

Since 2014-15, the number of hate crimes recorded by the police in Scotland has fluctuated between 6,600 and 7,000 (to the nearest 100) per year (as recorded on the Scotland's Interim Vulnerable Persons Database (IVPD.))<sup>1</sup>.

In 2019-20, 62% of hate crimes included an aggravator for race, 20% sexual orientation, 8% religion, 4% disability and 1% transgender identity. The remaining 5% included multiple hate aggravators (Justice Analytical Services, Scottish Government).

There has been **an increase in the number of charges reported to the Crown Office and Procurator Fiscal Service in 2020-21** compared to 2019-20 for race, sexual orientation and disability aggravated hate crime charges, with a decrease in religious aggravated charges and a slight decrease in transgender identity aggravated charges. **Racial crime remains the most commonly reported hate crime, followed by crimes with a sexual orientation aggravator** (Justice Analytical Services, Scottish Government).

However, the **under-reporting of hate crime remains a serious issue** in Scotland, which is important to bear in mind when considering these figures. From the Scottish Household Survey published 2019, 8% reported that they had experienced discrimination in the last 12 months and 6% had experienced harassment. We also know that major 'trigger' events such as **Brexit, the Covid-19 pandemic as well as media reporting, political rhetoric and policies have had a major impact on prejudice and hate** in the UK.

As seen in SCSN's commissioned research in 2020 on [Perceptions and Experiences of Community Safety](#), **we know that hate crime can have emotional effects** (fear and hurt), mental health effects (stress, depression and anxiety), physical health (injury), social impact (social isolation and reduced attachment to neighbourhood (Benier2017)), practical implications (moving house or job), attitudes towards the police (made negative) and effect on others (other victims as well as loved ones) (McPherson 2017; Chalmers and Leverick2017).

In addition, **hate crimes are known to indirectly affect all members of that particular protected characteristic's community**, especially those who feel empathy towards the victim and those with past experiences of hate crime (Paterson et al 2018).

In response to why hate crime legislation is needed, the Scottish Government Working Group on Hate Crime, states that:

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<sup>1</sup> Investigations by the Scottish Government suggest that Police does adequately reflect the total volume of hate crime that comes to the attention of Police Scotland. Therefore it can be used to produce summary information that will provide a good indication of the scale of police recorded hate crime in Scotland. <https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/pages/1/>

- **Research consistently shows that some social groups are proportionately more often victims of harassment and crime** and that much of this is motivated by prejudice against those groups
- **Hate crimes can cause more psychological damage to a victim than crimes that are not motivated by hatred**, because the victim's core identity is being attacked. This personalises the crime and can cause the victim a greater amount of distress.
- **Hate crime is socially divisive**. Such crimes need to be particularly condemned in order to avoid a situation in which the relevant group feels victimised as a group, with members in constant fear of attack. Prejudice against groups can lead to a number of consequences, ranging from fear of crime and inability to participate in normal social activities to paranoia and vigilantism

In June 2017, the Scottish Government published their **Tackling Prejudice and Building Connected Communities Action Plan**, which included actions to improve data and evidence, raise awareness of hate crime and encouraging reporting, including through third party reporting centres.

Also in 2017, the Scottish Government **appointed Lord Bracadale to carry out an independent review of Scottish hate crime legislation** to establish whether existing hate crime law represented the most effective approach for the justice system to deal with criminal conduct motivated by hatred, malice, ill-will or prejudice. The review involved evidence gathering and a public consultation exercise. Its findings and recommendations were published in May 2018 and following Lord Bracadale's review, **the Scottish Parliament committed to consolidating and modernising hate crime legislation in Scotland by** passing the [Hate Crime and Public Order \(Scotland\) Bill](#) on 11 March 2021. All of Scotland's hate crime laws are now located within the new legislation.

The bill:

- **Modernises, consolidates, and extends** existing hate crime legislation
- **Updates the definition of transgender identity**, including the removal of 'intersexuality'
- **Adds age** as a new protected characteristic
- Introduces **new offences relating to stirring up hatred** across all protected characteristics

There was some controversy over how the proposed offences dealing with 'stirring up' hatred might impact on freedom of expression. Various amendments including the requirement of evidence on the *intention* to 'stir up' were made to the bill to address this.

Currently, a **Misogyny Working Group** is reviewing whether to allow sex to be added at a later date by secondary legislation. The Working Group is on target to produce its findings and recommendations in a report by February 2022.

In June 2021, in recognition of the effects recent social events have had on hate and prejudice, the HCIMS felt a [thematic inspection of Hate Crime](#) was warranted. Their review "highlights that the nature and scale of hate crime in Scotland is not currently understood by Police Scotland and recognises general under reporting and difficulties

with current third party reporting arrangements". As part of the report, 15 recommendations for Police Scotland were made, which included:

- Making hate crime a **standalone strategic priority and establishing a dedicated unit**
- **Linking up national and local policy direction** and making best use of local knowledge
- Accelerating **improvements to third party reporting and guidance** for those responding to hate crime
- Review its use of data to **better understand hate crime and consider more good practice** from elsewhere
- **review and revise hate crime training** at all levels as a matter of urgency

The Scottish Government are currently **due to report on the 2017, Tackling Prejudice and Building Connected Communities Action Plan** by the end of the year. Building on this work, to support implementation of the Hate Crime and Public Order (Scotland) Act 2021, they are **planning to co-create a new hate crime strategy in 2022.**

In addition, as the Act includes a provision to require disaggregated data on hate crime to be published annually, the Scottish Government are currently developing their approach. This **new data will provide key information about the nature of hate crime in Scotland**, including information about those involved, which will be essential to effectively tackle hate crime in Scotland and to inform future interventions. As Police Scotland do not currently have systems in place to extract this data or report on the exceptional circumstances of the COVID-19 pandemic, **the Scottish Government will produce a further study into the characteristics of police recorded hate crime over the pandemic in 2022.**

With hate crime increasing, its pervasive impact on entire communities recognised and the evidence provided that we have a lot further to go to adequately address the issue, **the community safety sector needs to work together to better our understanding of hate crime and improve this picture.**