

## **Working Group on Hate Crime**

### **Consultation response from the Scottish Council of Jewish Communities**

As the representative body of the Jewish community in Scotland, we welcome the consultation on hate crime as a means of increasing public awareness in this area. We are, of course, aware of the existing legislative provision in the Criminal Justice (Scotland) Act 2003 for 'offences aggravated by religious prejudice'. However, we feel that there is a need to recognise that hate crime affects a wide variety of groups within Scottish society, including members of faith communities.

#### **Use of specific legislation to address hate crime**

We accept that it would be possible to deal with hate crime under the common law system, but it is widely recognised that this is not being done effectively. We would suggest that a lack of specific legislation in this area devalues the perceived significance of hate crime, with the result that both victims and lawyers are less likely to make use of the common law provisions.

In our view legislation does more than provide a means for prosecution of offences. It plays a major part in informing public opinion, in the provision of strong and effective leadership by government and in the making of an official statement of the government's ethical and moral determination. Legislation against hate crime would send a powerful anti-discrimination message to Scottish society, and would emphasise the seriousness with which the Scottish Parliament views this matter.

#### **Groups that should receive special protection through legislation against hate crime**

We believe that any list of groups covered by hate crime legislation should be as wide as possible. We would suggest that these groups should not be included in a separate schedule or in the Bill itself, but that hate crime should be so defined as to include any crime motivated by hatred of a group rather than of an individual, in order to permit of a greater flexibility.

We note that the only form of religious hatred mentioned in the consultation paper is sectarianism, a term that is generally used only to refer to inter-Christian hatred. We believe that this discriminates against victims of other forms of religious hatred such as anti-Semitism, and would urge the Scottish Executive not to use this term, and explicitly to include all forms of religious hatred in a future hate crime bill.

#### **The form specific legislation should take**

We would suggest that there should be a hate crime comparable to the crime of racially aggravated harassment, and that it should also be an aggravation of other offences such as assault that they were motivated by group hatred. It should be made clear that it is competent to convict of any common law offence proved on the evidence even if a charge of harassment were to fail, and to convict of the principal offence charged where the aggravation is not proved.

#### **Areas outside the criminal justice system that could be improved to combat hate crime**

Whilst we regard legislation in this area as being of vital importance to society as a whole, we are of the opinion that legislation alone is not enough, and that it cannot change things in isolation. There is also a need for social change. Education should play an important part in this, but there also needs to be change at the institutional level. Business should develop explicit, enforceable and enforced codes of practice outlawing hate crime. We believe that the media are a valuable tool for change, not

only as a means of disseminating high profile campaigns, but also by accurate and honest reporting, and also by means of drama, particularly 'soaps'.

**Bodies that could improve their service to particular groups to help tackle hate crime**

We are of the opinion that there is a general need for the police and the court system to become more aware of the needs and practices of groups who might be the victims of hate crime. All of these, but particularly the police, as a front line service, should consider becoming more proactive in recognising the potential for hate crime to occur, and for defusing it before it has taken place.

We believe that the introduction of specific legislation to deal with incidents of hate crime would send an important and powerful message of leadership to people throughout Scotland, as well as providing a firm basis for the prosecution and punishment of the perpetrators of hate crime.