

Hate Crime Newsletter

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Welcome to the Hate Crime Newsletter.

The tragic events in Westminster last month really bring our work on hate crime into sharp focus. We know from partner research and data that after significant national and international events there is often a spike in hate crime incidents. We also see a link between what might be thought of as lower level crime and people taking more serious or violent action. We cannot, therefore, be complacent. We must continue to accurately flag and recognise hate crime cases, we must focus on presenting evidence of hostility and we must do more to increase the confidence of people to report.

We will continue to prosecute hate crime and we will do so robustly.

Last month I attended the Government Independent Advisory Group (IAG) on hate crime. Many of the group members also sit on our Scrutiny Panels. In light of the events in Westminster the previous week, Sarah Newton MP and Minister for Vulnerability, Safeguarding and Countering Extremism attended the meeting to reassure the IAG that the Government takes tackling terrorism very seriously. Many of the group members praised the CPS for our openness, transparency and engagement on hate crime specifically referencing the recent consultations on the public policy statements. Engagement and inclusion are very much a personal priority, so I was delighted to receive such positive feedback and would like to share it with all those involved in hate crime who regularly engage with and consult community partners. It is only through engagement and listening to our victims, witnesses and communities that we will improve what we do.

On 21 March, the Solicitor General gave evidence for the Home Affairs Select Committee's inquiry on hate crime and its violent consequences. The article on [page 6](#) gives more detail. The Solicitor General was able to highlight many of the positive pieces of work we have been doing around hate crime but he also touched on areas we are working to improve. The Social media platforms Google, Facebook and Twitter also gave evidence to the committee earlier in the month and I would highlight [that session as a really interesting read](#). The session focussed on their responsibilities to protect users and what more they could and should be doing.

As I am sure you know, February was LGBT history month. I was inspired by the events and activities taking place around the country and it was a real privilege to be asked to speak at the NBCPA and LGBT network event on 27 February. The event was titled 'Race, Culture, Religion and their impact on access to justice for Black Asian and Ethnic Minority (BAME) Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people' and is covered in more detail in an article on [page 7](#) of this newsletter.

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I would like to say a big thank you to the organisers who put together such a thought-provoking and ground-breaking event, with special thanks going to Grace Moronfolu, the Inclusion Manager in CPS East Midlands, for her hard work and vision. There were a variety of speakers and discussions and it was an excellent opportunity to think about the way in which the strands of hate crime interact and cross over. The event highlighted that BAME LGBTI individuals are a minority within a minority and can face two levels of exclusion. BAME LGBTI individuals can experience hostility from the wider world but also hostility within their own intimate world. The event really brought home to me how difficult that can be. People are not 'strands' or 'categories', they are individuals and, in order to prosecute cases of hate crime effectively, we need to recognise this and support victims and witnesses accordingly.

As always, we have a very busy work schedule in the hate crime policy team. There is a great deal of work going on to revise the public policy statements following the consultations which closed in January. We will also be revising our hate crime legal guidance. Work is ongoing to update the CPS website and there will be a new section on hate crime allowing us to highlight successful prosecutions and uplifts. The CPS communications team are also working on an exciting hate crime campaign which will be launched this spring. It's through this kind of joint working and collaborative approach that we can get our messages out there and really improve public confidence to report hate crime.

At the start of May the National Police Chiefs' Council and the national Hate Crime Independent Advisory Group are holding their hate crime conference. This conference is an opportunity to come together with our partners and discuss the issues in investigating and prosecuting hate crime and find ways to move forward and make real improvements. There will be an article in the July newsletter giving you more detail following the conference.

I hope you enjoy this issue of the newsletter.

