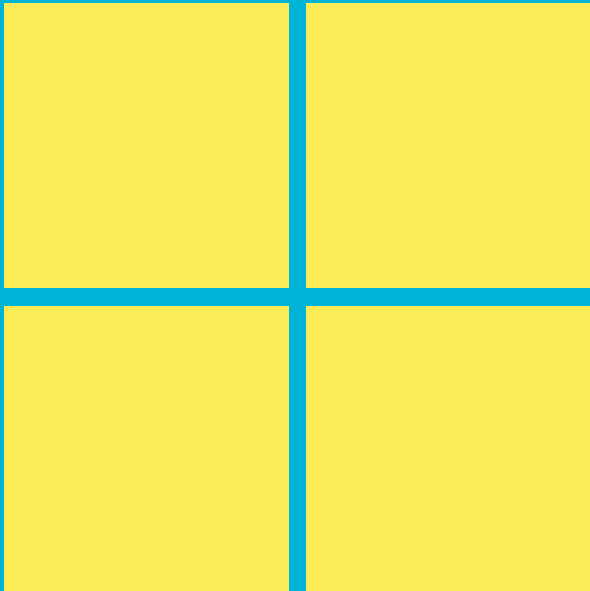


Scottish LGBTI hate crime report 2017





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- Information on reporting hate crime and seeking support is on p96.

Foreword

When we ask LGBTI people across Scotland what needs to change, to reduce the inequalities we face, tackling hate crime is always identified as a top priority. The Equality Network campaigned for laws that specifically deal with sexual orientation, transgender identity and intersex related hate crime. Since the introduction of these laws in 2010, the number of these crimes reported by police to the Procurator Fiscal has risen each year. But most hate crime still goes unreported to police.

With the Scottish Government considering how hate crime is handled, and now reviewing the law, we felt it was time to conduct new research into LGBTI people's experiences of hate crime. This report of that research contains a wealth of detail that can help inform improvements to practice, and it also makes specific recommendations.

We clearly need to encourage many more people who experience or witness hate crime to report it. But that change will require continuing improvements in people's experiences after they report. Those with key responsibilities here include government, police, prosecutors and courts.

The ultimate aim must be to reduce the prevalence of hate crimes, influencing the actions and attitudes of the small minority of people who commit them. The education system, and the disposals used in the justice system, have roles in this. Clear leadership from government and other influencers, against prejudice, is vital. Speaking out against abuse and discrimination whenever it happens makes a difference too, and that is something that all of us can contribute to.

We hope that you will find this report useful.

Tim Hopkins Director, Equality Network

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Introduction

The term ‘hate crime’ is used here to describe crime that is aggravated by prejudice relating to actual or perceived aspects of personal identity. Scots law currently deals with hate crime aggravated by prejudice on grounds of sexual orientation, transgender status, intersex status, disability, race / ethnicity, or religion, or a combination of these identities. In the law “aggravated” means either that the crime was motivated (wholly or partly) by that prejudice or that it was accompanied by an expression of that prejudice. It should be noted that whether a crime is a hate crime depends on the motivation(s) and behaviour of the person(s) carrying out the crime, and not on the identity(s) of those who experience it.

The current legislation dealing with sexual orientation, transgender status and intersex status hate crime is section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009. It was drafted almost a decade ago, and it remains progressive in that it covers intersex status and a wide definition of transgender people including non-binary people. However, some of the language used in the Act does not reflect current understanding or best practice. Problems include the placement of intersex as a subcategory of transgender identity rather than as a separate characteristic.¹ In this report we record intersex and trans statistics as separate categories in line with current best practice.

Although the recognition of hate crime in the UK is a relatively new phenomenon, over the past ten years there has been a surge in political and academic interest in this area. However, the majority of existing research focuses on racially or religiously motivated hate crime, with little research into sexual orientation, transgender

¹See Conclusion and recommendations for more details, p84.

or intersex hate crime. This report provides a vital assessment of LGBTI hate crime in Scotland.

The report explores the proportion of LGBTI people who have experienced or witnessed hate incidents or crimes relating to sexual orientation, transgender status, and intersex status in Scotland, and the nature of those incidents and crimes. The research was carried out through an online survey which was open to all people, as anyone can be a target of or witness to a crime motivated by prejudice against LGBTI people (for example, a heterosexual person may be targeted because they are perceived to be gay). However, because LGBTI people are more likely to experience such hate crime, the survey, and therefore the findings of this report, focus primarily on the experiences of LGBTI people. The report also explores what proportion of LGBTI hate incidents are reported to the police, why people do not report, and people's experiences of the criminal justice system after they report. It also examines LGBTI people's views on the current legislation.

There has been very little research to date on the prevalence of hate crime with multiple aggravating factors, that is, where a crime is motivated by more than one type of prejudice, and although this is not the principal focus of the report, it also considers these intersectional issues.

In our 2015 state of the nation report on LGBT people's experiences of inequality in Scotland, **The Scottish LGBT Equality Report**, tackling and reducing hate crime was identified as one of the main priorities cited by LGBT people for addressing inequality.²

² Equality Network, 2015. "The Scottish LGBT Equality Report: Lesbian, Gay, Bisexual and Transgender People's Experiences of Inequality in Scotland". <http://bit.ly/2waaJfx>, p72.

Therefore this report provides recommendations, developed from the research findings, on how the Scottish Government, public bodies, third sector and communities can work together to effectively address LGBTI hate crime in Scotland.

Existing justice sector hate crime data

The Crown Office report **Hate Crime in Scotland 2016-17** records a total of 1,075 reports from police to Procurators Fiscal of hate crime motivated by prejudice related to sexual orientation, in 2016-17.³ This represents the second largest category of recorded hate crime, with only racially-motivated hate crime having a higher incidence, at 3,349 reports. In 2016-17, 40 charges were reported with an aggravation of prejudice relating to transgender identity,⁴ compared to 30 charges in 2015-16.⁵ This is the highest number of transgender identity charges reported since the legislation came into force, although the numbers remain very small. There are no available official statistics for intersex status hate crimes, because they are currently included under the heading ‘transgender identity’. Although rates of reported sexual orientation and gender identity hate crime have increased very significantly since 2010, there is no clear evidence whether this is due to an increase in prevalence of these crimes, or an increase in the proportion reported to the police (or both).

³ The Crown Office & Procurator Fiscal Service, 2017. “Hate Crime in Scotland 2016-17”. <http://bit.ly/2hAR03a>, p4.

⁴ Ibid.

⁵ The Crown Office & Procurator Fiscal Service, 2016. “Hate Crime in Scotland 2015-16”. <http://bit.ly/21c49yx>, p4.

Crown Office statistics are useful but should not be regarded as reporting the whole picture of hate incidents and crimes experienced by LGBTI people. The Crown Office hate crime statistics count the number of reports by police to Procurators Fiscal (PFs). There is currently no national reporting in Scotland of the number of hate incidents reported to the police, or the number of hate crimes recorded by police. A hate incident is any incident reported to police that appears to have been aggravated by prejudice on any of the hate crime grounds. Not all incidents reported turn out to be crimes. Where police record that a hate crime has taken place, they may not report it to the PF, for example, because they have not identified anyone responsible for the crime. In addition, as described later in this report, many hate incidents and crimes are not reported to police. Crown Office statistics therefore seriously under-report the level of hate incidents and crimes.

Thanks

The Equality Network would like to thank all of the individuals who participated in the survey, for taking the time to share their experiences and views. Their contributions will help to inform the work of the Equality Network and the Scottish Trans Alliance to improve the handling of hate crime in Scotland.

Summary of key findings

Key findings of the research include the following:

Prevalence of hate crime

- **65%** of lesbian respondents had been a target of a hate crime at some point in their lives.
- **66%** of gay male respondents had been a target of a hate crime.
- **53%** of bisexual respondents had been a target of a hate crime.
- **80%** of trans respondents had been a target of a hate crime.
- **77%** of the relatively small number of intersex respondents had been a target of a hate crime.
- **90%** of respondents who had been a target of hate crime experienced it **two or more times**, and nearly a third (30%) experienced hate crime **more than ten times**.
- **19%** of people who experienced hate crime had experienced it at least once in the previous month, and 50% had experienced it in the previous year.

Nature of hate crime

- The types of hate crime experienced included being targeted by **verbal abuse** (95% of respondents who experienced hate crimes experienced this), **threats** (79%), **physical attack** (50%), **online abuse** (36%) and **sexual assault** (21%).
- The most common location in which hate crime had been experienced was in the street, followed by public venues such as a pub or café , and at school.

Reporting hate crime

- **23%** of respondents reported being not at all sure of how to report a hate crime, with **38%** very sure, and **39%** quite sure.
- **71%** of people who experienced hate crimes **did not report any of the incidents to the police**. Only **5%** reported every incident they experienced. Reasons for not reporting included people thinking that it was not serious enough, believing nothing would be done, hearing of previous, poor experiences of reporting, and fear of the consequences.
- Most of those who reported a hate crime contacted the police directly. Only **13%** used a third party reporting centre.
- Of those who did report a hate crime they experienced to the police, **41% were satisfied with the police response and 39% were dissatisfied**. Reasons for dissatisfaction included not being taken seriously, receiving an unsympathetic response and / or lack of LGBTI awareness from police officers.

Prosecution of hate crime

- Where respondents knew that a hate crime they reported had been referred to the Procurator Fiscal (PF), only **25% were satisfied with the interaction they had with the PF. 51% were dissatisfied**. Reasons for dissatisfaction included a lack of information or communication, as well as perceived lack of support from the PF.
- Where a case went to court, only **25% were satisfied with the court process. 58% were dissatisfied**. Reasons for dissatisfaction included a lack of information or communication, a stressful and unpleasant court experience, and lack of awareness from the sheriff of LGBTI issues.

- Where the perpetrators were found guilty, **30% of respondents were satisfied with the sentence that they received, while 55% were dissatisfied.** The main reason for dissatisfaction was that the sentence appeared too light. Some respondents suggested that education would be more effective than a sentence like a fine.

Sources of support

- **35%** of respondents who experienced hate crime sought support. Sources of support included their GP (38% of those who sought support), LGBTI organisations (22%), police (19%) and Victim Support (13%). 59% were satisfied with the support they received, while 24% were dissatisfied.

Witnesses to hate crime

- **62%** of all respondents had witnessed a hate crime against someone else.
- **87%** of those who had witnessed a hate crime had witnessed two or more incidents, and 26% had witnessed more than ten.
- **23%** of those who witnessed a hate crime had done so in the previous month, and 59% in the previous year.
- Of those who had witnessed one or more hate crimes, 67% had witnessed an incident motivated by anti-gay prejudice, 51% racist prejudice, 33% anti-lesbian, 33% anti-trans, 32% religious, 22% disability, 10% biphobic, and 4% intersexphobic prejudice. 20% had witnessed an incident motivated by more than one type of prejudice.
- Of those who witnessed one or more hate crimes, almost all (98%) had witnessed verbal abuse. 73% had witnessed threats, 47% physical attack, 32% online abuse and 10% sexual abuse.

- The most common location for witnessing hate crime was in the street, followed by a public venue such as a pub or café, on public transport, or at school or work.
- **81%** of those who witnessed hate crimes did not report any incident to the police. Only 5% reported all incidents they witnessed. Reasons for not reporting included not feeling it was their place to do so, lack of time, not knowing how to do so, and perception that it would not be taken seriously.
- Most of those who reported a hate crime they witnessed did so directly to the police. Only 14% used a third party reporting centre.
- **71%** of those who reported a hate crime to the police were asked to give a statement. Only 5% were required to give a statement in court.

Perceptions of hate crime and the law

- The large majority of respondents felt either very sure (55%) or quite sure (42%) that they could recognise a hate crime, with only 3% not at all sure.
- **Over a third (36%) of respondents felt that LGBTI people do not have enough protection from the law in relation to hate crime.** 28% felt that the protection provided by the law is enough, while 36% were unsure.
- **37%** of respondents said that the introduction in 2010 of laws in Scotland covering anti-LGBTI hate crimes had made them feel safer, while 30% said this had not made them feel safer.
- **45%** of respondents feel less at risk of hate crime now than five years ago. 42% feel the same risk, and 13% feel more at risk than five years ago.

Methodology

This report presents the findings of an online survey conducted by the Equality Network in September and October 2016. The survey was open to all people living in Scotland, both LGBTI and non-LGBTI people, in order to capture the views of those with direct personal experience of LGBTI-related hate crime (including non-LGBTI people who have experienced LGBTI hate crime), and of those who have witnessed such a hate crime.

The survey was publicised extensively via our social media platforms, websites and mailing lists. Flyers were distributed across Scotland, through local LGBTI organisations and groups, as well as in public spaces and services, such as shops, libraries, pubs and bars, police stations, GP surgeries and leisure facilities. We publicised that the survey was also available in a paper format, although no participants contacted us to request this version.

1,516 respondents in Scotland participated in the survey, which comprised more than 50 detailed questions. The survey sample, as with all surveys of this kind, is self-selecting, and largely consists of people connected in some way to our LGBTI networks. The data was processed using SPSS, and filtered to remove any responses which contained no understandable information, responses from outwith Scotland, and any responses where people had only answered the demographic questions, leaving a sample size of 1,445 substantive responses. 1,258 of those respondents identified as LGB or other non-heterosexual sexual orientations, 202 as transgender, and 22 as intersex (see below) – there are of course overlaps between those groups of people. 122 respondents identified as non-LGBTI.

All quantitative findings are presented rounded to the nearest percent, meaning that in some cases numbers may not total 100. Although the majority of respondents completed the survey, not all questions within the survey were mandatory, and some questions were only presented to respondents who answered that they had personally experienced, or

alternatively had witnessed, hate crime. Sample size therefore varies between questions. The quantitative findings are supplemented with a selection of participants' qualitative responses, selected to cover the range of points expressed. Direct and diverse quotes are used throughout to reflect the voices and experiences of the participants.

In analysing the survey results, differences in the responses between demographic groups have been highlighted, including on the basis of sexual orientation, transgender status and intersex status, and, where there is an identifiable difference in responses, age, gender, ethnicity, disability, religion, and location. Respecting the wellbeing and safety of respondents, the survey began with a statement reaffirming people's right to withdraw from participation at any point, and to skip any questions that caused any discomfort or distress. Participants were further reassured that any information that might identify an individual would be removed prior to the inclusion of any part of a response in this report.

A note on intersex respondents

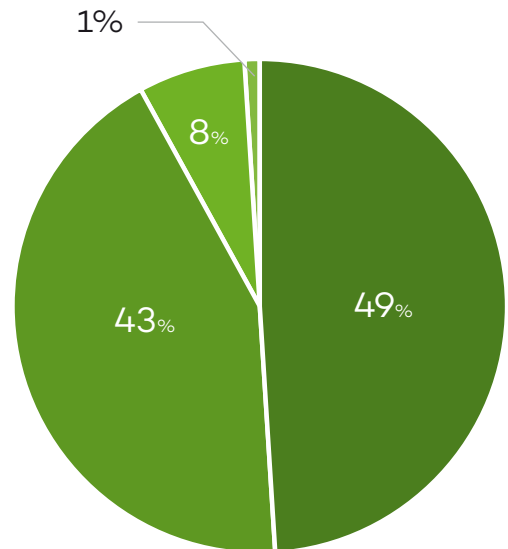
The Equality Network changed its remit in December 2014, to include intersex equality and human rights, alongside lesbian, gay, bisexual and transgender equality and human rights. We are reaching out and engaging with intersex people across Scotland, and working in partnership with UK intersex organisations, but this is at an early stage. The number of intersex people in Scotland engaging with this survey was small: 2% of survey respondents (n 22) identified as intersex. We have included in this report qualitative results from intersex respondents and, where possible, quantitative statistics from intersex respondents. However, the small number of intersex respondents means that intersex-specific quantitative information is indicative rather than statistically significant. Of course this does not affect the validity and usefulness of the qualitative comments from intersex respondents.

Demographics of survey respondents

Gender identity

Fig. 1: How would you describe your gender identity? (n 1,440)

- Man (includes trans man): **49%**
- Woman (includes trans woman): **43%**
- Non-binary person: **8%**
- Prefer not to answer: **1%**

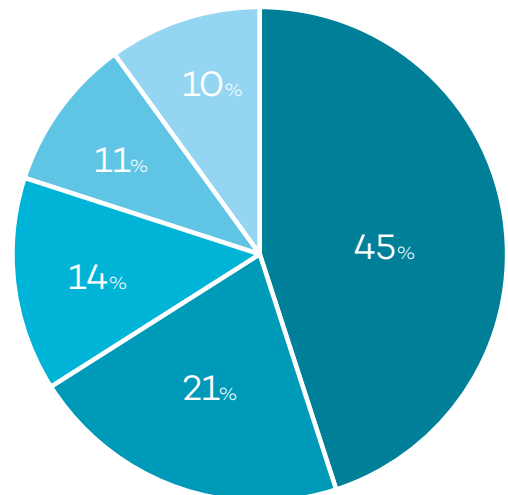


109 non-binary people completed the survey, reflecting the increasing number of people identifying as non-binary and engaging with our networks.

Sexual orientation

Fig. 2: How would you describe your sexual orientation? (n 1,414)

- Gay: **45%**
- Lesbian: **21%**
- Bisexual: **14%**
- Heterosexual / Straight: **11%**
- Other: **10%**



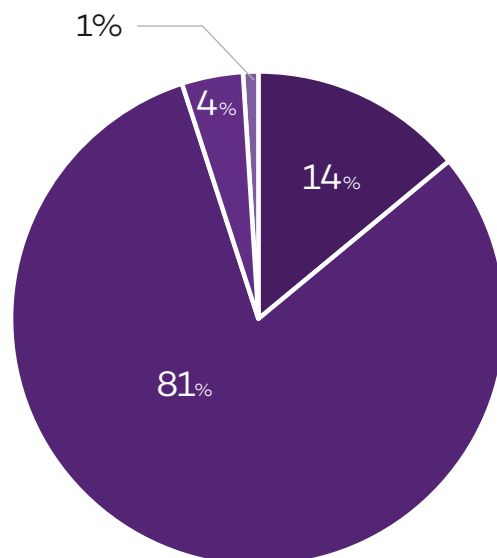
Of the 10% of respondents who defined their sexual orientation in other terms, 'pansexual' was the most common, followed by 'queer' and 'asexual'. Other terms used by several respondents included 'homosexual', 'demisexual', and 'panromantic'.

As usual with Equality Network surveys, the large majority of respondents defined as non-heterosexual.

Transgender status

Fig. 3: Have you ever considered yourself to be a trans person? (n 1,441)

- Yes: 14%
- No: 81%
- Unsure: 4%
- Prefer not to answer: 1%

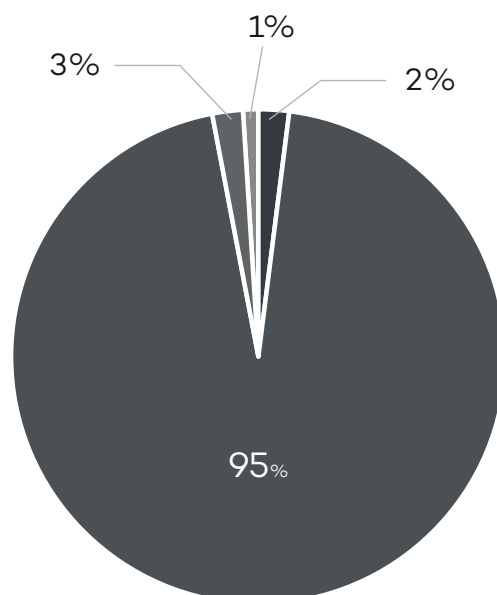


Where respondents chose to provide an additional term to define their gender diversity, 'genderfluid' and 'genderqueer' were the most common. The term transgender, and its shortened form 'trans', are used interchangeably in this report as an umbrella term for people who find their gender identity or gender expression differs from the gender they were assigned at birth. This includes, among other identities, non-binary people, trans women, trans men and cross-dressing people.

Intersex status

Fig. 4: Do you consider yourself to be an intersex person? (n 1,439)

- Yes: 2%
- No: 95%
- Unsure: 3%
- Prefer not to answer: 1%

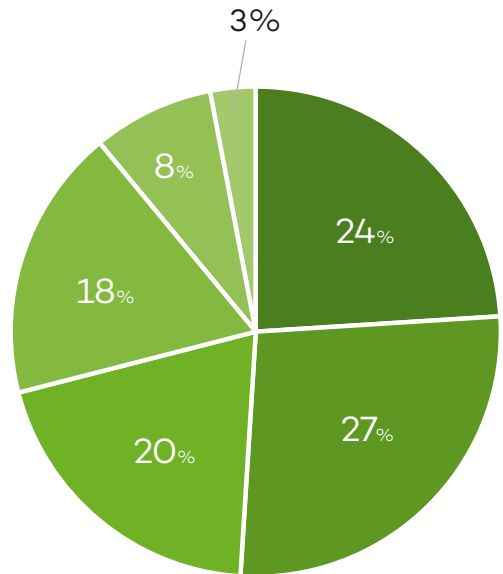


Intersex is an umbrella term used for people who are born with variations of sex characteristics, which do not always fit society's perception of male or female bodies. Intersex is not the same as gender identity or sexual orientation. As noted above, we are at an early stage in reaching out to intersex people in Scotland, and the small number of intersex respondents (for a survey targeted principally at LGBTI people) reflects this.

Age

Fig. 5: How old are you? (n 1,444)

- 16 to 24: **24%**
- 25 to 34: **27%**
- 35 to 44: **20%**
- 45 to 54: **18%**
- 55 to 64: **8%**
- 65+: **3%**

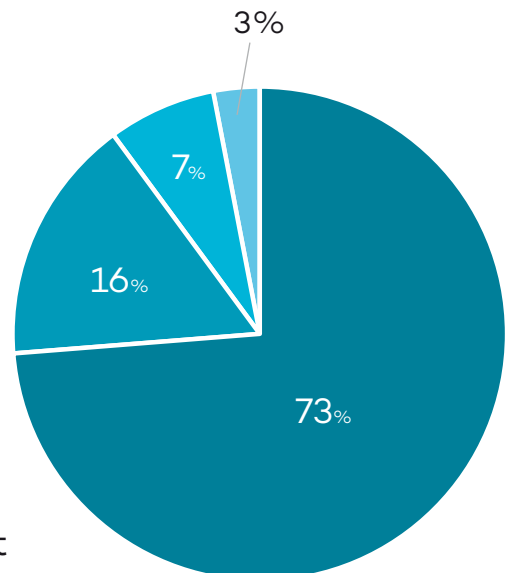


Compared to the general population, people over 55 were underrepresented in the survey. However, other research suggests that a significantly smaller proportion of people over 55 identify as LGBTI in surveys, and this may have contributed to the lower response rate. Nevertheless, there were more than 150 respondents aged over 55.

