

# SCOTTISH PARLIAMENT

## WRITTEN ANSWER

30 April 2015

Index Heading: Learning and Justice

**Jackie Baillie (Dumbarton) (Scottish Labour):** To ask the Scottish Government what progress has been made on developing third party reporting systems for disability-related hate crime.

S4W-25311

**Michael Matheson:**

In some cases, it can be that victims and witnesses of hate crime including disability-related hate crime do not feel comfortable reporting the matter directly to Police Scotland and may be more comfortable reporting it to someone they are familiar with.

That is why Police Scotland works in partnership with a wide variety of partners who perform the role of third party reporting centres. The staff within third party reporting centres have been trained to assist a victim or witness in submitting a report to the police and can make such a report on the victim/witnesses behalf. Examples of third party reporting centres participating in the Police Scotland scheme range from Housing Associations to Victim Support offices and Voluntary Groups.

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Index Heading: Learning and Justice

**Jackie Baillie (Dumbarton) (Scottish Labour):** To ask the Scottish Government how it monitors the number of reports of disability-related hate crime that do not result in a prosecution.

S4W-25312

**Michael Matheson:**

Responsibility for prosecution of any crime including hate crime falls on the independent Crown Office and Procurator Fiscal Service.

In July 2014, the Crown Office and Procurator Fiscal Service published their annual 'Hate Crime in Scotland' publication. This report indicated that in 2013-14, 154 charges were reported to prosecutors with an aggravation of prejudice relating to disability, 12% more than in 2012-13 (17 additional charges). The report went on to advise that court proceedings were commenced in respect of 126 charges (82%), a higher proportion than in previous years. In total 130 (84%) of charges led to court proceedings, including those not separately prosecuted, but which may have been incorporated into other charges for the same accused.

The report indicated that no action was taken in respect of 7 charges (5%), a lower rate than in previous years. The most common reason for taking no action was the lack of sufficient admissible evidence for the substantial charge even though there was sufficient evidence for the disability aggravation associated with the charge. If there are no proceedings on the substantial charge, there can be no proceedings on an aggravation associated with the charge.

At the time this report was compiled, 13 charges (8%) were awaiting the outcome of further enquiries before a final decision on proceedings.

More generally, the report noted there is a broad consensus that disability-related hate crime may well be under reported compared to other forms of hate crime. Both Police Scotland and the Crown Office and Procurator Fiscal Service are engaged in a variety of activities aimed at increasing the level of awareness, especially amongst disability communities, that hate crime is unacceptable and should not be tolerated.

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Index Heading: Learning and Justice

**Jackie Baillie (Dumbarton) (Scottish Labour):** To ask the Scottish Government what more the (a) police and (b) criminal justice system can do to support people who report a disability-related hate crime.

S4W-25313

**Michael Matheson:**

Police Scotland have made considerable progress in recent years through the development of third party reporting centres and online reporting of hate crime to help support people affected by hate crime including disability-related hate crime. In addition, specific statutory disability hate crime aggravations were introduced through the Offences (Aggravated by Prejudice) (Scotland) Act 2009 which has improved the recording of hate crime and ensures the court must consider whether to increase an offender's sentence to reflect that an offence has been motivated by malice or ill-will towards another person based on their characteristics relating to their identity such as having a disability.

Efforts will continue by partners in the justice system including Police Scotland and the Crown Office and Procurator Fiscal Service to encourage victims of hate crime to report incidents so access to justice can take place and for a robust approach in dealing with such crimes to continue.

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Index Heading: Communities

**Jackie Baillie (Dumbarton) (Scottish Labour):** To ask the Scottish Government what plans it has to introduce a national action plan on hate crime similar to the action plan, Challenge it, Report it, Stop it, in England and Wales.

S4W-25314

**Alex Neil MSP:**

Tackling hate crime in partnership with key stakeholders and affected communities is a key priority. The Scottish Government believes hate crime to be unacceptable in modern day Scotland, and we are committed to eradicating it from society. We have already strengthened the law in this area, continue to work closely with Police Scotland and others to encourage reporting and are investing over £20m in 2015-16 to achieve equality and tackle discrimination. As we develop our approach, we are looking with interest at the approaches taken in other jurisdictions.

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