# Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime

March 2012

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### Ministerial Foreword



All crime is wrong, but that which is motivated by hatred of a particular characteristic of the victim — whether it's their race, faith, sexual orientation, gender identity, perceived disability or anything else - is particularly corrosive. Tackling hate crime matters, not just because of the devastating consequences it can have for victims and their families, but also because it can divide communities.

I believe that everyone has the right to live their life free from the fear of attack or abuse because of who they are, and we have come some way since the tragic murder of Stephen Lawrence. Britain today is more diverse than ever before, and the vast majority of us embrace this rich mix of different races, cultures, beliefs, attitudes and lifestyles. Victims of hate crime now have greater legal protection, with the courts having enhanced sentencing powers to reflect the seriousness of such offences. The police and Criminal Justice System professionals have improved their understanding and recognition of hate crimes, and we have worked with the voluntary sector to break down barriers and encourage more victims to come forward.

The Coalition's Programme for Government included a commitment to improving the recording of hate crimes, to give us a better picture of where the problems are and to help the police and others use their resources more effectively. At the same time, whilst hate crime continues to be under-reported, the most recent police figures show that more disabled, lesbian, gay, bisexual and transgender victims are coming forward.

However, there is still much more to do and no-one should think for a moment that this is a problem we have solved. Those same police figures show that there were over 48,000 hate crimes reported in 2010 in England, Wales and Northern Ireland. That is simply unacceptable in a civilised society, and while people continue to be attacked and even killed because of who they are, we owe it to them, their families and their communities to carry on the fight against hatred.

The lead for tackling hate crime must come from the local level, with professionals, the voluntary sector and communities working together to deal with local issues and priorities. Government, however, has a vital role to play in setting a national direction and supporting those locally-led efforts. This Action Plan is a blueprint for that Government role over the next three years. It brings together the work of a wide range of Departments and agencies to: prevent hate crime happening in the first place; increase reporting and victims' access to support; and improve the operational response to hate crimes.

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There is much that we in Government can and will do to reduce hate crime and protect victims, particularly in partnership with the voluntary sector. This Action Plan makes that clear. But we will only solve this problem when each and every one of us is ready to stand up and confront the hatred that leads to particular groups being victimised. I call on everyone to take up that challenge, and together we can beat hate crime.

Lynne Featherstone MP

Minister for Equality

### 1. Introduction

- I.I We have come a long way since the shocking murder of Stephen Lawrence in 1993. The Inquiry into his death, and the subsequent Macpherson Report, were a catalyst for change not just in the way the police and criminal justice system deal with racially-motivated crimes, but in the recognition of hate crimes more broadly. Importantly, there is greater understanding now of the disproportionate impact hate crimes have on victims, and of the need to work across agencies and with the voluntary sector to overcome the barriers which have caused those who have previously been reluctant to come forward. The law has changed too, with the creation of new offences and courts being given enhanced sentencing powers to deal with offenders.
- 1.2 Government, criminal justice agencies, local authorities and voluntary sector organisations have all worked together to improve the way hate crime is dealt with, and the United Kingdom (UK) is now recognised as a world leader in terms of both legislation and the operational response. More broadly, we have seen a shift in social attitudes over the last decade. The UK has become a more vibrant, diverse place, where it is increasingly understood that it is unacceptable to display hostility and bigotry towards an individual or group.
- I.3 We should not mistake that progress, or the convictions for the murder of Stephen Lawrence welcome though they are as evidence that the problem has been solved. Far from it. The violence and intimidation directed towards faith communities by extremist groups seen at demonstrations, and the brutal killings of lan Baynham (who was killed in a homophobic attack), Gemma Hayter (a victim of disability hate crime) and others illustrate the tragic consequences when hostility or hatred is allowed to escalate. They also highlight that there is much more that we can and should be doing to protect victims and deal with hate crime when it happens. Tackling the underlying prejudice and ignorance that drives hate crime will be key in helping us to move forward.
- I.4 New challenges are emerging, and these, quite rightly help us to focus our efforts. Recent reports by MENCAP and the Equality and Human Rights Commission, for example, have highlighted the serious issues around disability hate crime. Advancing transgender equality: a plan for action, the Government's first ever transgender equality action plan, also demonstrates our commitment to reach out to a community that has previously been marginalised. Meanwhile the issue of tackling racism in football has re-emerged, stressing the importance of why we need to continue to work together to develop new approaches to address the issues facing us we cannot afford to be complacent about tackling hate crime.

- 1.5 This Government believes that everyone should be free to live their lives without fear of abuse or attack on the basis of who they are. All crime is wrong, but crime that is motivated by hatred of the victim is particularly corrosive. Understanding the problem is the first step, which is why the Coalition's Programme for Government includes a commitment to improve the recording of hate crimes. We are delivering on that commitment, and police information on reported hate crimes is being centrally collected and will become part of National Crime Statistics for the first time. This will help forces and their local partners allocate resources more effectively. But this Action Plan goes much further than that, setting out our programme of work for the rest of this Parliament.
- 1.6 Our policy approach to hate crime is based on a human rights approach. It is not, as some would claim, a sign of misguided political correctness. Protection from targeted abuse, regardless of how it manifests, is a right we all share whether we are part of the minority or majority population. We believe that it is right to focus our efforts on those who are most at risk, and to aspire to a position where we all share the same right, to live free from abuse based on our personal characteristics.

### Hate crime - what we know

- 1.7 Hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic.
- 1.8 Legislation to protect victims and tackle those who intend to stir up racial hatred and those who commit racially and religiously aggravated offences or engage in racist chants at designated football matches have been in place for a number of years. In recent years a number of new criminal offences have been introduced, to reflect the seriousness of hate crime, including enhanced sentencing and stirring up hatred towards other groups on the grounds of religion and sexual orientation.
- I.9 In 2007, the police, Crown Prosecution Service (CPS), Prison Service (now the National Offender Management Service) and other agencies that make up the criminal justice system agreed a common definition of monitored hate crime to cover five 'strands,' in particular disability, gender-identity, race, religion/faith and sexual orientation. Primarily, this was to ensure a consistent working definition to allow accurate recording and monitoring!
- I.10 This does not mean that crimes motivated by hostility or hatred of other characteristics, such as gender, age or appearance cannot happen. The tragic murder of Sophie Lancaster, who was attacked simply because of her appearance, is a graphic illustration of this fact. Although crimes such as this may fall outside of the nationally monitored strands, they are nonetheless hate crimes, and they should therefore be treated as such. We have been very clear with local areas that they are free to include other strands in addition to the monitored five when developing their approach to hate crime. For example, some areas have included age or gender in their response to hate crime, to reflect the concerns of local citizens or in response to trends in local crime.