Ethnicity

Fig. 6: What's your ethnic group? (n 1,438)

- White Scottish: **73%**
- White British / English / Northern Irish / Welsh: **16%**
- White non-British: **7%**
- People of colour: **3%**



The 7% white non-British, and 3% people of colour figures are, respectively, somewhat above, and a little below, the proportions in the Scottish Census 2011, which were 4% for each category.⁶

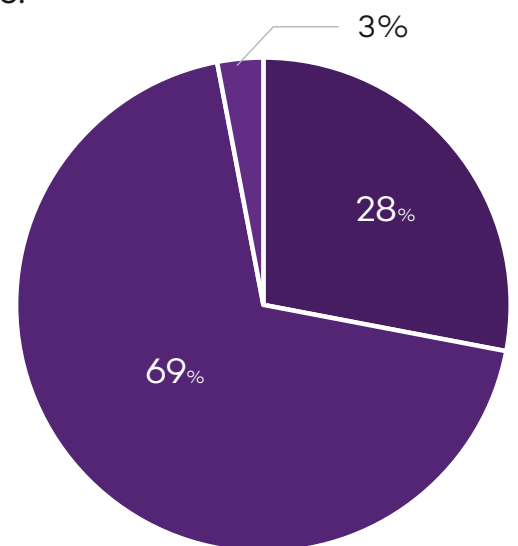
⁶ Scottish Government. "Scottish Census 2011, Summary: Ethnic Group Demographics". <http://bit.ly/2wL7xZL>

However, the number of minority ethnic people living in Scotland is very likely to have increased between 2011 and 2016. The Equality Network prioritises engagement with minority ethnic LGBTI people and we have seen a slow but steady increase in the percentage of minority ethnic people who participate in our surveys. We recognise that significant barriers to participation remain. We have specifically analysed the 100 responses from white non-British people and the 47 responses from people of colour who responded to the survey, in order to identify particular issues for minority ethnic LGBTI people in relation to hate crime.

Disability

Fig. 7: Do you consider yourself to be disabled or have a long term health problem? (n 1,441)

- Yes: 28%
- No: 69%
- Unsure: 3%



In 2014, 23% of people living in Scotland were disabled or had a long-term limiting health condition,⁷ compared to the 28% of survey respondents who were disabled or had a long term health condition. Other research has identified that LGBT individuals are more likely to experience mental health conditions such as anxiety and depression, compared to their non-LGBT counterparts.⁸

⁷ Scottish Government evidence summary on disability. <http://bit.ly/2wLc8ed>

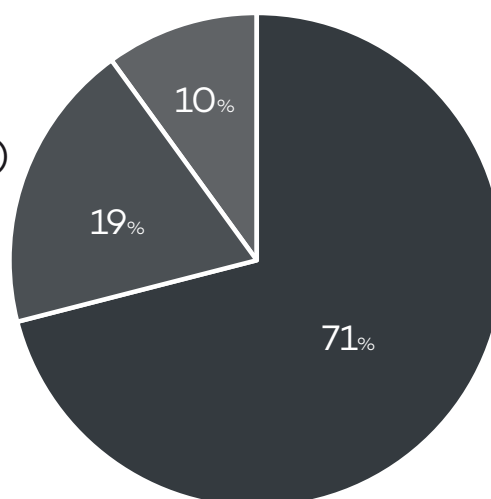
⁸ See for example <http://bit.ly/1L5RYQw> and McNeil et al, "Trans Mental Health Study 2012". <http://bit.ly/1vwwSPz>

However, the higher prevalence of mental health issues is not the whole story here. Research in the US has found a higher prevalence of disability generally in LGB people.⁹ More specific research is needed to understand why these correlations exist, but that should not stop service providers from recognising that their LGBTI users are more likely to also experience particular issues relating to disability hate crime, and disability-related barriers to accessing their services that should be taken into account.

Religion

Fig. 8: What is your religion or belief? (n 1,437)

- No religion: **71%**
- Christian religion: **19%**
- Other religion: **10%**



The ‘no religion’ figure includes people who responded Humanist (4%). The ‘other religion’ figure includes people who responded Pagan (2%), Buddhist (1.7%), Jewish (0.8%), Muslim (0.3%) and Hindu (0.2%). The proportion of Buddhist and Jewish respondents is somewhat higher than in the Scottish Census 2011, although the actual numbers are small.¹⁰ However, people of Muslim and Hindu faith are under-represented in our survey, and there is more for us to do to reach people of those faiths who may identify as LGBTI. In the 2011 Census, over half (54%) of the population of Scotland stated their religion as

⁹ Fredriksen-Goldsen et al, 2012. “Disability among LGB adults”. <http://bit.ly/2xRpkyk>

¹⁰ Scottish Government. “Scottish Census 2011, Summary: Religious Group Demographics”. <http://bit.ly/1CpoqXT>

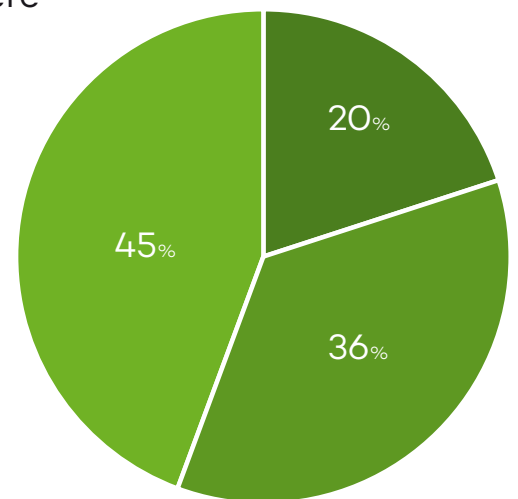
¹¹ Ibid.

Christian, whilst 37% of people stated that they had no religion.¹¹ Compared to the demographics in our survey, this would suggest that LGBTI people in Scotland are much less likely to identify as Christian and much more likely to identify as not religious, than the general population. This may be because LGBTI people have historically been marginalised within churches.

Location

Fig. 9: How would you describe the area where you live? (n 1,445)

- Rural: 20%
- Suburban: 36%
- Urban: 45%



This is not quite in line with the Scottish Census 2011, which found that 29% of the population were located in rural areas, and 71% in urban and suburban areas.¹² Some evidence suggests that some LGBT people migrate from rural to urban areas, which may explain the rather lower rural figure in our survey.¹³ Our **Scottish LGBT Equality Report** highlighted that LGBT people living in rural parts of Scotland report a significantly worse experience than those living in urban areas, and we prioritise development work throughout the country, to help bridge the LGBTI equality gap with urban Scotland.

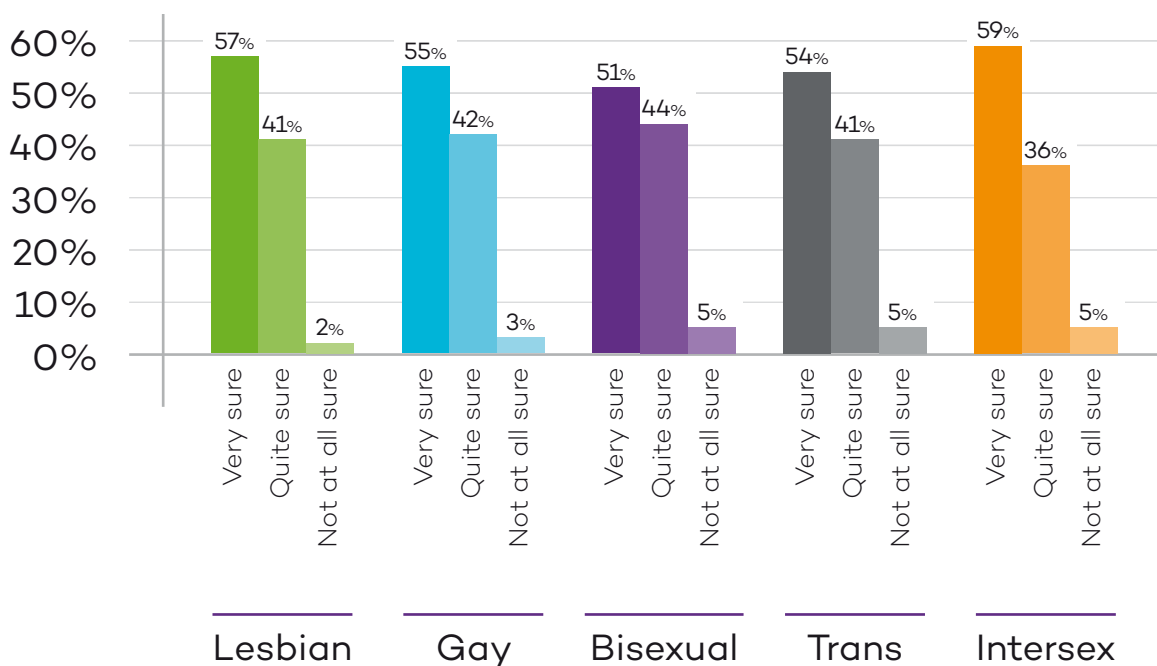
¹² National Records of Scotland, 2015. "Household composition for specific groups of people in Scotland". <http://bit.ly/2f7w1ol>

¹³ Equality Network, 2015. "Scottish LGBT Equality Report", <http://bit.ly/1HG3YTP>, p69-70.

Understanding and awareness of hate crime _____

To measure people’s understanding and awareness of hate crime law, participants were asked four questions relating to: recognising hate crime, reporting hate crime, hate crime legislation, and intersectional hate crime. Participants were then directed to an online information sheet detailing what a hate crime is, which types of prejudice hate crime law covers, and the various forms it can take. This was followed by a question asking whether this information had changed participants’ understanding of what a hate crime is.

Fig. 10: How sure do you feel that you would be able to recognise a hate crime? (n 1,410)

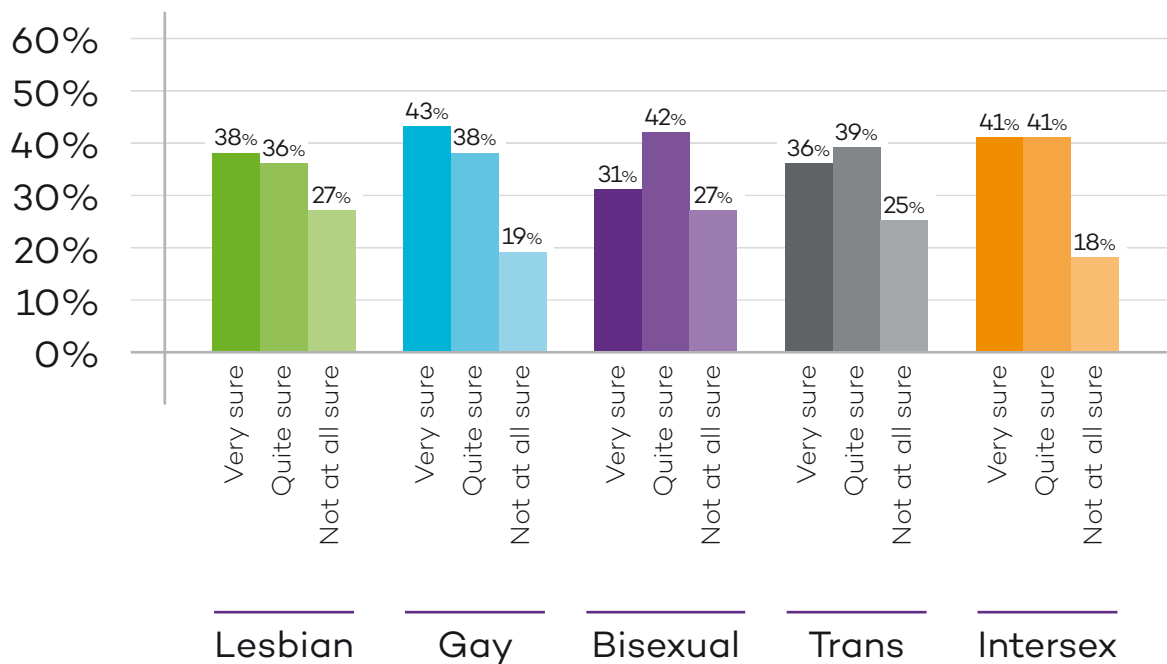


More than half of all respondents (55%) said they were ‘very sure’ that they would be able to recognise a hate crime, whilst almost all the rest said that they were ‘quite sure’ (42%). A slightly higher proportion of bisexual people (5%), trans people (5%) and intersex people (5%) were ‘not at all sure’ how to recognise a hate crime.

Overall, this indicates a high level of confidence about what hate crime is in Scotland.

The next question asked how sure respondents were that they would know how to report a hate crime, and the results were not as reassuring.

Fig. 11: How sure are you that you would know how to report a hate crime? (n 1,409)

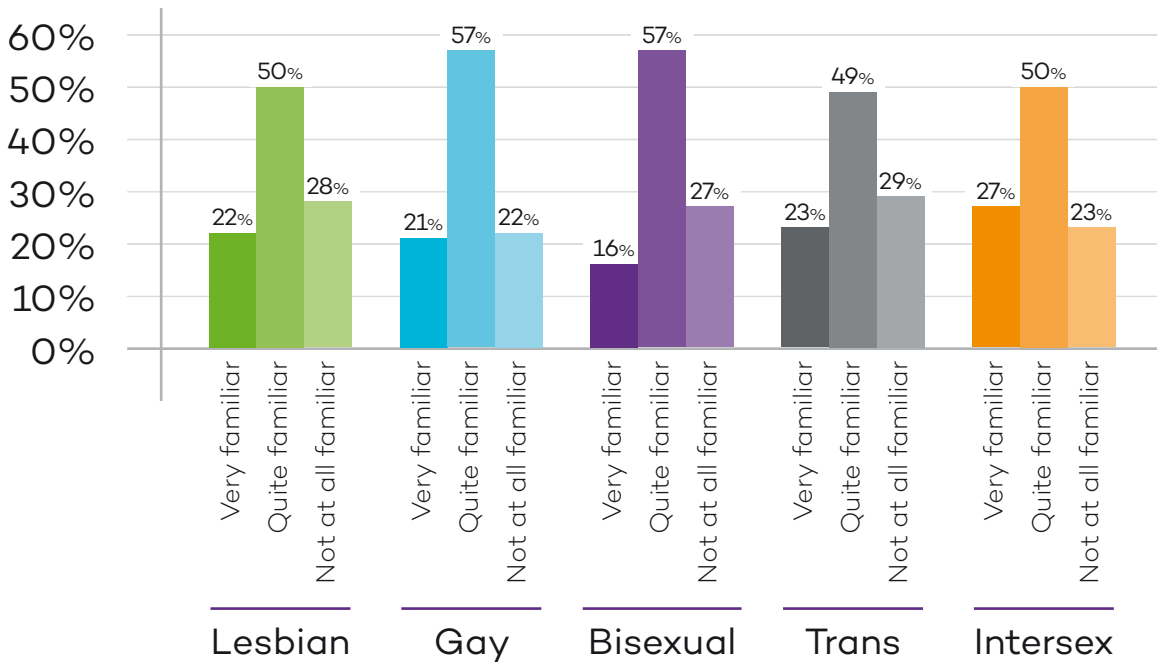


Overall, almost a quarter of respondents (23%) were ‘not at all sure’ how to report a hate crime, while half of the remaining respondents (39%) were only ‘quite sure’. Of the respondents who were ‘not at all sure’, lesbian, bisexual and trans respondents were more highly represented. 27% of both lesbian and bisexual respondents reported being ‘not at all sure’ how to report a hate crime, as did 25% of trans respondents.

A larger proportion of women (26%) and non-binary people (29%) were ‘not at all sure’ how to report a hate crime, compared to male respondents (20%). The results here suggest significant lack of awareness of the available mechanisms for the reporting of hate crimes.

Information on reporting hate crime and seeking support is on p96.

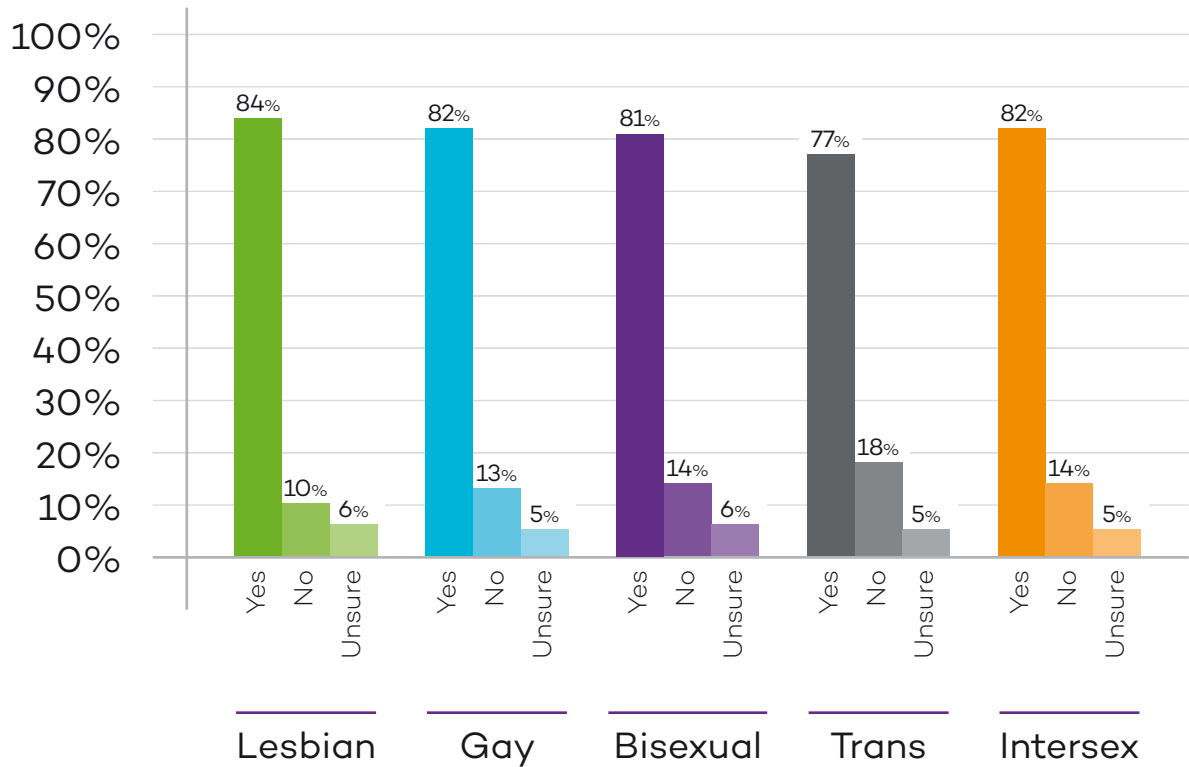
Fig. 12: Are you familiar with the laws in place to protect people from hate crime? (n 1,406)



The uncertainty around hate crime is further demonstrated in the responses to this question. Over a quarter of all respondents (26%) were ‘not at all familiar’ with the laws surrounding hate crime, and over half (54%) were ‘quite familiar’. Only a fifth of respondents felt that they were ‘very familiar’ with hate crime legislation.

A larger proportion of lesbian (28%) and trans (29%) respondents were ‘not at all familiar’ with hate crime legislation, and a larger proportion of women (29%) and non-binary people (33%) were ‘not at all familiar’ with the laws compared to men (23%). Rural respondents were also less likely to be familiar with hate crime legislation (29% were ‘not at all familiar’), compared to respondents from urban or suburban areas. Overall, about one quarter of respondents remain unfamiliar with hate crime law, and a similar proportion are unsure of how to report a hate crime.

Fig. 13: Did you know that under the law, there can be more than one motivation for a hate crime? (n 1,408)



The majority of all respondents (82%) knew that there could be more than one motivation for any instance of hate crime (for example a crime motivated by both racism and homophobia at the same time). Only 13% were unaware of this, and a further 5% unsure.

How much did understanding change?

At this point in completion of the survey, respondents were given summary information about hate crime law. Just over a quarter of respondents (26%) said that their understanding of hate crime had been changed by the information provided, whilst 71% said that their understanding was no different as a result of their participation in the survey. This seems consistent with the previous result that one quarter of respondents were unfamiliar with hate

crime laws. Respondents who answered yes were asked to detail how their understanding had changed, with most commenting that they had been unaware that ‘non-physical’ or ‘hidden’ abuse (such as verbal abuse, vandalism, or online abuse) could be treated as hate crime.

Comments included:

“ I thought a hate crime was only when it was a violent crime.

Lesbian, non-binary trans person, 25-34, suburban area.

”

“ Did not know that it included communications – phone / messages / online – or vandalism and graffiti.

Bisexual disabled woman, 25-34, urban area.

”

“ What I would have accepted as trivial is actually a crime.

Heterosexual trans man, 45-54, rural area.

”

“ I thought it had to be a physical attack only.

Gay trans woman, 16-24, suburban area.

”

“ I didn’t realise it included hate mail, abusive texts and online abuse.

Gay Christian man, 45-54, urban area.

”

“ I didn’t think sexual abuse could be a hate crime.

Pansexual trans person, 16-24, urban area.

”

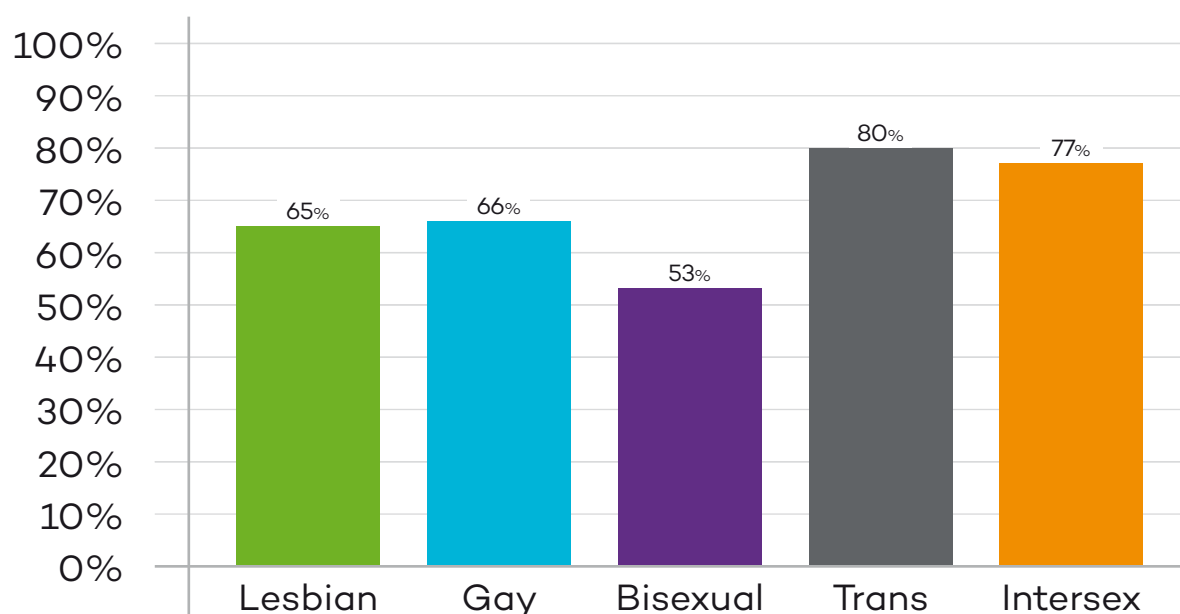
“ There is more scope to ‘hate’ than I realised.

