



**Law**  
**Commission**  
Reforming the law

# Hate Crime –



should the  
law cover  
other  
victim  
groups?

Please let us know what  
you think about our  
ideas by  
**27th September 2013**



This is an EasyRead version of:  
Consultation Paper No: 213

# Some of the words we use in this paper



## Aggravated

When something is made worse.



## Crime

When someone breaks a law.



## CPS (Crown Prosecution Service)

The service that deals with crimes after the person is arrested and up to the trial in court.



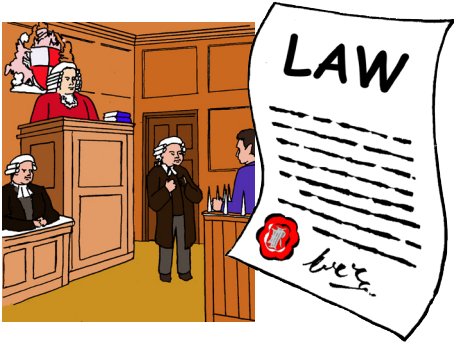
## Hate crime

When you become the victim because of who you are.



## Hostility

A very strong feeling of dislike towards a person or group of people.



## Offence

The law a person has broken. Different offences are punished in different ways.



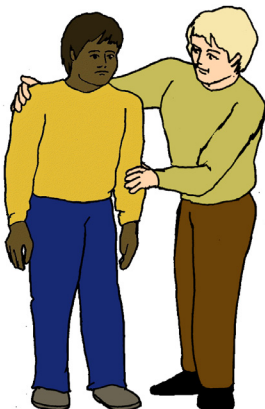
## Sentence

The punishment for a crime. For example, how long a person goes to prison for.



## Transgender status

When someone is born a man and lives as a woman or born a woman and lives as a man.



## Victim

The person who the crime is against.

# What is in this paper

## Page

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3 What we want to know

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19 Our ideas

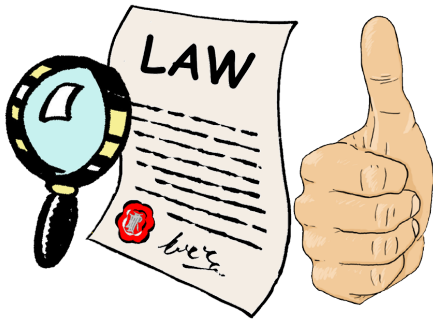
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**Law  
Commission**  
Reforming the law

The **Law Commission** wrote this paper.



It is our job to look at laws and make sure they are:

- Fair
- Up to date
- Simple
- Do not cost too much



This paper is about the law on **hate crime** in England and Wales.



Hate crime is when you become the **victim** because of who you are.



The government wants to stop hate crime and make sure the law treats everyone fairly.



They asked us to look at the law and see if it needs to change.

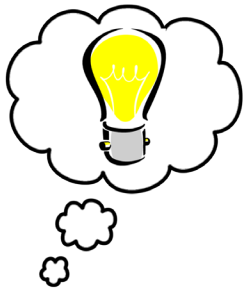


The next part of this paper is about what we want to find out.

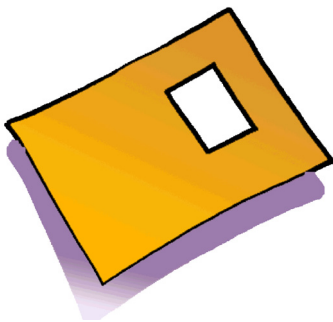
## What we want to know



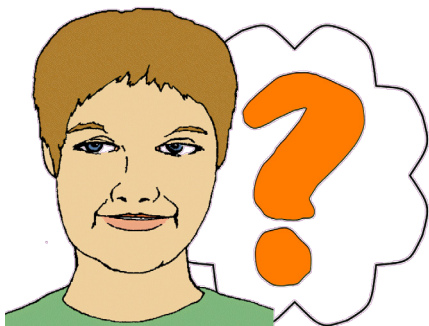
We want to know what you think about changing the law on hate crime so more people are protected.



