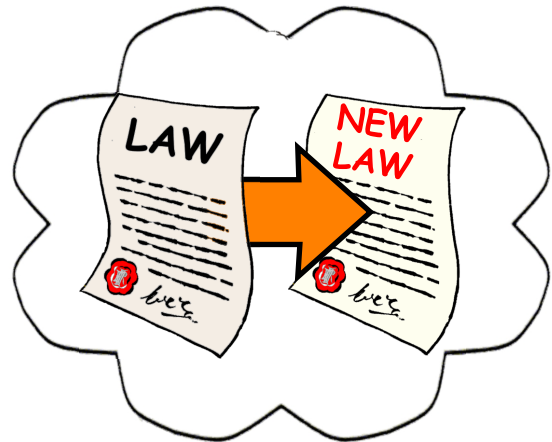
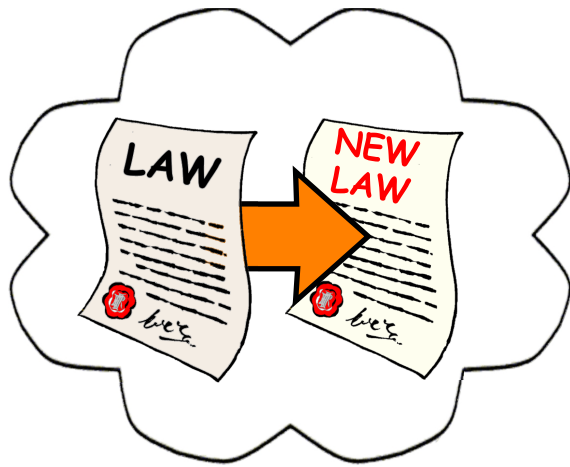




Law
Commission
Reforming the law



Hate Crime:

What do you think about our ideas
to change the law on Hate Crime



EasyRead version of:
Hate Crime Consultation



**Law
Commission**
Reforming the law

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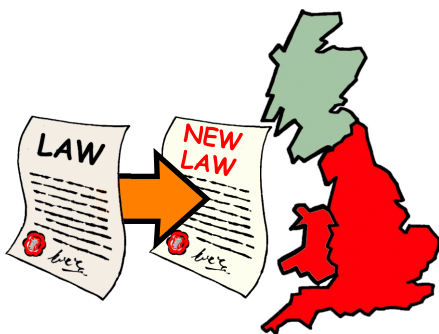
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Introduction



**Law
Commission**
Reforming the law

We are the Law Commission of England and Wales.



We make suggestions to the Government about changing the law in England and Wales.

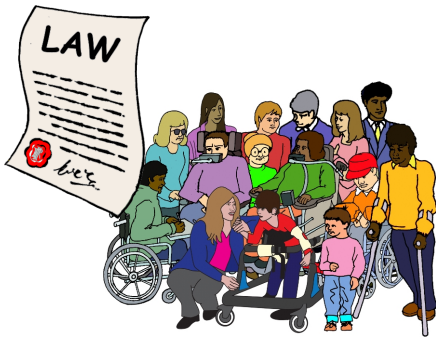


We have been asked to look at the **hate crime** and **hate speech** laws to see what changes need to be made to them.



Now we want to know what you think about them.

The main areas we have been asked to look at are:



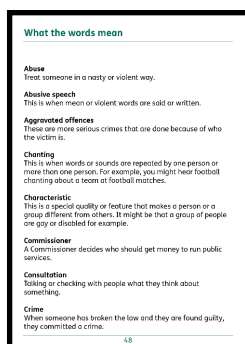
1. Who should be protected by **hate crime** laws? For example, are there certain groups of people who need more protection?



2. How should **hate crime** laws work? Are there certain ones that are working well?



This is an EasyRead of the paper we wrote called **Hate Crime Consultation**.

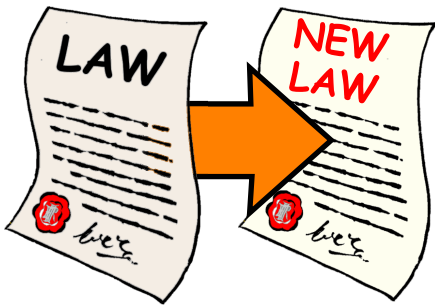


Because it is about the law it still has quite a lot of difficult words in it. These are in **bold** and a list of what they mean is at the back.



This paper has some important questions for you to think about. We would like to know what your answers are.

How to tell us what you think



Our **consultation** is about changing the laws on **hate crime** and **hate speech**.



We want as many people as possible to read this paper and tell us what they think about it.

Some examples of the people we want to read this paper are:



- people who make sure the law is followed like the police
- groups that support people's **human rights**
- people who work with the law to do with crimes



- people who have been a **victim** of crime
- services that support **victims**.



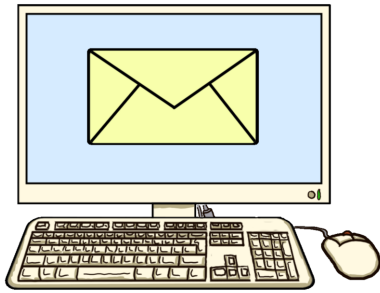
You can find the full paper at:
www.lawcom.gov.uk/project/hate-crime/

December 2020						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

We need to hear from people by
24 December 2020.



You can tell us what you think by:
using the online form here:
<https://consult.justice.gov.uk/law-commission/hate-crime>



Email:
hate.crime@lawcommission.gov.uk



posting your thoughts to:
The Hate Crime Team
Law Commission
1st Floor, 52 Queen Anne's Gate
London SW1H 9AG.



After we have read what everyone thinks,
we will decide what to suggest to the
Government.



The Government will then decide whether
they follow our suggestions or not.

What is hate crime?



In the law of England and Wales, **hate crime** is when someone commits a **crime** against a **victim** because they are **hostile** to a **characteristic** the **victim** has.



This means that the person is abused or attacked because the attacker hates their:

- disability



- race



- religion



- **sexual orientation**



- **transgender identity.**



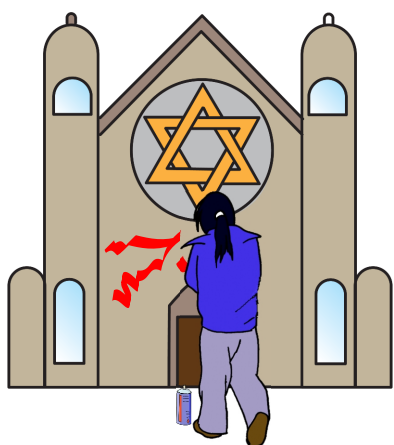
For example, if a **racist** person chooses to attack a **victim** because the **victim** is black, this is a **hate crime**.



It is seen as a serious crime because the person chooses to attack the **victim** because of a **characteristic** they have.



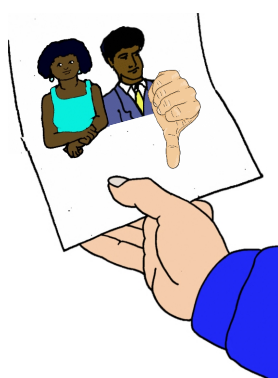
Hate crime is also when a person shows hostility towards a person's **characteristic** when they are committing a **crime**.