To shape the July edition, please send comments, contributions and examples of best practice to: alison.plant@cps.gsi.gov.uk

Baljit Ubhey, Director of Prosecution Policy and Inclusion

Positive Outcomes from CPS Areas

Hate Crime Coordinators

Prosecutors and Hate Crime Coordinators are working hard across the country to prosecute hate crimes. Here we celebrate some of our recent successes:

CPS North East successfully prosecuted a man who sent anti-Semitic messages to Luciana Berger MP, offensive emails to an anti-hate crime organisation and threatened to blow up a mosque. He created fake accounts to try and hide his identity.

The CPS and police built a strong case and evidenced the link between the offender and the fake accounts. In light of the evidence, he admitted four charges of sending a communication conveying a grossly offensive message, three charges conveying a threatening message and two charges of sending a communication conveying false information.

The offender was jailed for 27 months. An uplift was applied to the sentence for some of the charges, after the judge accepted that they were motivated by hostility towards the race of the victim. The sentence was increased by 50% for each of the racially-motivated charges.

CPS London prosecuted a far-right extremist who made a speech at an anti-Jewish demonstration in London and posted more than a hundred racist comments on Facebook advocating extreme racial violence and hatred.

The offender was convicted of stirring up racial hatred and sentenced to four years' imprisonment.

CPS Yorkshire and Humberside successfully prosecuted a case of disability hate crime. The defendant was a support worker at the care home in which the victim resides. She repeatedly kicked the victim under a table while others were present.

The defendant pleaded guilty at the first hearing to assault by beating and the ill treatment or wilful neglect of a person without capacity. She was sentenced to 12 weeks' imprisonment suspended for 12 months, uplifted from a high level Community Order, and 150 hours' unpaid work. She was also ordered to pay £85 costs and a £115 victim surcharge.

CPS North West successfully prosecuted a man who deliberately targeted and racially abused a man on a double decker bus. The offender was verbally abusive and

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threatened to bounce a beer can off the victim's head resulting in him moving to the lower deck of the bus to try and escape the abuse only to be followed by the offender. On following the victim, the offender carried on his abuse also directing it towards a woman on the lower deck wearing a head scarf.

The incident was captured on a fellow passenger's phone, which meant the offender was left with no other choice than to plead guilty even though he claimed to remember nothing about it.

The offender was sentenced to 24 weeks imprisonment, uplifted from 18 weeks due to the racial aggravation. At sentencing a suspended sentence was also activated taking his total sentence to 30 weeks.

CPS East Midlands successfully prosecuted a case of homophobic hate crime. The offender was arrested by police officers following reports of an incident. At the scene he resisted arrest, behaving aggressively and, as a result, was taken into police custody. While in custody, the offender subjected the police officers to a barrage of aggressive abuse including a homophobic insult. Despite a warning from the police officers about his language, he directed the homophobic insult at one of the officers a further six times.

The offender pleaded guilty to using threatening words or behaviour to cause harassment, alarm or distress and resisting a constable in the execution of their duty. The offender was fined £190, uplifted from £90 for the homophobic aggravation. He was also ordered to pay £50 compensation to the victim and a surcharge of £85.

CPS South West successfully prosecuted a case where the offender targeted older people.

The offender is well known in his local area for his voluntary work with local elderly residents and had, in the past, been recognised for his good work. He was caught stealing from the victim, a 92 year old man with various health conditions, after his family installed a camera which clearly showed the offender taking money from a drawer.

The offender pleaded guilty and was given a 6 week prison sentence, suspended for 12 months and was ordered to pay £85 costs, £15 Compensation and a £115 surcharge.

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Prosecuting breaches of section 22 of the Gender Recognition Act 2004 as potential hate crimes

Alison Plant, Deputy Operational Policy Advisor

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The Gender Recognition Act 2004 (GRA 2004) provides for the legal recognition of the trans person in their acquired gender and the opportunity to acquire a new birth certificate for their new gender. The GRA 2004 also protects those who have received or who are in the process of receiving a Gender Recognition Certificate from having this information revealed without their consent.

Under s.22 of the GRA 2004, it is an offence for a person who has acquired “protected information” in an “official capacity” to disclose the information to any other person.