We tell you some of our ideas but have not decided yet.



We will look at what people say and write a report in Spring 2014. This will say what we found out and how we think the law could change.



At the end of this paper we tell you how to tell us what you think.

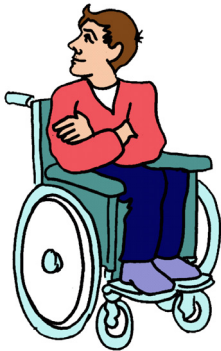
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You need to send us your answers by **27th September 2013.**

## The law on hate crime



The law on hate crime is to protect people who become the victim because of their:



1. Disability



2. Race (the country they or their family come from)



3. Religion





4. **Transgender status** (being born a man and living as a woman or born a woman and living as a man)



5. **Sexual orientation** (being lesbian, gay, bi-sexual or straight)



The police and **CPS** (Crown Prosecution Service) treat it as a hate crime if it happens because the victim is from one of these groups.

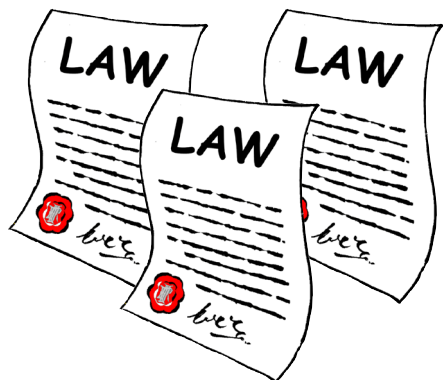
**2011 → 2012**



People told the police about nearly 44,000 hate crimes between 2011 and 2012.



8 out of every 10 were because of the victim's race.



There are different **offences** for different groups.



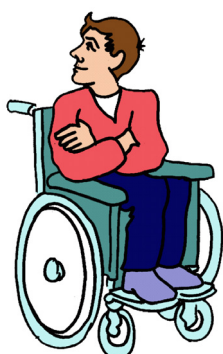
For some groups there are no special offences.



There is not enough information about what offences happen to which groups of people.



This makes it difficult to see how many hate crimes happen because of:



- Disability



- Sexual orientation or



- Transgender status.



## Different types of hate crime

The law talks about 2 types of hate crime:



### 1. 'Aggravated offences'

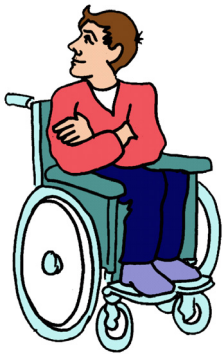


An aggravated offence is a crime that is made worse because of **hostility** about who the victim is.



If a person commits a crime and is hostile because of the victim's race or religion, they can get a tougher punishment.

It does not apply to crimes because of:



- Disability



- Transgender status or



- Sexual orientation.

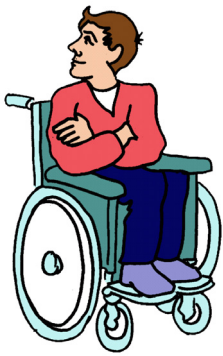


## 2. 'Stirring up hatred'

This is a very serious offence that tries to get other people to hate a whole group of people because of who they are.



This makes it a crime to stir up hatred against people because of race, religion or sexual orientation.

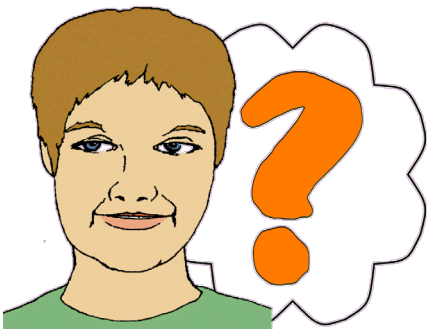


It is not an offence to stir up hatred against people who are:

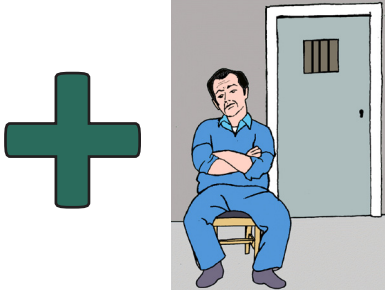
- Disabled or



- Transgender.