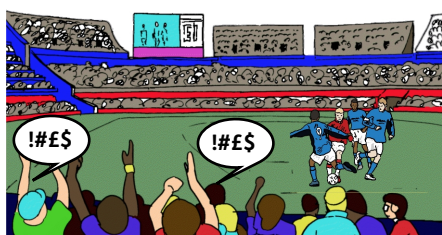
A person spray painting the wall of a Jewish place of worship is committing a **crime** as they are causing damage to the property. It becomes a **hate crime** if the person is spraying hate words about Jewish people.



There are also **hate speech offences**. This includes **offences** when people **stir up hate**. This is when someone tries to make others hate a group of people because of who they are.



An example of this is if someone gives out nasty leaflets that spread hate about black people.



Another example is the **offence** of **racist chanting** at a football match.



Many other countries have **hate crime** and **hate speech** laws but they are different in how they work.

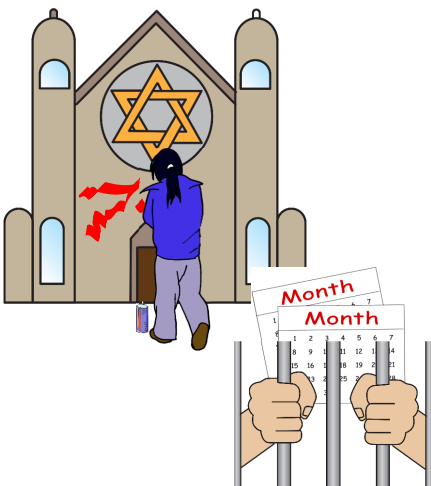
What the law says at the moment



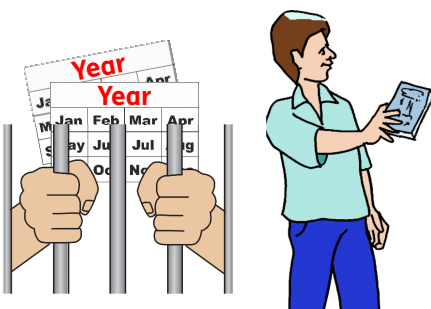
Hate crime makes offences more serious

This means you can be punished more, for example by getting a longer prison sentence.

There are 2 ways in which **hate crime** laws make **offences** more serious:



1. **Aggravated offences:** are more serious versions of 11 crimes (like damaging a building or attacking a person). They are more serious **crimes** when they are done because of a **characteristic** a **victim** has. As they are more serious **crimes**, they have bigger maximum punishments.



2. **Enhanced sentencing:** when the person will spend longer in prison or have a bigger fine to pay because a **crime** is so serious. It can be added to any crime other than the 11 **crimes** we mention above.



The legal test for both of these is that the **crime** happened because:

- a person was being **hostile** on purpose towards someone because of a **characteristic** they have like being gay or Asian.



- hostility was shown to a person's **characteristic** at the time of the **crime**.



But there are some differences.

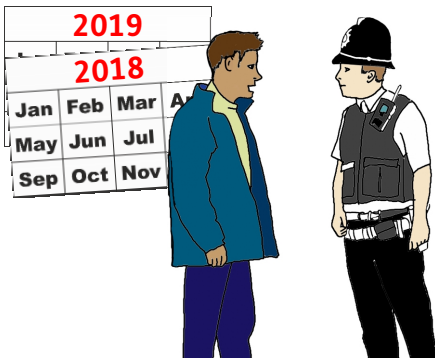
Aggravated offences must be proven at **trial** when someone is told if they are guilty or not. They only cover hostility towards **race** and religion.



Enhanced sentencing happens when somebody finds out what their punishment will be, after the court has decided that they are guilty.



It covers **race**, religion, **sexual orientation**, disability and if someone is **transgender**.



In 2018-2019, over 100,000 **hate crimes** were reported to police in England and Wales.



There were just over 12,000 **trials** for **hate crimes**. This shows that there are a lot of reported **hate crimes** that do not go to trial.



Over 10,000 people were found guilty of their **offence**.



Most of these **crimes** were to do with **race**.



Hate speech offences

Most **abusive speech** that is aimed at a person because of a **characteristic** they have, is first dealt with as a general **offence**.



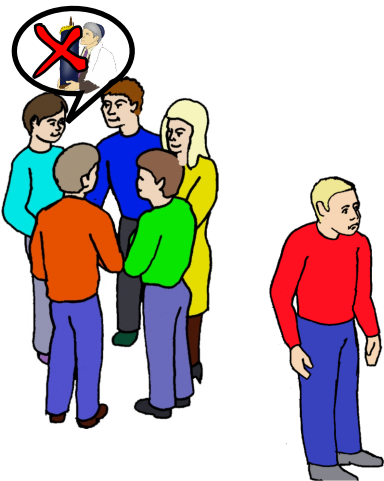
But this is a **hate crime** too because it is aimed at the person's **characteristic**.



For example, if a person with disabilities is sent a very **insulting** message about their disability through the internet, the sender may be charged with breaking the law on how electronic communications should be used.



Their punishment may be bigger because it was aimed at the person's **characteristic** – their disability.



There are also **offences** for stirring up hate, where a person tries to make other people hate a group because of their **race**, religion or **sexual orientation**.

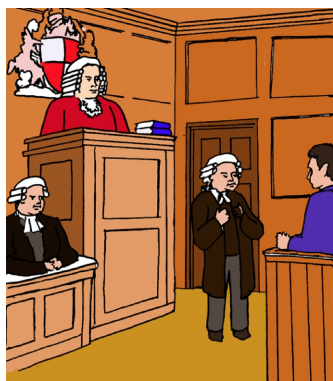


If a person is found guilty of this, they could spend up to 7 years in prison. The **offences** deal with behaviour, use of words or material that stirs up hate towards a group of people, not individuals.



Stirring up hate to do with a person's race

If someone is stirring up **race** hate, the law says they must have been **threatening, abusive or insulting**.



The court must be sure that the person **stirred up race hate** on purpose or that it was likely to be stirred up.



Stirring up hate to do with religion or sexual orientation

These **offences** do not cover as much as the **offence** of stirring up **race** hate.



If someone is stirring up hate to do with religion or **sexual orientation**, the law says they must have been **threatening**.

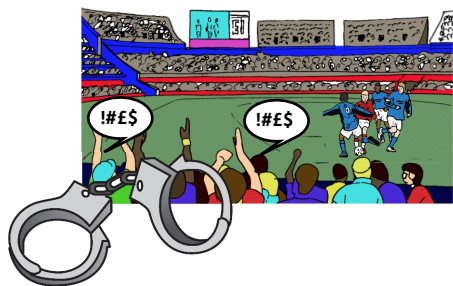


The court must be sure that the person stirred up hate on purpose.

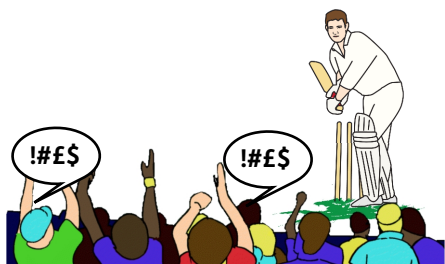


The law has clear ways that people can and cannot communicate what they do not like about religions or people's **sexual orientations**.

