

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL



Information Note



June 2020

What is hate crime?



A hate crime is when someone does something to hurt you because of who you are or who they think you are.

The criminal thinks you are different from them and hates you because of that difference.



The crime can be:

- being violent – things like hitting, punching, stabbing or murder.



- saying things that threaten you

- harassment – abusing you or making you frightened.



- graffiti – writing or drawing things that threaten or abuse you.



- posting threatening or abusive messages about you online, for example on Facebook or Twitter.

What is the Scottish Government going to do?



The Scottish Government will make hate crime laws better.



A Bill is an idea for a new law.

Members of the Scottish Parliament decide if they should become law.

There is a new Bill called the Hate Crime and Public Order (Scotland) Bill.



There are lots of different hate crime laws and they do not all work in the same way.

The new Bill will bring most of these laws together so it is easier to understand.



The Bill will also make new hate crime laws.

It will show that Scotland will not put up with hate crime, and it will be taken seriously.

Why is the Scottish Government doing it?



Hate crime causes a lot of damage to victims, families and communities.

Hate crime and prejudice make it difficult for people to feel that they belong in a community.

It stops people working together and living together.



The Scottish Government knows that changing the law is only one way to have a country where everyone is included and treated equally.



Lord Bracadale is a retired judge.

The Scottish Government asked him to look at Scotland's hate crime laws and see if they needed to change.



He made a report and gave recommendations – things he thought should happen.



The Scottish Government asked people what they thought of the recommendations.

They used an online questionnaire and had meetings and events.



People gave lots of important information that helped the Scottish Government decide what should be in the new Bill.

The Scottish Government made a report about what people told them.



The Scottish Government looked at how the Bill would affect people's lives and to make sure everyone will be treated equally.

This information is online [here](#).

Aggravation of offences



An offence is when a person commits a crime. This means they do something that is against the law.

When a criminal is convicted of a hate crime an 'aggravation' can be added to their sentence.



An aggravation shows they committed the crime because they hated the victim and targeted them because of who they are.

For example, if someone attacks you because of your race, then a racial aggravation can be added to the crime of assault.



A sentence is the punishment for a crime.

Adding an aggravation to the crime can sometimes change the sentence a criminal gets.

Characteristics



A characteristic is how you see yourself or a group that you feel part of.

The characteristics in the new hate crime Bill are:



- Age



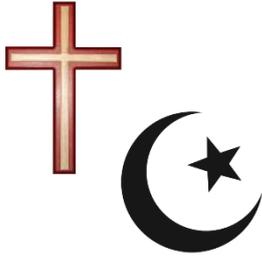
- Disability



- Race, colour, nationality (including citizenship), or ethnic or national origins.

Ethnicity is the word we use to describe our background.

People from an ethnic group might have the same language, culture or religion.



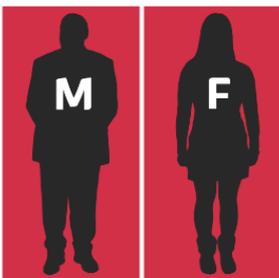
- Religion.
A religion is a set of beliefs that some people have.



- Sexual orientation.
This means whether you are attracted to men, women or both.



- Transgender identity.
Transgender means you see yourself differently from what you were registered at birth (male or female).



- Variations in sex characteristics.
This means your body is different to what is generally expected of males and females.



The Bill includes hate crime committed against someone because the criminal thinks the victim has one or more of these characteristics.

Even if the victim does not have the characteristic, but the person thinks they do, this is still a hate crime.



For example, a criminal hits someone because they think they are a Muslim.

Even if the victim is not a Muslim, the crime may still have an aggravation of religious prejudice.



The Bill also includes hate crime committed against someone who is connected to people with a characteristic.

If the victim does not have the characteristic, but is part of a group that does, this is still a hate crime.



An example would be if a criminal attacks a white person at a Black Lives Matter march.

The crime may still have an aggravation of racial prejudice.

Crimes about ‘stirring up hatred’



The new Bill covers crimes about stirring up hatred.

Stirring up hatred means encouraging others to hate a person or a group because of their characteristics.

The stirring up offences in the Bill cover all the characteristics on pages 6 and 7.



The Bill makes it a crime for someone:

- to behave in a threatening or abusive way.



- to have threatening or abusive material that they want to communicate to other people.

This could be words, pictures, music or information on websites.



- to send threatening or abusive material to another person.

This could be words, pictures, music or information on websites.

where:



- the person wants to stir up hatred against people who have that characteristic



- or as a result of what they are doing, it is likely that hatred will be stirred up against people with that characteristic.



The law is slightly different where the stirring up offences are against race, colour, nationality or ethnicity.



The difference is that, in this case, the crime can be committed if the behaviour or material is threatening, abusive or **insulting**.

This is different because race hate crime is a big problem in Scotland.

It causes a lot of problems in our communities.

The power to add the characteristic of ‘sex’ in the future



The new Bill has a power which means the law can be changed in the future.

It could add a new aggravation and/or a crime about stirring up hatred because of a person’s sex.



For example, an aggravation in relation to ‘sex’ may apply because the victim was a woman.



The aggravation could also apply if a person was targeted because they are connected to someone who is targeted because of their sex.

An example could be someone who is attacked because they are a speaker at a women's group.

Blasphemy



The Bill will get rid of the crime of blasphemy.

Blasphemy means saying or doing things that are offensive or insulting to God or something holy.

This crime does not reflect the Scotland we live in today.

Misogynistic harassment



Misogyny is a hatred of women.

The Scottish Government will have a group to look at how the law deals with hatred of women.

This is to see if the law needs to change.



The group will also think about if the characteristic of 'sex' should be added to the new hate crime law.

The Scottish Government will tell Parliament what the group have found out and what they think should happen next.

Tell us what you think.



We would like to know what you think about the new law.

Tell us by emailing:

ConnectedCommunities@gov.scot