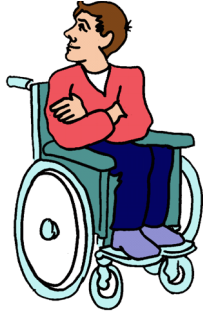


We are asking if both types of crime should cover all 5 groups of people in the list on pages 3 and 4.



### 3. Tougher sentences

The courts can give tougher punishments for crimes that involve hostility based on the victim's:



- Disability



- Race



- Religion



- Transgender status or



- Sexual orientation.

We call these enhanced sentences.



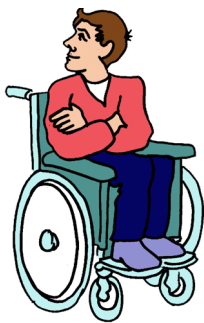
We are looking at how this works and whether it needs to change to make it work better.



#### 4. Other groups

We know other people become victims of hate crime because of who they are. For example, older people or people who are homeless.

But we are only looking at changes for people who become the victim because of:



- Disability



- Transgender status or



- Sexual orientation.

# How the law works now



**Aggravated offences** cover racial and religious groups.

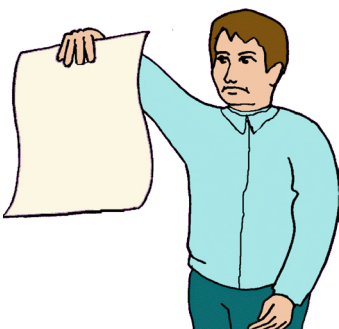


**Stirring up offences** cover racial, religious and sexual orientation groups.



Aggravated offences are used most.

## Aggravated offences



There is a list of 9 crimes that are treated differently if they involve hostility based on who the victim is.



They include crimes where:



- The victim is hurt



- Their things are damaged



- They are made to feel frightened



- Someone says bad or frightening things to them.



The court can give tougher punishments for aggravated offences than they can usually give for these 9 crimes.



For example a longer prison sentence or higher fine.



An aggravated crime can happen in 2 ways:

1. Someone shows they do not like who the victim is:



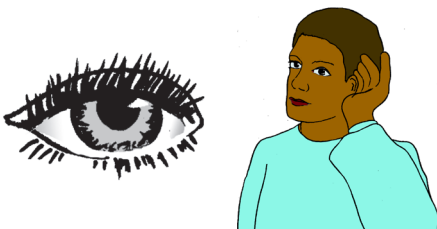
- Because of the victim's race or religion



- Because of what they think the victim's race or religion is



- Because the victim spends time with people from a race or religion but is not from that group themselves.



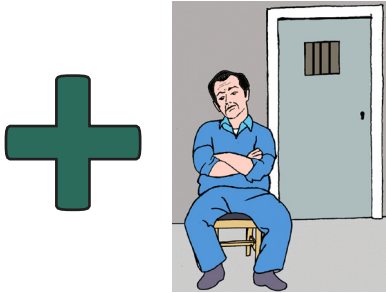
This means doing something that the victim and other people can see or hear.



For example making a sign, saying things or singing songs while they do the crime or just before or after they do it.



- Someone does something because they do not like who the victim is. This can also be because of the victim's race or religion.



## Enhanced (tougher) sentences



This is another way the law can deal with hate crime.



It can be used for any crime, not just the 9 aggravated offences. It covers all 5 groups.



The court must prove the person:

- Showed they did not like who the victim is or



- Did the crime because of who the victim is.



An enhanced sentence will be higher than if the crime did not involve hostility to the victim.



But it cannot be as high as the maximum sentence for an aggravated offence.