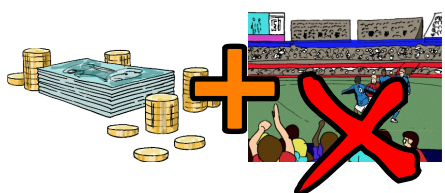
Racist chanting at football matches



It is a crime to take part in **chanting** in a **racist** way at most major football matches.



There is no crime of **racist chanting** in other sports like rugby or cricket.



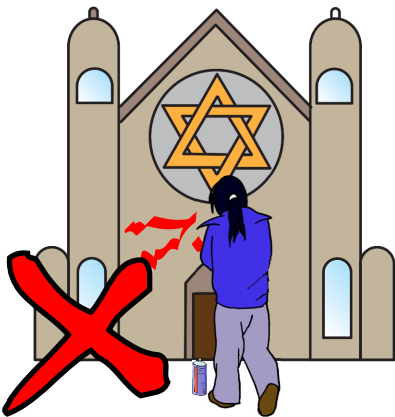
The highest fine for this crime is £1000 but the person may also be banned from going to football.

Why do we have hate crime laws?



These are the main reasons for having **hate crime** laws:

1. **Hate crime** causes extra harm to the **victim** and the wider community.



2. The laws show people that society will not stand for **inequality, prejudice** and people treating others with hate just because they have different thoughts on things.

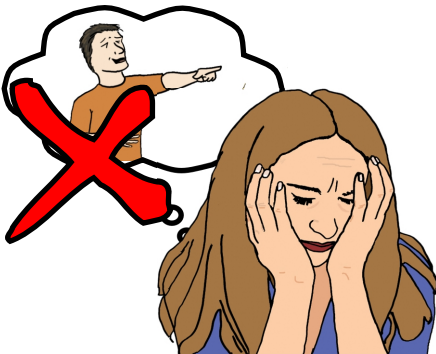


3. The laws give society the chance to see what is going on in terms of crimes and it can encourage **victims** to report a crime.



The main reasons for the **hate speech** laws are:

1. They protect groups from violence started by **hate speech** and keeping people well-behaved in a public space.



2. They protect vulnerable groups from the mental and emotional harm of **hate speech**.

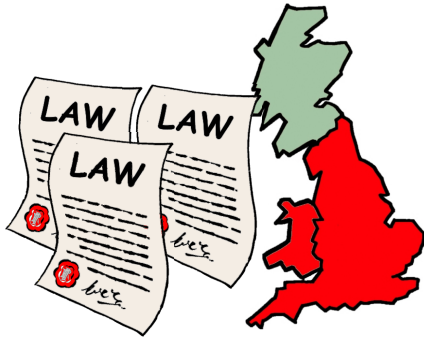


3. They stop vulnerable groups from being treated as if they are not important. The laws stop vulnerable groups from being pushed aside in society.



4. Setting rules for ways of behaving helps society work well together.

What is wrong with our hate crime laws?



England and Wales have lots of laws to protect people.

However, there are a few things that don't work well in these laws:



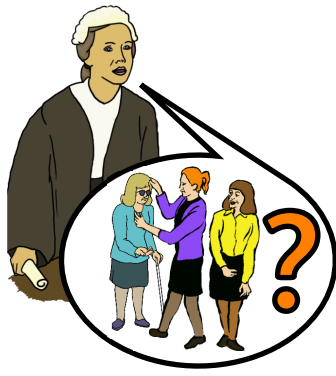
1. The 5 characteristics protected by **hate crime** laws – **sexual orientation**, disability, **race**, religion and being **transgender** – are not protected by law in the same way.



Sexual orientation, transgender and disability groups say that this is not fair.



2. The laws are not clear and they are complicated.

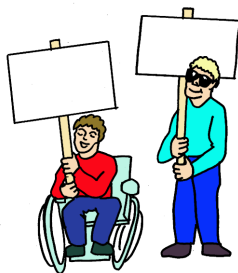


3. It can be difficult to prove **hate crimes** against disabled people.



4. The laws do not cover **hate crime** against the following groups:

- women
- different ages
- homeless people
- sex workers
- people who have important beliefs that are not religious
- other groups who dress differently like **goths** and punks



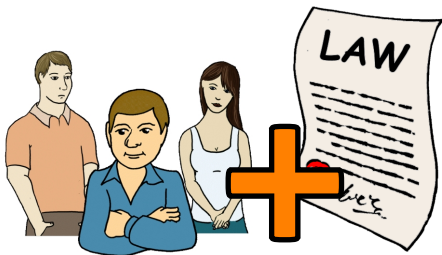
We look at these points in our full **consultation** paper.

Our main ideas for change and questions for you



Our main ideas for change to **hate crime** laws are to:

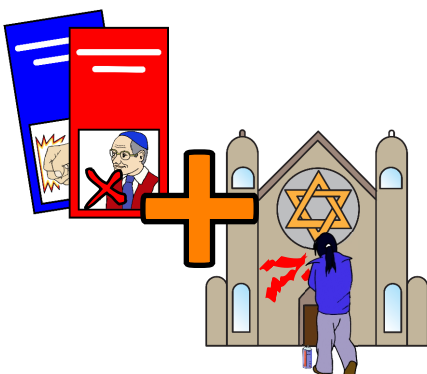
1. Have clear rules for deciding if other groups of different **characteristics** should also be protected by law.



2. Add **sex** or **gender** to **hate crime** laws but think more about how this should work in practice.



3. Give equal protection to all the **characteristics**.

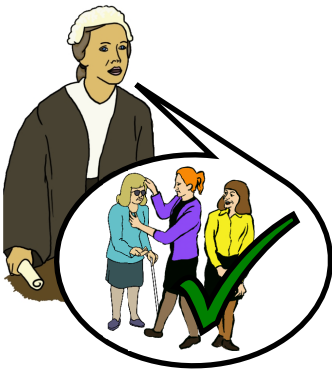


4. Add hate communications to **aggravated offences**.

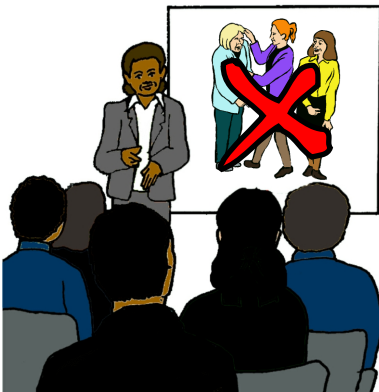
We would like to hear your thoughts on other changes as well:



1. Allowing **enhanced sentencing** for crime against even more groups so that they can be recognised as forms of **hate crime** in **sentencing**.



