Written evidence submitted by the Government

Introductory comments

Hate crime is a particularly pernicious form of criminal behaviour and can have a significant impact upon victims, their families and wider society. Crime driven by hostility or hatred based on personal characteristics is unacceptable.

The previous Government’s plan to tackle hate crime, published in 2012, delivered real improvements in how hate crime can be reported and improved understanding within the police and wider criminal justice system of the impact it has on individuals and communities. Specific changes following that action plan include:

- Publishing, for the first time, detailed findings from the Crime Survey for England and Wales (CSEW) on the extent of hate crime victimisation in England and Wales;
- Improving the police recording of hate crime;
- Funding a number of projects with voluntary sector organisations working with victims of hate crime under the Ministry of Justice’s Victim and Witness Fund; and
- Amended legislation to provide for enhanced sentencing in a wider range of crimes, such as including a victim’s transgender identity as an aggravating factor for the first time.

The Government has made it a priority to build upon this work. This is why, on 26 July 2016, we published the new Hate Crime Action Plan. The plan is victim-focused and has been developed in consultation with a number of victims’ advocacy groups, and will be reviewed in 2018. The main aims of the plan are:

- Preventing hate crime – by challenging the beliefs and attitudes that can underlie such crimes through working with young people, teachers and community partners to tackle hatred and prejudice;
- Responding to hate crime within our communities, including a funding scheme for security measures at places at vulnerable institutions, measures to tackle hate crime on public transport and establishing three community demonstration projects to explore new ways of tackling hate crime in local communities;
- Increasing reporting of hate crime, through improving the reporting process, encouraging the use of third party reporting and working with groups who may under-report;
- Improving support for victims. The Crown Prosecution Service will produce new guidance on community impact statements for hate crime, and will conduct a joint review with the police of Witness Care Units; and
- Building our understanding of hate crime through improved data and research, including the disaggregation of hate crimes by religion.

The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.

We have a robust legislative framework for dealing with hate crime in England and Wales and all five monitored strands of hate crime (race, religion, sexual orientation, transgender identity and disability) are covered by the sentencing framework. This means that, where we can demonstrate the offence was motivated by hostility or prejudice based on a person’s real or perceived race, religion, transgender identity, sexual orientation or disability, provisions are in place to increase the sentence. Any murder motivated by hostility on these grounds also attracts a life sentence with a 30 year starting point for the minimum term in England and Wales. This sends out a clear message to society that crimes motivated by an intrinsic part of a person’s identity will not be tolerated.

Racially and religiously aggravated offences covering wounding, assault, damage, harassment (including stalking) and threatening/abusive behaviour carry higher maximum penalties than equivalent non-aggravated offences. Offences of stirring up hatred on grounds of race, religion or sexual orientation carry maximum penalties of seven years’ imprisonment. There is also an offence of racialist chanting at football matches.

The Government continues to keep the law under the review. The Law Commission reviewed hate crime legislation in 2014 to see whether existing offences should be extended to other groups not currently covered by the offences and made recommendations including a full review of the hate crime framework. The Government made a commitment to a review of hate crime legislation in its manifesto and is considering options. The Government’s commitment to ensuring hate crimes are dealt with robustly can be evidenced by the HMIC joint review of disability hate crime in 2013 and 2015 and a review of all hate crime strands which is scheduled to begin place later this year.

The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates.

Throughout our consultations with hate crime victims and their advocates we have been asked to ensure that all victims feel empowered and encouraged to report hate crime whether it be verbal abuse or a physical attack. We have heard from victims’ organisations that to encourage reporting we need to show that something will be done, that the victims will be kept informed of any progress and if the matter goes to court the victims are informed of the outcome.
Many victims say that they don’t report incidents because they believe the police won’t take the issue seriously, or that verbal abuse is not serious. Many victims say that when they cannot identify the perpetrator they feel it is not worth reporting a hate crime to the police.