“Protected information” includes information regarding the application process for a Gender Recognition Certificate itself, whether it has been applied for, started or concluded or, if a Gender Recognition Certificate has been granted, the gender status of the individual before his or her acquired gender.

“Official capacity” relates to a person’s functions as a civil servant, constable, holder of public office or in connection with the functions of a local or public authority of a voluntary organisation.

There have been no charges under s.22 GRA 2004 recorded to date. Consequently, the police and CPS have agreed to treat unauthorised breaches under s.22 GRA 2004 as potential hate crimes. As such, under the Director’s Guidance, all cases where the police decide there are sufficient grounds for a prosecution must be referred to the CPS for a charging decision.

All cases received by prosecutors, including those resulting in a “no further action” decision, should be notified to Mick Conboy in Operations Directorate (mick.conboy@cps.gsi.gov.uk). A form will soon be added to the [casework hub](#) for these referrals.

The legal guidance will be updated to reflect this position. A guidance note for prosecutors will soon be posted to the [casework hub](#) outlining full information and actions required. This will be accompanied by further information from GALOP, the LGBT anti-violence charity.

Solicitor General gives Evidence at the HASC

Alison Plant, CPS Deputy Operational Policy Advisor

On 21 March, the Solicitor General Robert Buckland MP gave evidence at the Home Affairs Select Committee (HASC) for its inquiry into hate crime and its violent consequences.

This HASC inquiry is set to investigate:

- The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.
- The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates.
- The role of social media companies and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating.
- The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime.
- Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved.
- The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved.

The Solicitor General was asked about the work of the CPS in tackling hate crime and highlighted work done to increase prosecutions and sentence uplift in crimes against disabled people. He talked about the progress made but was clear that there is still work to do and that this remains both a personal priority and a priority for the CPS.

Social media and online hate crimes were also a focus of the evidence session. The Solicitor General gave evidence on the revised [Social Media guidelines](#) published by the CPS in October 2016 which now include a section on hate crime which states the presence of any motivation or demonstration of hostility on the grounds of a protected characteristic will mean that prosecution is more likely.

The HASC also asked the Solicitor General about underreporting of hate crime and he was able to highlight the work of the CPS in engaging with community partners to increase confidence to report. He used the specific example of the National Scrutiny Panel on racially aggravated hate crimes committed against the Gypsy, Traveller and Roma communities held in December last year.

More information about the HASC inquiry and a transcript of the evidence session on 21 March can be found [here](#) on the HASC website.

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NBCPA and LGBT network event

Grace Moronfolu, Inclusion and Community Engagement Manager, CPS East Midlands

To mark LGBT history month, the CPS National Black Crown Prosecution Association (NBCPA) and the CPS LGBT network hosted a ground-breaking and unique event on 'Race, Culture, Religion and their impact on access to justice for Black Asian and Ethnic Minority (BAME) Lesbian Gay Bisexual, Transgender and Intersex (LGBTI) people'.

The aims and objectives of the event included increasing confidence of the BAME LGBTI community to report hate crimes they may experience from within their own



BAME communities and the wider community; building awareness of cultural context and challenges within BAME Communities who experience Homophobia; increasing engagement with the BAME LGBTI community; signposting of better support to BAME victims of homophobic/ transphobic/ bi-phobic hate crime; and contributing feedback into CPS policies and guidance.

The event was well attended. We had over 100 delegates, half of whom were members of the BAME LGBTI community. The event was considered as significant even by Stonewall who sent several representatives.

The workshops tackled difficult issues such as the impact of media on prejudice, bias and hate crime as well as the prevalence of offending against the BAME LGBTI communities.