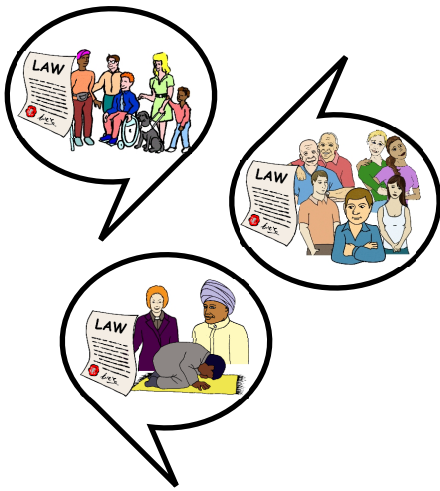
2. Updating the test for how **hate crimes** laws are used so that it is easier to prove when people with disabilities have experienced **hate crime**.



3. Thinking about making a new job called a **Hate Crime Commissioner**. This person can share and encourage good ways to stop **hate crime** and support **victims**.



4. Pulling together the different **hate crime offences** into one **hate crime** law called a **Hate Crime Act**.



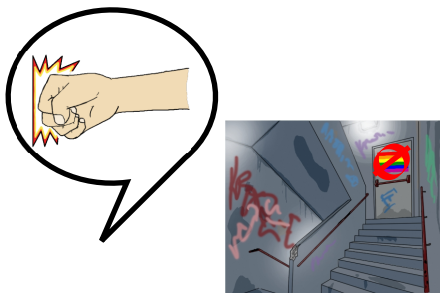
Including other possible types of hate crime

When we talked to people about **hate crime**, they had different ideas about which **characteristics** the law should protect.



We think that because some groups experience much more hate behaviour and hostility than other groups, they must be protected by the law.

We suggest that any extra groups of people protected by **hate crime** law should pass 3 rules:



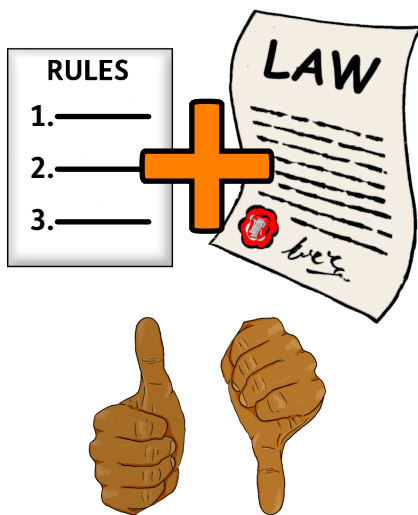
1. Proof of need: there must be proof that a group is experiencing a lot of crime based on hate and **prejudice**.



2. Extra harm: there must be proof that it causes extra harm to the **victim**, to other people that fit into that group description and to society.



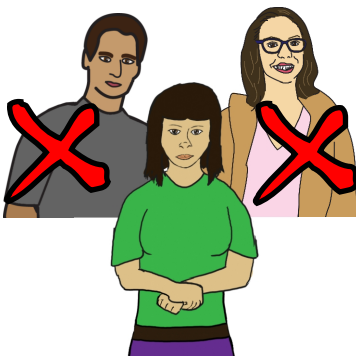
3. The protection of their **characteristic** fits in with other crimes and the rights of others. It should be a good use of money and staff time.



Question 1

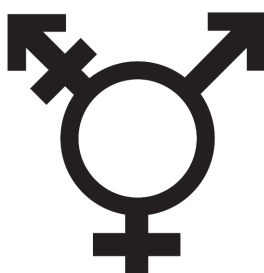
We suggest that these 3 rules are used for any extra **characteristics** that are added into **hate crime** laws.

Do you agree with them?



Changes to the 5 characteristics protected by law

We suggest that asexuality, which is when you have no sexual feelings, is added to the meaning of **sexual orientation**.



Make it clear that the **characteristic transgender** includes:

- **transgender** people



- **non-binary** people who don't see themselves as any **gender**
- **cross dressers** who wear clothes from the opposite **gender** to them
- or people who have both male and female body parts.



Sometimes the public does not know that someone has a disability. This should be thought about more so that the law can support people with disabilities better.

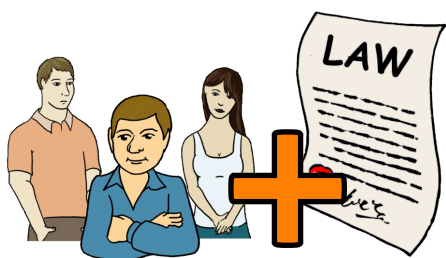


Do you have any ideas about how to make this better?

Women or gender



We have a lot of proof of hate behaviour against women. We suggest that a person's sex or **gender** should be added to the groups that are protected.



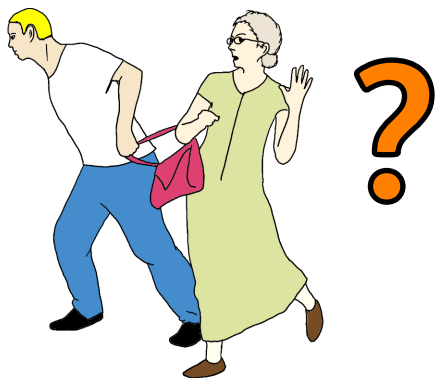
Question 2

Should sex or **gender** be added to the **characteristics** protected by **hate crime** laws?

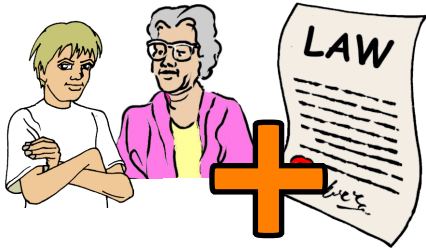


Age

We have heard about how older people and young people experience difficulties and discrimination.



It is not clear if people experience crime because people don't like their age, but we want to hear more about this.



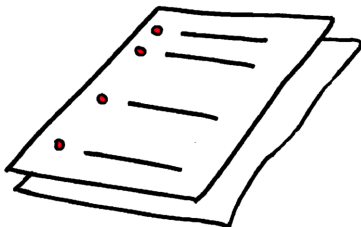
Question 3

Should age be added to the **characteristics** protected by the **hate crime** laws?

Other characteristics



In our full paper, we think about whether: sex workers, homeless people, different groups of people like **goths** and punks and people who have important beliefs that are not religious should be added to the characteristics protected by **hate crime** laws.

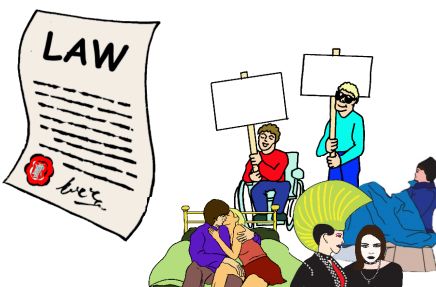


There were some gaps in proof and information.

Question 4

Do you think any of the following groups should be protected by law?:

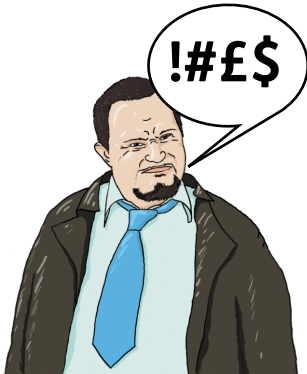
- sex workers
- homeless people
- people who have important beliefs that are not religious
- other people like **goths** and punks





The legal test for hate crime

In the full paper, we think about how good the legal test is for proving an **aggravated offence** and using **enhanced sentencing**.