2 Years

For example:

Someone who hits a victim because of hostility due to race can go to prison for up to 2 years. This is the maximum sentence for an aggravated offence of this kind.



6 Months

Someone who hits a victim because of hostility due to disability can only go to prison for up to 6 months, even if the court uses an enhanced sentence.



This is because aggravated offences only apply to crimes because of the victim's race or religion.

In practice, maximum sentences are hardly ever used.



Sometimes the court cannot prove the person did the crime because they did not like who the victim is.



They can still use other rules to punish the person more. The sentence depends on whether the crime was planned and how it affected the victim.



## Stirring up offences

These make it a crime to do things to stir up hate against a group of people because of their:



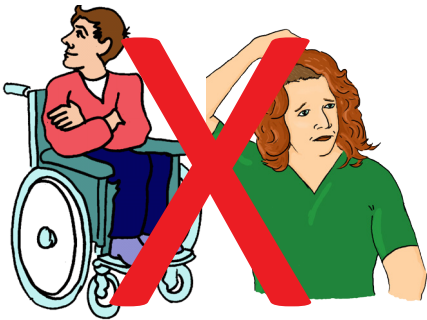
- Race



- Religion or



- Sexual orientation.

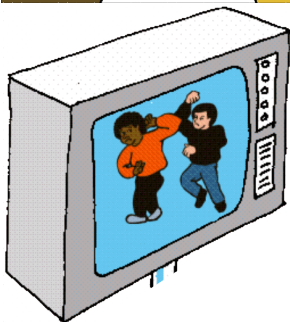


They are not used very often and do not cover disability or transgender status.

They include things like:



- Writing or saying threatening things about a whole group of people (for example gay people)



- Plays, pictures, TV or radio programmes that threaten a whole group of people.



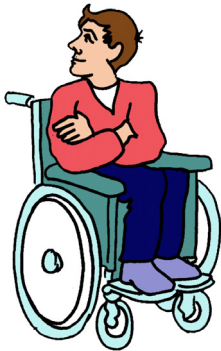
There are rules to make sure people can still speak freely about religion and sex, even if they say something is not good or upset some people.



We want to make sure hate crime law is fair and easy to understand.

We want to know if the law on hate crime should apply in the same way to people in all 5 groups.

This means people who are a victim because of their:



1. Disability



2. Race



3. Religion



4. Transgender status



5. Sexual orientation.



We have 3 ideas for things to change. We could do just some or all of them.



We are asking what you think.



**1. Change the rules about enhanced sentences**

Things to think about:



- The court can give enhanced sentences for any crime that happens because of hostility about who the victim is. Aggravated offences are only for some crimes.

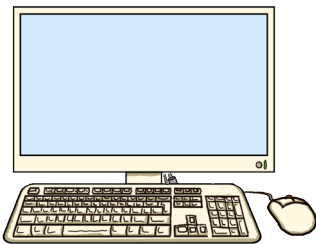




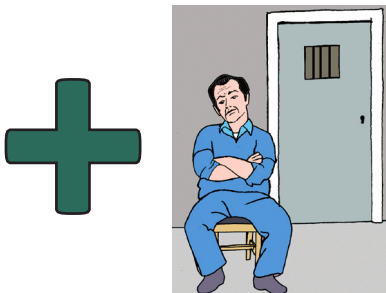
- We think the courts need more information about how to use enhanced sentences. This would make sure they are always used when a crime happens because of hostility to one of the 5 groups.



- If the court finds someone guilty of an aggravated crime it is written down.



It goes on a police computer and everyone who needs to can see it (for example, employers, the police or care workers).



We think this should also happen for enhanced sentences.



## 2. Make new aggravated offences

This means aggravated offences would cover all 5 groups.

This means people who are a victim because of their:



1. Disability

2. Race



3. Religion



4. Transgender status



5. Sexual orientation.



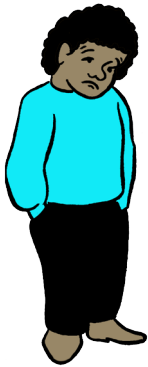
So it would then include the 9 crimes if they happen because of disability, sexual orientation and transgender status – as well as race or religion.