The event provided some useful feedback and learning points which will help us better understand the challenges BAME LGBTI victims of crime often experience, including:

- The BAME LGBTI community are generally hidden from sight due to the hysteria and violence they often experience from their own families and faith communities.
- BAME LGBTI children experience disproportionately higher levels of parental neglect and abuse. This abuse is often additionally driven and delivered by faith communities in their attempt to 'deliver' the victims from the demon of 'homosexuality'.
- Hatred and violence against the BAME LGBTI community is often preached in the pulpits, mosques and synagogues but victims are unsure and have little confidence in reporting incidents. This is compounded by family links to these

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faith communities and victims feeling conflicted in bringing shame to families, and having these families shunned by the wider faith community.

- The BAME LGBTI community also experience high levels of blatant racism and prejudice within wider LGBTI community.
- More at risk of mental health problems due to family/cultural pressures and the impact this can have on both individuals and wider society.
- Higher levels of violence against BAME LGBTI who are visibly 'out' for example unprovoked violence like stabbing, punishment beatings, criminal damage, abuse and humiliation. Perpetrators are often known to the victim, often family members or prominent members of faith communities.

A key learning point for the CPS is understanding the mental strength it takes for BAME LGBTI individuals to report crimes committed against them. When they do report crimes we must take it very seriously and be better prepared to understand and support them through the prosecution process.



For more information about the NBCPA, please contact the Network on: NBCPA@cps.gsi.gov.uk. For more information about the CPS LGBT network, please contact them on: lgbt.co-chair@cps.gsi.gov.uk

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Policing football: tackling hate crime and ensuring supporter safety

Kirsten Foster, CPS Operational Policy Advisor

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Howard Tobias, CPS London, delivered a presentation at the Westminster Briefing event titled 'Policing football: tackling hate crime and ensuring supporter safety'. The event, held on 26 January 2017, addressed a number of issues including: challenging and changing attitudes around hate crime; tackling online hate, and identifying and prosecuting abusive perpetrators; and using police and club intelligence to predict fans' behaviour on match days. The event included many references to the [Government's Hate Crime Action Plan](#) and, in particular, the new football-specific initiatives.

Howard's presentation identified that the CPS and policing are committed to taking a robust stance towards tackling football related disorder and hooliganism. Howard informed the attendees that the NPCC and the CPS work closely with the Home Office and other government departments in a continuing effort to combat violence and disorder around football matches at home and abroad.

Howard's presentation also highlighted that those attending football matches, those who work in and around football grounds, and those who provide transport services that allow fans to travel have the right to do so without fear or violence, discrimination or intimidation. The police and CPS will deal robustly with offences of racist and homophobic and discriminatory chanting and abuse and other types of hate crime.

Howard informed attendees of the refreshed version of the NPCC and CPS prosecution policy for football related offences, which includes a commitment to work with [KickItOut](#) and [Stonewall](#). The refreshed policy identifies that the overwhelming majority of football fans are well-behaved, and sets out the NPCC and CPS commitment to continue to operate a robust prosecution policy for football related offences. This is particularly important in light of recent media attention which identifies that reported hate crime is on the rise in football.

The CPS presentation and follow-up question and answer session were very well received, resulting in the event organisers providing feedback that Howard's knowledge and expertise 'shone through'.

Howard's presentation may be accessed via the [Football section of the Knowledge Hub](#) for those interested internally.

Gendered Islamophobia

Zaynab Asghar, Support Worker, Nottingham Muslim Women's Network

Nottingham Muslim Women's Network, a diverse network of Muslim women, has in the past year recognised the detrimental effect 'Gendered Islamophobia' is having upon Muslim women of Nottingham. Our recent collaborative work with the Nottinghamshire Police Hate Crime board has helped us identify some of the ways Gendered Islamophobia impacts the day to day lives of ordinary Muslim women living in Nottingham. Gendered Islamophobia for Muslim women often translates itself as violence against Muslim women because of their visible Muslim identities:

"Gendered Islamophobia has been defined as Islamophobia perpetrated towards women of the Muslim faith because of their visible Muslim identity. Muslims, particularly those with a 'visible' Muslim identity, are more vulnerable to anti-Muslim hostility, intimidation, abuse and threats of violence"

Tell MAMA report, ['We Fear for Our Lives'](#) (October 2015)

For lots of Muslim women, any news of a terrorist attack abroad or at home invokes a sense of debilitation of normal day to day life and even for some an extreme fear of leaving their homes due to their perceived risk of reprisal attacks. Muslim women feel that their Muslim attire makes them more susceptible to Islamophobic violent attacks at the hands of certain members of the wider community.

