

Written evidence submitted by Stonewall (OHC0034)

Introduction

1. Stonewall warmly welcomes this opportunity to respond to the Home Affairs Committee's inquiry into *hate crime and its violent consequences*. Following the 2017 Snap General Election and the dissolution of Parliament, we are grateful to the Committee for re-opening this important inquiry.
2. Stonewall is a national charity, which campaigns for lesbian, gay, bi and trans (LGBT) equality in Britain and abroad. We work with civil society organisations, police forces, the Crown Prosecution Service and other criminal justice agencies to address the alarming rates of homophobic, biphobic and transphobic hate crime happening in Britain today. We also work with these stakeholders to make sure the appropriate support is available to victims of these crimes.
3. Stonewall submitted evidence to the Committee's original inquiry in 2016. However, since then, there have been significant developments across the hate crime landscape. This includes Stonewall's new *LGBT in Britain* research series, the launch of the Government's *National LGBT Survey* and accompanying *National LGBT Action Plan*, and a refresh of the Government's *Hate Crime Action Plan*.
4. This response is therefore supplementary to our submission to the inquiry in 2016 and all statistics, recommendations (where still relevant) and other information from the original response remain valid.

LGBT people's experiences of hate crimes and incidents

5. LGBT people in Britain today continue to face alarming rates of homophobic, biphobic and transphobic hate crime.
6. The Government's [National LGBT Survey](#) (2018) – a UK -wide survey of over 108,000 LGBT people – found that **40 per cent** of respondents had experienced at least one negative incident involving someone they did not live with due to their sexual orientation and/or gender identity in the 12 months preceding the survey.
7. Hate crimes and incidents commonly reported through the *National LGBT Survey* included on-street verbal abuse from strangers, threats of rape, sexual assault and physical violence, groping and unwanted sexual advances, physical attacks and abusive chanting at sports grounds.
8. Annual statistics from the Home Office show that, between 2015/16 and 2016/17, police recorded hate crimes based on sexual orientation and gender identity increased by **27 per cent** and **45 per cent** respectively.

9. YouGov polling of over 5,000 LGBT people across Britain for Stonewall's [*LGBT in Britain: Hate Crime and Discrimination*](#) (2017), show similar findings to the *National LGBT Survey*:

- **One in five** LGBT people (21 per cent) have experienced a hate crime or incident because of their sexual orientation or gender identity in the last 12 months
- The number of lesbian, gay and bi people who have experienced a hate crime or incident in the last year because of their sexual orientation has risen by **78 per cent** since 2013
- **A third** of black, Asian and minority ethnic (BAME) LGBT people have experienced a hate crime or incident based on their sexual orientation and/or gender identity in the last year, compared to **one in five** white LGBT people
- **27 per cent** of LGBT disabled people have experienced a hate crime or incident based on their sexual orientation and/or gender identity in the last year, compared to **17 per cent** of non-disabled LGBT people

“Someone described their intention to slit my throat and kill me. They went onto say no court would convict them of killing ‘the queer bait’ – Ava, 56, London (LGBT in Britain: Hate Crime and Discrimination)

“I was spat on outside a gay club at Pride 2016” – Ellie, 20, Scotland (LGBT in Britain: Hate Crime and Discrimination)

“I was assaulted by a man whilst I was holding hands with my lesbian partner. He grabbed me from behind and thrust himself into me, then verbally attacked me” – Freya, 21, Wales (LGBT in Britain: Hate Crime and Discrimination)

10. Trans people, including those that identify as non-binary, are particularly vulnerable to experiencing hate crimes and incidents. YouGov polling of 871 trans and non-binary people (as part of the over 5,000 LGBT people who took part in the whole *LGBT in Britain* series) for Stonewall's [*LGBT in Britain: Trans Report*](#) (2018), found:

- **Two in five** trans people (41 per cent) have experienced a hate crime or incident because of their gender identity in the last 12 months
- **Three in ten** non-binary people (31 Per cent) have experienced a hate crime or incident because of their gender identity in the last 12 months

