accordance with the Director's Guidelines.

ENDNOTES

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- ⁱⁱ CPS Hate Crime report 2009 <http://www.cps.gov.uk/publications/equality/>
- ⁱⁱⁱ Statistics on Race and the Criminal Justice System 2007/08, Ministry of Justice, April 2009. <http://www.justice.gov.uk/stats-race-criminal-justice-system-07-08-full.pdf>
- ^{iv} CPS Hate Crime report 2009 Annex 1, Prosecution by Area http://www.cps.gov.uk/publications/docs/CPS_hate_crime_report_2009.pdf
- ^v Home Office <http://www.homeoffice.gov.uk/documents/hate-crime-action-plan/hate-crime-action-plan2835.pdf?view=Binary>
- ^{vi} CPS Hate Crime report 2009 <http://www.cps.gov.uk/publications/equality/>
- ^{vii} Crimestoppers UK, Crime Statistics <http://www.crimestoppers-uk.org/media-centre/crime-in-the-news/april-2009--crime-in-the-news/latest-crime-figures-in-london>
- ^{viii} Equality and Human Rights Commission <http://www.equalityhumanrights.com/media-centre/2010/march/warning-from-commission-over-disproportionate-use-of-stop-and-search-by-police/>
- ^{ix} BBC Ethics Guide: Honour Crime http://www.bbc.co.uk/ethics/honourcrimes/crimesofhonour_1.shtml
- ^x BBC, September 2006. <http://news.bbc.co.uk/1/hi/uk/5311244.stm>
- ^{xi} BBC, December 2009. <http://news.bbc.co.uk/1/hi/uk/8399448.stm>
- ^{xii} Telegraph article, Tulay Goren <http://www.telegraph.co.uk/news/uknews/crime/6835482/Tulay-Goren-murder-honour-crimes-doubling-every-year-figures-show.html>
- ^{xiii} Attorney General's Office- Public Input into Prosecutions, July 2009 <http://www.attorneygeneral.gov.uk/NewsCentre/Pages/AttorneyWelcomesBoostForPublicInputIntoProsecutions.aspx>
- ^{xiv} Scope, Superintendent Paul Giannasi statement <http://209.85.229.132/search?q=cache:JUsyhDx0ibwJ:www.timetogetequal.org.uk/messages.asp%3Ftopicid%3D368%26section%3D94+paul+giannasi&cd=7&hl=en&ct=clnk&gl=uk>
- ^{xv} Ibid.
- ^{xvi} Home Office- Hate Crime Action Plan 2008-11 <http://www.homeoffice.gov.uk/documents/hate-crime-action-plan/hate-crime-action-plan2835.pdf?view=Binary>
- ^{xvii} Ibid.
- ^{xviii} Criminal Justice Act 2003 http://www.england-legislation.hmso.gov.uk/acts/acts2003/ukpga_20030044_en_14#pt12-ch1-pb1-l1g145
- ^{xviii} <http://www.mdx.ac.uk/aboutus/Schools/hssc/psychology/fps/index.aspx>
- ^{xix} Ibid.
- ^{xx} Middlesex University- Hate Crime Index <http://www.mdx.ac.uk/aboutus/Schools/hssc/psychology/fps/index.aspx>
- ^{xxi} Communities and Local Government- Citizenship Survey, January 2009 <http://209.85.229.132/search?q=cache:H6b4qmOGHjk:www.communities.gov.uk/news/corporate/1134030+2009+survey+82%25+of+people+feel+that+people+from+different+backgrounds+get+on+well+together+in+their+local+area&cd=1&hl=en&ct=clnk&gl=uk&client=firefox-a>
- ^{xxii} CPS Hate Crime report 2009 <http://www.cps.gov.uk/publications/equality/>
- ^{xxiii} 2008 Hate Crime Survey (International) <http://www.humanrightsfirst.org/discrimination/pages.aspx?id=157>
- ^{xxiv} Independent- Help for Disabled Crime Victims, March 2010 <http://www.independent.co.uk/news/uk/crime/help-pledged-for-disabled-hate-crime-victims-1925170.html>