The test has been criticised because it may give someone a very serious label of **hate crime** when something might have been said in the moment rather than because of hate, **prejudice** or hostility.



But harm may still have been caused to the **victim** and the wider community and they still may have meant to hurt the person through their behaviour or their words.



We think that this part of the test for **hate crime**, that has been in place for over 20 years, should stay the same.

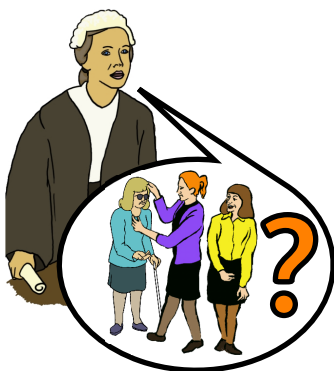


It should continue to be a **hate crime** if a person showed hostility to the **victim** because of a **characteristic** they have like being disabled.



Question 5

Do you agree that this part of the test should stay the same?



Why people committed the crime

It is hard to prove if someone commits an **offence** because they meant to be angry and **hostile** towards the **victim** because of a **characteristic** the **victim** has like being gay.



We have heard from many people that the law does not recognise the harm caused by crimes aimed at people with disabilities.



Often these crimes against people with disabilities do not show lots of anger or hostility but they do show that people with disabilities are not valued as human beings and as members of the community.

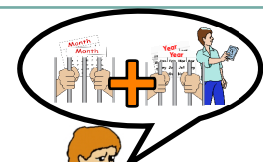


We think that if the test should cover more, it needs to ask clearly whether the **offence** was caused by **prejudice** or hostility and hate towards a **characteristic** a person has.



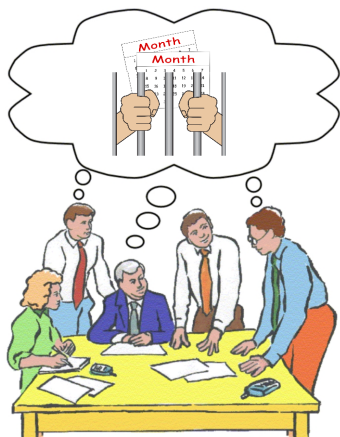
Question 6

Do you think the test should be changed so that it asks if the **crime** was done because of **prejudice** or hostility or anger towards the **characteristic** of the **victim**?

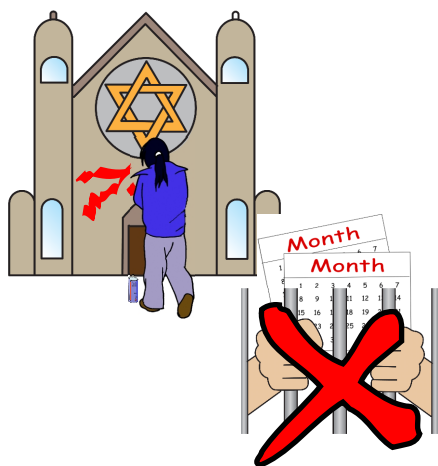


Aggravated offences and enhanced sentencing

People have criticised the way that **aggravated offences** and **enhanced sentencing** work together.

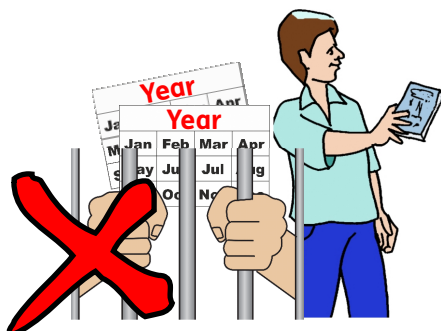


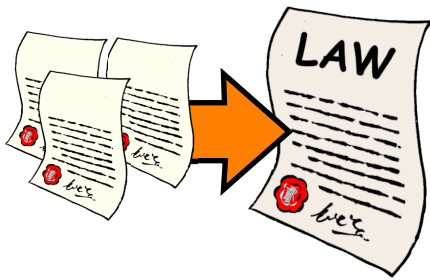
We have thought about making this process simpler by having just one of these two.



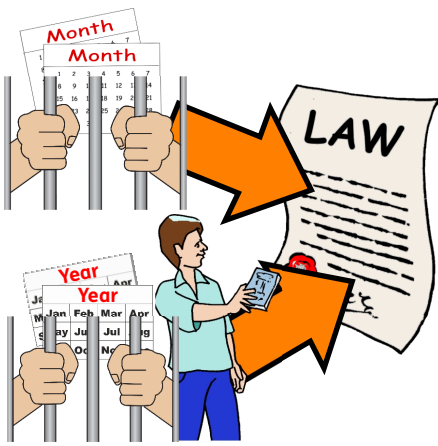
But we have decided that this would not be good because it would:

- take away some of the bigger punishments for racial and religious **aggravated offences**; or
- mean that **enhanced sentencing** could not be used for any **offence**.





The University of Sussex have suggested a system that brings together the most important parts of the system the law uses at the moment.



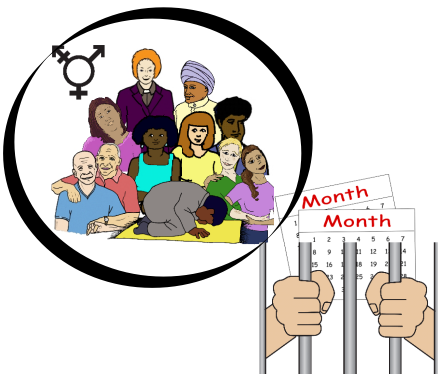
Question 7

We suggest that both **aggravated offences** and **enhanced sentencing** should be kept in the law.

Do you agree?



We will now think about each way of working in more detail.

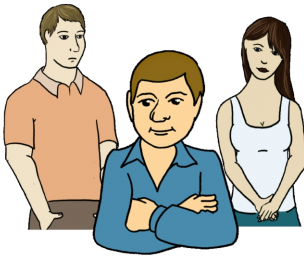


Changes to aggravated offences

We suggest that **aggravated offences** should be used **equally** across the 5 characteristics protected by **hate crime** laws.



This was the strongest message that we heard before the **consultation**.



We also think they should apply to any other characteristics that are added. For example, **gender** or sex.



Question 8

We suggest that **aggravated offences** should be used on all 5 of the characteristics **equally**.

We also think it should be used on any new characteristics that are added.

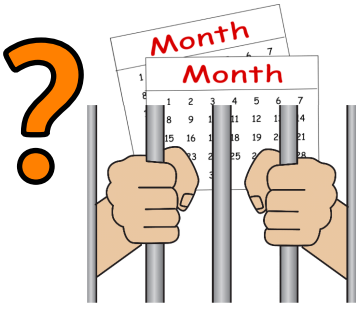
Do you agree?