I.II Tackling hate crime matters because of the damage it causes to victims and their families, but also because of the negative impact it has on communities in relation to cohesion and integration. There is clear evidence, to show, that being targeted because of who you are has a greater impact on your wellbeing than being the victim of a 'non targeted' crime<sup>2</sup> – and this is reflected in legislation where enhanced sentencing powers are available to courts dealing with hate crime offenders. We also know that low level hate crimes can escalate quickly if not dealt with early, with victims often being targeted repeatedly. As a number of cases have shown, this escalation can have tragic consequences, if they are not challenged earlier. More widely, tackling hate crime effectively – and being seen to tackle it - can help foster strong and positive relations between different sections of the community and support community cohesion.

1.12 In 2010, 48,127 hate crimes were recorded by police forces in England, Wales and Northern Ireland<sup>3</sup>. Of these:

- 39,311 were racist crimes;
- 4,883 were based on sexual orientation
- 2,007 were religious hate crimes;
- 1,569 targeted disabled people; and
- 357 targeted transgender people.

I.I3 All the available research<sup>4</sup> and testimonies from voluntary organisations suggest that hate crime is hugely under-reported. Some victims may be reluctant to come forward, for example, for fear of attracting further abuse, for cultural reasons, or because they don't believe the authorities will take them seriously. We are particularly keen to address the more isolated sections of the community where victims are even more unlikely to report crimes. We believe that under-reporting is a significant issue among the following groups<sup>5</sup>:

- New migrant communities, including Asylum and Refugee communities;
- Gypsy, Irish Traveller and Roma communities;
- 2 For instance Iganski P, Hate Crimes Hurt More, 2001 and Hate Crime and the City, Policy Press, 2008, pp. 6–17, 74–86 Garcia L, McDevitt J, Gu J and Balboni J, Psychological and Behavioural Effects of Bias and Non-Bias Motivated Assault, Final Report, National Criminal Justice Reference Service, December 1999, pp. 53–55, 87 and 94–95.
- 3 ACPO (2011) Recorded Hate Crime Data for 2010 for England, Wales and Northern Ireland http://www.report-it.org. uk/files/acpo\_hate\_crime\_data\_for\_2010.pdf
- For instance see, Dick S, Homophobic Hate Crime: The Gay British Crime Survey 2008, Stonewall. Metropolitan Police Service, Diversity and Citizen Focus Directorate, Women's Experience of Homophobia and Transphobia: Survey Report, 2008, pp. 27–29. Southern R and James Z, Devon-wide Gypsy and Traveller Housing Needs Assessment, University of Plymouth, November 2006, p. 58. Jansson K, Black and Minority Ethnic Groups' Experiences and Perceptions of Crime, Racially Motivated Crime and the Police: Findings from the 2004/05 British Crime Survey, Home Office Online Report 25/06, pp. 23–24. Also, Disabled People's Experiences of Targeted Violence and Hostility: Research Report for the Equality and Human Rights Commission, Office for Public Management, March 2009, pp. 71–75. Disabled People's Experiences of Targeted Violence and Hostility: Research Report for the Equality and Human Rights Commission, Office for Public Management, March 2009, p. 76. For example, Getting Away With Murder, Scope, United Kingdom Disabled People's Council, Disability Now, 2008. Hidden in Plain Sight, Equality and Human Rights Commission Inquiry into Disability-Related Harassment, September 2011, pp. 141.
- For example, Whittle S, Turner Land Al-Alami M, Engendered Penalities: Transgender and Transsexual People's Experiences of Inequality and Discrimination, The Equalities Review, 2007, p. 53. Southern R and James Z, Devon-wide Gypsy and Traveller Housing Needs Assessment, University of Plymouth, November 2006, p. 58. Greenfields M, Home R, Cemlyn S et al., West of England; Gypsy Traveller Accommodation (and Other Needs) Assessment 2006–2016, Buckinghamshire Chilterns University College, October 2007, p. 130. Living in Fear, Mencap, 2000.

- Transgender victims; and
- Disabled victims.
- 1.14 Research also tell us that combinations of the recognised hate crime strands and aspects of people's identities can affect the nature, prevalence and reactions to hate incidents and hate crimes. In order to tackle hate crime and both empower and support victims, these factors need to be taken into account as part of the response<sup>6</sup>.
- 1.15 We also know from the recent CPS report Hate crime and crimes against older people report 2010-2011<sup>7</sup> that:
  - Since 2006/07, almost 69,000 defendants were prosecuted for hate crime;
  - The number of prosecutions for hate crime has also increased from 12,535 to 15,284; and
  - Between 2006/07 and 20010/11, the proportion of successful convictions across all types of hate crime has increased from 76.8% to 82.8%.

This trend over time suggests that aspects of investigation and prosecution are improving as we become better at recognising and responding to hate crime across all the monitored strands.

1.16 Government agencies and voluntary sector organisations have worked together in recent years to try and break down the barriers and encourage more victims of hate crime to report it, so that local areas can target their work more effectively and better protect victims. The latest police figures show that reports of hate crimes against disabled, lesbian, gay and bisexual and transgender people have increased, which is encouraging and suggests some improvement. The focus on addressing underreporting will remain at the heart of our approach. However, our long term goal is clearly to see evidence of a reduction in the actual incidence of hate crime.

