Hate Crime -
Does the law need to change?

EasyRead version of:
Hate Crime: Background to our review.
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Some words are in **bold**.

There is a list of what they mean at the end of this report.
About this paper

The Law Commission wrote this paper.

We are independent (not part of the government).

We look at laws to see if they are fair and work well.

We tell the government if we think laws need to change.
We are looking at laws about hate crime in England and Wales.

At the start of 2020 we will write a report with our ideas and ask what people think about it.

This paper is to tell people:

- what is happening with our work on hate crime
- what the laws says now about hate crime
what we are looking at and thinking about.
What is hate crime

Hate crime is when someone commits a crime against another person because of their:

- disability
- race – the country they were born in or their family come from
- religion
- **sexual orientation** – whether they are gay, straight or bisexual

- **transgender identity** – being born a woman and living as a man or born a man and living as a woman.
Why we are looking at hate crime laws

At the moment the law gives people extra protection if someone commits a **hate crime** against them.

But the government thinks that the laws could work better. They have asked us to think about how they might be improved.

**Hate crime** law only applies to crimes because of:

- disability
- race
- religion
- sexual orientation
- transgender identity.
Many people think it should protect other groups and include things like age or gender.

We will look at hate crime laws to see if they are fair and work well for everyone.

We will ask what people think about our ideas and then tell the government what we think needs to change.

There is more information about this work on our website: www.lawcom.gov.uk/projecthate-crime/

To find out more, please email: hate.crime@lawcommission.gov.uk
What the law says now

The law says **hate crime** is serious.

Courts can deal with it in 3 ways:

1. As an **aggravated offence**

   This is a different, more serious crime, because it is done because of who the **victim** is.

This only covers some crimes at the moment. If someone is found guilty of an **aggravated offence** it is written on their police record and the court can give a larger fine or longer in prison.
2. With an **enhanced sentence**

Courts can give someone a longer time in prison or larger fine if the judge decides the crime is a **hate crime**.

This can be used for more crimes. It is not written on the person’s police record.

3. As **stirring up hatred**

Trying to make other people hate someone because of who they are by:

- what you say or do

- what you write
- recordings, videos or plays.

The court can **sentence** someone for up to 7 years in prison for crimes covered by this law.

At the moment this does not cover crimes against people who are **transgender** or have a disability.
How the law deals with hate crimes

This story shows what could happen when the police think a **hate crime** has happened.

Andrew is black. One night someone scratches his car and sprays nasty **racist** words over it.

Andrew’s neighbour says he saw another neighbour called Corey damaging the car.

The police decide to **investigate** this as a **hate crime** because of the words that were used.
They talk to Andrew and his neighbour.

Then arrest Corey for the crime.

The **CPS** decides there is enough **evidence** to charge Corey with a **hate crime**.

They decide if the trial should be at the magistrates’ court or the Crown Court. The Crown Court deals with more serious cases.

Corey goes to court and is asked if he is guilty or not guilty.
Andrew and his neighbour could be helped if they give evidence. They could have **special measures** if they are frightened of speaking up in front of Corey in court. They might be able to speak behind a screen or by a video link.

The court will decide if Corey is guilty or not guilty.

At the magistrates’ court, there is no limit to how much they could fine Corey. Or they could send him to prison for 6 months.

The Crown Court could send Corey to prison for up to 14 years.
Our other work on hate crime

We wrote our first report on hate crime in 2014.

We said hate crime laws should protect more groups and treat people fairly.

We also said courts need better advice about how to sentence people for hate crime.

We said we would look at these things in the future.
What we are looking at now

We now have the chance to look at all the things we talked about in 2014.

We will ask:

- Is the idea of **hate crime** clear?

- Do hate crime laws protect everyone they should? Should they also protect victims of crime because of things like age or **gender**?

- How is the law being used?
How can we make sure **hate crime** laws include all the offences they should? This means courts can give a larger fine or longer time in prison.

How do **hate crime** laws work with agreements about **human rights** and laws about **equality**?

Do laws need to change?

Do we need to change the law about stirring up hatred?
How to get involved

We will write a paper with our ideas about hate crime laws.

Early in 2020 we will give people a chance to talk to our staff and say what they think.

We will think carefully about what we have been told and write our final paper for the government in 2021.

If you would like to know more or find out how to get involved, please email: hate.crime@lawcommission.gov.uk

There is more information on our website: www.lawcom.gov.uk/project/hate-crime/
What the words mean

**Aggravated offence**
When a court treats a crime more seriously because it is done because of who the victim is.

**Commit**
Carry out a crime.

**CPS**
The organisation that decides about prosecuting people in England and Wales.

**Enhanced sentence**
When a court gives someone a larger fine or longer time in prison.

**Equality**
Treat everyone fairly and equally.

**Gender**
Being male or female.

**Guilty**
When someone has done something wrong or committed a crime.

**Hate crime**
When someone commits a crime against another person because of who they are.
Human Rights
Things that should happen for everyone.

Investigate
Look at the facts and information and find out the truth about what happened.

Offence
The crime that someone is charged with.

Racist
Words or actions against someone because of their race.

Sentence
The punishment a court gives to someone who does a crime.

Sexual orientation
Whether someone is gay, straight or bisexual.

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

Victim
The person harmed by a crime.