For members of our network, Gendered Islamophobia manifests itself in different ways from verbal abuse and intimidation to full on violence and degradation:

I was waiting for my prescription when an elderly white man started to shout, at first I could not make out what he was saying but soon I realised his anger was addressed at me. He hurled abuse at me because of my clothing and insistently told me, me and my clothing had no place in his country and if I wanted to dress the way I did, I should go home! After actually noticing I was the object of his abuse, I asked the man what was wrong with my clothing but I consciously decided I would not fall to his level of hurtling abuse! For the rest of that day I was very disturbed because I was minding my own business and I was shouted at!

Nur (resident of Nottingham city)

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I sat on the top deck of the bus and behind me sat a group of teenage boys. As soon as I sat down the abuse started. I was called all kinds of names under the sun, all degrading comments aimed at my hijab. But it didn't stop there, the back of my hijab felt wet and one of the boys thought it was funny to urinate on me. I've never felt so degraded and angry in my life.

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Claire (Muslim revert's experience on local transport)

Research also supports Muslim women experiencing the 'double whammy' effect of not only being Muslim but also women. Muslim women are perceived to be passive members of the community thus a 'softer' target for the perpetrators of the hate crimes. Muslim women have also voiced their concern about the sexual innuendos they sometimes receive relating to their attire.

Muslim women have identified several different coping strategies from not going out on particular days of 'heightened' community tensions to avoiding public transport until an issue has died down in the media.



Speaking to Witnesses at Court

Hazel Rowe, CPS Operational Policy Advisor

CPS guidance on speaking to witnesses at court was published in March 2016 and tested in a number of pathfinder sites before being implemented nationally across all CPS Areas between June and September 2016.

Giving evidence in court may seem alien and intimidating for many victims and witnesses. The '[Speaking to Witnesses at Court](#)' guidance sets out the role of prosecutors in reducing their apprehension and in ensuring that they know what to expect before giving their evidence. This includes information about the general nature of the defence and about any cross-examination which may take place.

In addition, the guidance sets out what it is permissible for prosecutors to say to witnesses in preparing them for giving evidence to avoid coaching, which is not allowed.

A recent national satisfaction survey of victims and witnesses after they had given their evidence indicates that the introduction of the guidance is having a positive effect on their experience at court. The findings are very positive with 95% of victims and witnesses being satisfied with the support and information provided by the CPS at court.

Of those witnesses who were cross examined, 90% were satisfied with the information and support they received from the CPS to prepare them for their cross-examination. This compares favourably with findings from a national CPS satisfaction survey conducted in 2015, which highlighted that only 49% of victims and 62% of witnesses were satisfied they were given enough support in preparing them for cross-examination.

The CPS is planning to repeat the 2015 satisfaction survey later on this year, which will include questions to assess victim and witness satisfaction with their experience at court.

In addition to providing a measure of their satisfaction, the feedback provided will inform future policy development for victims and witnesses.

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Hate crime lecture at Wrexham Glyndŵr University

Jonathan Bushell, CPS Hate Crime Coordinator, Cymru/Wales

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On 15 March, I gave a lecture on prosecuting hate crime to students at Wrexham Glyndŵr University as part of their criminology course. This is the third year that I have spoken on this topic at the University and there were around 100 present for the three hour lecture.