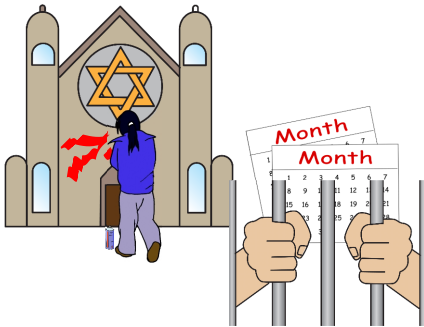
We then think about if any new **aggravated offences** should be created and we suggest these rules:



- the numbers and how common the **hate crime** is



- whether an **aggravated offence** should be created so that the legal process is fair and equal



- if the basic punishment fits the **offence**

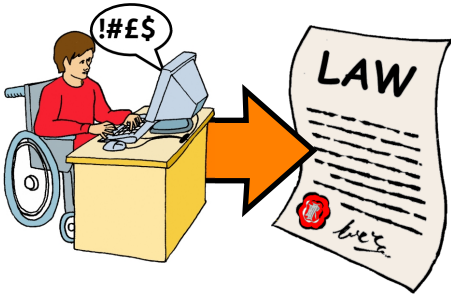


- whether any extra parts of the **offence** that need proof before a **jury** may be very difficult.



Using these rules, we suggest that communications **offences** should be added to the list of **aggravated offences**. There is a lot of internet **abuse** towards people's characteristics. We are looking into this in more detail.

Question 9



We suggest that aggravated types of communication **offences** should become part of **hate crime** laws. The punishment for these should be bigger.

Do you agree?



The **offence** of causing serious harm to someone's body on purpose could be added to the list of **aggravated offences**.



Stealing could also be added to the list of **aggravated offences** as there is proof that people with disabilities sometimes experience their things being stolen because they have a disability.



We think that sex **offences** should not be added as they are already very hard to prove. Also, they already have long maximum punishments.



Question 10

Do you think that any other **aggravated offences** should be made?

If yes, why?

If no, why not?



Changes to enhanced sentencing

We suggest that we keep the system of **enhanced sentencing** for the 5 characteristics already protected by the law.



We also suggest that other groups of people with other **characteristics** could be added.



This could be done through **sentencing** guidelines or creating an extra group for other **characteristics** that should be covered.



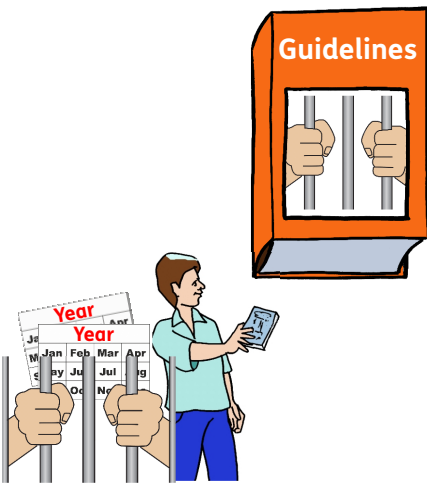
Question 11

Do you think that a wider group of people with certain **characteristics** should be protected through **enhanced sentencing**?

Yes or no?

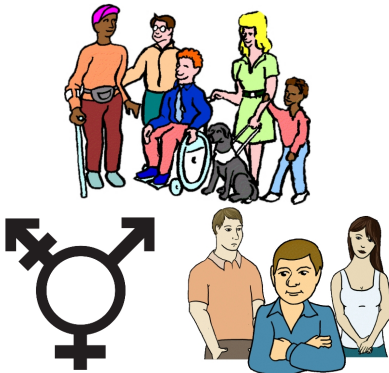
If yes, should this be done through:

- A. guidelines for **sentencing** or
- B. having an extra **characteristic** added to the **enhanced sentencing** process?



Stirring up hate offences

We suggest that the protections from the law should also cover disability, being **transgender** and sex or **gender**.



Stirring up **race** hate is an **offence** that can be done in 2 ways:

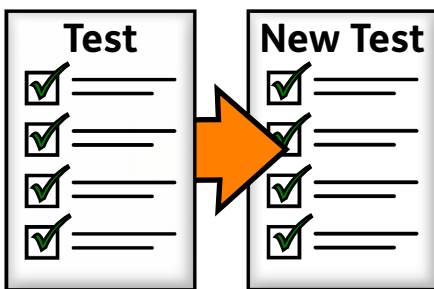
1. when someone says something or behaves in a way that is meant to stir up **race** hate.



2. when someone says something or behaves in a way that is likely to stir up **race** hate.



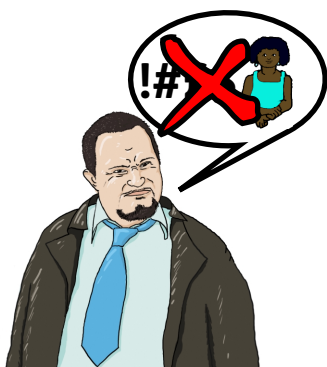
We think these 2 ways should be used for all the 5 groups of people with **characteristics** protected by the law.



We suggest the tests to do this should change to give more protection to people.



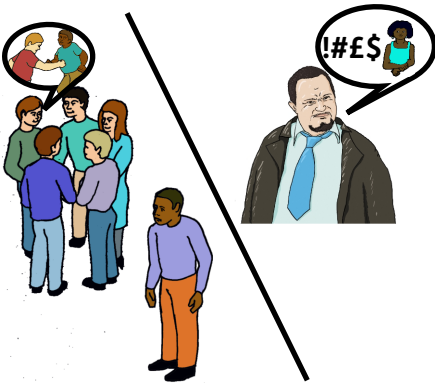
The tests should also protect people's rights to say how they feel if they don't mean to stir up hate.



We also suggest that when someone has stirred up hate against a group of people on purpose, it is not necessary to prove that their words were **threatening**.



When a court does not think that a person tried to stir up hate on purpose, the court would need to agree that the words or behaviour were **threatening** or abusive and that the person knew they would stir up hate.



Question 12

We suggest that stirring up hate on purpose should be treated differently to when someone just uses words or behaviour that might stir up hate.

Where it can be shown that a person stirred up hate on purpose, the law should not have to prove that the words said were **threatening**, abusive or **insulting**.

Do you agree?



We suggest that when it has not been proved that someone stirred up hate on purpose, the law would need to show that the words or behaviour were **threatening** or abusive and that the person knew they might stir up hate.



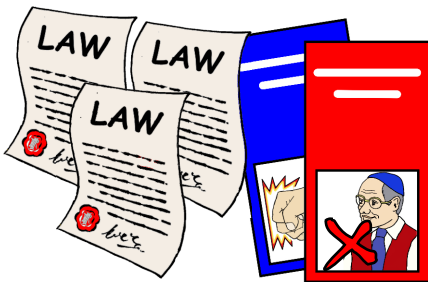
This should be the same for all 5 of the protected characteristics.



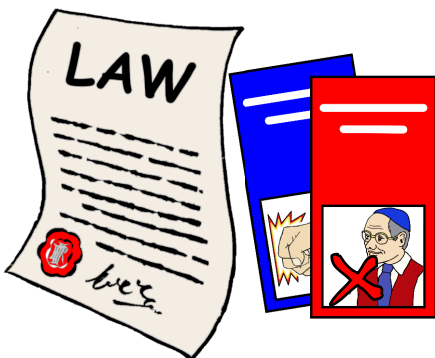
Question 13

Where it cannot be shown that a person meant to stir up hate on purpose, we suggest that the **offences** should only cover **threatening** or abusive words or behaviour likely to stir up hate but not **insulting** words.