Gay man, 45-54, rural area.

”

Experiences of hate crime

Fig. 14: Do you consider yourself to have ever been a target of a hate crime? (n 1,410)



Three fifths of all respondents (61%) considered themselves to have been a target of a hate crime at some point in their lives. Overall, of the 1,093 LGB respondents who answered this question, 64% have been the target of a hate crime. The rate is rather lower (53%) for bisexual people than for lesbian and gay people, possibly because bisexual people are less likely to ‘come out’, than their lesbian and gay counterparts.¹⁴ It is also important to acknowledge that, as previously stated, bisexual respondents reported feeling less confident in their ability to recognise a hate crime. Of the 198 trans respondents who answered this question, 80% have been a target of a hate crime.

The high proportion of LGBT people who report being a target of hate crime is in keeping with other recent research findings.

¹⁴ Sam Rankin, James Morton and Matthew Bell, 2015. “Complicated? Bisexual people’s experiences of and ideas for improving services”. <http://bit.ly/1GCWmm9>, p25-26.

For example, a report last year by **Galop**, an LGBT+ anti-violence organisation based in London, found that 4 in 5 LGBT people in the UK had experienced hate crime.¹⁵

Of the 22 intersex respondents in our survey, 77% have been a target of a hate crime. The small sample size limits the statistical significance of the figure, but it remains indicative of a high level of targeting. There has been little work done on understanding this particular kind of hate crime and its effects on intersex people.

A higher number of both male (64%) and non-binary (65%) respondents reported having experienced a hate crime, compared to female respondents (58%), and respondents in the 55+ age category were more likely to have experienced a hate crime (68%), compared to the other age categories. This is perhaps reflective of the longer experience time of older respondents.

Disabled people (72%), people of colour (72%) and people of religions other than Christianity (66%), also reported high levels of hate crime, which indicates that people with more than one protected characteristic are more likely to experience higher rates of hate crime. This is reflected in the significant prevalence of hate crime on grounds of race and disability. Respondents living in urban areas (66%) experienced higher levels of hate crime than those in suburban or rural areas (57% for each).

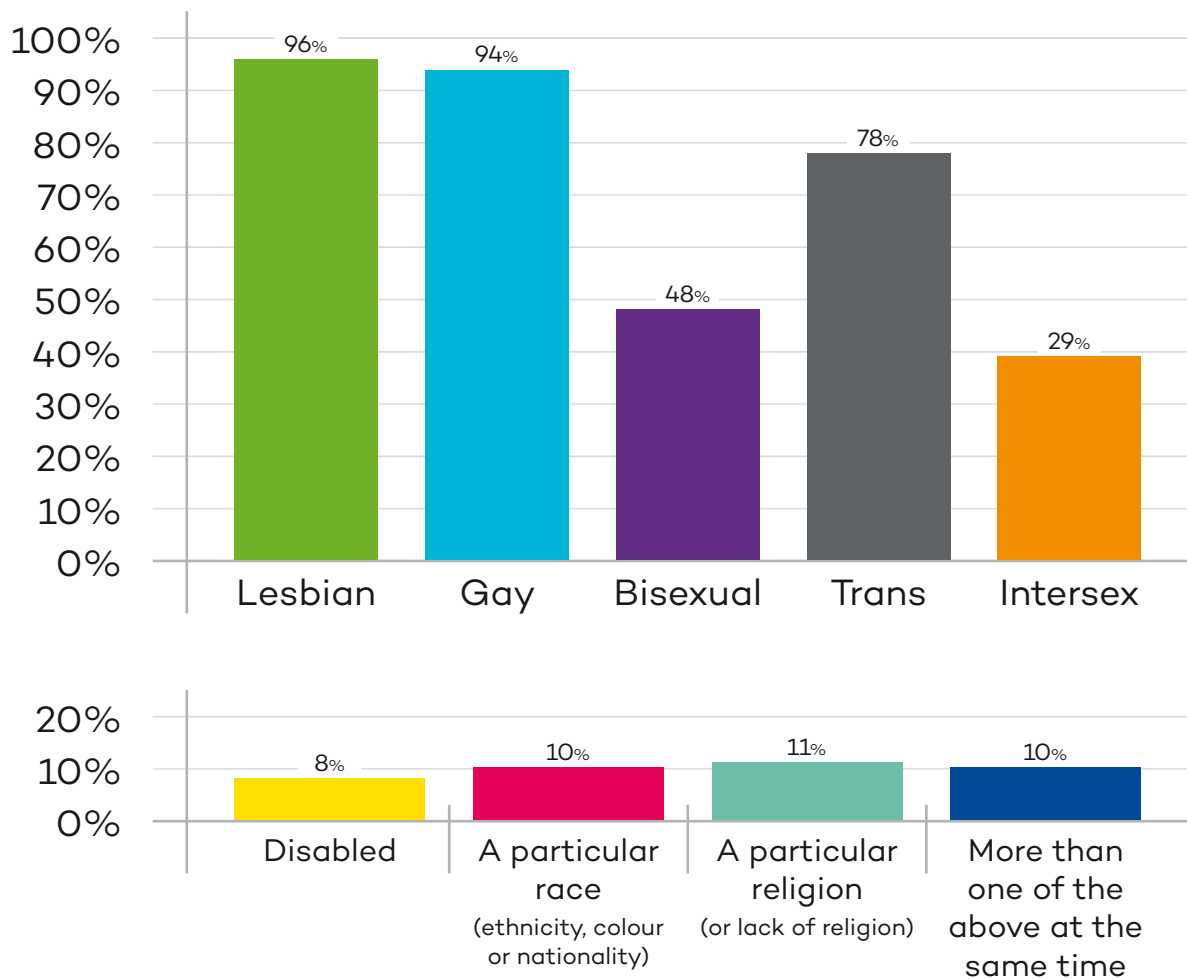
The next set of questions were only presented to respondents who said they had experienced a hate crime (857 respondents), and therefore have a smaller sample size.

¹⁵ Galop, 2016. "The Hate Crime Report 2016: Homophobia, biphobia and transphobia in the UK". <http://bit.ly/2dJ6vXW>, p2.

Motivation

Fig. 15: Do you consider yourself to have ever been the target of a hate crime based on being, or being perceived as...? (please tick all that apply) (n 801)

The top chart shows the proportion, of each of the LGBT and I respondents who experienced hate crime, who experienced it based on their LGBT or I identity. The lower chart shows the proportion of all respondents who experienced hate crime, who experienced it based on other forms of prejudice.



Respondents were asked whether they felt they had been targeted due to being, or being perceived to be, lesbian, gay, bisexual, trans,

intersex, disabled, a particular race or a particular religion, or as more than one of these at the same time. This question was answered by 801 people, out of the 857 people who reported that they had experienced hate crime. 96% of lesbian respondents who answered this question (n 185) had been the target of a hate crime based on being lesbian. Similarly, 94% of gay respondents who answered the question (n 379) had experienced homophobic hate crime based on being gay.

The percentage was lower for bisexual respondents – 48% of bi respondents who answered the question (n 93) had experienced biphobic hate crime. This lower figure may be partly due to the reasons discussed above – bisexual people are less likely to ‘come out’ than lesbian and gay people, and they can experience both biphobia and homophobia. 78% of trans respondents who answered the question (n 150) had experienced transphobic hate crime. It should also be noted that 1% of cisgender (non-trans) respondents have been the target of a hate crime based on being incorrectly perceived as trans. 29% of intersex respondents who answered the question (n 17) had experienced hate crime based on being intersex. More research is needed into intersex-specific hate crime.

Just under a tenth (8%) of all respondents who answered the question felt that they had been targeted because of disability, 10% because of race / ethnicity / colour / nationality, and 11% because of religion (or lack thereof), whilst 10% felt that more than one type of prejudice had contributed to the motivations of their perpetrators.

Respondents were asked (if they were comfortable doing so) to provide more details about why they thought the hate crime they experienced was based on prejudice about particular characteristics.

Comments about anti-LGBTI hate crime included:

“ I am always referred to as ‘trannie’ in the street.

Bisexual trans and intersex woman, 45-54, urban area.

”

“ The verbal abuse is always around my sexual orientation.

Lesbian, 25-34, urban area.

”

“ Elderly woman in the flat beneath us sent letters threatening to have us thrown out, she put bleach under our door and water to flood our hallways, vaseline on our door handles and stole our doormats. We were great neighbours and everyone else thought so, she just didn’t like two boys living together in a flat.

Gay man, 16-24, suburban area.

”

“ Being called a tranny, freak, having lit cigarette ends thrown at me. I have been verbally, physically and sexually assaulted for being transgender. Silent harassment is also an issue which has a huge impact, whispering, pointing, etc

Heterosexual trans man, 25-34, rural area.

”

“ Our house was broken into and trashed. “We are watching you” and “We know what you are” were scrawled on the walls. “Faggot” was sprayed on our mailbox (stupid vandals, since we are women).

Lesbian woman, 55-64, suburban area.

”

“ When a drunk man flirted with me, and I told him I was actually male. He proceeded to feel my chest to check for breasts.

Trans man, 16-24, urban area.

”

Comments about hate crimes motivated due to disability, race or religious prejudice included:

“ I’ve had anti-Catholic graffiti spray painted on the walls of my house in Glasgow. I also have a very Catholic name and have had people react to my name with verbal anti-Catholic slurs.
Lesbian Christian woman, 35-44, urban area. ”

“ I was verbally abused by a stranger on the bus because my son is mixed race.
Lesbian woman, 35-44, suburban area. ”

“ Because it is easy to target disabled women.
Lesbian disabled woman, 55-64, rural area. ”

A number of respondents also described how the hate crime they experienced was caused or affected by the complex intersection of more than one personal characteristics:

“ On one occasion I was physically assaulted by five individuals for being English, but among insults during the beating were ethnic slurs referring to their perception that I was Black and gay.
Bisexual mixed-race man, 25-34, urban area. ”

“ I received abuse on Facebook from other Polish people because I posted a photo of my same-sex partner and child. I work with the Polish community in Scotland and now avoid discussing my sexuality to avoid abuse.
Lesbian Polish woman, 35-44, urban area. ”

“ Having an Arab background and being called ‘gay’.

Non-binary trans person, 25-34, suburban area.

”

“ The double whammy of being both lesbian and Christian – ‘you can’t be Christian if you’re gay’ from some far right elements within the church... and ‘how can you collude with the enemy’ from some LGBTIQ quarters... Not so fun being a minority in a minority.

Lesbian Christian woman, 45-54, rural area.

”

“ After coming out as bi instead of lesbian, I got hate crime at work (which my boss dealt with), and I got verbal abuse in gay clubs because of being bisexual. I have also been harassed because of my race and disability online and offline.

Bisexual disabled mixed-race woman, 25-34, urban area.

”

“ Because I am Scottish and a lesbian and was brought up Catholic!

Lesbian woman, 35-44, suburban area.

”

“ I have been shouted at for looking butch, shouted at in bathrooms, dragged out of bathrooms, and physically assaulted for being Northern Irish.

Trans man, 45-54, rural area.

”

Rates of hate crime experience

Fig. 16: When did you most recently experience a hate crime? (n 810)

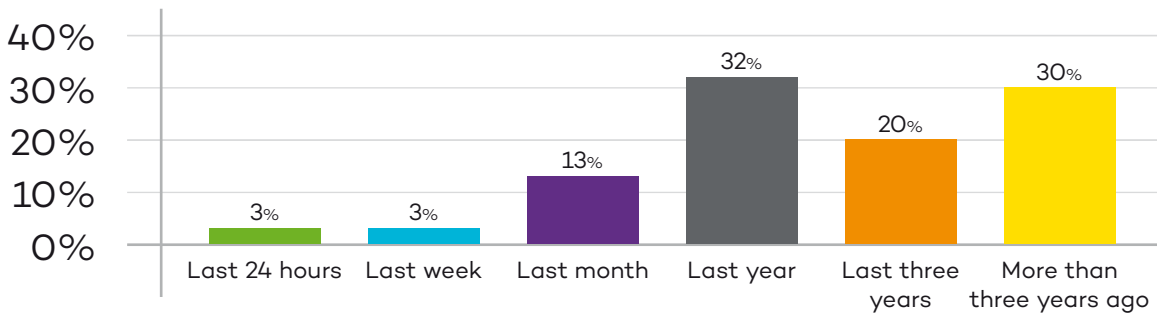
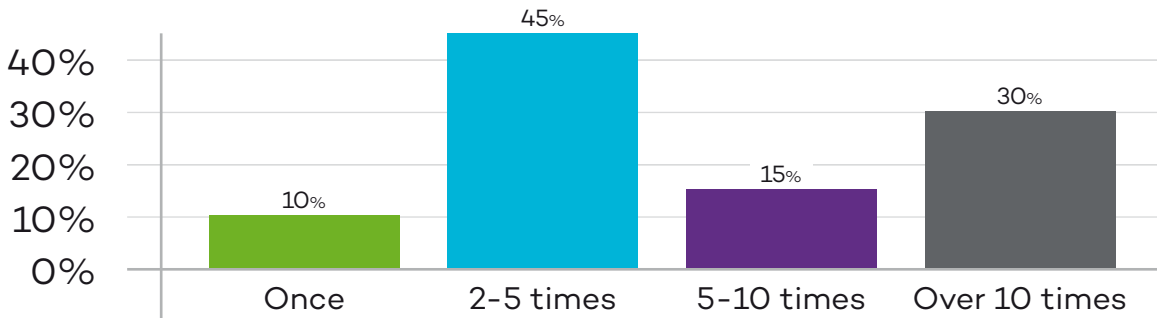


Fig. 17: How many times have you experienced hate crime? (n 805)



For the majority of respondents who have experienced a hate crime, it is a repeated, or, for a significant number, frequent occurrence in their lives. 90% of respondents who had experienced hate crime reported having experienced it more than once, with 45% experiencing it between 2-5 times in their lifetime, and nearly a third (30%) experiencing hate crime more than ten times.

Responses to the question about the date of the most recent experience reinforce this finding. More than two thirds of respondents experienced at least one hate crime in the past three years, more than half in the past year, and almost one in five in the past month. Overall, trans respondents reported higher rates of hate crime experience, with 5% of trans respondents experiencing

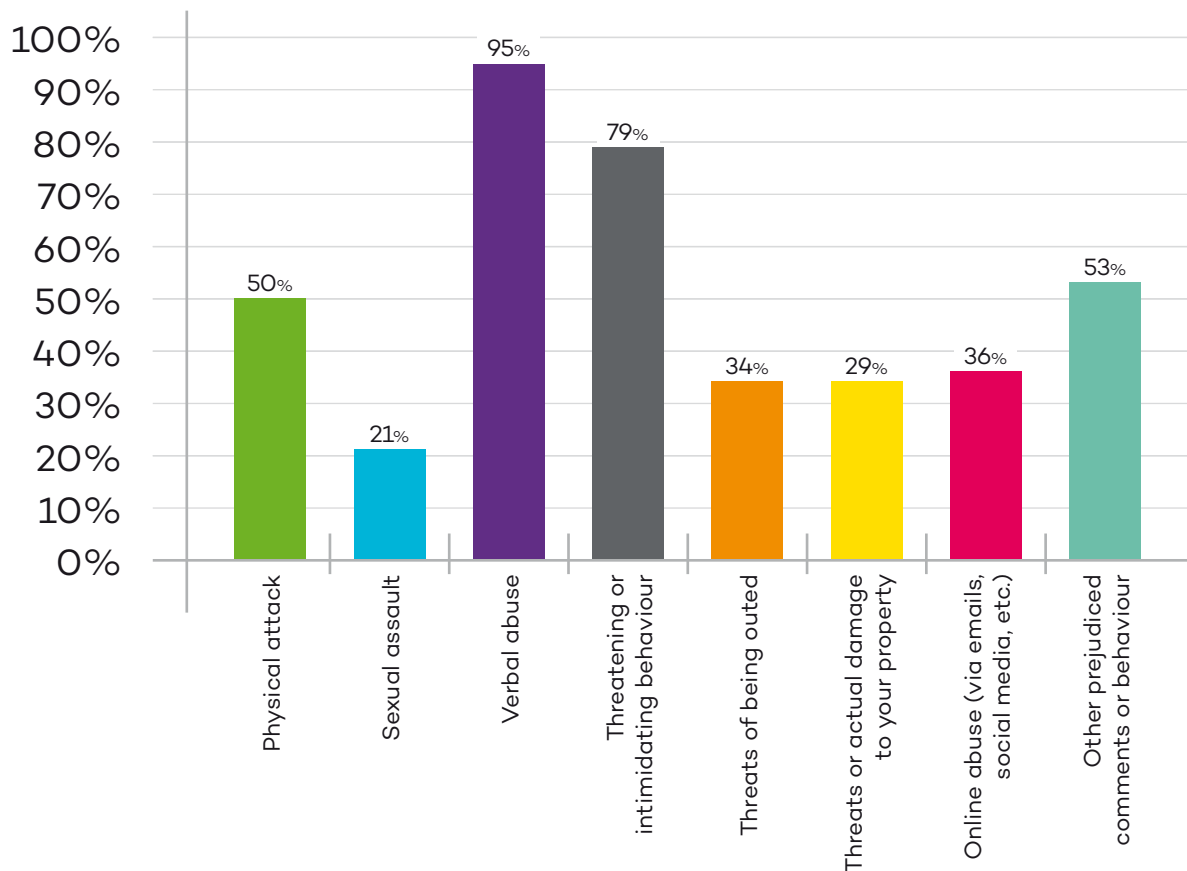
a hate crime in the last 24 hours, and 38% experiencing a hate crime over ten times.

This data indicates that the potential for repeat victimisation is high (as has been found elsewhere),¹⁶ emphasising the need for a renewed police and policy focus on this area.

Type and location

Fig. 18: Did you experience...? (please tick all that apply) (n 811)

N.B. Numbers shown are percentages of the respondents who reported personal experience of hate crime.



¹⁶ Institute for Public Policy Research (IPPR), 2006. "CrimeShare: The unequal impact of crime". <http://bit.ly/2vKvvCN>, p17-18.

N.B. Numbers shown in Figs. 19 to 26 are percentages of the respondents who reported experiencing the specified type of hate crime.

Fig. 19: Where did you experience physical attack? (n 407)

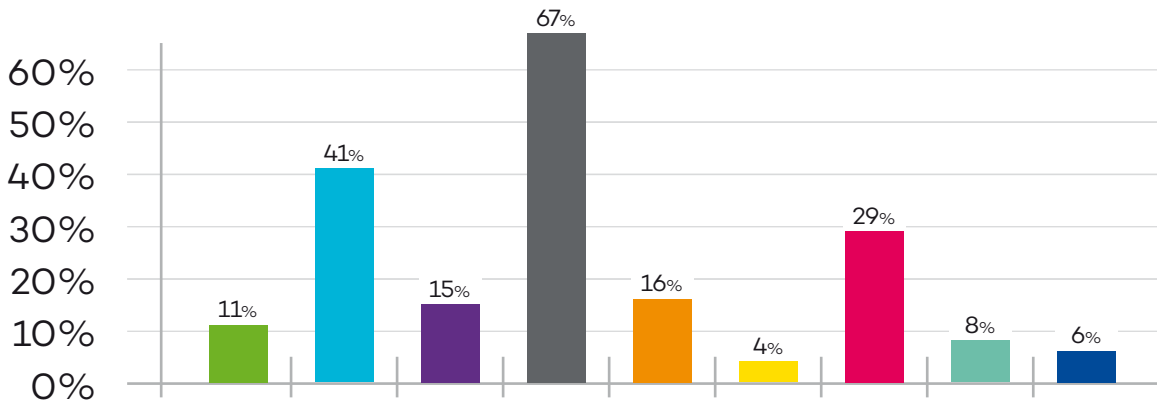


Fig. 20: Where did you experience sexual assault? (n 170)

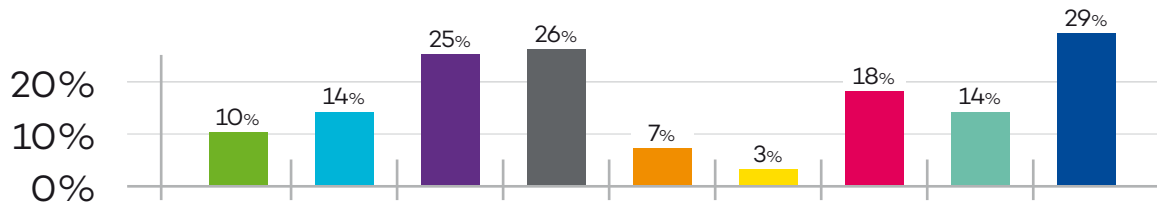


Fig. 21: Where did you experience verbal abuse? (n 768)

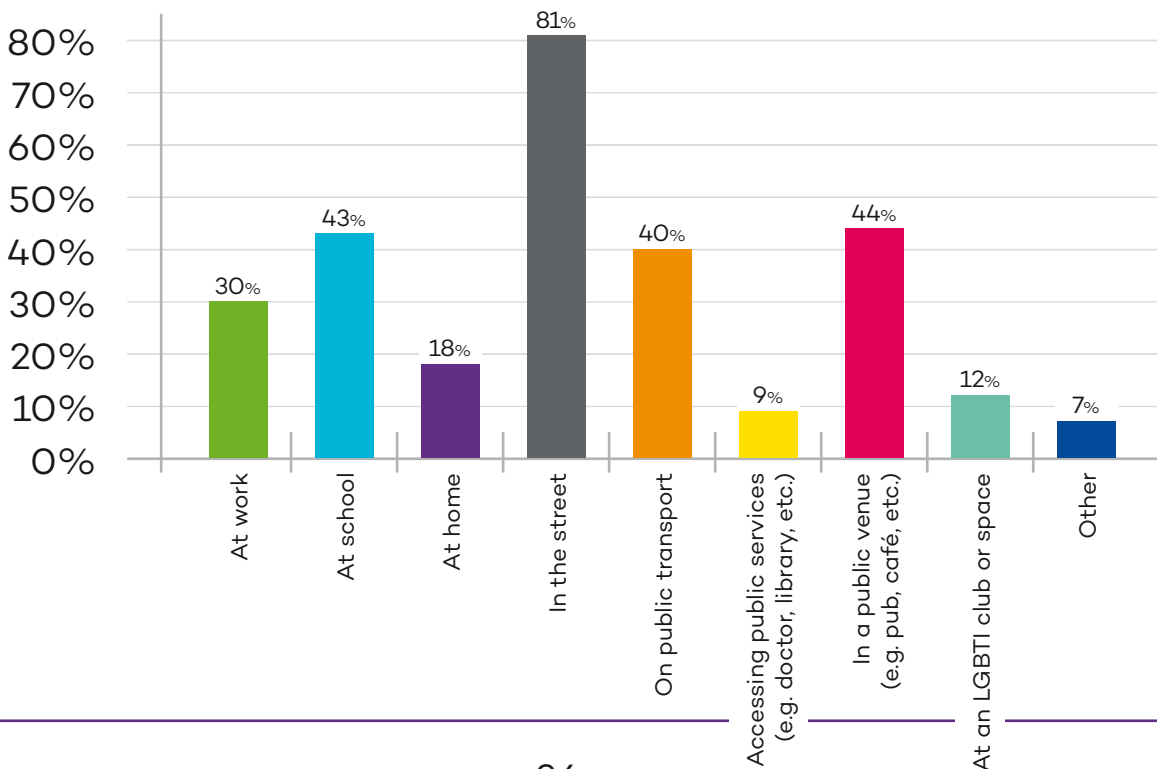


Fig. 22: Where did you experience threatening or intimidating behaviour? (n 639)