### Our new approach

- 1.17 The Government has set out a new approach to cutting crime, based on freeing professionals from top-down micro-management and performance targets, and making the police democratically accountable to the communities they serve. Elected Police and Crime Commissioners, street-level crime maps and regular beat meetings will all focus police forces on the issues that matter to local people. This means local areas will be free to develop hate crime strategies that reflect local needs, rather than the concerns of those across Whitehall.
- 1.18 In that new landscape, the Government's role is to focus on doing the things that only Government can do, rather than telling professionals how to do their jobs. That means: setting a strategic direction; making information available; sharing new ideas and examples of what works; and, where necessary, passing legislation.
- 1.19 The time is therefore right for a new Action Plan on hate crime, setting out what we intend to do over the remainder of this Parliament, working across Government departments, with local agencies
- 6 For example, Dick S, Homophobic Hate Crime: The Gay British Crime Survey 2008, p. 7. Iganski P, Kielinger Vand Paterson S, Hate Crimes Against London's Jews: An Analysis of Incidents Recorded by the Metropolitan Police Service 2001–2004, Metropolitan Police Service and Institute for Jewish Policy Research, July 2005, pp. 3. Disabled People's Experiences of Targeted Violence and Hostility: Research Report for the Equality and Human Rights Commission, Office for Public Management, March 2009, p. 33.
- 7 Available at:http://www.cps.gov.uk/publications/docs/cps\_hate\_crime\_report\_2011.pdf

and voluntary sector organisations, and also with the Government's Independent Advisory Group on Hate Crime. The Plan is based on three core principles, which we believe are necessary to reach our long-term goal. We will focus on:

- Preventing hate crime by challenging the attitudes that underpin it, and early intervention to prevent it escalating;
- Increasing reporting and access to support by building victim confidence and supporting local partnerships; and
- Improving the operational response to hate crimes by better identifying and managing cases, and dealing effectively with offenders.
- I.20 Many of the issues dealt with in this Action Plan are devolved to the Welsh Government. These include Health and Social Care, Education, Local Government and the work of Voluntary Organisations. To these ends, in its Programme for Government 2011-2016<sup>8</sup>, the Welsh Government has published its commitment to tackle hate crime and this is being taken forward by a Framework for Action, led by the Welsh Minister for Finance and the Leader of the House<sup>9</sup>. It has also published 'Travelling to a Better Future' Gypsy and Traveller Framework for Action and Delivery Plan, which includes work to raise awareness of hate crime and improve engagement within Gypsy and Traveller communities<sup>10</sup>. To ensure the full delivery of the Action Plan, we will work with the Welsh Government on the areas contained within the document that are not devolved.
- I.21 We also believe that the hard lessons the United Kingdom has learnt and is still learning since the murder of Stephen Lawrence give us a responsibility to share our experience with other countries. We will therefore continue to push for action on hate crime at the international level, through a range of organisations, including the United Nations, the European Union and the Organisation for Security and Co-operation in Europe. International bodies such as these also present us with avenues to find solutions to some of the global challenges we now face in tackling hate crime over the internet.
- 1.22 The following chapters set out the key actions that will support those principles over the next three years. This programme of work will be overseen by the Inter-Ministerial Group on Equalities, which is chaired by the Home Secretary and delivered through the Hate Crime Strategy Board, a cross-departmental officials group.
- I.23 We will review this Action Plan annually in order to assess progress on the delivery of the actions and to allow us to respond to new and emerging issues. We will also continue to work closely with the Government's Independent Advisory Group on Hate Crime, which includes victims of hate crime and voluntary sector partners.

<sup>8</sup> http://wales.gov.uk/docs/strategies/110929fullen.pdf9

<sup>9</sup> For example, the draft equality objective http://wales.gov.uk/topics/equality/equalityactatwork/?lang=en

<sup>10</sup> http://wales.gov.uk/docs/dsjlg/publications/equality/110928gypsytravelleren.pdf

## 2. Preventing Hate Crime

We will work to prevent hate crime happening in the first place by challenging the attitudes and behaviours that foster hatred, and encouraging early intervention to reduce the risk of incidents escalating.

- 2.1 Britain is more diverse than ever, with a rich mix of different races, cultures, beliefs, attitudes and lifestyles. In most parts of our society, this has led to greater understanding and a celebration of the different contributions individuals and groups make to our way of life. Stereotypes and bigotry that were commonplace a generation ago are now widely rejected across most groups.
- 2.2 Whilst we have come a long way, hatred and prejudice still exist. The recent figures of reported hate crime published by the police are a clear illustration of this fact. In some cases, old targets have been replaced by new ones, and there are still far too many victims of hate crime, many of whom are either too afraid to come forward, or have no faith that the authorities will take them seriously.
- 2.3 Everyone should be free to live their lives without fear of abuse or attack on the basis of who they are, what they believe or how they look. There are five 'strands' of hate crime that we monitor centrally disability, gender-identity, race, religion or belief (or non-belief) and sexual orientation. However, the principle applies more widely hate based on age, gender, or appearance, for example, should be equally condemned. It is vital that professionals dealing with cases apply the learning from monitored hate crime, when such problems exist locally. Suitable responses will recognise the need to reduce the risk of escalation, reassure broader communities, as well as supporting victims and bringing offenders to justice.
- 2.4 The Government is committed to reducing the harm caused by hate crime. Encouraging victims to come forward, and ensuring that agencies respond effectively when they do, are important elements of that effort. But in the long-term, the solution lies in stopping hate crimes happening in the first place by challenging and changing the attitudes and behaviours that lead to hatred, and intervening early to stop tensions or incidents escalating.
- 2.5 A lack of understanding, reinforcement of negative stereotypes and fear of the unknown can all contribute to prejudice. Children and young people in particular learn their behaviours and form their views from their peers and the adults around them. In that context, we need to stand up and challenge

discrimination and bigotry, to send a clear message that we do not tolerate such views or behaviour before they have a chance to take root. By staying silent we not only risk being seen to condone such views, we also risk leaving those who are victims isolated.