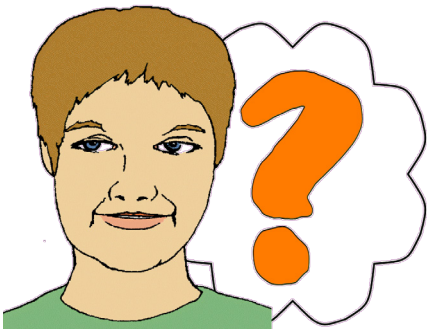
It would only apply if one of the 9 crimes in the list happens because someone:



- Showed they did not like who the victim is or



- Did the crime because of who the victim is.



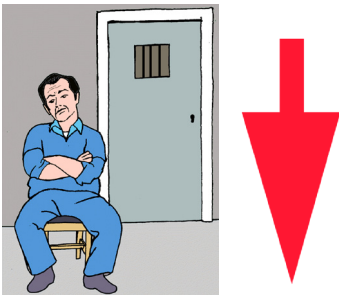
Things to think about:



- Aggravated offences can carry higher prison sentences than the same offence would carry if not aggravated.



- Even if a hate crime cannot be charged as an aggravated offence, the judge can still make the sentence tougher if the crime involved hostility.



In this case, the maximum sentence cannot be as high as it could be for an aggravated offence. This might not matter much, because maximum sentences are hardly ever used.



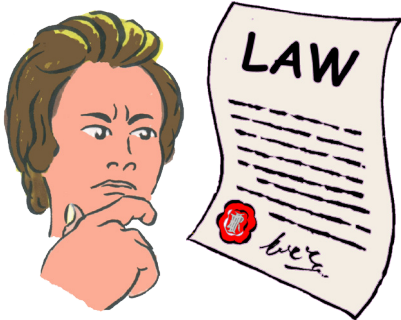
- New offences might help people tell the police about hate crime because of disability, sexual orientation or transgender status. It might stop these crimes happening



- If the court finds someone guilty of an aggravated offence, using the word 'aggravated' tells everyone it is a serious offence



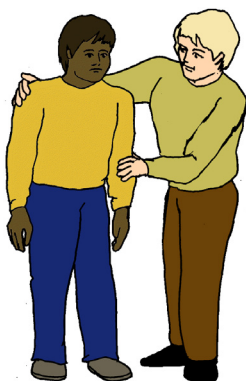
- When the judge uses an enhanced sentence, he tells the court that the sentence is tougher because of the hostility to the victim



- If this changed, it would have to work well or people would not trust the law



- Everyone must agree what the law means when it uses words like 'disability', 'sexual orientation' or 'transgender'



- New crimes might help victims get the right support.



### 3. New stirring up offences

We are looking at new crimes about stirring up hate against people because of disability or transgender status.

Things to think about:



- Some of this behaviour is already covered by other laws. This means we might not need new offences



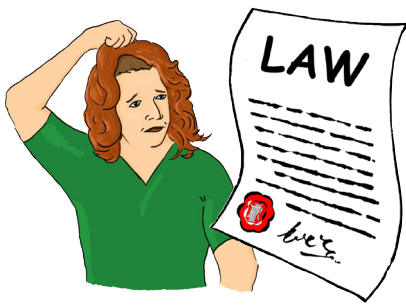
- The court can always use enhanced sentencing to give a tougher sentence for a hate crime



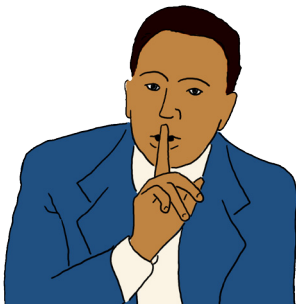
- New stirring up crimes would cover stirring up hate against a group of people not just 1 person