The CSEW asks people who have experienced crimes in the past year whether they reported it to the police. Based on the 2012/13 to 2014/15 CSEW, 48% of hate crime incidents came to the attention of the police, which is similar to the proportion of hate crimes in previous surveys, but higher than that for overall crime recorded in the survey, which was 40%.

There are three key areas where we can act to help increase victim confidence and improve reporting rates:

i. improving awareness of hate crime and third party reporting facilities;
ii. improving recording and data capture; and
iii. how the criminal justice system publicises hate crime convictions and improving the police response to hate crime.

Activities to support the delivery of these actions, including working with transport providers and voluntary community sector organisations to improve the reporting of hate crime are contained within the action plan.

The role of social media companies and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating.

Domestically, work is ongoing within Government to improve the evidence base in relation to online hate crime. This improved evidence base will further the Government’s work in being more proactive in identifying and challenging hate sentiment on line.

We believe that there is no single solution to reducing the harm caused by online hatred and we support a number of initiatives to serve victims and deter offenders. We support the police’s True Vision web facility which provides information about how to rest online hate crime and allows victims to report offensive material online.

Our robust legislative framework allows the more serious offences to be prosecuted. This legislation includes the following acts, which are used to prosecute hate crime online:

- Section 127 of the existing Communications Act 2003 creates an offence of “sending, or causing to be sent, by means of a public electronic communications network, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character.”
Other relevant legislation includes:

- Malicious Communications Act 1988,
- Computer Misuse Act 1990,
- Protection from Harassment Act 1997
- The Criminal Justice and Public Order Act 1994
- Section 15 Sexual Offences Act 2003 (for grooming)
- Breach of the Peace

- Protection from Harassment Act 1997. The Protection from Harassment Act 1997 makes it an offence for someone to pursue a course of conduct which amounts to harassment (section 2) and also criminalises courses of conduct which cause someone to fear violence (section 4). In November 2013, two new offences of stalking (section 2a) and stalking involving fear of violence or serious alarm or distress (section 4a) were introduced.

- Communications Act 2003. Section 127 of the Communications Act 2003 creates an offence of sending, or causing to be sent “by means of a public electronic communications network a message or other matter that is grossly offensive or of an obscene or menacing character”.

- Malicious Communications Act 1988. Under the Malicious Communications Act 1988 it is an offence to send communications or other articles with intent to cause distress or anxiety, this covers all forms of communication such as email, faxes and telephone calls.

We also support No Hate Speech UK, which is a relatively new approach, commissioned by the police where a charity trains, equips and supports young people to support victims and to challenge hate material through counter-narrative activity. We will continue to develop these diverse approaches under the 2016 Hate Crime Action Plan.

DCMS lead on online safety, and are supporting the following actions to protect people from online hate or abuse.

The UK Council for Child Internet Safety (UKCCIS) is a multi-stakeholder forum representing over 200 organisations with an interest in internet safety. It brings together government, industry, law enforcement, academia, charities and parenting groups to work in partnership to help to keep children and young people safe online.
The UKCCIS Executive board is chaired by Ministers across three Government Departments: Edward Timpson MP, Parliamentary Under-Secretary of State for Children, Sarah Newton MP, Minister for Vulnerability, Safeguarding and Countering Extremism, and Baroness Joanna Shields, Minister for internet Safety and Security.

UKCISS has achieved considerable success, without the need for statutory regulation, and through the voluntary efforts of its members.

Social media can also be a forum for hate crime online. In the vast majority of cases, communications sent via social media will not cross the threshold into criminal behaviour but may still cause offence to other users. Where this is the case, Government expects social media companies, and others, to have robust processes in place and to act promptly when abuse is reported; including acting quickly to assess the report, removing content which does not comply with the acceptable use policies or terms and conditions in place and, where appropriate, suspending or terminating the accounts of those breaching the rules in place.