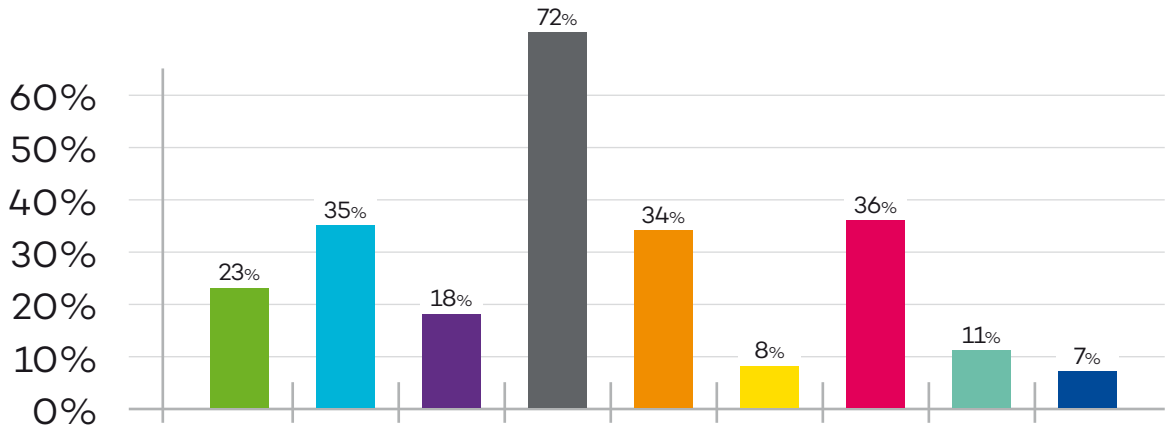


Fig. 23: Where did you experience threats of being outed? (n 278)

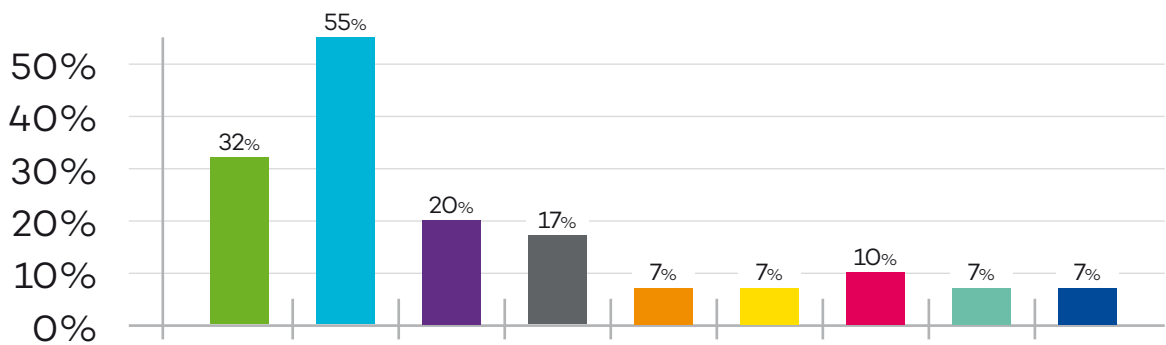


Fig. 24: Where did you experience threats or actual damage to your property? (n 234)

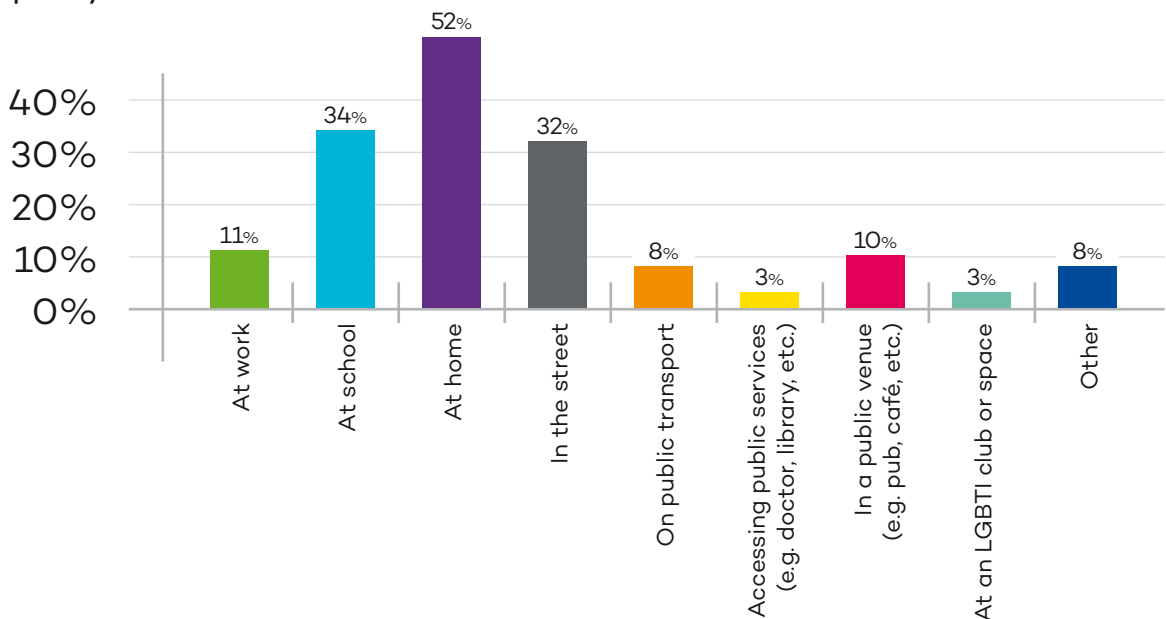


Fig. 25: Where did you experience online abuse (via emails, social media, etc.)? (n 290)

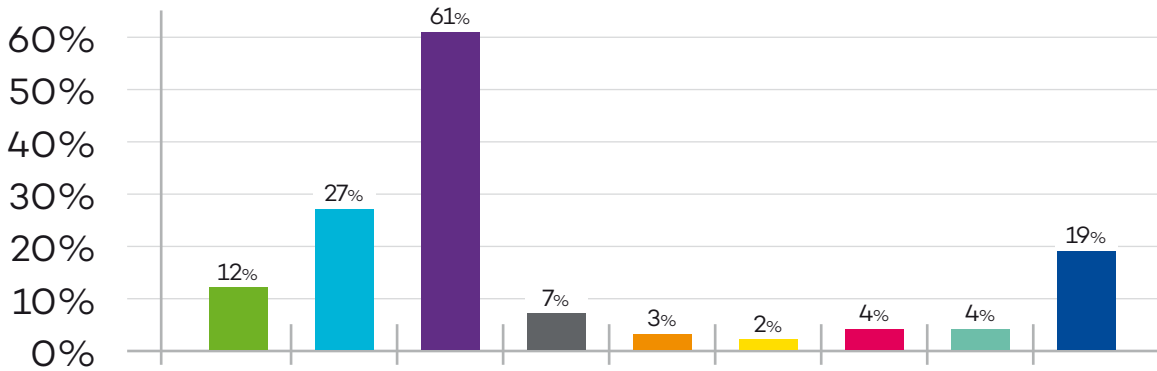
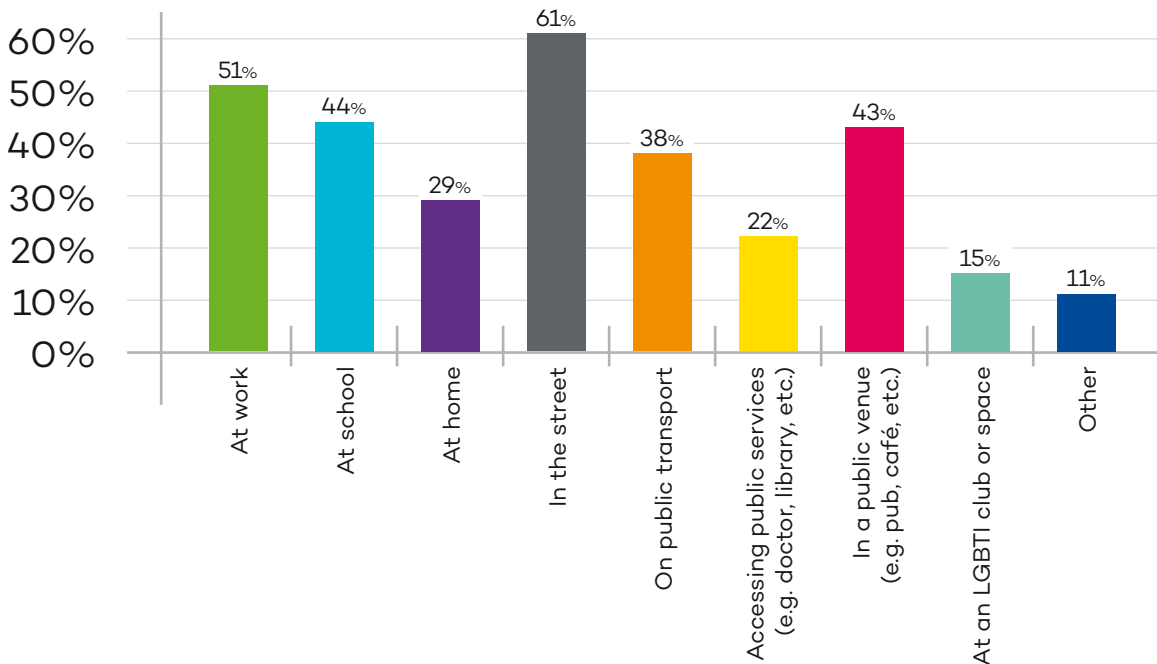


Fig. 26: Where did you experience other prejudiced comments or behaviour? (n 430)



The most prevalent types of hate crime respondents have experienced include being targeted by:

- Verbal abuse (57% of all LGB survey respondents, 73% of all trans respondents and 77% of intersex respondents had been targeted in this way)

- Threats (47% LGB, 64% T and 68% I)
- Physical attack (31% LGB, 35% T and 45% I)
- Online abuse (21% LGB, 34% T and 32% I)
- Sexual assault (12% LGB, 22% T and 23% I)

It should be noted that these statistics are broken down by the identity of the person targeted, rather than the type of prejudice that motivated the perpetrator, and it is important to bear in mind that these do not always match.

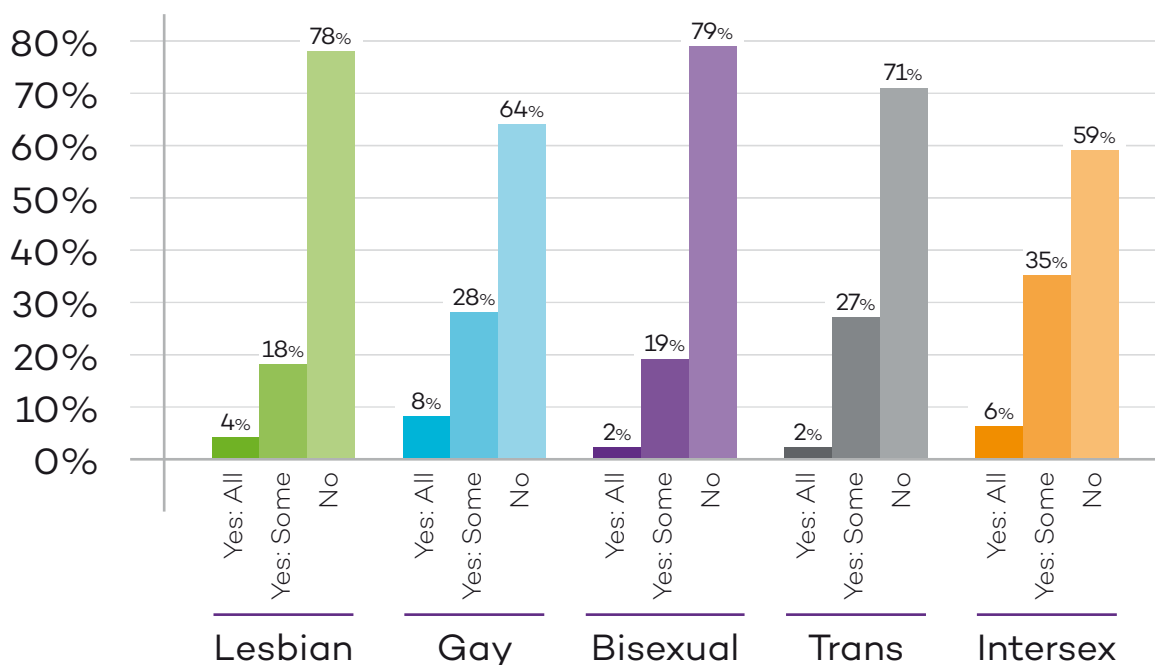
For all the types of hate crime, the rate was significantly higher for people living in urban areas.

The two most common locations in which hate crime occurred were in the street and in a public venue, such as pubs and cafés. A significant number of hate crimes were also reported as taking place in an LGBTI club or space, and bisexual and trans respondents in particular reported experiencing higher rates of verbal abuse, threatening and intimidating behaviour, and other prejudiced comments or behaviour in an LGBTI club or space, compared with lesbian or gay respondents. It is important to note that LGBTI hate crime can be perpetrated by anyone, including by some LGBTI people who are prejudiced against other LGBTI identities.

It is also important to note that LGBTI hate crime can be perpetrated by prejudiced family members or flatmates within a person's home. 'Other' locations reported included religious settings such as churches, and religiously affiliated organisations, as well as public toilets and homeless accommodation.

Reporting hate crime

Fig. 27 Did you report the incident(s) to the police? (n 812)



The majority of respondents (71%) stated that they had not reported any of their experience(s) to the police, with a further one quarter (24%) reporting only some of the incidents they experienced. Only 5% of respondents reported all incidents. Bisexual respondents were least likely to report (79% reported none of their experiences), followed by lesbian respondents (78%), and trans respondents (71%). 77% of minority ethnic respondents did not report any of the hate crime incident(s) they experienced to the police. Under-reporting of hate crime is a well-recognised issue, as seen for example in the Equality and Human Rights Commission's 2015 assessment 'LGB&T Hate Crime Reporting'.¹⁷ The most common reasons reported in our survey for not reporting hate crime to the police were people thinking that it was 'not serious

¹⁷ Neil Chakraborti and Stevie-Jade Hardy, 2015. 'LGB&T Hate Crime Reporting: Identifying Barriers and Solutions'. <http://bit.ly/2dASOV1>, p6.

enough', believing nothing would be done, hearing of previous, poor experiences of reporting, and fear of the consequences.

Respondents' comments about why they did not report included:

“ Experience tells me nothing much gets done.

Gay disabled man, 35-44, urban area.

”

“ Had friends who got little help and patronising comments from police.

Gay man, 45-54, urban area.

”

“ Didn't want things to get bigger / worse or end up going to court.

Lesbian woman, 35-44, suburban area.

”

“ Because I'm not out to my family.

Bisexual, non-binary trans person, 16-24, suburban area.

”

“ Too painful.

Lesbian minority ethnic woman, 35-44, suburban area.

”

“ These incidents happened quite a long while ago and, at the time, my attitude was very much 'these things happen' and I didn't feel they were severe enough (i.e. injury or over a sustained period of time) to report.

Gay man, 45-54, urban area.

”

“ Did not feel at the time it would be taken seriously.

Bisexual woman, 25-34, suburban area.

”

“ Because trans women aren't exactly regarded in a positive light by society.

Asexual trans woman, 35-44, rural area.

”

“ Mistrust of the police and police service.

Lesbian woman, 25-34, suburban area.

”

“ Did not want to deal with police process / labelling / red tape.

Bisexual minority ethnic woman, 35-44, urban area.

”

“ Accepted it as part of life.

Queer, non-binary trans person, 16-24, urban area.

”

“ Fear of not being taken seriously at the time. Embarrassed, worried about repercussions. Got used to growing up with regular bullying and abuse throughout school so was used to putting up with this into adulthood – appeared to be the norm experience as a gay man growing up in an intolerant society.

Gay man, 35-44, suburban area.

”

“ I feel that these crimes, particularly in attitudes towards sexuality and gender identity are not taken seriously by the police.

Gay, non-binary trans and intersex person, 16-24, urban area.

”

“ Worried it would make me an even bigger target.

Gay man, 16-24, rural area.

”

“ Homophobia in the street is something that happens so often and the perpetrators are normally gone in seconds.

Gay man, 35-44, rural area.

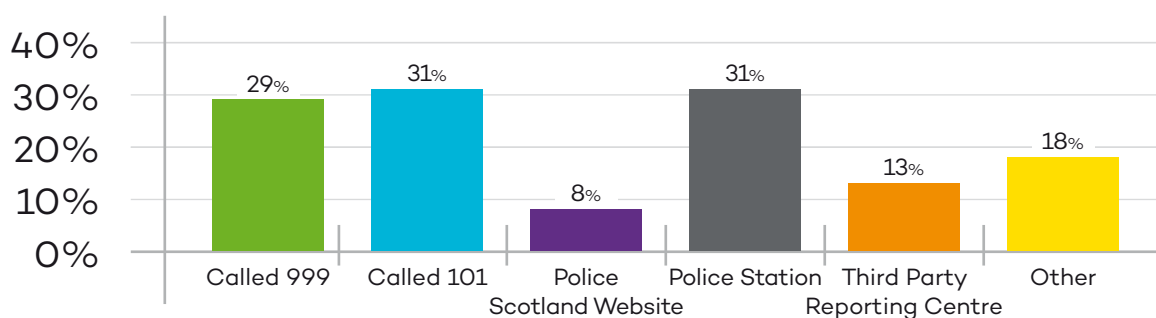
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“ Some of it came from relatives of my friends and wasn't significant enough to ruin the friendship over, other incidents took place at work. As a sex worker and a migrant, I'm not going to contact the police unless it's literally a matter of life and death.

Bisexual woman, 35-44, urban area.



Fig. 28: How did you report the incident(s)? (please tick all that apply) (n 232)

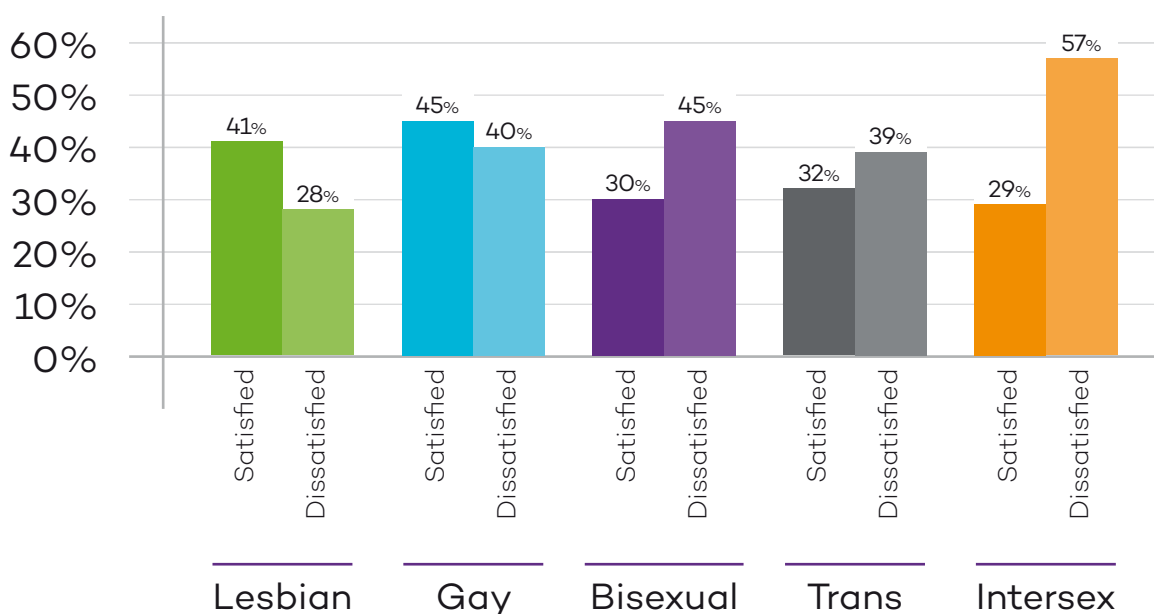


Of those that did make one or more reports, the majority did so by dialling 101 (31%) or 999 (29%) or by visiting a police station in person (31%). Only 13% reported a hate crime incident via a third party reporting centre, indicating that such reporting mechanisms are not often utilised by the LGBTI community. 'Other' means of reporting (18%) included via solicitors, local councils, and school staff, with only one respondent explicitly stating that they reported 'via an LGBTI Liaison Officer'.

Response to hate crime

The following questions were aimed at assessing satisfaction levels with the responses (if any) received after reporting a hate crime. Little is known about how LGBTI people perceive the responses of criminal justice agencies or other services, in part because not all services monitor satisfaction levels, and those that do, do not disaggregate the results by sexual orientation, or transgender or intersex status.¹⁸ Overall, our research findings reveal a mixed view of police responses, with a less positive view of experiences of the Procurator Fiscal Service, and of the court process.

Fig. 29: How did you feel about the police response? (n 228)



Overall, 41% of respondents were satisfied with the police response they received, 39% were dissatisfied, and 20% felt neutral. As can be seen from Figure 29, bisexual people and intersex people were rather more likely to be dissatisfied (although the intersex sample

¹⁸ Charlotte Knight and Kath Wilson, 2016. "Lesbian, Gay, Bisexual and Trans (LGBT) People and the Criminal Justice System", <http://bit.ly/2gnsbla>, p66.

is small). The central age categories were also more likely to be dissatisfied with the police response they received, compared to younger and older people, with 48% of 25-34 year olds reporting dissatisfaction, and 43% of 35-54 year olds. This may be in part because older respondents have experiences of police responses from longer ago – there is evidence that police responses have improved in recent years.