- 2.6 We all have a personal responsibility to challenge prejudice and hate, but the Government and its agencies should lead by example including by taking opportunities to celebrate diversity and to highlight the positive contribution that everyone can and do make to our society.
- 2.7 We will also work actively to promote early intervention, as a key part of a preventative approach that looks to resolve issues and tensions early before they can manifest themselves in the form of hate crime.
- 2.8 We will challenge the attitudes that condone acts of hate crime and ensure that we act early when incidents are reported to prevent escalation by:

Challenging Attitudes			
Action	Lead	Timing	
I. Develop a better understanding of hate crime by improving our evidence base, including by publishing analysis of data on hate crime victimisation from the British Crime Survey	Cross-Government Hate Crime Programme <sup>11</sup>	Ongoing  March 2012 – British Crime Survey data on hate crime to be published  Spring 2012 - Hold Seminar with academics and key stakeholders and consider evidence and research on disability hate crime	
2. Through welfare reforms strengthen the integrity of the benefit system to reduce the negative media portrayal of disability issues.	Department for Work and Pensions	Ongoing	
3. Working together with Disabled People's Organisations and supporting organisations such as, the Press Complaints Commission to address negative media stereotypes of disabled people	Department for Work and Pensions - Office for Disability Issues,	Ongoing	
4. Continue to support the work of the Anne Frank Trust UK to challenge stereotyping and intolerance, including anti-semitism which can lead to hate crime/incidents	Department for Communities and Local Government <sup>12</sup>	Ongoing Until March 2013	
5. Work through voluntary sector partners to make available to schools resources to help them tackle all forms of bullying, particularly bullying motivated by prejudice	ACPO Department for Education <sup>13</sup> Voluntary Sector Organisations,	March 2013	

II Cross-Government Hate Crime Programme includes: all relevant Government Departments, criminal justice agencies, including the Police, Crown Prosecution Service and National Offender Management Service, and the Independent Advisory Group on Hate Crime.

<sup>12</sup> All Department for Communities and Local Government actions apply to England only.

<sup>13</sup> All Department for Education actions apply to England only.

Challenging Attitudes		
Action	Lead	Timing
6. Keep under review Government anti-bullying advice to schools which summarises the legal obligations and powers schools have; outlines the general principles schools can use to prevent and respond to bullying, particularly prejudiced based bullying	Department for Education	Ongoing
7. Support the Jewish Museum to roll out a pilot programme to secondary schools to raise awareness and understanding of Jewish Faith and tackle 'casual' anti-semitism in schools.	Department for Communities and Local Government	From April 2012
<ul> <li>8. Support Show Racism the Red Card to run educational workshops across England that will:</li> <li>provide safe spaces for young people to learn about the dangers of associating with the English Defence League (EDL);</li> <li>help young people to think critically about the issues; and</li> <li>empower them to refute and challenge anti-Muslim hatred</li> </ul>	Department for Communities and Local Government <sup>14</sup>	From April 2012
9. Support the Searchlight Educational Trust who will establish community newsletters which will:  • counter the EDL's divisive narrative;  • promote positive shared local identities; and  • provide space for faith, community and voluntary organisations to advertise and encourage participation	Department for Communities and Local Government	From April 2012
I0. Tackle alcohol as a contributing factor of violence, including violence resulting from hate crime, through the Government's new alcohol strategy, which will focus on changing public behaviour	Cross-Government Strategy being led by the Department of Health <sup>14</sup> and the Home Office	Publish Strategy Spring 2012
II. Use the 2012 Olympic and Paralympic Games to change perceptions of disabled people through increased awareness, positive images and media coverage of the Paralympic Games	Department for Work and Pensions - Office for Disability Issues, Department for Culture Media and Sport	September 2012
I2. Develop and publish a new cross government Disability Strategy with disabled people, one of the principles of which will be changing attitudes and behaviour, including action that will be taken	Department for Work and Pensions - Office for Disability Issues	Spring 2012
I3. Work with National Governing Bodies to tackle homophobia and transphobia in sport	Government Equalities Office, Department for Culture Media and Sport	February 2013

Challenging Attitudes		
Action	Lead	Timing
14. Identify further opportunities to develop a programme of work with partners to tackle hate crime in sport, focusing on awareness raising, effective reporting, and responding to incidents of hate crime within professional sport	Cross- Government Hate Crime Programme	Ongoing – to be reviewed in March 2013
15. Work with the Society of Editors to develop good practice guidance on prejudice and hate speech for moderators of online newspaper content	Department for Communities and Local Government	December 2012
16. Support the work of the European Institute for the Study of Contemporary Anti-semitism to identify examples of anti-semitic comment in user-generated content in on-line publications	Department for Communities and Local Government	From April 2012

Early Intervention		
Action	Lead	Timing
17. Put Safeguarding Adults Boards on a statutory footing, to increase the awareness, detection and prevention of abuse and exploitation of adults in vulnerable circumstances	Department of Health	By Winter 2012
18. Publish a Government response to reviews of the Winterbourne View case, which will set out measures to improve the protection of people with learning difficulties in care and ensure the system responds quicker to possible abuse	Department of Health	By Summer 2012
19. Develop a programme of work to tackle hate crime on the internet (including working with industry, the police, courts, EU institutions and other international organisations)	Cross- Government Hate Crime Programme	Ongoing  Spring 2012 – establish a sub-group of key stakeholders
20. Develop a range of information resources for use by local partnerships/professionals to encourage positive relationships with communities. Distribute these through the True Vision website	Cross-Government Hate Crime Programme,  Voluntary Sector Organisations	Ongoing  Review materials in  March 2013
<ul> <li>21. Continue to support the work of the cross-Government working group on anti-semitism, with a particular focus on:</li> <li>Anti-semitic discourse;</li> <li>Anti-semitism on the internet; and</li> <li>Anti-semitism on university campuses</li> </ul>	Department for Communities and Local Government	Ongoing Project launched in February 2012

Early Intervention		
Action	Lead	Timing
<ul> <li>22. Continue to support the work of the cross-Government working group on anti-Muslim hatred and develop a comprehensive programme of work, to include:</li> <li>Exploring the conditions that create anti-Muslim hatred; and</li> <li>Undertaking a scoping exercise, to create an evidence base</li> </ul>	Department for Communities and Local Government	Ongoing  Working Group established in January 2012
23. Support Faith Matters' 'Measuring Anti-Muslim Attacks' (MAMA) project to support victims of anti-Muslim hatred and map anti-Muslim incidents and hate crimes	Department for Communities and Local Government	Ongoing  Project launched in February 2012

## 3. Increasing reporting and access to support

We will work to increase the reporting of hate crime that occurs by building victims' confidence to come forward and seek justice. We will also work with partners at national and local level to ensure the right support is available when they do.