Work is also ongoing within the EU, which we continue to engage with ahead of article 50 being triggered. This work includes the EU Internet forum. The forum brings together governments, Europol and technology companies to counter terrorist content and hate speech online, while balancing this against the need to defend the right to freedom of expression.

In 2016 the European Commission and IT companies agreed a “Code of Conduct on Countering Illegal Speech Online”. The Code of Conduct states that IT companies will take the lead in countering the spread of illegal hate speech online to guide their own activities, share best practice with other internet companies, platforms and social media operators.

The IT Companies also share the commitment to tackle illegal hate speech online. It includes all conduct publicly inciting violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin.

To prevent the spread of hate speech in line with the Framework Decision, IT companies recognise it is essential that relevant national laws are fully enforced in the online as well as offline space. Some of the provisions in the code include:

- Clear rules prohibiting the promotion of incitement to violence and hateful conduct;
- Clear and effective processes to review notifications regarding illegal hate speech on their services;
• Reviewing ‘valid requests for notification’ against their rules and community
guidelines and (where appropriate) national laws with dedicated review teams;
• Removing the majority of valid notifications in less than 24 hrs;
• Providing regular training to their own staff for further potential improvements;
• Intensifying the sharing of best practice with social media companies; and
• Encouraging critical thinking and promotion of independent counter-narratives
and supporting educational programs.

The Commission and IT companies have agreed to assess their commitment and
impact against the code through regular meetings and reporting to the Council of the
European Union’s High Level Group on Combating Racism, Xenophobia and forms
of intolerance by the end of 2016.

The role of the voluntary sector, community representatives, and other
frontline organisations in challenging attitudes that underpin hate crime.

The voluntary sector and other front line organisations play a key role in working with
the Government to tackle hate crime through education interventions as well as
supporting and engaging with victims and witnesses and ensuring that they have a
good understanding of the support available to them.

We will only be able to drive down hate crime by tackling the beliefs of prejudice and
intolerance that fuel it at an early stage. We believe that early interventions will help
to reduce the level of hate crime and support for groups that promote racism and
other forms of hatred and intolerance.

DCLG supported the Anne Frank Trust from 2011 through to March 2015 to work in
London and the North West. The project reached 55,000 young people across
London, the North West and the West Midlands during that time. The Anne Frank
Trust’s new programme builds on the strongest elements of the existing Schools and
Ambassadors Programme, and will integrate new approaches that will help the
young people the Trust works with to better tackle the pernicious ideologies that
underpin hate crime. We will continue funding the programme in London and the
West Midlands to challenge prejudice and discrimination and to inspire young people
to become responsible community members who engage in social action. Our
support for the Anne Frank Trust’s work is indicative of our shared concern for
tackling hate crime and challenging the prejudicial attitudes that underpin it.

Tackling bullying remains a priority for Government. We have sent a clear message
to schools that bullying should not be tolerated in our schools. All schools are
required by law to have a behaviour policy with measures to tackle bullying among
pupils. Schools are free to develop their own anti-bullying strategies but they are
held clearly to account for their effectiveness through Ofsted. The best schools
foster character, tolerance and courtesy so that pupils treat each other, and staff,
with respect and appreciate the impact that their actions can have on others. The voluntary sector, community representatives, and other frontline organisations play an important role in both delivering vital services and support to hate crime victims and challenging the attitudes and behaviours that underpin hate crime.

On 8 July, the Department for Education and Government Equalities Office launched an invitation to tender for a new Homophobic, Biphobic and Transphobic (HBT) Bullying Fund. Up to £2.8 million will be available for the programme over three years from September 2016 to 31 March 2019, in order to help organisations to prevent and respond to HBT bullying across schools in England. This will build on the success of the previous £2 million pilot HBT Bullying programme, which ran between 2015-2016.

