

Hate Crime

Scotland



Hate crime

A **hate crime** is *'any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice towards someone based on a personal characteristic'*.¹

Hate crimes are any crimes that are targeted against a person because of hostility or prejudice towards that person's:

- disability;
- race or ethnicity;
- religion or belief;
- sexual orientation;
- gender identity.

Hate crimes can be committed against a person or their property.

In 2018/2019 there were 4914 offences recorded by the police in Scotland, of which racial crimes were the most commonly reported hate crime.²

Being a victim of hate crime can leave a person fearful, isolated and vulnerable and can severely undermine their sense of safety in their school/college and or community. It impacts greatly on self-confidence and self-worth and can lead to depression, anxiety and, in extreme cases, suicide.

The NASUWT believes that all children and young people and staff in schools and colleges have a right to learn and work in a safe and secure environment that is free from intimidation, harassment, abuse and fear, and where they feel valued and respected.

Tackling hate crime

Schools and colleges can contribute to tackling hate crime by ensuring that:

- the school/college promotes a climate of respect;
- every student, staff member and parent/carer within the school/college community feels valued and secure;
- the curriculum reflects and represents accurately the diverse nature of Scotland and the world and addresses issues of diversity in ways that counter prejudiced assumptions;
- false assumptions and stereotypes are challenges with sound factual information;
- they are vigilant for any signs of name-calling, abuse or bullying involving any member of the school/college community;
- all incidents of name-calling, abuse and bullying are reported, recorded and dealt with promptly and sensitively;
- all staff are given appropriate training and support to enable them to tackle discrimination, bullying and harassment and promote equality of opportunity.

Legislation addressing hate crime

The Equality Act 2010

The Equality Act 2010 provides protection against discrimination to those with a protected characteristic.³ It also places a duty on public authorities (which includes schools and academies) to advance equality of opportunity, eliminate discrimination and foster good relations between different groups.

The duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- foster good relations between people who share a protected characteristic and people who do not share it.

Some types of harassing or threatening behaviour, or communications, could be a criminal offence – for example, under the Protection from Harassment Act 1997, the Malicious Communications Act 1988, the Communications Act 2003 and the Public Order Act 1986.

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2016

The amended Act places distinct equality duties on local authorities.⁴

Hate Crime is prohibited under Criminal Law, including:

- the Criminal Law (Consolidation) (Scotland) Act 1995;
- Public Order Act 1980;
- Crime and Disorder Act 1998;
- Criminal Justice (Scotland) Act 2003;
- Offences (Aggravated by Prejudice) (Scotland) Act 2009.

What do I do if I am a victim of hate crime?

- keep a log of all incidents, including copies of memos and letters;
- speak to someone about the incidents, such as a family member, a counsellor or a trusted work colleague;
- where the behaviour is having a detrimental effect on health, contact a GP.

1 Common definition agreed by the police, Crown Prosecution Service, Prison Service and other agencies that make up the criminal justice system.

2 Crown Office and Procurator Fiscal Service. Hate Crime in Scotland 2018/19.

3 Protected characteristics apply to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4 Essential guide to the Public Sector Equality Duty, A guide for public authorities in Scotland. Equality and Human Rights Commission.

Hate crime is a criminal offence and therefore if you believe you have been a victim of such an incident, you should consider reporting it to the police.

Further Help and Support

- Visit the NASUWT website at www.nasuwt.org.uk
- Contact the NASUWT:
 - NASUWT, 35 Young Street North Lane, Edinburgh EH2 4JD.
 - Tel: 0131 226 8480.
 - E-mail: rc-scotland@mail.nasuwt.org.uk.
- Call 101 to speak to the police in your area.
- Call 999 in an emergency.

Act for
**RACIAL
JUSTICE**