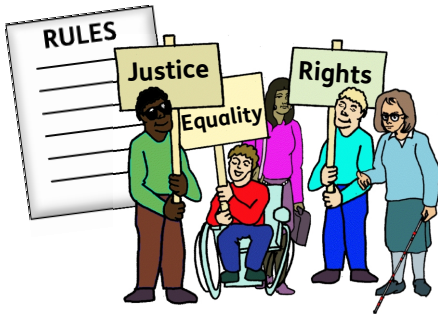
Do you agree?



Under the law, there are different **offences** that deal with different types of hate material that is given to people like leaflets or video recordings.



We suggest that these are replaced with just one **offence** of giving out and spreading material that stirs up hate and anger.



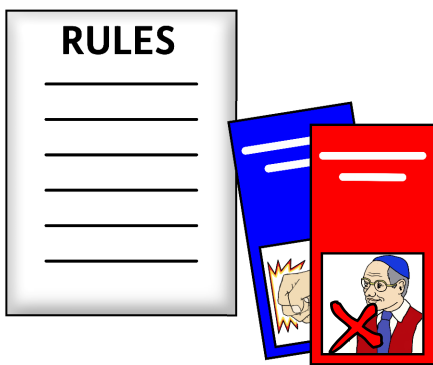
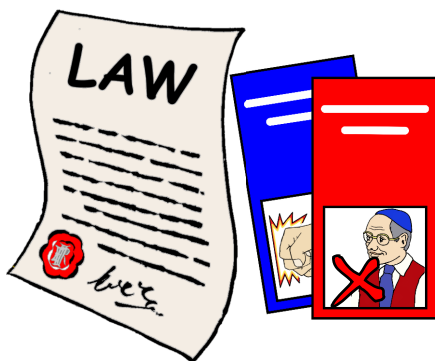
The rules on giving out hate materials should be very clear to protect people's **human rights**.

Question 14

We suggest that:

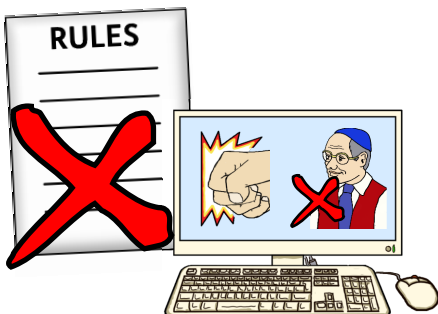
- the separate **offences** dealing with material that spreads hate are changed to just one **offence** of giving out material to stir up hate.

Do you agree?

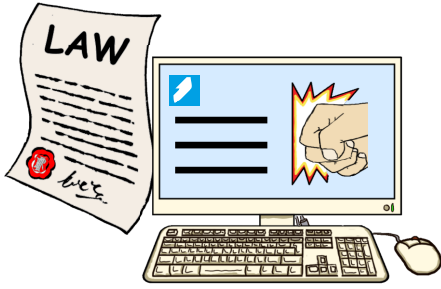


We also suggest that the rules for deciding on what materials can and cannot be given out should be very clear and the same.

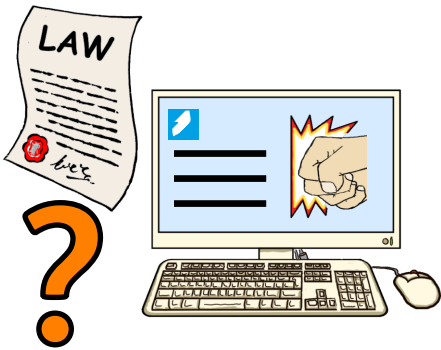
Do you agree?



Although the law has ways to show how someone is legally responsible when they give out hate material like books and recordings, the rules are not clear for when someone does this on the internet.



We ask you whether the law should be very clear how **social media** like Facebook should have legal responsibility for hate material they make available to people.



Question 15

We ask if and how internet technology services like **social media** should be legally responsible for making available hate material.



The law has rules about talking about religion and **sexual orientation**. It says that people should be able to talk about religion and **sexual orientation** even if they do not like a religion or someone's **sexual orientation**.



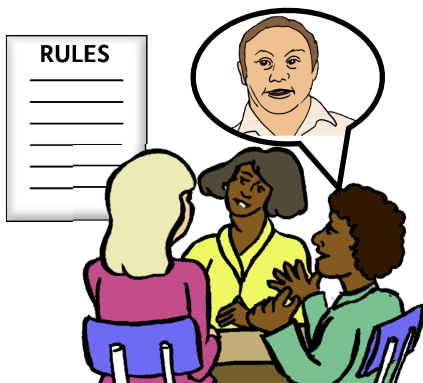
It is not an **offence** to criticise a religion. The law says just criticising a religion should not be seen as meaning to stir up hate.



We suggest that these laws that allow people the freedom to say their views on religion and **sexual orientation** should stay the same and have similar rules.

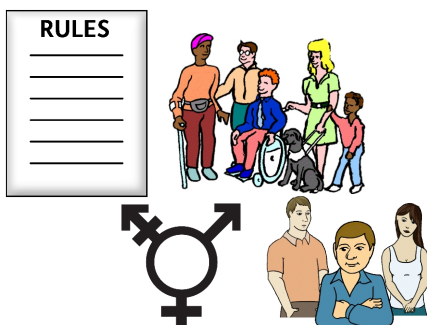


We think that legal protections like these should be given to any new groups of people with certain **characteristics**.



Question 16

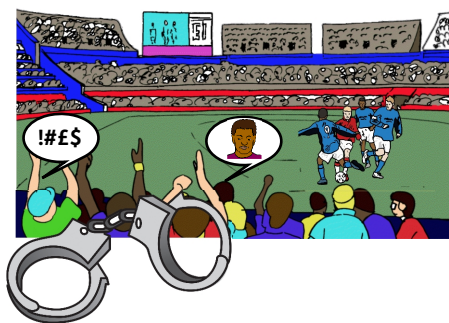
We suggest that the protecting rules for discussing religion and **sexual orientation** should also be used for the new **offence** of stirring up hate.



Similar rules should be in place for disability, sex/**gender** and being **transgender**.

Do you agree? If you do agree, what should they cover?

Football offences



We suggest that **racist chanting** at a football match should still be covered by one clear **offence**.

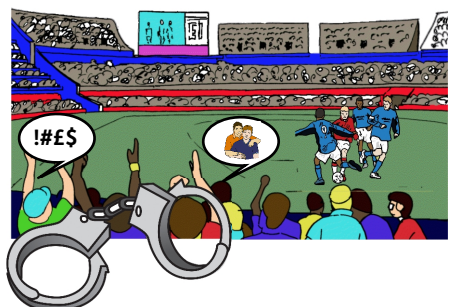


This is because of the risks of what could happen because of **racist chanting** at football matches.