This new work builds on the evaluation of the previous eight initiatives funded under the programme, which suggested school staff’s confidence to tackle HB&T bullying had improved. Findings included: an increase from 25 to 85 percent of participating teachers who agreed or strongly agreed that they had sufficient knowledge of different strategies they could use to address homophobic and biphobic bullying; and an increase from 40 to 93 percent in the perceived confidence of teachers to address transphobic language.

The National LGBT Hate Crime Partnership has played a key role in bringing voluntary organisations together, and ensuring a consistent approach is taken to tackling hate crime. Through the partnership, guidance has been produced and is being disseminated throughout England, Scotland and Wales.

We have also committed to disseminating to community-based partners the quality standards document that has been developed by the National LGBT Hate Crime Partnership, providing a framework to assist organisations in identifying issues for improvement in tackling hate crime. The project has also produced information resources that will be hosted on the True Vision website.

Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved.

Our main sources of information on the state of hate crime in England and Wales are police recorded crime and the Crime Survey for England and Wales (CSEW).

In 2014/15, there were 52,528 hate crimes recorded by the police, an increase of 18% compared with the 44,471 hate crimes recorded in 2013/14, of which:

- 42,930 (82%) were race hate crimes;
- 5,597 (11%) were sexual orientation hate crimes;
3,254 (6%) were religion hate crimes;
2,508 (5%) were disability hate crimes; and
605 (1%) were transgender hate crimes.

While police-recorded hate crime has increased, there was a statistically significant fall in the number of hate crime incidents from 307,000 in the combined 2007/08 and 2008/09 CSEW to 222,000 in the combined 2012/13 to 2014/15 CSEW (a fall of 28% between these combined surveys).

The most commonly reported motivating factor in these hate crime incidents was race, with an average of 106,000 incidents a year; the second most common motivating factor was disability (70,000 incidents per year).

Our focus is to narrow the gap between perception of hate crime (CSEW) and recorded crime. The results of efforts to improve the reporting of hate crime over the life of the last Hate Crime Action Plan are evident across the strands but more needs to be done to improve the reporting of disability hate crime. We are also aware that the conviction rates for disability hate crime are lower than for other hate crime strands.

The CSEW shows that victims of hate crime are less satisfied by the response they receive from criminal justice agencies when compared with other forms of crime. Based on the combined 2012/13 to 2014/15 surveys, 52% of hate crime victims were very or fairly satisfied with the handling of the matter, a lower proportion than for victims of CSEW crime overall (73%). Hate crime victims were also more likely to be very dissatisfied (35%) with the police handling of the matter than overall CSEW crime (14%).

The combined 2012/13 to 2014/15 surveys show that victims of hate crime were also less likely to think the police had treated them fairly or with respect, compared with victims of CSEW crime overall. In 59% of hate crime incidents the victims thought the police treated them fairly, compared with 81% of incidents of CSEW crime overall. Similarly, in 79% of incidents of hate crime, victims thought the police treated them with respect, compared with 89% of incidents of CSEW crime overall.

The data from the CSEW indicates hate crime victims are more likely to be 'repeat victims' and are also more than twice as likely to experience fear, difficulty sleeping, anxiety or panic attacks or depression compared with victims of overall CSEW crime.

Data is also available on hate crimes and incidents in the devolved administrations, including the Scottish Crime and Justice Survey and the All Wales Hate Crime Survey conducted in 2013 by Cardiff University. This data shows a comparable picture to CSEW figure on numbers of hate crimes and incidents.
The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved

Where people have suffered hate crime it is right that they are provided with support. We know that hate crime has a disproportionate impact on victims. Research has shown that victims feel more traumatised by hate crimes than equivalent crimes with no such motivation. We need to ensure victims are provided with timely and effective support both at the time of the hate crime and after. This will lead to increased confidence in the police and other criminal justice agencies.

Much of the existing support comes from the community groups that the Government supports. The new Cross-Government Hate Crime Action Plan outlines further action that we will take to support victims in the community and the criminal justice system.