I opened the lecture with real life examples of hate crimes. This included the murder of Stephen Lawrence in a racist attack in 1993 and the attack on Sureyya Ozkaya a 14 year old girl targeted for her Muslim faith. These examples put hate crime in context and give the students an understanding of the devastating impact hate crime can have on individuals who have been targeted because of an intrinsic part of who they are.

The lecture gave a comprehensive overview of how the CPS prosecutes hate crime and covered:

- The Code for Crown Prosecutors;
- The shared NPCC and CPS definition of hate crime used for flagging purposes;
- The strands of hate crime;
- Details of what can constitute a hate crime for example physical attacks; damage to property such as graffiti and offensive and abusive communications;
- Detailed sections on the legal framework for hate crime including stirring up offences;
- Sentence uplift;
- Social media offences; and
- Freedom of speech.

During the lecture, I also spoke about crimes against older people. There is no legal definition of a crime against an older person and the CPS policy is that 'older people' means those aged 60 or over. There are no statutory sentence uplift provisions for crimes against older people as there are with hate crimes but courts can increase the sentence on the basis that the targeting of a vulnerable victim is a serious aggravating factor.

This is a valuable opportunity to speak to students and increase their awareness and understanding of what hate crime is, how we prosecute these cases and the impact of these crimes on victims and witnesses.

Updates and Useful Info

Alison Plant, CPS Deputy Operational Policy Advisor

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CPS hate crime campaign

The CPS' hate crime campaign gets underway this spring and we'll be looking for staff and stakeholders to be involved.

The campaign aims to improve public understanding of hate crime and our role in delivering justice. Follow the CPS on Twitter ([@cpsuk](#)) to keep up with all the campaign activity. If you'd like to be involved or would like more information, please email Tracy.Papiccio@cps.gsi.gov.uk.

Muslims Condemn

A website has been set up to give worldwide examples of Muslims condemning things such as terrorism and ISIS. The website was set up by Heraa Hashmi whose classmate asked her 'why Muslims don't condemn things'. Her response was to create a 712 page document with sources and evidence. Readers can submit their own examples on the website which can be found at: <https://muslimscondemn.com/>

National Autistic Society film

On 31 March, the National Autistic Society launched a new film 'Too Much Information' which shows what it's like to receive more information than your brain can process. It can be accessed on the [National Autistic Society website](#).

Inter Faith Network Guide

On 31 March, the Inter Faith Network published the guide '[Looking After One Another: The Safety and Security of our Faith Communities](#)' in partnership with the Department for Communities and Local Government, the Home Office, the CPS, the National Police Chiefs' Council and the National Fire Chiefs' Council.

The document contains guidance on responding jointly to attacks on places of worship; working for calm at times of tension; and working to build on and strengthen existing good inter faith relations. It also contains material about reporting and information about working to build and strengthen good inter faith relations locally.

EHRC report – Being Disabled in Britain: A journey less equal

On 3 April, the Equality and Human Rights Commission (EHRC) published its report '[Being disabled in Britain: A journey less equal](#)' which is the most comprehensive analysis ever on how the rights of disabled people are protected in Great Britain. To read details of the report, including the press release, please visit the [EHRC website](#).

Friends Families and Travellers newsletter

The Latest issues of the [Friends, Families and Travellers Newsletter can be found here](#) and includes interesting articles and news.

The newsletter covers online Gypsy and Traveller cultural awareness training which will be available soon and will be of interest to professionals working with Gypsies and Travellers.

Places of Worship Security Funding Scheme

The scheme is one of the main commitments contained within the [Government Hate Crime Action Plan](#). It will provide protective security measures to places of worship that have been subject to, or are vulnerable to a hate crime attack. Animations about the scheme can be found on [YouTube](#) and [Twitter](#).

We welcome your input so if you would like to contribute to the Hate Crime Newsletter or have comments on this or any other issue, please email alison.plant@cps.gsi.gov.uk