Rural respondents were more likely to be satisfied with the police response (48%), compared to people living in urban areas (34%).

Reasons given for satisfaction with the police response included:

“ They were very understanding of the matter and took it very seriously.

Gay man, 16-24, urban area.

”

“ They dealt with the incident very well, and let my partner and I know every step of the way what was going to happen.

Heterosexual trans man, 16-24, suburban area.

”

“ The police attended the scene quickly when needed and they were supportive and caring. They explained that this was considered a hate crime and encouraged me to press charges although I chose not to.

Gay man, 25-34, suburban area.

”

“ They were brilliant! Really understanding, they listened, recorded exactly what we experienced and assured us they would respond quickly if we ever had a problem again.

Bisexual man, 35-44, rural area.

”

“ They took me seriously and gave me their undivided attention.

Gay man, 35-44, rural area.

”

“ They were very understanding and helpful about the situation. And understood that the bullying I was experiencing was indeed hate crime.

Gay non-binary person, 16-24, suburban area. ”

“ There was a full investigation, the officers involved were very diligent and didn't make me feel like they were going through the motions. Police Scotland were good, British Transport Police at Central Station in Glasgow were exceptional”.

Gay man, 25-34, urban area. ”

Reasons given for dissatisfaction with the police response included:

“ I didn't feel taken seriously. After reporting I got just one voicemail message to phone back. I tried the number several times but it always just rang out. There was no other attempt to contact me and I decided not to pursue it as my mental health suffers when I get worked up or frustrated.

Gay man, 35-44, suburban area. ”

“ There was no follow up. I have no idea if they actually investigated!

Gay man, 35-44, urban area. ”

“ Despite proof, they brushed off my claims and said that there was nothing to them.

Trans woman, 16-24, suburban area. ”

“ Dismissive, mocking, heterosexual.

Queer woman, 35-44, urban area.

”

“ I was told to just ‘get over it’.

Gay man, 25-34, suburban area.

”

“ I felt like they didn’t take the case seriously. I was asked several questions about why I was out so late, if I was intoxicated and if I provoked my attacker. At the time, I felt like I was being blamed for something I viewed as a vicious and hateful attack.

Non-binary trans person, 16-24, urban area.

”

“ Slow response, unsympathetic officers, invasive and aggressive treatment of me as a victim and no charges ever brought.

Gay man, 25-34, suburban area.

”

“ The police see transphobia as a joke.

Pansexual trans woman, 35-44, urban area.

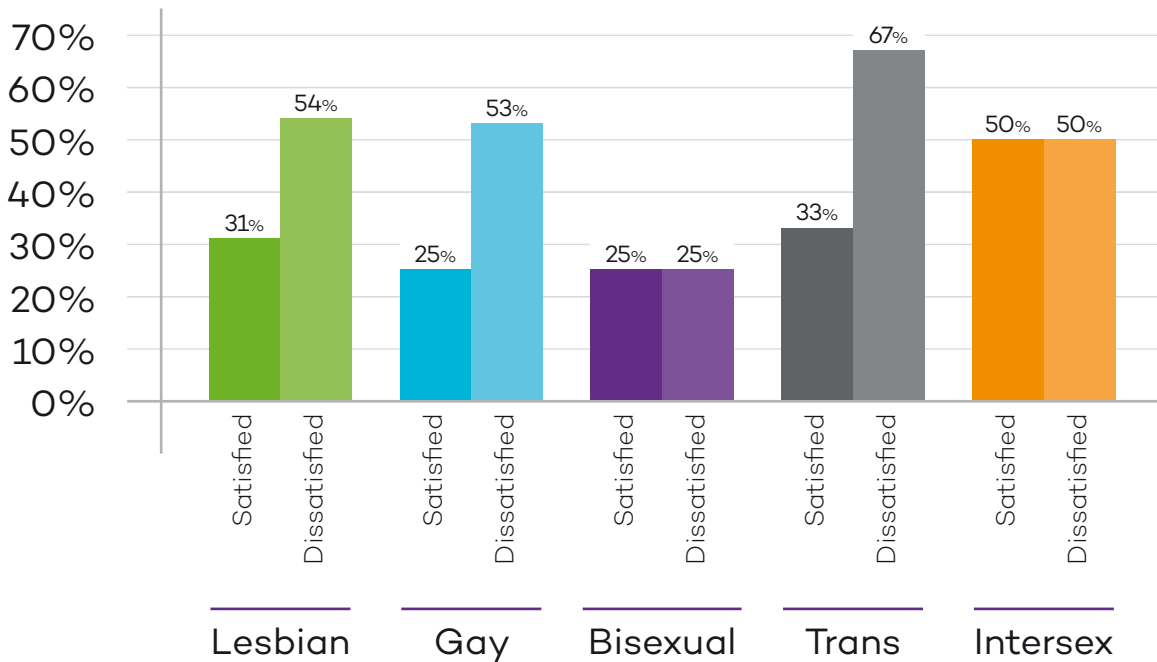
”

“ I was told I should “maybe tone myself down a bit” because I had wild hair, platform shoes and some makeup on. I’ve heard this many times reporting incidents. As if it is MY fault.

Gay man, 35-44, urban area.

”

Fig. 30: If your case was referred to the Procurator Fiscal (PF), how did you feel about the interaction that you had with them? (n 63)



NB: Sample sizes for BTI people are very small.

Overall, over half of the respondents (51%) were dissatisfied with the interaction they had with the Procurator Fiscal (PF). A quarter of respondents (25%) were satisfied, and the other 24% were neutral.

Disabled respondents were more likely to be dissatisfied with the interaction they had with the PF (67% of disabled respondents expressed dissatisfaction). Rural respondents (79%), reported significantly higher levels of dissatisfaction than people living in suburban (38%) or urban areas (46%).

The main reason reported for dissatisfaction with the Procurator Fiscal was that communication and information were insufficient or were completely absent. Many respondents commented on the ‘minimal contact’ and ‘little interaction’ they had with the PF, or

that they are ‘still waiting’ to hear what is happening with their case. Another reason was a perceived lack of support, for example in challenging defence questions in court.

Reasons given for satisfaction with the PF included:

“ It was stressful but straightforward. All was explained and the way they handled the situation calmed my mind.

Bisexual non-binary trans person, 45-54, urban area.

”

“ PFs know their job and are very thorough with hate crime.

Gay man, 25-34, suburban area.

”

“ Built in supportive networks at court system, and home visits.

Gay man, 55-64, suburban area.

”

Reasons given for dissatisfaction with the PF included:

“ They didn’t consult me at all before the court appearance.

Gay man, 45-54, urban area.

”

“ Condescending, belittling by phone line operators who were supposed to be victims support. I also felt a lack of understanding as to the consequences of a physical attack had on me by the prosecution service.

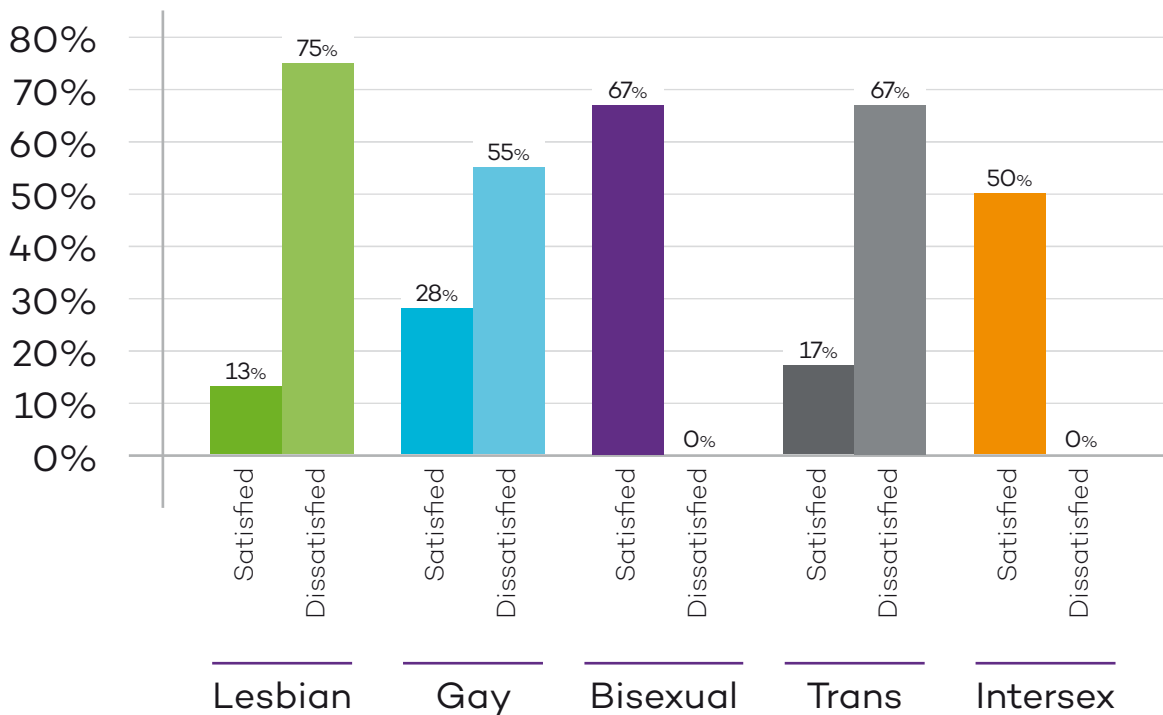
Heterosexual trans woman, 55-64, rural area.

”

“ I had no interaction with the PF. No contact or details as to when they appeared at court. ”
 Gay person, 55-64, rural area.

“ I was not prepared for the trial process at all and had no interaction with the PF ourselves. The PF representative was antagonistic to me in court. ”
 Bisexual woman, 45-54, suburban area.

Fig. 31: If your case went to court, how did you feel about the court process? (n 59)



NB: Sample sizes are very small for all categories except Gay.

As with the Procurator Fiscal question, the majority of respondents (58%) were dissatisfied with the court process. Like the PF question, disabled respondents (72%) expressed higher levels of dissatisfaction with the court process. Respondents from rural (73%) and suburban (64%) areas were more likely to be dissatisfied than those living in urban areas (46%).

Similarly to the Procurator Fiscal question, the main reasons for dissatisfaction with the court process include a lack of communication and information, as well as a stressful and unpleasant court process experience, and a lack of awareness from the sheriff on LGBTI issues.

Reasons given for satisfaction with the court process included:

“ Offenders got dealt with.

Gay man, 55-64,
suburban area.

”

**“ Court handled it
appropriately.**

Gay man, 45-54, urban
area.

”

**“ Justice was served and
I was treated well by the
court and the PF.**

Gay man, 25-34,
suburban area.

”

Reasons given for dissatisfaction with the court process included:

“ I had no contact with the court services and had no details of how the case was going or when it was to be heard.

Gay person, 55-64, rural area.

”

“ I have no idea if there was a court case. I was never called as a witness or anything.

Gay man, 16-24, suburban area.

”

“ In general, the process is pretty stressful and you feel a bit isolated. But it felt better having a voice and being able to be listened to and having some resolution. Even if it doesn't make you feel totally better or less vulnerable. You're still left with how it made you feel as a person. You still have to deal.

Bisexual, non-binary trans person, 45-54, urban area.

”

“ My sexuality was used against me by a defence solicitor, making out that I wasn't the victim of a homophobic hate crime but an over sensitive stereotype that was having a tantrum.

Gay man, 25-34, rural area.

”

“ We were NEVER consulted about the trial or asked to give evidence. First we knew about it was from a local paper.

Gay man, 55-64, urban area.

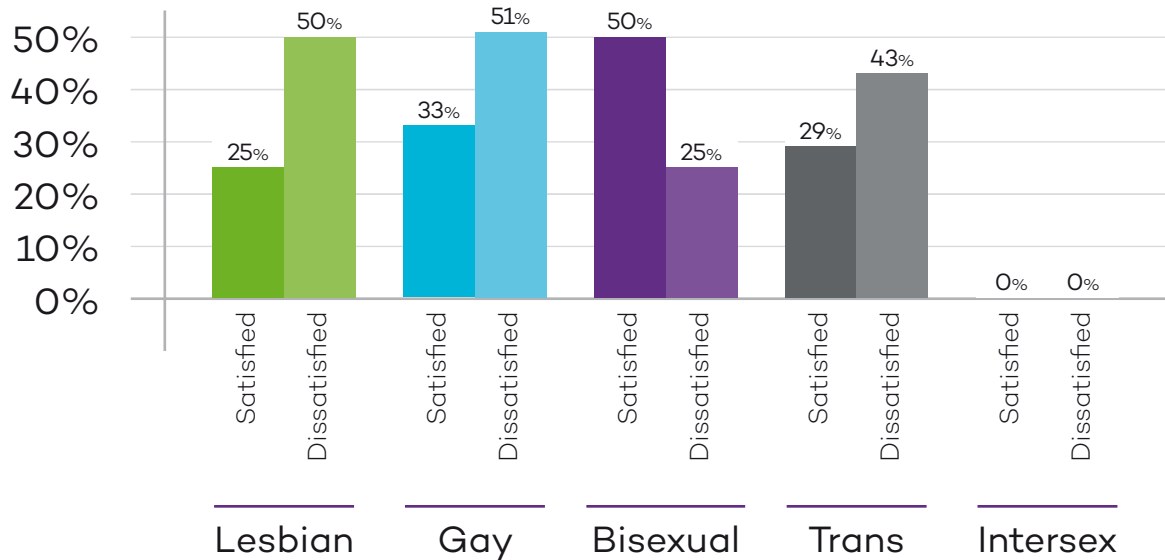
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“ I was targeted inside the court by the perpetrators and outside the court by them and their friends and family. When I asked for help I was told there was nothing the court could do.

Gay man, 35-44, suburban area.

”

Fig. 32: If the perpetrator was found guilty, how did you feel about the sentence they received? (n 53)



NB: Sample sizes are very small for all categories except Gay.

Overall, only 30% of respondents were satisfied with the sentence their perpetrator received, with over half (55%) expressing dissatisfaction, and 15% remaining neutral.

Disabled respondents (71%) were more likely to be dissatisfied with the sentence their perpetrator received. And, as with the court process satisfaction levels, respondents from rural (67%) and suburban (59%) areas had higher levels of dissatisfaction with the sentencing, than those living in urban areas (46%).

Of the 55% of respondents who were dissatisfied with their perpetrators' sentence, several commented on the lightness of the sentence:

“ Was given minimum sentence for serious offence despite having past history of abuse and other cases pending showing a pattern of behaviour which was not taken into consideration.
Asexual Muslim woman, 35-44. ”

“ £186 fine for threats to my life, physical assault and emotional distress. My life isn't worth more than £200?
Gay man, 25-34, suburban area. ”

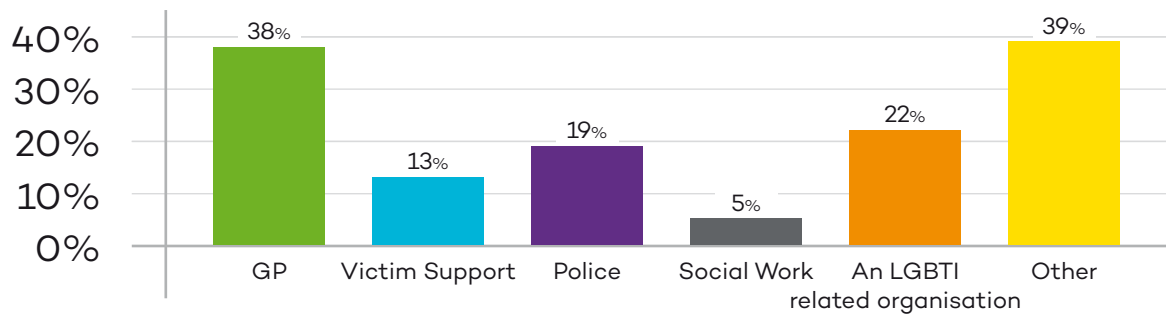
“ Punishment was too light. This resulted in repeat verbal abuse.
Trans man, 45-54, urban area. ”

“ I'm not sure what effect a fine would have had on someone who is homophobic. Surely some kind of education would be a better option?
Gay Christian man, 35-44, suburban area. ”

“ Too light handed but that's the law at fault and not the PF or court.
Gay disabled man, 25-34, suburban area. ”

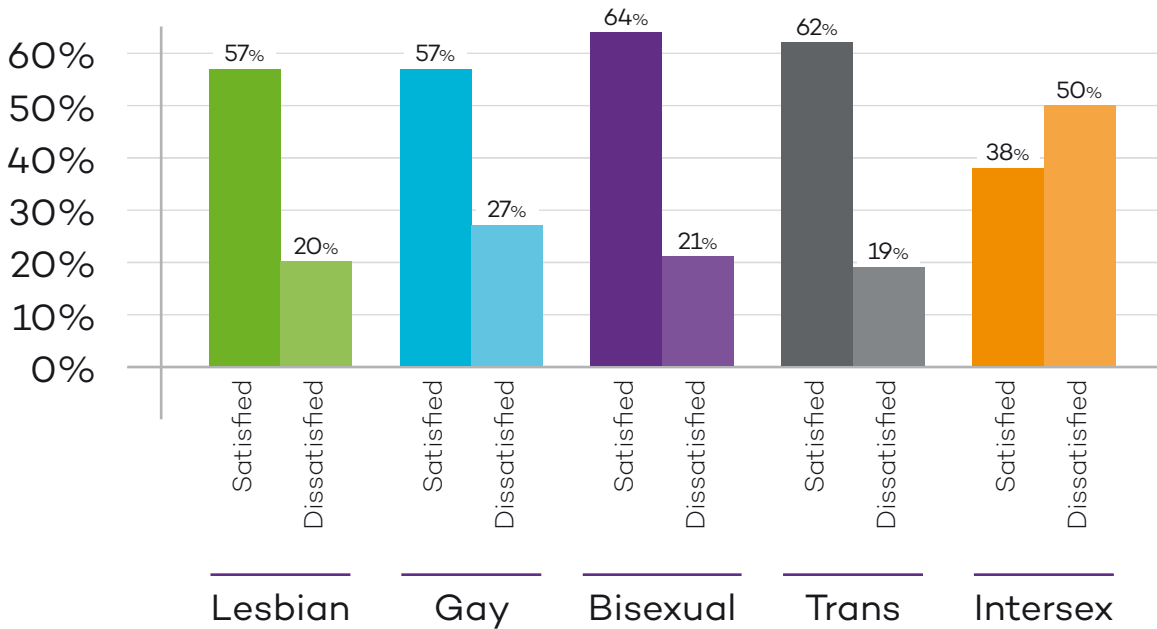
Accessing support

Fig. 33: Did you approach any of the following for emotional or practical support? (please tick all that apply) (n 291)



This question asked respondents about any support that they had accessed, either formally or informally, in helping them to address the hate crime they had experienced. 566 respondents with personal experience of hate crime skipped this question, suggesting that many respondents did not access any support. Of the 291 who did answer, many specified 'Other' (39%), stating sources including 'friends and family', 'partner', or other specialist support agencies, such as counselling and psychological services. Visiting a GP was the second-most chosen option, with 38% seeking help this way, and was highly represented amongst bisexual (47%) respondents. Lesbian respondents were more likely to seek help from an LGBTI organisation (29%) or from an 'Other' source (48%).

Fig. 34: If you accessed support, how did you feel about the level of support you received? (n 268)



Overall, 59% of respondents were satisfied with the support that they received from their chosen source, 24% were dissatisfied and 18% remained neutral.

Reasons for satisfaction included:

“ I felt heard and cared about.
Gay disabled man, 35-44, urban area.
» Sought support from Terrence Higgins Trust. ”

“ The understanding of the women at rape crisis and women’s aid is fantastic.
Lesbian woman, 25-34, rural area.
» Sought support from their local Rape Crisis and Women’s Aid centres. ”

“ They were very supportive of everything and listened to me unbiased. Helped me through coming to terms with being trans and many other problems. Peace of mind that they are always there if I should ever need them again.

Bisexual trans man, 16-24, suburban area.

» Sought support from the NHS Wellbeing service. ”

“ Their space is completely safe and openly accepting without judgement.

Bisexual disabled man, 35-44, urban area.

» Sought support from BiScotland. ”

“ Listened, was helpful, offered help reporting.

Gay minority ethnic man, 25-34, urban area.

» Sought support from Edinburgh University LGBTQIA society. ”

“ Supportive and reassuring response. She explained my legal rights.

Lesbian woman, 35-44, suburban area.

» Sought support from a solicitor. ”

“ Helpful, took me seriously, did their best to sort the issue.

Pansexual non-binary trans person, 16-24, suburban area.

» Sought support from their school teacher. ”

“ They may be a new organisation but they are fantastic. Really understanding of the nature of a rural and / or village location and the importance of confidentiality.

Bisexual man, 35-44, rural area.

» Sought support from Dumfries and Galloway LGBT Plus. ”

“ I was able to talk to a support worker quickly who was clearly trained on LGBT+ issues and didn't ever make me feel like I'd brought it on myself.

Bisexual non-binary intersex person, 35-44, suburban area.

» Sought support from LGBT Health and Wellbeing.

”

“ The professional support was fantastic and helped me to find a way to get on with my life without worrying about constant homophobic attacks.

Gay man, 16-24, suburban area.

» Sought support from Stonewall.

”

“ They talked me through everything that would happen, provided practical support, and offered to come to court.

Gay disabled man, 25-34, suburban area.

» Sought support from Victim Support.

”

“ Attention to detail and genuine support systems.

Lesbian trans woman, 25-34, urban area.

» Sought support from Victim Support.

”

“ My GP and local police were both fantastic.

Bisexual woman, 45-54, urban area.

» Sought support from their GP and the police.

”

Reasons for dissatisfaction included:

“ No follow up. Nothing done and left feeling isolated.

Bisexual intersex woman,
45-54, suburban area.

» **Sought support from the police.**

“ The support worker did not seem to understand the law or the impact of the crime.

Bisexual intersex woman,
35-44, urban area.

» **Sought support from Victim Support.**

“ No understanding. Undertones of victim blaming.

Gay, non-binary trans minority ethnic person,
16-24, urban area.

» **Sought support from their school.**

“ I might just not be accessing the right support but my experience of NHS therapists has been really poor.

Gay man, 16-24,
suburban area.

» **Sought support from their GP.**

“ Lots of sympathy but no practical action.

Lesbian Christian woman,
55-64, suburban area.

» **Sought support from an LGBT organisation.**

“ GPs response was to alter medication, rather than help with the issue.

Gay disabled man, 25-34,
urban area.