- 3.1 Research evidence suggests that hate crime and hate incidents may be hugely under-reported, particularly amongst certain communities. For example, a Stonewall survey in 2008<sup>15</sup> found that, of a sample of 1,721 lesbian, gay and bisexual people across Britain, one in eight had experienced a homophobic hate incident in the preceding year. The study also found that, of those interviewed, three in four victims of homophobic hate crime had not reported their experiences to the police. Testimonies from our Independent Advisory Group indicate that under-reporting is greater where the victim is more 'isolated' and they believe that the problem is particularly challenging where the victim is;
  - from the, Gypsy Irish Traveller and Roma Communities,
  - from 'new' migrant communities, including asylum and refugee communities,
  - disabled or
  - transgender
- 3.2 Surveys<sup>16</sup> of individuals affected by hate crime suggest a wide range of reasons for their reluctance to report it, including:
  - Incidents happening too often to report each one;
  - Victims doubting whether the abuse or attack is serious enough to bother reporting it, or knowing whether it qualifies as a criminal offence;
  - Fear of being further victimised for going to the police;
  - Concern that the police will not be able to do anything, so they just accept it as being part of their day to day lives;

- Concern that the police will not do anything because they are prejudiced and/or unsympathetic;
- Victims fear that they will be "outed" (e.g. as being gay or having mental health needs); and/or
- Lack of access making reporting too difficult (e.g. interpreters are not available or a person using a wheelchair can't access the police station).
- 3.3 We are committed to making it easier for victims of hate crime to report what has happened to them, whether directly to the police or online through the True Vision website or if they prefer to another organisation that can pass on the report to the police. We must also ensure that victims are confident that if they do report a hate crime, the police and other agencies will take it seriously and do something about it. This is true even if the incident appears to be trivial we cannot prevent hate crime happening if the early warning signs stay hidden.
- 3.4 This focus on reporting is driven by the need to develop a better picture of the scale, severity and causes of the problem. Without that picture, we cannot ensure that resources are in the right place to tackle offenders, and give victims the protection and support they need.
- 3.5 This Government has made localism a priority. We believe that the agencies which protect and serve the public should respond to their particular needs and concerns, not to Whitehall targets. Strategies for dealing with hate crime must be developed locally, by professionals and partnerships working together with voluntary sector organisations and victims themselves, in order to tackle the issues that matter in that local area. From November this year, elected Police and Crime Commissioners (PCCs) will have a democratic mandate to hold the police and their partners to account on behalf of victims and the public. And under the Police Reform and Social Responsibility Act 2011, PCCs must hold chief constables' to account for the exercise of their duties relating to equality and diversity that are imposed on them by other legislation.
- 3.6 In January, we published our consultation "Getting it right for victims and witnesses<sup>17</sup>, which includes proposals for the majority of support services for victims of crime, including victims of hate crime, to be commissioned at a local level rather than by central Government. It also proposes that PCCs will be best placed to be the local commissioners of victims' services, by ensuring that local priorities and needs are catered for, with particular focus on the needs of victims of serious crimes, those who are persistently targeted and the most vulnerable. Local commissioners would have an expectation placed on them to assess the needs of the local community and put in place services to meet these needs.
- 3.7 Government does, however, have a key role to play in making that more local approach work. It is the Government's job to set the strategic direction, with a clear and consistent message on the importance of tackling hate crime and protecting victims. It is Government's job to: legislate where necessary; to make more and better national-level data available, so that we have a better understanding of where hate crime is happening and why; and to encourage new ideas and highlight examples of good practice in terms of prevention, supporting victims, and improving the operational response to hate crime so that other local areas can see what's working.
- 3.8 We will work with local partnerships to increase reporting and victims' access to support by:

Building victim confidence		
Action	Lead	Timing
Publish police data on recorded hate crimes as     National Statistics, which can be compared between forces	Home Office	Summer 2012
2. Identify areas across the criminal justice system, where the collection and dissemination of data could be improved, for example, transgender hate crime	Cross-Government Hate Crime Programme	March 2013
3. Publish Government response to the Equality and Human Rights Commission Inquiry into disability-related harassment	All Departments	Spring 2012
4. Engage with communities at risk of hate crime to raise awareness of the law on hate crime, and increase reporting	Crown Prosecution Service	Ongoing (From April 2012)
5. Work with voluntary sector organisations to establish and disseminate good practice on alternative means of reporting disability hate crimes, including work with Disability Rights UK on standards for third party reporting centres	Department for Work and Pensions - Office for Disability Issues	Ongoing  February 2012 – launched 'Let's Stop Disability Hate Crime' Guidance'  December 2012 - disseminate good practice information for disabled victims of hate crime
6. Work with voluntary sector organisations to establish, review and disseminate good practice on alternative means of reporting other forms of hate crimes, including third party reporting centres and support for Faith Matters' 'Measuring Anti-Muslim Attacks' project to map anti-Muslim incidents and tensions	Cross-Government Hate Crime Programme, Voluntary sector organisations	Ongoing  Review of national bodies in September 2012
<ul> <li>7. Support the work of True Vision to:</li> <li>ensure that more people are aware of the online hate crime reporting mechanism;</li> <li>develop packages that target those communities where hate crime is under-reported;</li> <li>identify good local best practice on hate crime which then can be shared nationally via the website; and</li> <li>help provide the infrastructure for local and national voluntary sector groups to integrate into a national reporting system</li> </ul>	ACPO,  Department of Communities and Local Government,  Voluntary Sector Organisations	Ongoing (From April 2012)