- Stirring up crimes try to stop hate against different groups from spreading



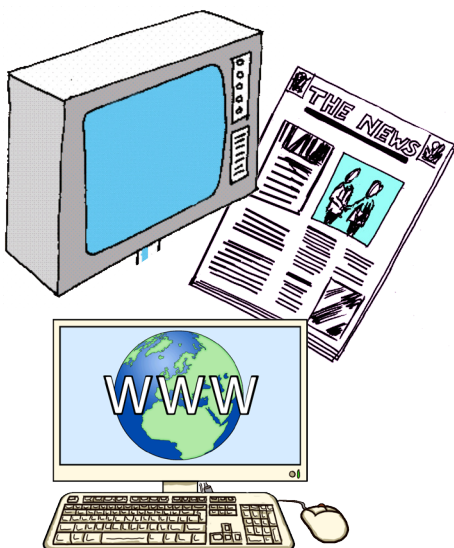
If it is a crime to stir up hate against disabled or transgender people it might stop this.



But it might make things worse because the hateful words would be kept secret and not said in public where people can talk and argue about them



- We must not take away the Human Right of free speech

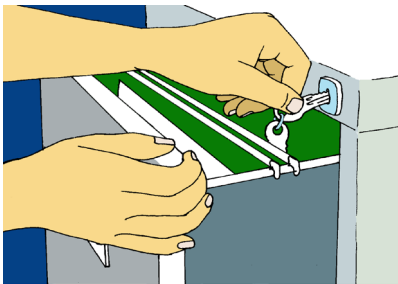


- We could also change things by helping people understand hate crime and working with TV, radio, newspapers and internet companies to stop people spreading hate.

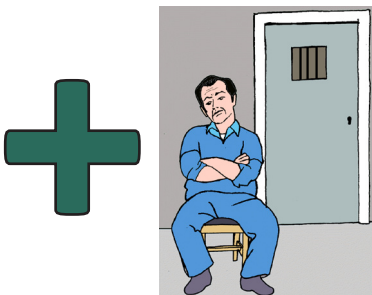
These are the main things we are asking:



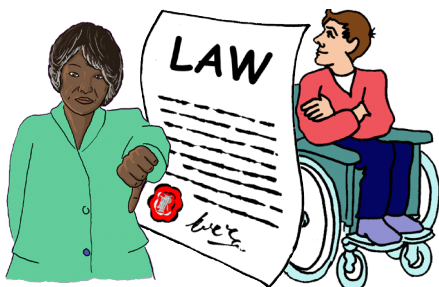
- Do we need clearer and stronger rules to help courts use enhanced sentences?



- Should police files and the person's files show when someone has been given an enhanced sentence?



- If we changed enhanced sentences would that be enough?



Or would we also need to make aggravated offences cover disability, sexual orientation and transgender status?





- Do we need new stirring up offences or can we deal with this in other ways?



- How can we decide what words like 'disability' mean?



The next part of this paper tells you how to answer all the questions on our website.

# How to tell us what you think



All the questions, more information and a form to write your answers are on our website:

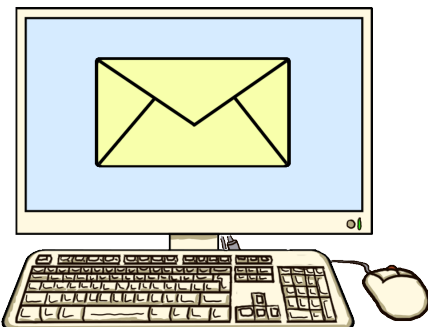
[lawcommission.justice.gov.uk/consultations/hate\\_crime.htm](http://lawcommission.justice.gov.uk/consultations/hate_crime.htm)



You can ask someone you know to help you fill in your answers.



If you are part of a local or national group you might like to answer this together.



You can email your answers to:  
[hate.crime@lawcommission.gsi.gov.uk](mailto:hate.crime@lawcommission.gsi.gov.uk)



Or post them to:  
Criminal Law Team  
Law Commission  
Steel House  
11 Tothill Street  
London SW1H 9LJ

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