» **Sought support from their GP.**

“ Counsellor appeared to have very little knowledge relating to LGBT+ issues and offered little advice other than ‘ignore it’ and to basically hide my sexuality.

Lesbian woman, 16-24, urban area.

- » Sought support from CAMHS (Child and Adolescent Mental Health Services).

”

“ My GP suggested antidepressants as a solution, no therapy sessions or anything to help me deal with it.

Pansexual disabled woman, 25-34, suburban area.

- » Sought support from their GP.

”

“ They treated me like I had a disease when I mentioned my female partner.

Bisexual trans woman, 35-44, rural area.

- » Sought support from the police.

”

“ Their lack of care resulted in me no longer using the service.

Gay man, 35-44, urban area.

- » Sought support from social work.

”

“ They didn’t really have an understanding of hate crimes or LGBT issues so their advice was limited.

Lesbian non-binary disabled person, 16-24, rural area.

- » Sought support from their school.

”

“ No personal or emotional support was given. No understanding of my sexuality.

Lesbian woman, 35-44, urban area.

- » Sought support from a homeless organisation.

”

“ I waited months to see anyone and then barely got to speak for twenty minutes.

Gay disabled man, 25-34, suburban area.

» Sought support from a psychiatrist. ”

“ The out of hours GP made a big deal of not having dealt with a male sexual assault before. I was sent home and left for the police to contact me. The medical results were sent to the hospital 5 days later and due to the long wait no evidence could be found.

Gay Christian man, 35-44, urban area.

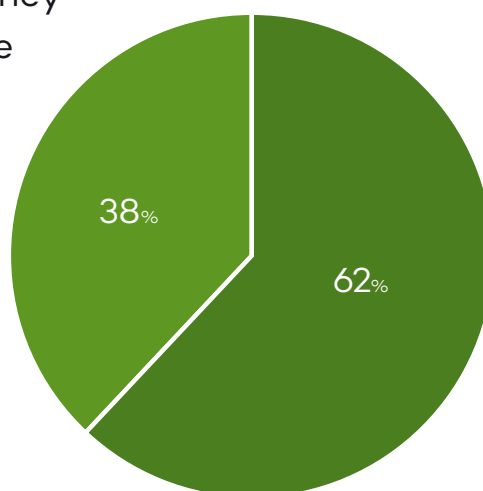
» Sought support from a GP. ”

Witnessing hate crime

As noted at the beginning of the report, the survey was open to both LGBTI and non-LGBTI people, and people were invited to respond with their experiences of witnessing hate crime directed at someone else. There were many respondents (42% of the total) who had both experienced a hate crime targeted at themselves, and witnessed a hate crime against another person. It is probable that people's own identity as LGBTI means that they are more likely to witness and recognise hate crime directed at other LGBTI people.¹⁹

Fig. 35: Have you ever witnessed a hate crime against another person? (n 1,334)

- Yes: 62%
- No: 38%



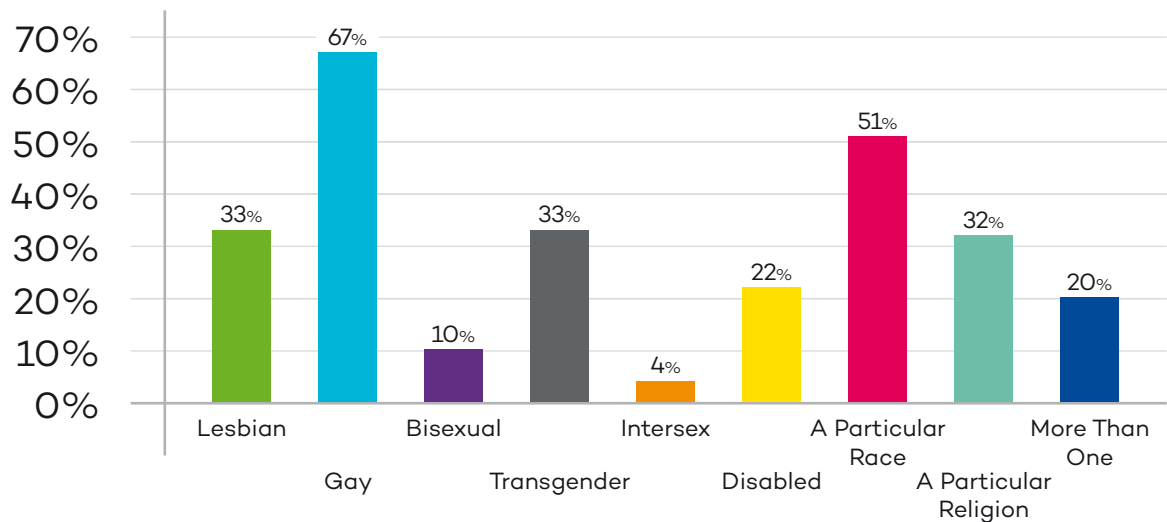
Respondents were asked whether they had been witness to an incident of hate crime directed at another person (regardless of perceived motivation). Of the 1,334 who answered this question, almost two thirds (62%) answered yes. The rate of witnessing was fairly balanced across the various demographics, with 66% of trans respondents having witnessed a hate crime against someone else, 64% lesbian, 62% gay, 61% bisexual, and 60% heterosexual respondents. 76% of intersex respondents had witnessed a hate crime against another person, although the sample size is small.

Similar to the findings for experiencing hate crime, people of colour (71%), white non-British respondents (69%), disabled respondents

¹⁹ Charlotte Knight and Kath Wilson, 2016. "Lesbian, Gay, Bisexual and Trans (LGBT) People and the Criminal Justice System", <http://bit.ly/2gnsbla>, p66.

(69%), and respondents with religions other than Christianity (67%) were also more likely to have witnessed a hate crime. The rate of witnessing was higher in urban (64%) and suburban (63%) areas, compared to rural locations (55%).

Fig. 36: Do you think the hate crime you witnessed was motivated by the person being, or being perceived as (please tick all that apply) (n 722)



Two thirds of respondents had witnessed a hate crime motivated by ‘gay’ prejudice, with ‘race’ (51%), ‘transgender’ (33%), ‘lesbian’ (33%), ‘religion’ (32%), and ‘disability’ (22%), also highly-represented. It is noteworthy that the prevalence of witnessing racist or religious hate crime is similar to homophobic and transphobic hate crime, given that the majority of respondents were LGBTI people who are white Scottish or British, and non-religious.

20% of respondents had witnessed hate crime motivated by more than one perceived identity at the same time (intersectional hate crime).

When asked about their perception of the motivation for the witnessed attack, respondents’ comments included:

“ Because the language used was abusive and specific to their sexuality and gender identity.

Bisexual, non-binary trans person, 45-54, suburban area.

”

“ They were called names like poof and queer.

Non-LGBTI man, 35-44, suburban area.

”

“ Homophobic bullying in the school where I teach.

Non-LGBTI woman, 45-54, rural area.

”

“ Because I often see hate crime online, and the threads are usually about the issues.

Bisexual woman, 16-24, suburban area.

”

“ Their comments were bigoted with no hidden meaning.

Gay Christian man, 45-54, urban area.

”

“ I tend to find men will shout threatening stuff more at gay men. I have also noticed a lot of abusive behaviour towards trans people, either in my work or even in the LGBTQIA+ community.

Lesbian woman, 25-34, rural area.

”

“ Racial slurs were being said.

Bisexual trans man, 16-24, suburban area.

”

“ I work as a doorman and I see first-hand the verbal and physical abuse towards different minorities.

Gay minority ethnic man, 45-54, suburban area.

”

“ Racial and homophobic slurs were shouted before and after the assault.

Gay Humanist man, 25-34, urban area.

”

“ Name calling due to being gay, colour and race.
Gay man, 35-44,
suburban area. ”

“ They verbally harassed the girl for being trans and the situation went on from there.
Gay man, 16-24,
suburban. ”

“ The language used – dyke, blindo.
Non-LGBTI woman,
35-44, urban area. ”

“ The female who was targeted was wearing a rainbow flag after Pride.
Lesbian woman, 16-24,
urban area. ”

“ The comments were directly referencing the victim’s sexuality, religious attire and skin colour.
Lesbian woman, 25-34,
urban area. ”

“ Because the people doing it make it pretty obvious. They’ve been verbally abusive, often to the point of threats of physical harm, using language ranging from homophobic, to racist, to sexist and so on. I’ve overheard it at work, on the streets, and especially online where victims are swarmed by hate. It’s not subtle that it’s a hate crime because the perpetrators are quite matter of fact about their hate.
Lesbian disabled woman,
25-34, suburban area. ”

“ I have found that some of my lesbian friends and colleagues get a lot of verbal abuse, more so than gay men, and the abuse usually came from straight men. With transgender people, I have found people are still not accepting and will verbally abuse a trans person or put a lot of abuse online.
Bisexual woman, 16-24,
suburban area. ”

“ My gay son holds the hand of my disabled, autistic son when we are out in public to keep him safe and calm. They are often met with verbal abuse.

Non-LGBTI woman, 45-54, suburban area. ”

“ It was at a Pride parade, and the person was wearing items which were part of a religious group.

Gay man, 16-24, urban area. ”

“ It was aggressive online abuse, with threats against someone involved in faith-based pro-LGBT activism.

Gay Christian man, 55-64, rural area. ”

Fig. 37: When did you most recently witness a hate crime? (n 726)

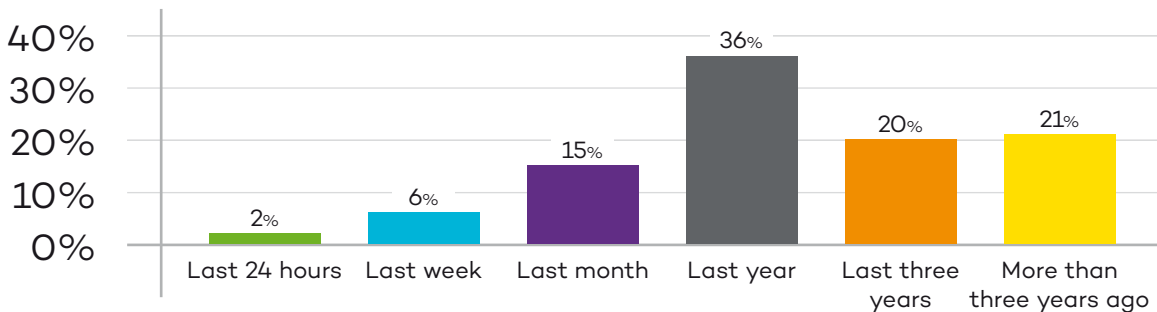
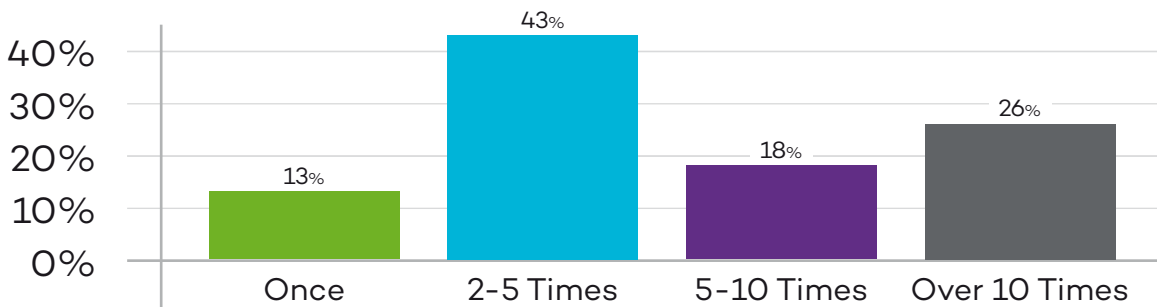


Fig. 38: How many times have you witnessed a hate crime? ? (n 724)

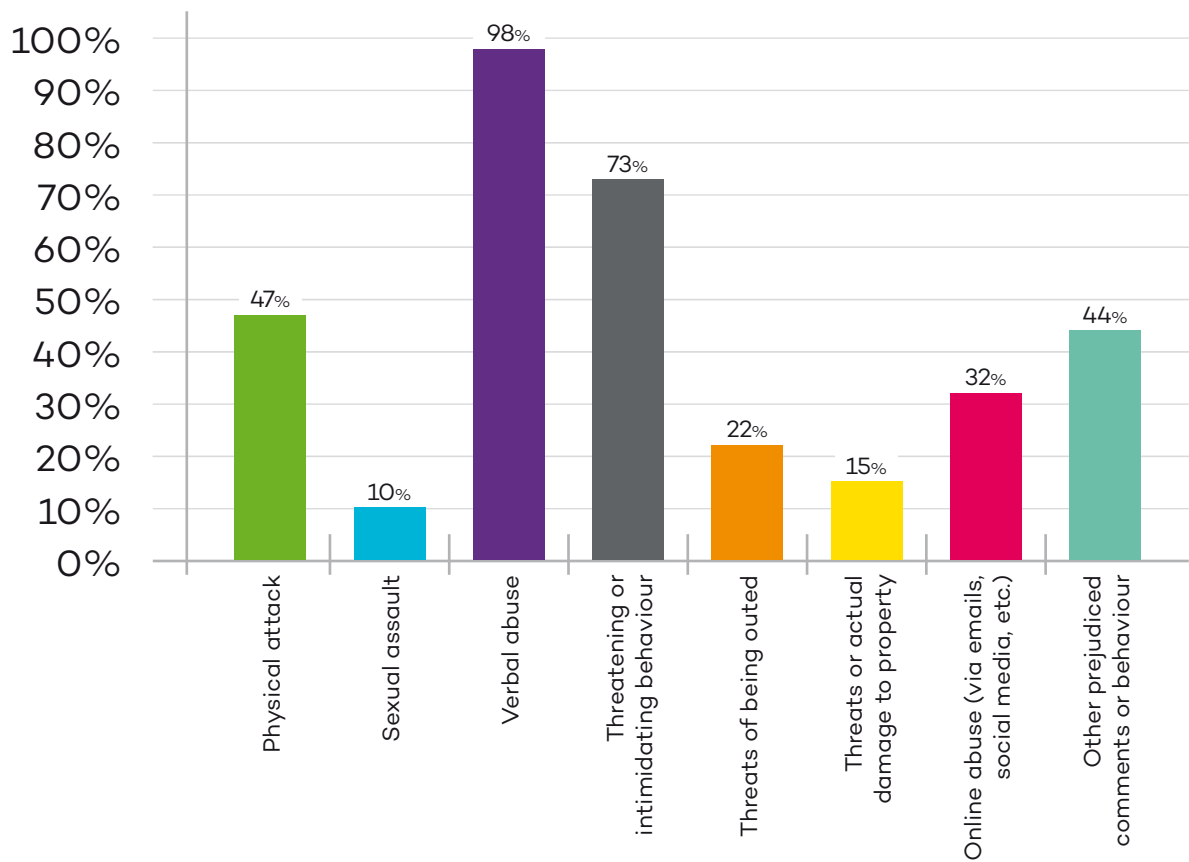


The data reveals that the recency and rate of witnessing hate crime are similar to those for personal experience of hate crime.

87% of respondents who have witnessed a hate crime, have done so at least twice, 46% more than five times, and over half (59%) within the last year.

Fig. 39: Did you witness...? (please tick all that apply) (n 710)

N.B. Numbers shown are percentages of the respondents who reported witnessing hate crime.



N.B. Numbers shown in Figs. 40 to 47 are percentages of the respondents who reported witnessing the specified type of hate crime.

Fig. 40: Where did you witness physical attack? (n 331)

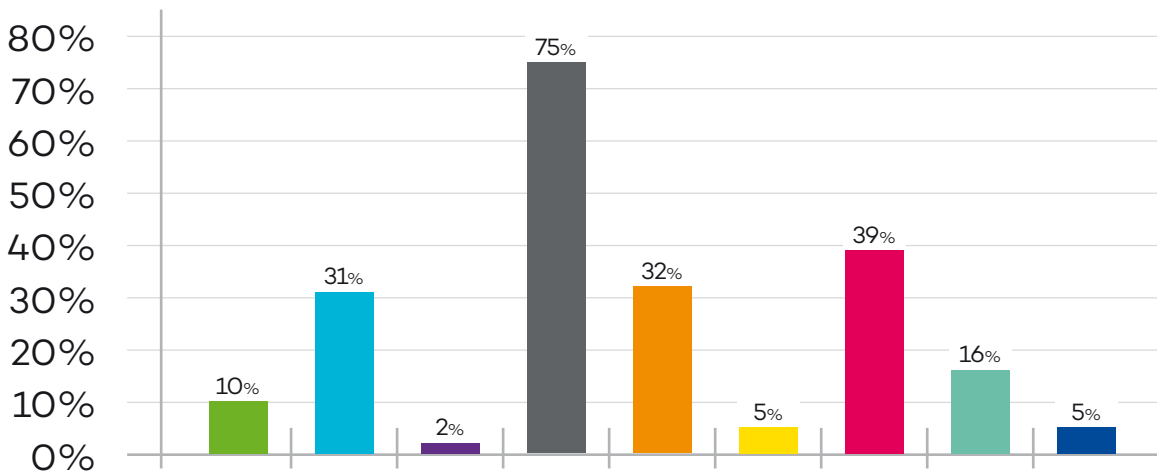


Fig. 41: Where did you witness sexual assault? (n 68)

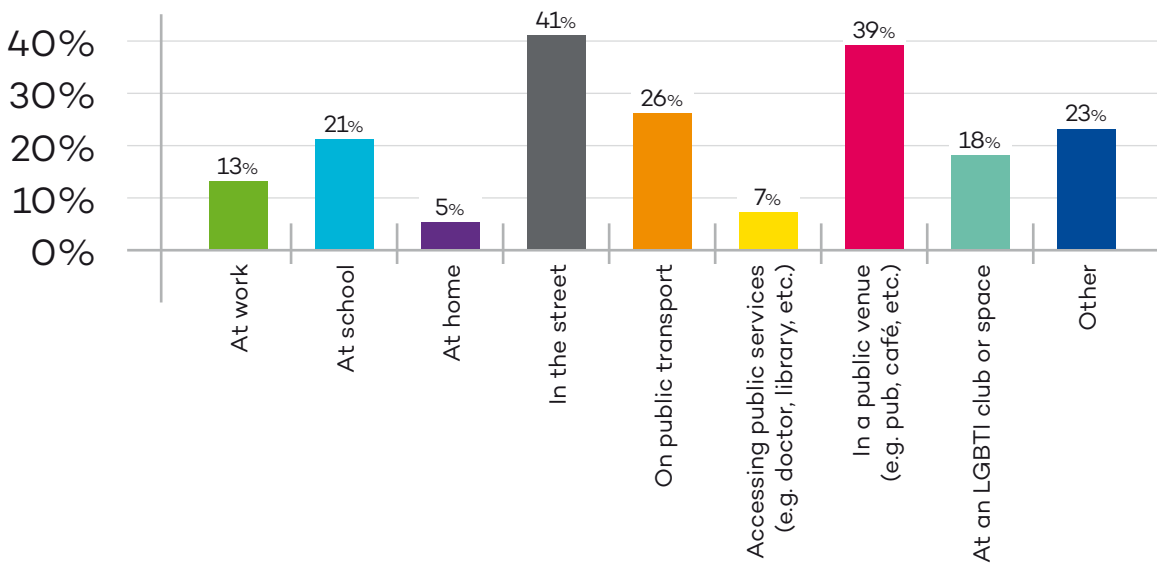


Fig. 42: Where did you witness verbal abuse? (n 695)

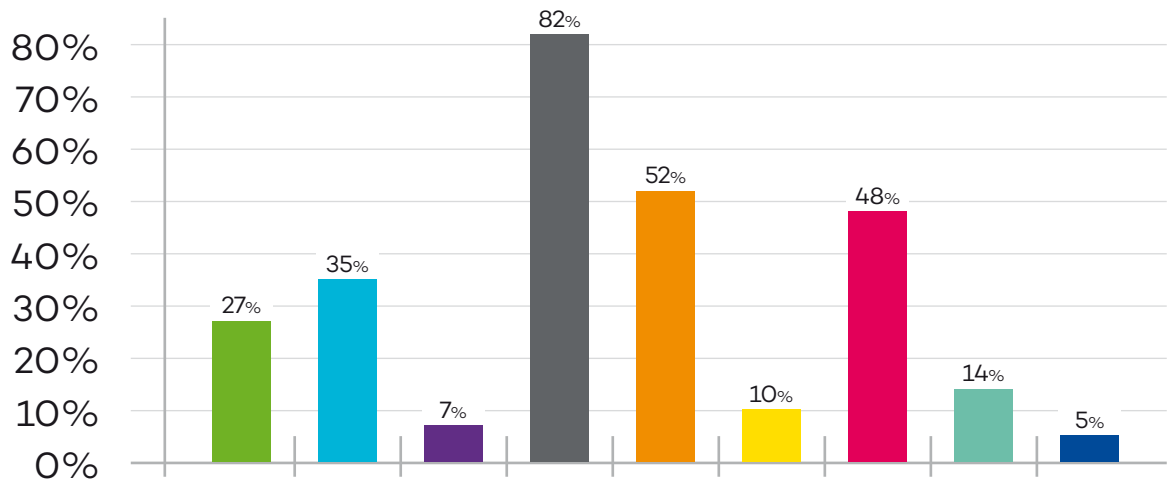


Fig. 43: Where did you witness threatening or intimidating behaviour? (n 518)