Building victim confidence		
Action	Lead	Timing
8. Use True Vision to distribute information on hate crime to victims groups, including:	ACPO,	Ongoing
<ul> <li>an information pack on what hate crime is and how to report it for Gypsy and Traveller communities;</li> <li>Awareness-raising materials to tackle Muslim hatred; and</li> <li>Working with voluntary sector organisations to promote awareness raising materials for LGB&amp;T,</li> </ul>	Department for Communities and Local Government,  Voluntary Sector Organisations	Launch Gypsy & Traveller materials in Spring 2012 Launch Anti -Muslim hatred materials by –
asylum, refugee other new migrant communities		Summer 2012
9. Collect and publish local examples of what works in preventing and tackling hate crime for Community Safety Partnerships	Home Office	Autumn 2012
10. Fund nineteen organisations working with victims of hate crime (£2.1 m over three years from 2011/12 to $2013/14$ ) <sup>18</sup>	Ministry of Justice	Funding for 2011/12 allocated  Further funding subject to
		quarterly reviews
11. Fund thirteen organisations working to tackle hate crime from the Home Office Community Action Against Crime Innovation Fund, over two years from 2011/12 to 2012/13 <sup>19</sup>	Home Office	Funding for 2011/12 dispersed from February 2012
		Further funding subject to progress reviews
12. Identify good practice from project funds for wider dissemination	Cross-Government Hate Crime Programme	Ongoing
		Review of Victim and Witness projects to identify good practice examples by - October 2012
13. Provide support for Disabled People's User Led Organisations (DPULOs) to take forward a variety of projects around Hate Crime	Department for Work and Pensions - Office for Disability Issues	Ongoing
14. Work with police forces, councils and housing providers to improve handling of public calls about	ACPO,	Ongoing
anti-social behaviour, to identify possible hate crime and victims at risk	Home Office,	Call Handling Summary Report to be published – Spring 2012
15. Work with Local Criminal Justice Boards to identify opportunities for supporting projects which aim to improve our understanding of the circumstances and motivations of hate crime offenders	Cross-Government Hate Crime Programme	Ongoing (From April) 2012
16. Ensure that new arrangements for Police and Crime Commissioner led commissioning of local services for victims take account of the needs of victims of hate crime	Ministry of Justice	From 2014 (subject to the outcome of the consultation "Getting it right for victims and witnesses)

<sup>18</sup> See Annex B for list of organisations

<sup>19</sup> Details of the projects funded under The Community Action Against Crime Innovation Fund will be available shortly on the Home Office website.

## 4. Improving the response to hate crime

We will work with the agencies that make up the Criminal Justice System to improve the operational response to hate crime. We want a more effective end-to-end process, with agencies identifying hate crimes early, managing cases jointly and dealing with offenders robustly.

- 4.1 We have one of the world's most comprehensive legislative frameworks for protecting victims of hate crime, and punishing offenders. We have had legislation to tackle those who intend to stir up racial hatred and those who commit racially and religiously aggravated offences in place for a number of years. And in recent years, a number of new criminal offences have been introduced to reflect the seriousness of stirring up hatred towards other groups, including on the grounds of, religion and sexual orientation.
- 4.2 The seriousness of hate crime is also reflected through enhanced sentencing. The Criminal Justice Act 2003 set a sentence starting point of 30 years for murders motivated by hostility of the victim's race, religion or sexual orientation. The Act also gives courts the power to increase the sentence for offences which are aggravated by hostility towards the victim based on their disability, race, religion or sexual orientation.
- 4.3 In order to bring this legislation in line with other monitored hate crime groups, the Legal Aid, Sentencing and Punishment of Offenders Bill will amend the Criminal Justice Act 2003 so that murders motivated by hatred or hostility towards disabled or transgender victims have a sentencing starting point of 30 years. It will also amend the Act so that the sentence for any offence that is shown to be motivated by hostility towards the victim on the grounds of transgender must be made more severe.
- 4.4 But that framework is only effective when the component parts of our Criminal Justice System the Police, Crown Prosecution Service, the National Offender Management Service (covering prisons and probation) and local partners and voluntary organisations work together to bring offenders to justice. That means a multi-agency response is required where:
  - local partners make available information on hate crime and the support services that are available to assist victims;
  - the police take reports of all hate crimes seriously, spotting victims who are at risk and working with other local partners to bring offenders to justice;

- the Crown Prosecution Service prosecute hate crimes wherever possible and draws the court's attention to such aggravating features for the purposes of sentencing;
- the court takes in to account the aggravating factor of hate crime and applies an enhanced sentence accordingly; and
- the National Offender Management Service work to rehabilitate offenders, and ensure they do not reoffend.
- 4.5 We are committed to a criminal justice system that is joined-up in its approach to hate crime, and where ambitions are matched by practice on the ground. From the moment the incident is reported to the police, we must ensure that hate crime cases are carefully managed through all the stages of the process by professionals who understand the issues and keep victims informed as to what is happening. We will keep the law under constant review, taking action where necessary to enhance the protection it offers victims of hate crime.
- 4.6 A joined-up, more responsive criminal justice system will bring more offenders to justice, raising the number of successful prosecutions of hate crimes. Visibly demonstrating our commitment and effectiveness will also ensure more victims have the confidence to come forward, knowing they will be taken seriously.
- 4.7 We will better identify and manage cases, and deal with offenders effectively by:

Better identification and case management		
Action	Lead	Timing
I. Publish a new Hate Crime Manual for police officers, which offers guidance for all police organisations and partners on handling cases of hate crime	ACPO	April 2012
2. Update training for all police roles involved in tackling hate crime, based on a full Training Needs Analysis	ACPO	Commission by March 2013
3. Host a national ACPO Hate Crime Conference to bring together hate crime, anti-social behaviour and 'safeguarding' leads to find common approaches to benefit all victims of hate crime	ACPO	March 2012
4. Identify practitioner roles where training on hate crime is not currently available – and develop tools to assist them in dealing with hate crime cases	Cross- Government Hate Crime Programme,  Voluntary Sector Organisations	March 2013
5. Publish risk assessment tools that allow police and other call handlers to identify victims of hate crime earlier in the reporting process	Home Office	Autumn 2012
6. Work with Transgender communities to develop guidance for prosecutors and other support.	Crown Prosecution Service	Establish sub-group of the Community Accountability Forum in March 2012

Better identification and case management			
Action	Lead	Timing	
7. Develop and publish a Disability Hate Crime Action Plan, in response to the EHRC Inquiry into disability-related harassment. The actions will be grouped under seven themes of leadership, data, support, good practice, performance, victims and witnesses, and partnership	Crown Prosecution Service	April 2012	
8. Review commitment to victims and witnesses to enhance service for those in greatest need	Crown Prosecution Service	April 2012	