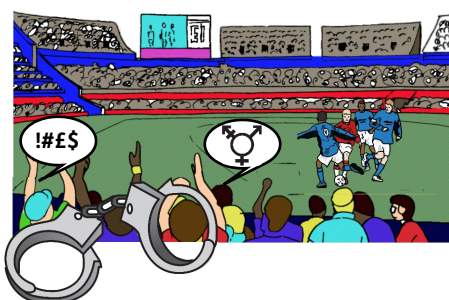
Question 17

We suggest that **racist chanting** at football matches should be one clear **offence**.

Do you agree?



We suggest that the **offence** should also cover **chanting** that is aimed at people's **sexual orientation**.



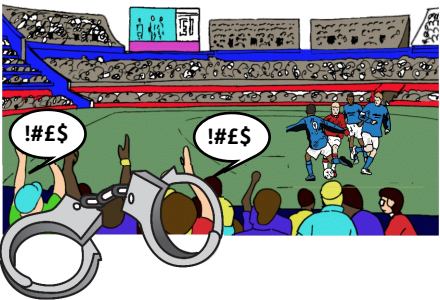
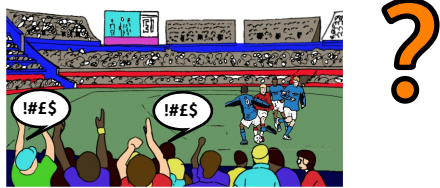
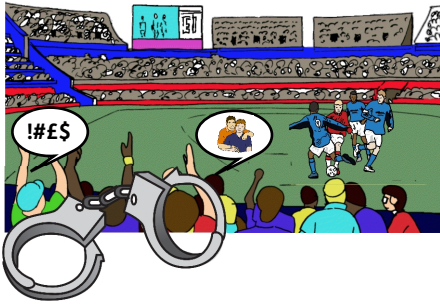
We also ask if the **offence** should cover all groups protected by law like people who are disabled or **transgender**.

Question 18

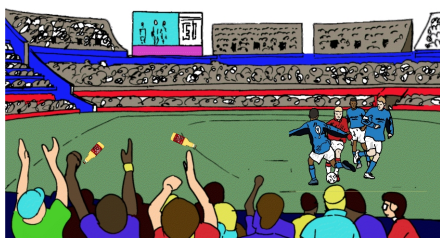
We suggest that the **offence** should also cover **chanting** aimed at people because of their **sexual orientation**.

Do you agree?

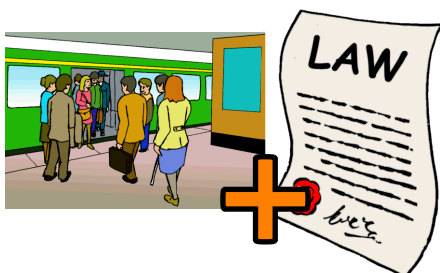
We also ask if you know about prejudiced **chanting** at groups of people with certain characteristics other than **race** and **sexual orientation**?



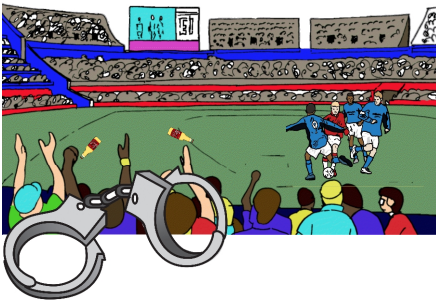
At the moment the **offence** is just about **chanting**.



We ask if it should also cover if a person throws an object or makes a **racist gesture**.



We also ask whether the **offence** should cover the same rules as other football **offences**, so that the law covers when people travel to a football match and when they enter and leave a football match.



Question 19

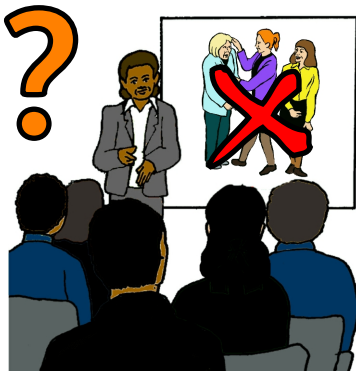
Should **racist** football **offences** also cover **gestures** and throwing objects?

Yes or no?



Should the football **offence** also cover journeys to and from a football match covered by the law?

Yes or no?



Should there be a **Hate Crime Commissioner**?

We ask whether there should be a **Hate Crime Commissioner**.



This person could help sort out some of the worries that **victims** have.



They could also help to put into place some ways to deal with and stop the harmful effects of **hate crime** in the community.



This would cost between £500,000 to £700,000 a year. We ask whether this is a good way to spend public money?



Question 20

Should there be a **Hate Crime Commissioner** in England and Wales?

Yes or no?

What the words mean

Abuse

Treat someone in a nasty or violent way.

Abusive speech

This is when mean or violent words are said or written.

Aggravated offences

These are more serious crimes that are done because of who the victim is.

Chanting

This is when words or sounds are repeated by one person or more than one person. For example, you might hear football chanting about a team at football matches.

Characteristic

This is a special quality or feature that makes a person or a group different from others. It might be that a group of people are gay or disabled for example.

Commissioner

A commissioner oversees how public services are run.

Consultation

Talking or checking with people what they think about something.

Crime

When someone has broken the law and they are found guilty, they committed a crime.

Cross dressers

These are people who wear clothes from the opposite gender to them. For example, men who dress as women.

Equally

Fairly and in the same way.

Enhanced sentencing

This is when courts can give someone a longer time in prison or a bigger fine if it is a hate crime.

Gender

Gender is how male or female you do or do not feel.

Gesture

Body movement or action.

Goth

This is a person who wears mostly black clothing, uses dark dramatic makeup, and often has dyed black hair.

Hate crime

This is when someone commits a crime against another person because of their disability, race, religion, sexual orientation or if they are transgender.

Hate speech

This is when someone says or writes something that expresses hate or encourages violence against others because of something like their disability, race, religion, sexual orientation or if they are transgender.

Human rights

Human rights are rights that every person has like the right to be alive or the right to have an education.

Hostile

To be really nasty, aggressive, or unfriendly to someone.

Inequality

This is when people are treated unfairly and are not given the same chances in life.

Insulting

This being rude to someone.

Jury

A group of people who have to decide if someone is guilty of a crime or not. They make their decision based on proof given to them in court.

Non-binary

People who don't see themselves as any gender.

Offence

The crime someone is charged with.

Prejudice

Prejudice is not liking someone before you even meet them because of who they are.

Race

This is when society groups together humans because of where they are from or what they look like – especially their skin colour.

Racist

Threatening, abusive or insulting to a person because of their race.

Sentencing

This is deciding what a person's punishment will be.

Sexual orientation

Whether someone is gay, straight or bisexual for example.

Social media

These are internet companies like Facebook, Twitter, Instagram and WhatsApp.

Stirring up hate offences

This is when someone tries to make others hate a group of people because of who they are. It can be through something they write, say, do, film or show.

Threatening

This is when someone says that they will hurt you or do something nasty to a person. Often it is to get someone to do what they want.

Transgender

Being born a man and living as a woman or being born a woman and living as a man.

Trial

This is when a judge and jury looks at proof to decide if a person is a guilty of a crime or not.

Victim

This is someone harmed by a crime.

Credits



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