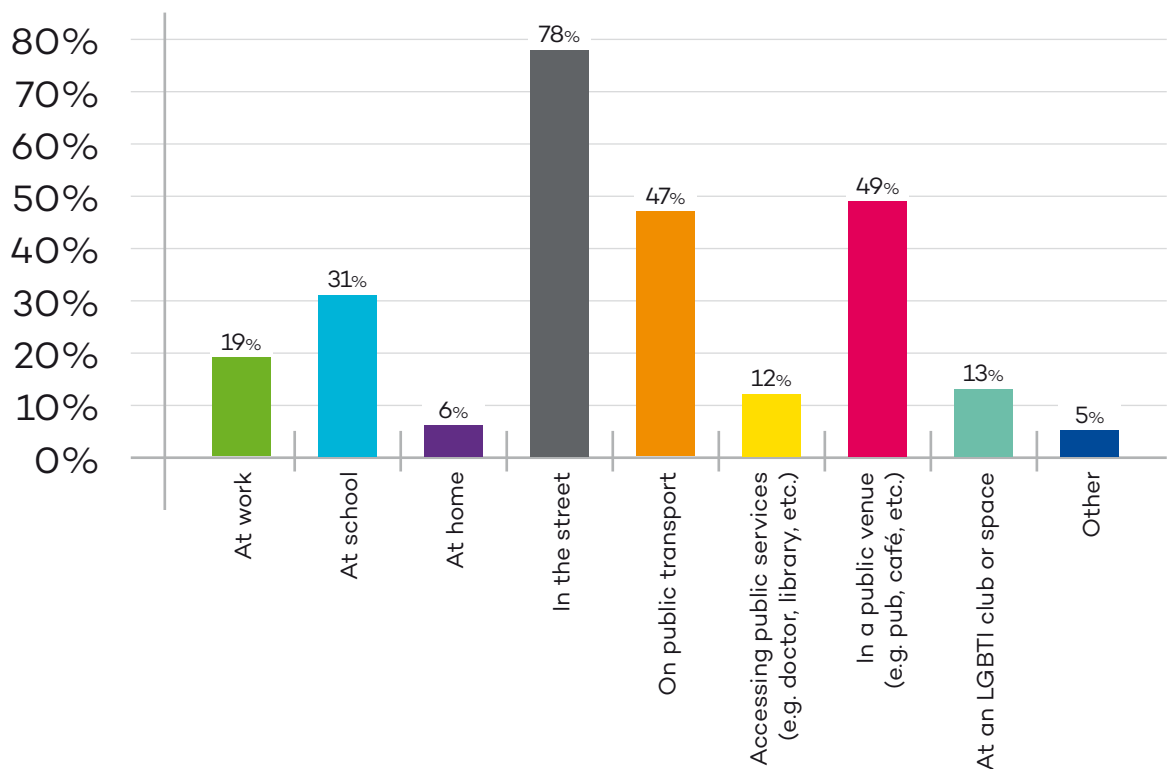


Fig. 44: Where did you witness threats of being outed? (n 159)

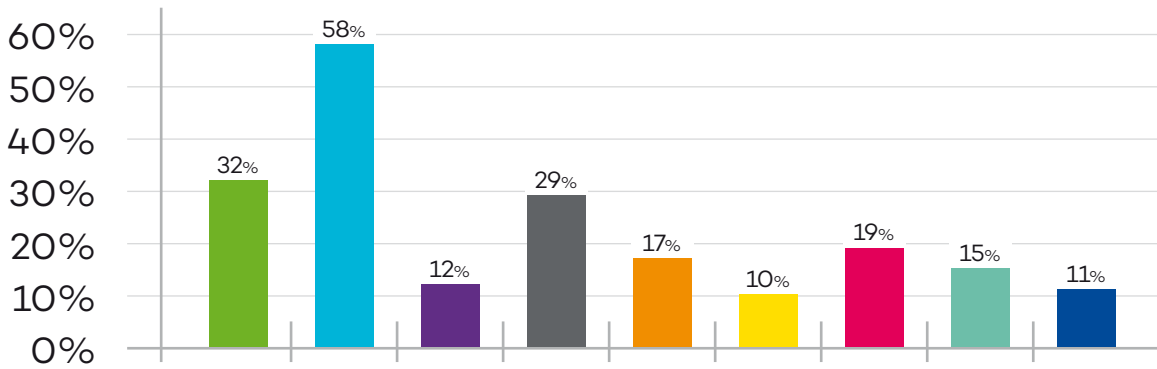


Fig. 45: Where did you witness threats or actual damage to property? (n 105)

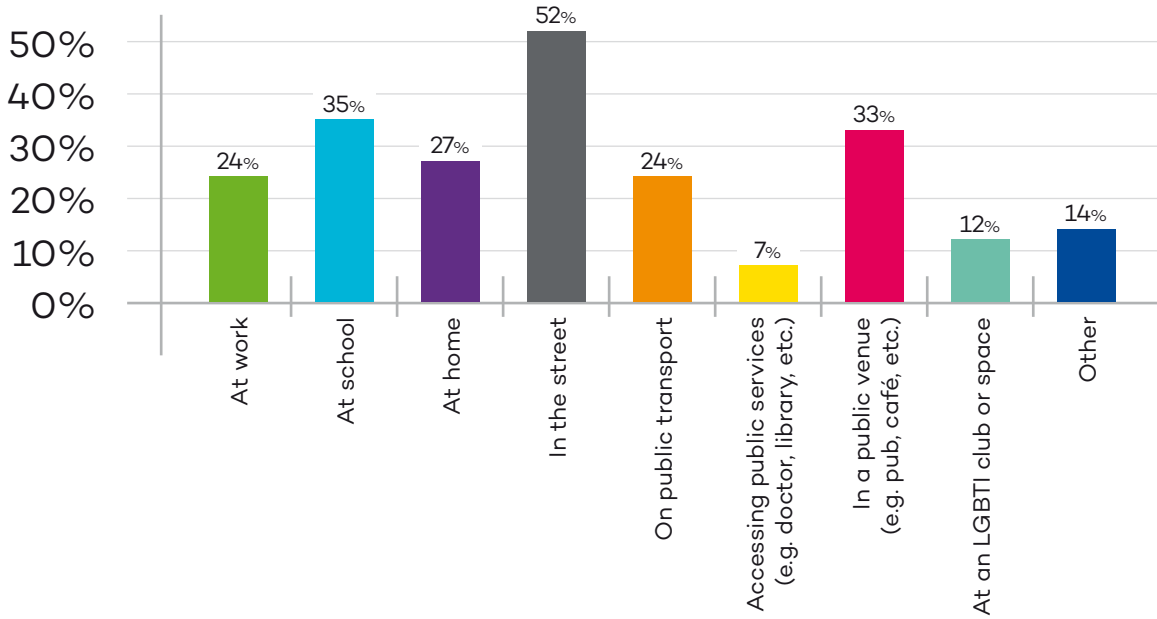


Fig. 46: Where did you witness online abuse (via emails, social media, etc.)? (n 229)

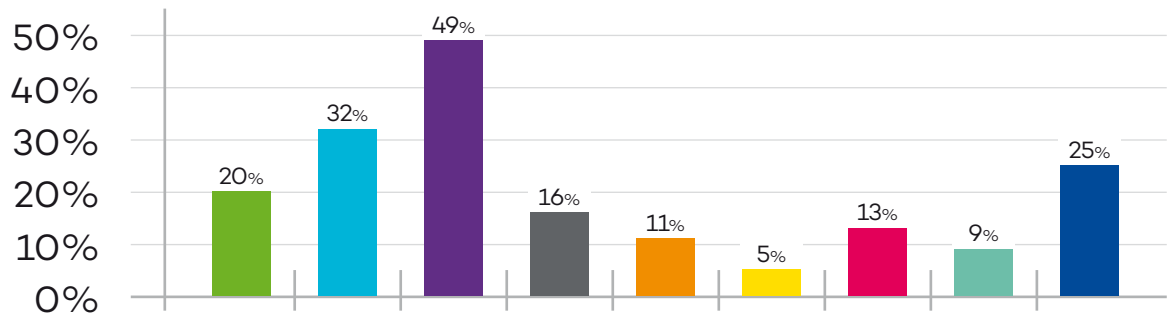
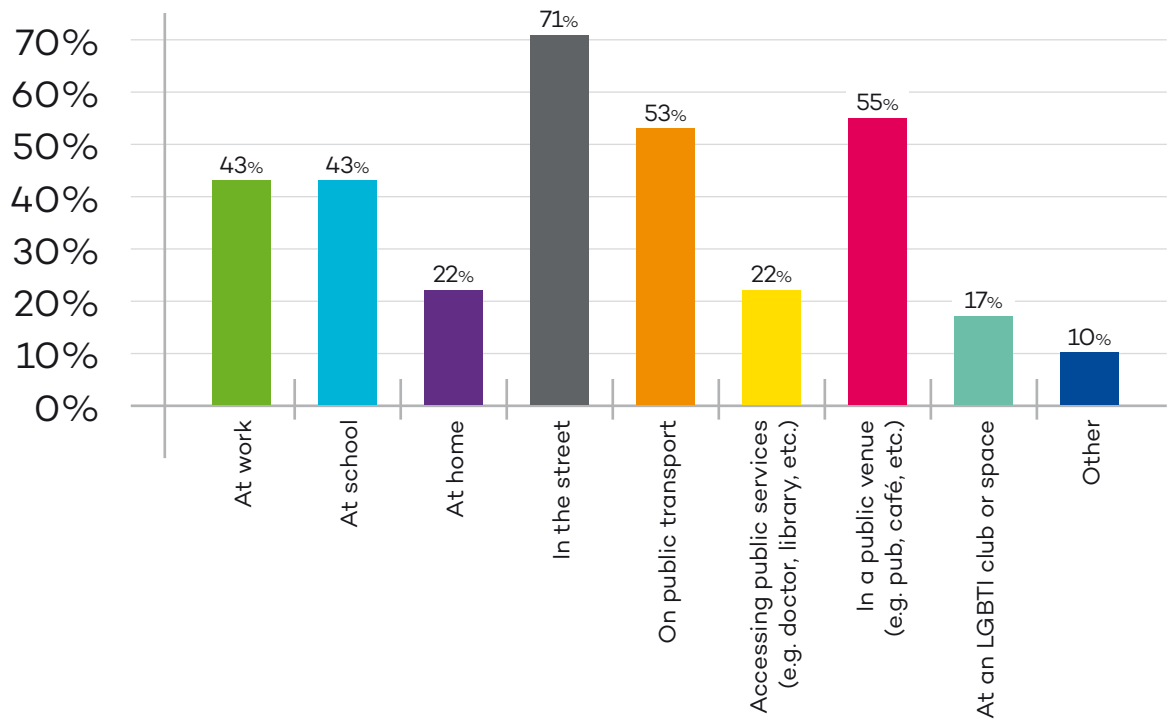


Fig. 47: Where did you witness other prejudiced comments or behaviour? (n 312)

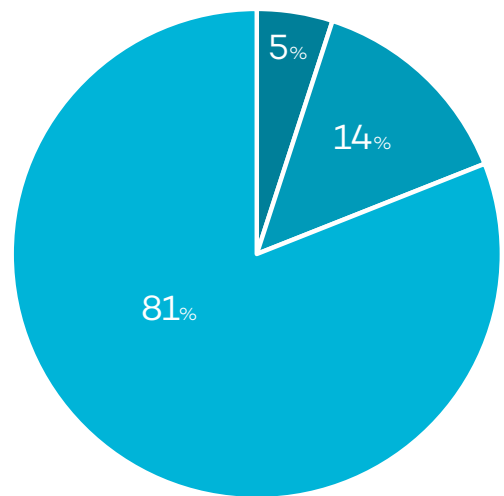


The above figures reveal that the most prevalent types of hate crime respondents have witnessed are verbal abuse; threats; physical attack; online abuse and sexual assault. As with hate crime experienced directly (see Figure 18), hate crime involving verbal abuse and threats (including threatening behaviour and threats of damage to property) account for the majority of incidents witnessed, suggesting that both verbal abuse and threatening behaviour is widespread.

The rate of hate crime witnessed was again significantly higher in urban areas, and the two most common locations in which these types of crime occurred were in the street and in a public venue.

Fig. 48: Did you report the incident(s) to the police? (n 737)

- Yes, all of the incidents: **5%**
- Yes, some of the incidents: **14%**
- No: **81%**



Witnesses were even less likely to report incidents to the police than those who were targets of hate crime, with 81% stating that they did not report any of the hate crime they had witnessed.

Reasons given for not reporting included:

“ Previous experience of not very much being done.
Gay disabled man, 35-44, urban area. ”

“ Didn't feel like it was my place.
Non-LGBTI man, 45-54, urban area. ”

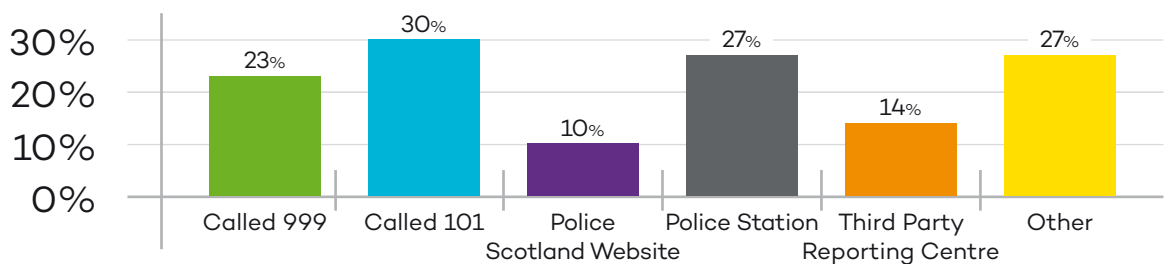
“ Perception that it would not be taken seriously.
Lesbian woman, 45-54, suburban area. ”

“ The person on the receiving end did not wish to report it.
Bisexual non-binary minority ethnic person, 16-24, urban area. ”

“ Too difficult and no time.
Bisexual man, 45-54, urban area. ”

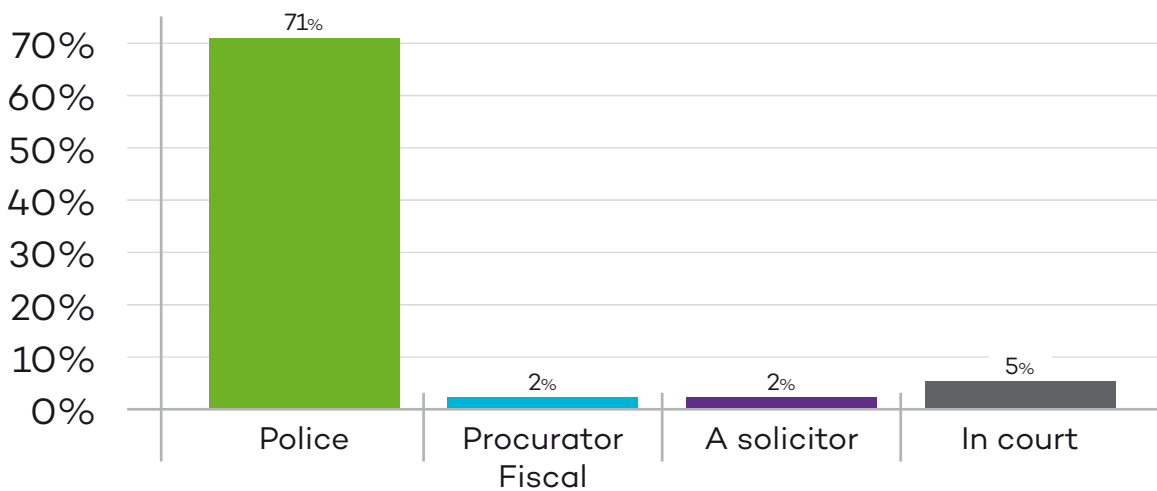
“ Unaware how to do so.
Gay Christian man, 16-24, suburban area. ”

Fig. 49: How did you report the incident(s)? (please tick all that apply) (n 124)



For those that did report the hate crime they witnessed, most people did so by dialling 101 (30%), or by visiting a police station in person (27%), or dialling 999 (23%). As with those targeted by hate crime, only a small percentage (14%) of witnesses reported via a third party reporting centre. Other ways of reporting included approaching police officers in the street, contacting an LGBTI Liaison Officer directly, using an online reporting tool other than the Police Scotland website, and through various LGBTI support and advocacy services.

Fig. 50: Were you asked by any of the following to give a witness statement? (please tick all that apply) (n 124)

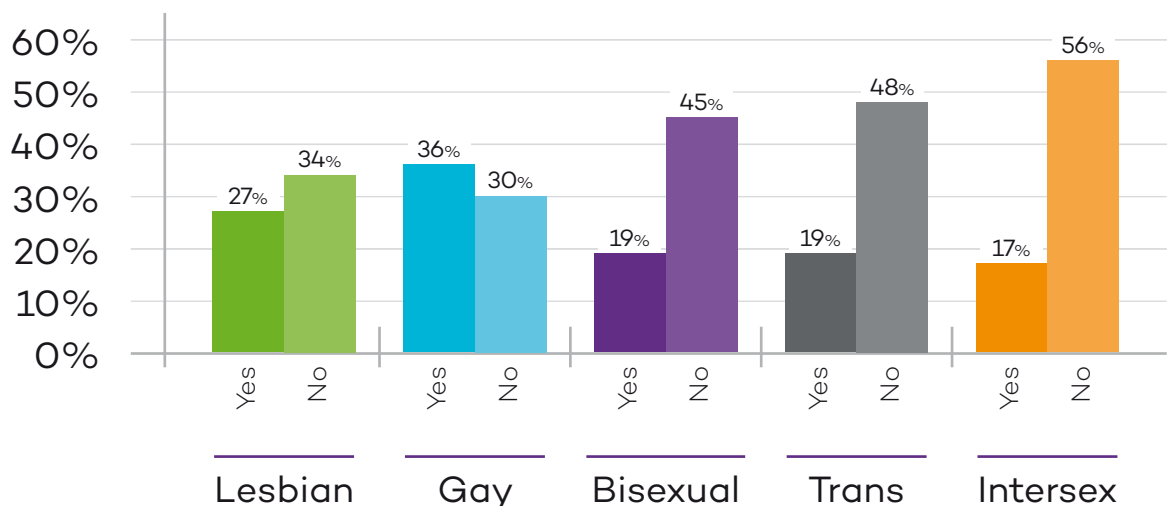
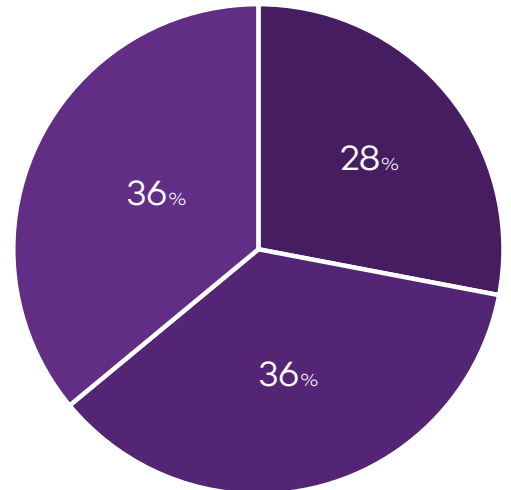


Most (71%) respondents who reported a hate crime they witnessed were asked by police to give a witness statement, although this falls to only 5% who were then asked to make a statement in court. This presumably relates to the relatively small proportion of hate crime reports to the police that reach the trial stage, and also that not all witnesses will be required to give evidence. Of those who gave evidence in court, only a minority also gave a statement to the PF or a solicitor.

Impact of hate crime legislation

Fig. 51: Do you feel that LGBTI people have enough protection from the law in relation to hate crime? (n 1,095)

- Yes: 28%
- No: 36%
- Unsure: 36%



The final questions in the survey explored respondent’s views relating to the effectiveness of the laws protecting LGBTI people from hate crime. Only a minority (28%) feel that LGBTI people have enough protection from the law in relation to hate crime, with 36% of all respondents answering negatively, and another 36% being ‘unsure’.

As we can see from Figure 51, bisexual, trans and intersex respondents were significantly more likely to feel that LGBTI people do not have enough protection under the law in relation to hate crime, compared to lesbian and gay respondents.

Fig. 52: Has the introduction in 2010 of laws in Scotland relating to LGBTI hate crime made you feel safer? (n 1,097)

- Yes: 37%
- No: 30%
- Unsure: 33%

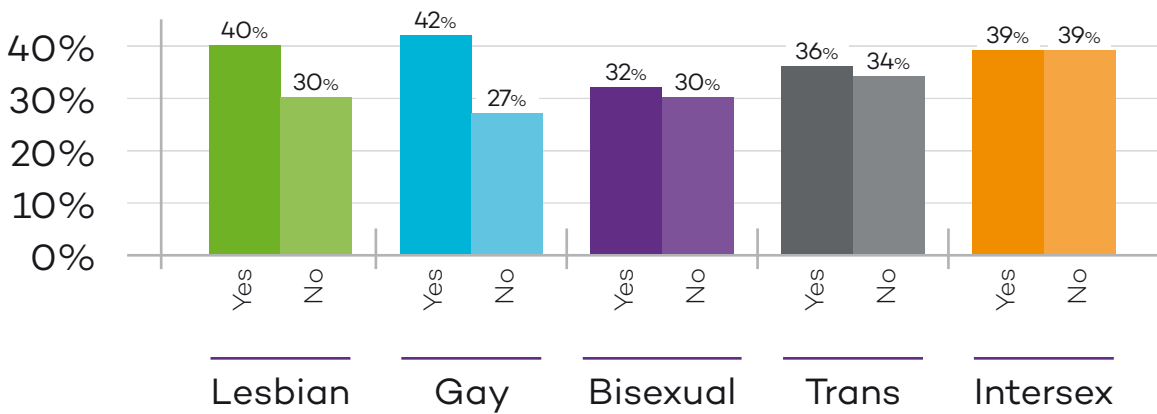
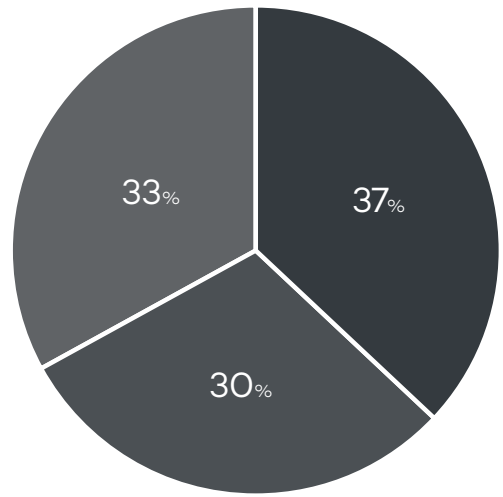
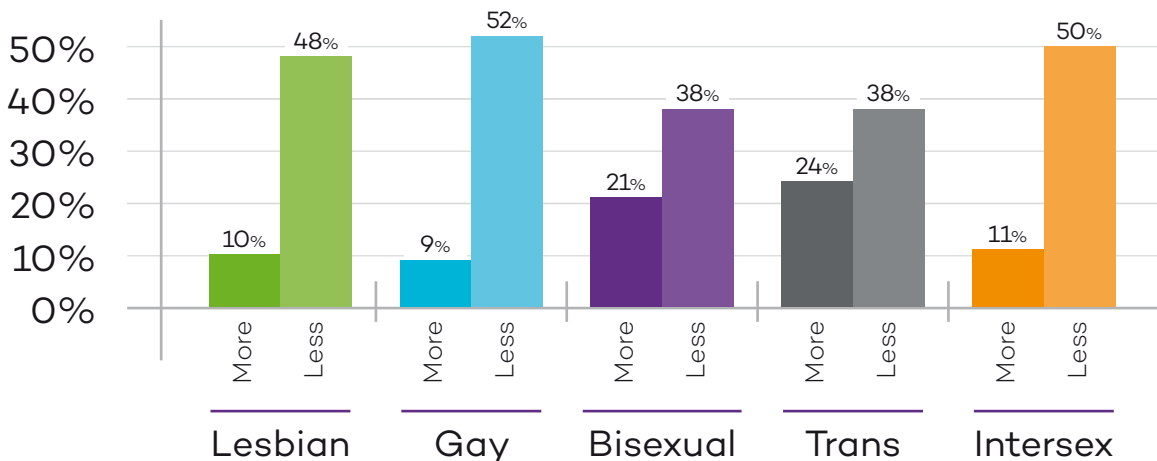
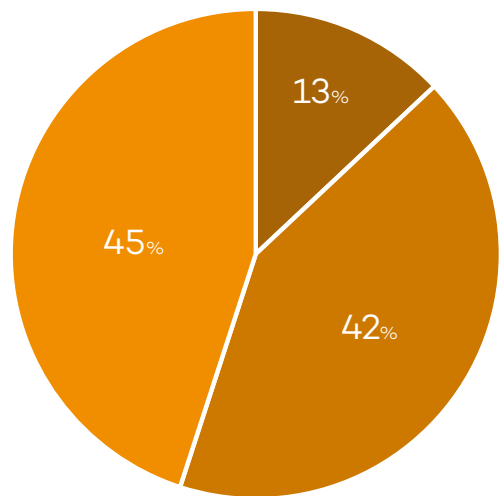


Fig. 53: How much do you feel at risk of hate crime compared with five years ago? (n 1,085)

- More at Risk: 13%
- The Same: 42%
- Less at Risk: 45%



37% of respondents said that the introduction of laws in 2010 to tackle LGBTI hate crime has made them feel safer. Around 40% of lesbian and gay respondents felt this, compared to 30% who did not, while bisexual, trans and intersex respondents were more evenly divided (see Figure 52). Compared with five years ago, 45% of respondents feel less at risk of hate crime. Looking at Figure 53 we can see that around half of lesbian, gay and intersex respondents feel less at risk now, with only 10% feeling more at risk. However, while 38% of bisexual and trans respondents feel less at risk, 21% (bisexual) and 24% (trans) actually feel more at risk now than five years ago.