Dealing effectively with offenders		
Action	Lead	Timing
9. Amend the 2003 Criminal Justice Act so that murders motivated by hatred or hostility towards disabled or transgender victims have a sentencing starting point of 30 years; and -the sentence for any offence that is shown to be motivated by hostility towards the victim on the grounds of transgender must be made more severe	Ministry of Justice	May 2012
I0. Conduct a review of sentences for offences motivated by hostility on the grounds of disability, sexual orientation and transgender to consider whether there is a need for new specific offences similar to racially and religiously aggravated offences	Cross - Government Hate Crime Programme	March 2013
II. Consider any evidence provided by disabled people's organisations to assess whether it provides a case for changing the law on incitement to hatred on the grounds of disability	Cross- Government Hate Crime Programme Voluntary sector organisations	Ongoing
12. Develop mandated training for prosecutors on hate crime cases involving those victims with mental health issues and learning disabilities	Crown Prosecution Service	Training to be evaluated from June 2012
13. Produce a Hate Crime framework covering prisons and the Probation Service, for those responsible for managing offenders risk management/sentence plans. To assist staff in identifying, assessing, intervening and managing people involved in hate related offending	National Offender Management Service	July 2012
14. Assess scope for alternative disposals, including Restorative Justice to offer an alternative response to less serious hate crimes	Ministry of Justice	March 2013

## Annex A: Official sources of evidence on Hate Crime

There is now a growing body of published official data on the prevalence of hate crime including:

ACPO / Police Data on Hate Crime: ACPO figures are at present the main source of available evidence on the five monitored strands of hate crimes as reported to the police. ACPO began recording five types of hate crime reported to the police in England, Wales and Northern Ireland in 2008, including hate crime relating to race, faith, sexual orientation, transgender and disability.

Police Data on Racist Incidents: A "racist incident" is any incident, including any crime, which is perceived to be racist by the victim or any other person. The number of racist incidents recorded by the police in England and Wales is published annually by the Home Office as part of the Home Office Statistical Findings series It is also published as part of requirements under section 95 of the Criminal Justice Act 1991 in the Ministry of Justice report: Statistics on Race and the Criminal Justice System, which brings together statistical information on how members of the Black and Minority Ethnic community are represented in the Criminal Justice System as suspects, offenders, victims and as employees/practitioners.

Police Data on Racially and Religiously aggravated offences: Figures on racially and religiously aggravated offences, introduced by sections 28 to 32 of the Crime and Disorder Act 1998 and section 39 of the Anti-terrorism, Crime and Security Act 2001 are recorded by the police in England and Wales. Offence categories as of 2008/09 include, harassment; actual bodily harm and grievous bodily harm without intent; criminal damage; and assault without injury. Prior to 2008/09 less serious wounding was used as a category before it was replaced by actual bodily harm and grievous bodily harm without intent. These data are also published as part of requirements under section 95 of the Criminal Justice Act 1991 in the Ministry of Justice publication Statistics on Race and the Criminal Justice System.

CPS / Prosecutions Data on Hate Crime: In 2008, the CPS began publishing an annual report on Hate Crime, in England and Wales<sup>20</sup>. The most recent publication Hate crime and crimes against older people report 2010-2011 presents information on CPS performance in prosecuting racist and religious hate crime, transphobic and homophobic crime, and disability hate crime.

The Life Opportunities Survey (LOS): A new large scale longitudinal survey of disability covering England, Scotland and Wales, commissioned by the Office for Disability Issues (ODI) and commenced in 2009. The survey includes questions on hate crime and will help to build a longitudinal picture of the hate crime experiences of individuals with disabilities and impairments.

These sources provide different measures of hate crime, covering those crimes reported to and recorded by the police, the number of defendants prosecuted for hate crime and self-reported incidents of hate crime (i.e. including those not reported to the police). A summary of the most recent findings from each of these sources is provided below.

### **Police Figures**

#### ACPO Hate Crime Data

The most recently published data shows that, overall, 48,127 hate crimes were recorded by the police in England, Wales and Northern Ireland in 2010. Of these, 39,311 related to race, 4,883 to sexual orientation, 2,007 to faith, 1,569 to disability and 357 to transgender<sup>21</sup>.

Due to improvements in the way forces collect and record hate crime data since collection began in 2008, direct year-on-year comparisons and comparisons between forces are not advised at this stage. Increases in the data are currently expected to reflect an indication of increases in reporting and not an increase in the occurrence of hate crime.

It is also important to note that these data are currently drawn from administrative IT systems and therefore do not currently have national statistics status<sup>22</sup>.

In 2011/12 police figures on hate crime became part of the Home Office Annual Data Requirement - a restricted list of all routine requests for data made to all police forces in England and Wales under the Home Secretary's statutory powers - in 2011/12.

### Racist Incidents

The Home Office Statistical Findings I/II shows that 51,187 racist incidents were recorded by the police in England and Wales in 2010/II. This demonstrates a 7% decrease on the number of racist incidents

- 20 The Crown Prosecution Service (CPS) acknowledges that CPS data are available through its Case Management System (CMS) and associated Management Information System (MIS). The CPS collects data to assist in the effective management of its prosecution functions. The CPS does not collect data which constitutes official statistics as defined in the Statistics and Registration Service Act 2007. These data have been drawn from the CPS's administrative IT system, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the CPS.
- 21 See ACPO (2011) Recorded Hate Crime Data for 2010 for England, Wales and Northern Ireland. http://www.report-it.org.uk/files/acpo\_hate\_crime\_data\_for\_2010.pdf
- 22 These data may be awarded national statistics status in the future once hate crime has become part of the Home Office Annual Data Requirement (ADR).

recorded by the police in 2009/10 (54,872). The figures also show that between 2009/10 and 2010/11 there was a decrease in the number of racist incidents recorded in 26 of the 43 police force areas<sup>23</sup>.

### Racially and Religiously aggravated offences

In 2010/11, the police recorded 31,486 racially or religiously aggravated offences across England and Wales. Over the five-year period from 2006/07 to 2010/11, there was a 26% fall in the number of racially or religiously aggravated offences in England and Wales from 42,554 to 31,486. Only five forces recorded a rise between 2006/07 and 2010/11<sup>24</sup>.

These aggravated offences were created to allow more severe sentencing for these specific categories of crime and, as such, should not be seen as a wider measure of hate crime.

Police recorded data on racist incidents and racially and religiously aggravated offences differ somewhat from the race hate crime figures published by ACPO, for reasons of definition. For example, racist incidents include incidents that relate to non-notifiable offences as well as notifiable crimes, whereas ACPO data only relates to recorded crimes that have been identified as hate crimes under the agreed Definition of Monitored Hate Crime. In addition, ACPO's data relates to calendar rather than financial year.

#### Data on Defendants

The CPS report Hate crime and crimes against older people report 2010-2011<sup>25</sup> shows that, since 2006/07, almost 69,000 defendants were prosecuted for hate crime.

Between 2006/07 and 2010/11, the proportion of successful convictions across all types of hate crime increased from 76.8% to 82.8%. The number of prosecutions also increased from 12,535 to 15,284. Of successful outcomes in 2010/11, 85.5% involved a guilty plea.

The most commonly prosecuted cases were offences against the person and public order offences (44.3% and 36.3% respectively).

The majority of defendants across all hate crime strands were men (83.3%), 73.7% were identified as belonging to the White British category and 50.9% were aged between 25-59 and 28.9% between 18-24.

#### Data on Victims

In December 2011, the Office for Disability Issues published Wave One, findings from the Life Opportunities Survey<sup>26</sup> based on a total of 31,161 interviews with adults, aged 16 and over, across 19,951 households (a household response rate of 59% from the 33,921 eligible households). The survey found that 2% of all adults interviewed had been a victim of hate crime (defined as a crime committed

<sup>23</sup> See Home Office Statistical Findings I/II http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosf0111/

<sup>24</sup> Ministry of Justice (2011). Statistics on Race and the Criminal Justice System 2010 http://www.justice.gov.uk/downloads/statistics/mojstats/stats-race-cjs-2010.pdf

<sup>25</sup> Available at: http://www.cps.gov.uk/publications/docs/cps\_hate\_crime\_report\_2011.pdf

<sup>26</sup> Office for Disability Issues (2011) Life Opportunities Survey: Wave One results, 2009/11. Available at: http://statistics.dwp.gov.uk/asd/asd1/los/los\_wave\_one\_200911.pdf

against someone or their property on the grounds of their personal characteristics, for example religion, ethnic origin, disability or sexual orientation) in the past 12 months. Those who reported hate crime were asked to select all motivations for the crime that applied to them from the following: age, sex, a health condition, illness or impairment, a disability, ethnicity, religion, sexual orientation, or none of these reasons. The most common motivation reported for all adults who experienced hate crime was ethnicity (37%) followed by sexual orientation (11%). It is important to note, however, that 34% of adults with impairment and 30% of adults without impairment gave the answer 'none of these reasons' to the question on motivation of hate crime and, thus, felt they were the victim of a hate crime motivated by factors not covered by the questionnaire.

For adults with an impairment, reasons related to a health condition, illness or impairment and a disability were also given as the motivation for a hate crime (15% and 18% respectively).

The British Crime Survey has also included questions on race motivated crime since 1996; religion, sexual orientation, age and disability since 2007/08; gender since 2009/10 and gender identity (transgender) since 2011/12. Further analysis of the responses to questions on the motivations of crime is currently being undertaken, which is due to be published by the Home Office in March 2012.

# Annex B: Projects funded under the Victim and Witness Fund

		y the Victim and Witness General Fund 2011-14	
Organisation	Geographical area covered	Summary of activity	Value of award (3 years unless stated otherwise
Ipswich and Suffolk Council for Racial Equality	Suffolk ~ Countywide	A consortium bid of five organisations will develop a partnership approach to supporting all victims of hate crime across all six different strands, delivering an integrated pathway for victims, creating new reporting centres and systems and providing practical support to victims.	£386,400
Greenwich Action Committee Against Racist Attacks (GACARA)	Greenwich, London	Maintain frontline support services (24 hour helpline and outreach services) and increase capacity through the expansion of its volunteer recruitment and training programme.	£66,136
Milton Keynes Equality Council	Milton Keynes	Provision of a caseworker to provide practical support and counselling and additional support for victims using restorative justice.	£173,700
Pakistani Resource Centre	Greater Manchester	Counselling service, practical support to victims and partnership working to increase referrals and support.	£84,740
Bede House Association	Southwark, London	Maintain and increase frontline support services and training for a Lesbian, Gay, Bisexual and Transgender Hate Crime caseworker	£156,152
The Metro Centre Ltd	South London	Improve accessibility and capacity building for frontline support services	£88,500
JAN Trust (Joint Association of Nissa Trust)	Haringey, London	Increasing capacity for frontline services providing support and counselling to victims of hate crime, in particular refugee, asylum seekers and Muslim women.	£137,536

Organisation	Geographical area covered	Summary of activity	Value of award (3 years unless stated otherwise)
Organisation Geographical area covered Summary of activity Value of award (3years unless stated otherwise) Support Against Racist Incidents (SARI)	West of England	Sustaining and increasing frontline support and counselling services for victims of race hate crime.	£89,025
Stop Hate UK	London and North England	Develop partnership working within areas to provide improved support services to victims of Hate Crime	£64,440
Community Security Trust	England and Wales	Supporting victims of anti-Semitic hate crime, providing practical support and increased reporting.	£147,000
Society for the Promotion and Advancement of Romany Culture (SPARC)	Cleveland	Supporting victims of Hate Crime and antisocial behaviour in the Gypsy and Traveller communities.	£89,696
Kingston Race and Equalities Council (KREC)	Kingston, Richmond and Merton, London	Sustain and increase its frontline services providing support and counselling to victims of hate crime in South West London.	£66,136
Lesbian and Gay Foundation	Greater Manchester	Increased support and reporting of Hate Crime and strengthening existing links with statutory agencies to improve support for hate crime victims.	£59,000
Lancashire Disability Information Federation	Lancashire, Blackburn with Darwen and Blackpool, Lancashire	Establishing a third party hate crime reporting centre for victims of disability related hate crime.	£105,412
GALOP (Lesbian, Gay and Bisexual Anti-Violence and Policing Group)	Greater London	Maintain frontline services through the provision of a full time caseworker delivering support to victims of homophobic and transphobic Hate Crime.	£133,126
Stoke on Trent Citizens' Advice Bureau	Stoke on Trent, Staffordshire	Improving outreach services and capacity building by increasing partnership working.	£65,966
DIAL House Chester	Chester, Cheshire	Supporting victims of disability related Hate Crime through establishing a Hate Crime Champion and establishing a third party reporting centre.	£23,130
VOICE UK	England and Wales	To support victims of hate crime by developing the helpline and casework service provision.	£163,556
Brighton and Hove Impetus	Brighton and Hove, Sussex	Establishing a victim and witness case worker to provide practical support, improving partnership working and establishing a network of reporting centres.	£88,961

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