Although the sample size is small, 25% of people of colour feel more at risk now, compared to 31% who feel less at risk. A slightly higher percentage of respondents living in rural areas (15%), felt 'more at risk' of hate crime, compared to those respondents living in suburban or urban locations (13%).

Comments were mixed:

“ Homophobia is still as rife in society as it ever was, it’s just more subtle and covert now.

Gay man, 25-34, rural area.

”

“ Attitude to gay / lesbian lifestyle is more acceptable.

Gay disabled man, 45-54, urban area.

”

“ No-one takes bisexuality seriously.

Bisexual woman, 25-34, urban area.

”

“ I didn’t know about the laws, so they didn’t change how safe I felt.

Bisexual disabled woman, 16-24, urban area.

”

“ I think the laws have improved greatly in recent years. There is still a way to go yet however.

Gay disabled man,
35-44, urban area.

”

“ There is often a big difference between what the law says and the reality of life.

Gay disabled man,
45-54, urban area.

”

“ Protection is all well and good but if people don't access it, it changes nothing. Equally, I don't think that a punitive approach will succeed in conquering prejudice- that takes interaction and people seeing for themselves that, duh, people are people.

Bisexual disabled woman, 35-44, suburban area.

”

“ More needs to be done in educating people on the law and other protections. It is a great start but everything needs improving.

Bisexual trans man,
16-24, suburban area.

”

“ There is always the letter of the law and the spirit of the law. A lot depends on judges, timing, the luck of the system. The justice system in general is incredibly slow to resolve cases.

Intersex woman, 25-34,
suburban area.

”

“ It's a change of culture with support of legislation that will enable a shift in removing hate crimes.

Gay man, 25-34, urban area.

”

“ With Brexit coming, I am even more unsure of our LGBTI future.

Gay Christian man,
45-54, rural area.

”

“ Laws don't make people safe, society does. I'm more likely to be defended by a junkie than I am a police officer when someone thinks it's appropriate to yell 'dyke' at me from across the street.

Pansexual non-binary person, 25-34, urban area.

”

“ The consolidation of the Equality Act made discrimination much easier to define, but I feel no more safer than I did before.

Gay man, 16-24, suburban area.

”

“ I don't feel more or less safe – there needs to be a significant change in social attitudes.

Lesbian Christian woman, 25-34, urban area.

”

“ Society's opinion has changed. I don't feel someone would walk past a gay person being attacked now. However, transphobia is still very common, even in the LGBTI community itself.

Gay disabled man, 35-44, suburban area.

”

“ Safer, but still not safe.

Gay man, 25-34, urban area.

”

“ Not safer but can expect appropriate response from police if I choose to report an incident / crime.

Lesbian Humanist woman, 55-64, urban area.

”

“ Just because the law has changed doesn't mean that thugs have changed. I think, in many ways, society is becoming more hateful at the moment, with Brexit, etc..

Gay disabled man, 35-44, urban area.

”

Encouraging reporting and improving support _____

Finally, respondents were asked what they thought would encourage more people to report hate crime to the police, as well as for suggestions for improving support for LGBTI people who have experienced hate crime in Scotland. Respondents felt that more could be done to encourage the reporting of hate crime, including increasing public knowledge of types of hate crime, and the laws applicable to this type of offence, through education and visible public campaigns.

Other suggestions were: more easily available information on how to report, and clarity on what the process would be. Several respondents also commented on the benefits of having more trained LGBTI Liaison Officers in the police force.

Similar responses were gained when asking how the available support for LGBTI people who have experienced hate crime could be improved, with answers including “better trained police”, “a more proactive approach from police”, as well as “having more statutory agencies and third sector organisations trained in LGBTI issues”. Other suggestions included having improved school and workplace support, and more local support groups, especially in rural areas of Scotland.

One respondent commented:

“ I am from Orkney where there is absolutely no means of support for LGBTI people. I just didn't know where to go.

Gay man, 45-54, rural area.

”

Another respondent highlighted the need for improved inclusion of intersex people within LGBT support, saying:

“ Sometimes when people (myself included) see LGBT written, I feel that it would be less likely that I would receive help as I am not Lesbian, Gay, Bisexual or Trans.

Heterosexual intersex woman, 16-24, urban area.

”

Several respondents also suggested that support could be improved “through demonstrations and acts of solidarity with the LGBTI community”, as well as more advertisement of relevant support services in LGBTI bars and venues.

Other respondents commented on the importance of mental health support, including counselling and helpline services, after they experienced a hate crime. Respondents’ comments included:

“ Have a national hate crime helpline.

Heterosexual trans man, 45-54, rural area.

”

“ Mental health support is vital. Our community is a high risk group for mental health problems already, so incidents that inflame this need to be treated appropriately and prioritising the long term mental health of victims.

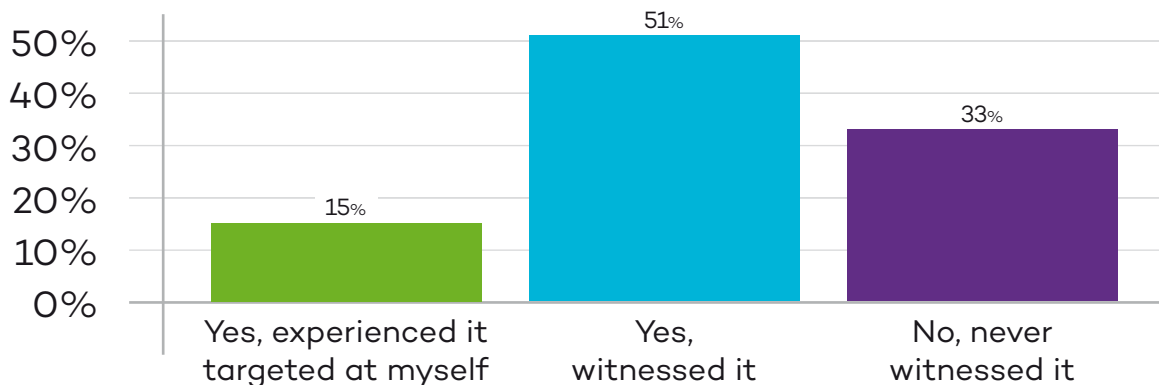
Gay, non-binary person, 35-44, urban area.

”

Hate crime at football_____

Changes have been proposed to the law on hate crime at football. We therefore asked people about their experiences of this.

Fig. 54: Have you ever experienced homophobic, biphobic or transphobic hate or hate-motivated behaviour at or outside a football match; travelling to or from a football match; or at a venue where a football match was being shown on TV? (n 448) (percentages of respondents who watch football)



These findings reflect the earlier findings of our Out for Sport research, where football was identified, by a significant margin, as the sport which had the greatest problems with both homophobia and transphobia.²⁰

When asked for suggestions for how to reduce homophobic, biphobic or transphobic behaviour at football, respondents' comments included:

“ Campaigns about inappropriate language / actions at football matches that could be shown on the big screen. Bisexual woman, 25-34, urban area. ”

²⁰ Margaret Smith, Scott Cuthbertson and Nathan Gale, 2012. “Out for Sport: tackling homophobia and transphobia in sport”. <http://bit.ly/2yauXDs>

“ Get the football players to do more things like the show racism the red card campaign, but for LGBTQIA+ as well. If the fans see their favourite players talking about how it's okay to be gay / bi / black / white / male / female etc., then perhaps the hate will stop.

Asexual intersex woman, 16-24, urban area. ”

“ The security staff need to be better / fully trained to deal with the behaviours that can occur. Police need to act on these issues – fans should be removed, fined, banned, etc. from games.

Pansexual woman, 35-44, suburban area. ”

Several respondents also commented on the importance of visibility amongst players themselves:

“ Having more positive role models. If more football players or people involved in football were to come out, it would make it much more the norm.

Gay man, 16-24, urban area. ”

“ Support queer players in coming out and being visible. Provide a voice for queer fans. Visibility is the most important thing.

Pansexual non-binary person, 25-34, urban area. ”

“ Football needs diverse role models; some out players would be helpful! The language of football needs to change to be more positive and inclusive.

Lesbian woman, 35-44, suburban area. ”

For more information on our LGBTI sports inclusion work, including our LGBT Sports Charter, please visit: www.equality-network.org/our-work/policyandcampaign/sport

Conclusion and recommendations

It is clear from this report that a very large proportion of LGBTI people experience hate crime, and that those experiences are recent and, in many cases, repeated multiple times. The majority of such crimes go unreported to police, either by those targeted, or by witnesses. A key challenge therefore is to increase the reporting rate. But that will only succeed if people's experience of the criminal justice system, after they report a hate crime, is satisfactory.

For those who do report hate crimes to the police, there are welcome indications in this report that levels of satisfaction with the police response, at least for lesbian and gay people, have increased in recent years, and this likely reflects the efforts of police to provide more appropriate responses to LGBTI people. However, dissatisfaction levels remain significant, and the good practice highlighted by some respondents remains patchy.

Levels of satisfaction with the Procurator Fiscal Service and with the courts are much lower. In part, reported problems relate to a lack of awareness of LGBTI issues, and of the impact of hate crime, but there are also more generic concerns with these parts of the justice system, including a perceived lack of information and support from PFs, and a variety of concerns about the court process.

To track progress in addressing hate crime, we need good information, and at present, hate crime related statistics in Scotland are incomplete.

Ultimately, the aim must be to reduce significantly the incidence of hate crime. To inform prevention measures, we need some in-depth research into the nature of LGBTI hate crimes proceeded against, and outcomes. Only the Scottish Government can commission such research.

Last but not least, the underpinning law and national policy framework must be right. The Equality Network welcomed the 2016 report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion,²¹ and we support that Group’s policy recommendations. We welcome also the independent review, led by Lord Bracadale, of the adequacy and effectiveness of Scotland’s hate crime laws,²² and we hope that any changes that result will clearly establish Scotland as a leader in the legislative basis for addressing hate crime.

Recommendations

Better responses to hate crime

- Continued LGBTI-specific training is needed for front line police officers and decision makers (we welcome that we had the opportunity in 2016 to train a national network of 91 LGBTI Police Liaison Officers, and we are continuing to work with Police Scotland to roll this training out).
- Continued LGBTI-specific training is needed for Procurator Fiscal (PF) office staff, including Victim Information and Advice (VIA) service staff.
- Communication between victims of crime and the PF / VIA service needs further improvement, and better progress updates should be provided to victims.

²¹ Report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion, Scottish Government, September 2016. <http://bit.ly/2cl7CT3>

²² Scottish Government, 2017. “Review of hate crime legislation: ministerial statement, January 2017”. <http://bit.ly/2yanWZG>

- Clarification is needed of the role of the PF, which at present often does not match the expectations of victims of crime, who feel that, unlike the accused, they have no “champion” in the process.
- Continued LGBTI-specific learning is recommended for sheriffs and judges via the Judicial Institute for Scotland, to ensure the most appropriate treatment of complainers in court. Sheriffs should be willing to intervene when complainers are treated inappropriately by the defence.
- Transparency is needed in sentencing, including clarification of the prejudice aggravation element. It is important that complainers can understand the basis of sentencing. Restorative justice measures should be explored.
- More information should be available to victims of hate crime about vulnerable witness measures, and potential reporting restrictions to avoid complainers being outed in court. Prosecutors should request such measures, and courts should be willing to grant them. This is particularly important for trans complainers.
- Employers should be encouraged to take action against harassment in the workplace, including recognising when this is criminal and should be reported to the police.

Raising awareness and encouraging reporting

- Police, LGBTI organisations and community groups should continue to encourage people to report hate incidents to the police.
- Police Scotland should continue to engage with the LGBTI community around the country, to encourage and support the reporting of hate incidents. Particular attention needs to be given

to ensuring that trans people can have confidence in reporting hate incidents.

- Information campaigns should promote understanding of what a hate incident is, how to report it, why it is important to report it, and what happens after you report it.
- More should be done to encourage those who witness hate incidents against others to report them.
- The operation of the third party reporting centres should be reviewed (very few LGBTI victims of hate crime use these at present).

Reliable information on hate crime

- Police Scotland IT systems need to be urgently updated to allow divisional hate incident and hate crime statistics to be made available. These should be published regularly.
- The Scottish Court and Tribunal Service should publish statistics on outcomes and sentences for hate crime prosecutions.
- All statistics published should indicate what percentage of the hate incidents dealt with were motivated by more than one type of prejudice.
- Research is needed into the details of hate crimes prosecuted with aggravations (disability, sexual orientation, transgender identity and intersex) under the Offences (Aggravation by Prejudice) (Scotland) Act 2009 (similar to research already done on racist and religious hate crime).

Prevention

- Leadership against prejudice from both the Scottish Government and local government continues to be vital – the Scottish Social Attitudes Survey shows a big fall in prejudice towards lesbian and gay people, but prejudice remains significantly higher towards trans people.
- There should be more exploration of the potential for the use of restorative justice, both by the courts, and as a potential diversion from prosecution. The effectiveness of restorative justice on reducing repeat offending should be investigated and developed.
- The role of the education system is critical – efforts to eliminate hate crime against LGBTI people require similar efforts against bullying of LGBTI pupils in schools, and the creation of truly LGBTI inclusive education.

The law and policy

- In hate crime legislation, intersex should be recognised as a separate characteristic, rather than a subcategory of ‘transgender identity’.
- Hate crime policy should recognise that a proportion of hate crimes are aggravated by more than one type of prejudice.
- A public conversation would be useful around the terminology used for hate incidents and crime, and the boundaries between free speech, lawful but offensive speech, and unlawful and criminal abuse.
- The Scottish Government should review the prevalence and nature of online abuse and identify any measures needed to tackle it, as

recommended by the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion.²³ This review should include whether there needs to be better self-regulation by social media providers and whether current police responses to online hate are sufficient.

- The Equality Network also endorses the Independent Advisory Group's recommendation for the Scottish Government to consider how better to protect those experiencing hate crime on public transport.

²³ Report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion, Scottish Government, September 2016. <http://bit.ly/2cI7CT3>

Glossary

Asexual person

A person who does not experience sexual attraction.

Biphobia / biphobic

A discriminatory or prejudiced action related to someone's actual or perceived bisexual orientation.

Bisexual person / bi person

A person who is emotionally, romantically and/or sexually attracted to people of more than one gender or regardless of gender.

Cisgender / cis

A person who identifies with the sex they were assigned at birth. Cisgender is the word for anyone who is not transgender.

Come out

To tell others that you are LGBTI.

Cross-dressing person

A person who occasionally wears clothing and/or makeup and accessories that are not traditionally associated with the sex they were assigned at birth.

Disability

Barriers created by society or by the way that society is organised which do not take into account the various mental and physical differences and impairments that people may have.

Ethnicity

A socially defined category of people who identify with each other based on common ancestral, social, cultural or national experience.

Gay

A word describing a person who is emotionally, romantically and/or sexually attracted to people of the same gender.

Gender expression

External characteristics and behaviours that are socially defined as either masculine or feminine, such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.

Gender identity

Refers to our internal sense of who we are, and how we see ourselves in regards to being a man, a woman, or somewhere in between/beyond these identities.

Genderfluid

See Non-binary.

Genderqueer

See Non-binary.

Hate Crime

The term used to describe a crime that is aggravated (that is, made worse in some sense) by prejudice relating to actual or perceived aspects of personal identity. It should be noted that hate crime is based on the motivation(s) of the person carrying out the crime, and not on the identity(s) of those that experience it.

Hate Incident

Any incident reported to police that appears to have been aggravated by prejudice on one of the hate crime grounds. Not all incidents reported turn out to be crimes.

Heteronormativity

A viewpoint that preferentially treats heterosexuality as a norm from which people deviate if they have any other sexual orientation.

Heterosexual person / straight person

A person who is emotionally, romantically and/or sexually attracted to people of a different gender only.

Homophobia

A discriminatory or prejudiced action related to someone's actual or perceived sexual orientation.

Intersex

Umbrella term used for people who are born with variations of sex characteristics, which do not always fit society's perception of male or female bodies. Intersex is not the same as gender identity (our sense of self) or sexual orientation (who we are attracted to) but is about the physical body we are born with.

Lesbian

A word describing a woman who is emotionally, romantically and/or sexually attracted to other women.

LGBT / LGBTI / LGBTQ

Lesbian, Gay, Bisexual, Transgender, Intersex, Queer

Minority Ethnic

A group of people who have a different ethnicity, religion, language or culture to that of the majority of people in the place where they live.

Non-binary person

A person identifying as either having a gender which is in-between or beyond the two categories 'man' and 'woman', as fluctuating between 'man' and 'woman', or as having no gender, either permanently or some of the time. Other terms non-binary people use to describe their identity include 'genderfluid' and 'genderqueer'.

Pansexual person

A person who is emotionally, romantically and/or sexually attracted to people of more than one gender or regardless of gender. Some people use the term pansexual rather than bisexual in order to be more explicitly inclusive of non-binary gender identities.

Procurator Fiscal

In the Scottish legal system, the procurator fiscal is a public official who performs the functions of public prosecutor (a legal official who accuses someone of a crime) and coroner (who examines the reasons for a person's death).

Queer

An umbrella term sometimes used for diverse sexual minorities that are not heterosexual, heteronormative, and/or gender-binary. It may be used to challenge the idea of labels and categories such as lesbian, gay and bisexual. It is important to note that the word queer is an in-group term (i.e. used by queer people about themselves), and is a word that can be considered offensive by some people, depending on their generation, geographic location, and relationship with the word.

Questioning

A person who is exploring their gender or sexual orientation. It is a process of exploration by people who may be unsure, still exploring, and concerned about applying a social label to themselves for various reasons.

Race

Refers to defining a person or groups of people by physical characteristics such as skin colour, hair type and facial features. Can also include aspects of cultural, ethnic and national identity.

Sexual Orientation

Refers to the gender(s) to which a person is emotionally, romantically and/or sexually attracted.

Sexuality

Refers to the sum of various aspects of attraction and behaviour that add up to how a person expresses themselves as a sexual being. This includes the type or types of partner a person is attracted to, the kinds of sexual activities they prefer and how they organise their relationships, for example: monogamy or polyamory.

Trans man

A person who was assigned female at birth but has a male gender identity and therefore transitions to live fully as a man.

Trans woman

A person who was assigned male at birth but has a female gender identity and therefore transitions to live fully as a woman.

Transgender / trans

Inclusive umbrella terms for anyone whose gender identity or gender expression does not fully correspond with the sex they were assigned at birth. We use trans to refer to trans men and trans women, non-binary people, and cross-dressing people.

Transphobia / Transphobic

A discriminatory or prejudiced action related to someone's actual or perceived gender identity or gender expression.

Getting help

If you have experienced a hate crime, or any other crime, you can report it to **Police Scotland** by calling **101** or via their website: <http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting>

In an emergency always dial **999**.

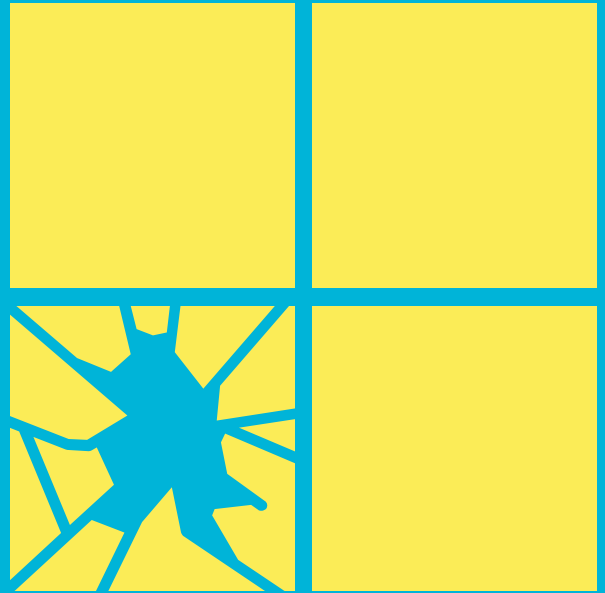
A list of **Third Party Reporting Centres** can also be found on the Police Scotland website: <http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/third-party-reporting-centres>

If you want to speak to a specially trained **LGBTI Liaison Police Officer**, you can request to do so. You can also ask that you are visited by officers in plain clothes if you prefer, and if you feel safer meeting somewhere other than your home, a local library for example, the police can arrange this for you.

If you report an incident to the police, they can refer you to **Victim Support Scotland** for further confidential information and support, or you can contact them directly on **0345 603 9213** (Mon-Fri 8am-8pm).

Further information and support is available from the **LGBT Health and Wellbeing Helpline** on **0300 123 2523** (Tuesday and Wednesday 12-9pm).

LGBT Youth Scotland also provide an online support service for people under 26 which can be accessed through their website: <https://www.lgbtyouth.org.uk/yp-online-support> or by email at info@lgbtyouth.org.uk



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This document is available in PDF format on our website: www.equality-network.org

Equality Network

The Equality Network is a national lesbian, gay, bisexual, trans and intersex (LGBTI) equality and human rights charity in Scotland.

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Scottish Trans

Scottish Trans Alliance is the Equality Network project to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

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