“I am a trans man and I have been stalked for over two years now from an unknown person. During this time, I have received anonymous threatening letters. I’ve had two letters containing razor blades, one which contained a toxic substance which burnt my hands, face and eye. I have been beaten up three times” – James, 47, South East (LGBT in Britain: Hate Crime and Discrimination)

“I have been dragged out of multiple club toilets and shouted at by people in the toilets as they believed I did not belong in the girls. As an assigned female at birth non-binary person there was no toilet available for my sex. I feel very unsafe in toilets now and worry as I have been physically assaulted for it in the past” – Non-binary person, bi, 18-24, South West (National LGBT Survey: Research Report)

11. As a result of increasing levels of homophobic, biphobic and transphobic hate crime, many LGBT people change their behaviour through fear of discrimination and harassment in public places. *LGBT in Britain: Hate Crime and Discrimination*, found:

- **Three in ten** LGBT people (29 per cent) avoid certain streets altogether because they don't feel safe there as an LGBT person. This number increases to **more than two in five** for trans people (44 per cent), compared to **26 per cent** of lesbian, gay and bi people who aren't trans
- **More than a third** of LGBT people (36 per cent) say they aren't comfortable walking down the street while holding their partner's hand, including **three in five** gay men (58 per cent). This figure was higher in the National LGBT Survey, which found **over two thirds** (68 per cent) of respondents said they avoided holding hands in public with a same-sex partner
- **One in five** LGBT people (21 per cent) adjust the way they dress because of fear of discrimination and harassment. **Two in five** trans people (40 per cent) adjust the way they dress compared to **16 per cent** of lesbian, gay and bi people who aren't trans

“My partner and I are never openly affectionate in public for fear of being victimised. This includes holding hands, linking arms, or even a peck on the cheek. We are very aware of our surroundings” – Aria, 47, East Midlands (*LGBT in Britain: Hate Crime and Discrimination*)

Hate crime online

12. Social media and online platforms can be an incredibly useful place for LGBT people to meet others from the community and to learn more about their identity and LGBT-related issues. However, LGBT people are also experiencing deeply worrying levels of abuse online, particularly on social media platforms. Our *LGBT in Britain: Hate Crime and Discrimination* report found:

- **One in ten** LGBT people (10 per cent) have experienced homophobic, biphobic and transphobic abuse online directed towards them personally in the last month. This increases to **one in four trans people** (26 per cent)
- Non-binary LGBT people are significantly more likely than LGBT men and women to experience personal abuse online: **26 per cent** compared to **10 per cent** of men and **eight per cent** of women
- In the last month, **almost half** of LGBT people (45 per cent) have witnessed homophobic, biphobic and transphobic abuse online

13. The *National LGBT Survey* revealed similar findings, with many respondents claiming that online harassment, including publicly ‘outing’ people and threats of sexual violence were of common occurrence.

“I reported an online hate campaign that had been started by my neighbours when I moved in with my now wife. My step daughters have been bullied at school as a result of this. I have received countless threats, been physically attacked once and verbally attacked on a daily basis by neighbours. I reported this to the police who came out took a look at the online content and concluded they do nothing about it as it was on Facebook and calling someone a dirty little tranny is okay apparently” – trans man, 25-34, South East (National LGBT Survey: Research Report)

“Social media makes me feel it is not safe to be out as LGBT – even though in mainstream media it is generally not socially acceptable to make homophobic or transphobic comments or harassment on social media or online every day. This includes hateful comments, threats and use of slurs on news or content related to LGBT individuals.” – Non-binary person, bisexual, 18-24, South East (National LGBT Survey: Research Report)

14. While the original inquiry was curtailed by the 2017 Snap General Election, Stonewall welcomed the Committee’s report looking exclusively at abuse, hate and extremism online.

15. Stonewall welcomes the recent publication of the Government’s highly anticipated *Online Harms* White Paper and will be seeking to share our views on the range of legislative and non-legislative approaches put forward.

Recommendations

16. Stonewall believes that social media and other online platforms have a responsibility to ensure that everyone can use their services safely and without fear of falling victim to online hate. We strongly urge them to clearly communicate that all abuse, including that of an anti-LGBT nature, is unacceptable. They should also clearly advertise privacy, safety and reporting mechanisms.

17. We’re also calling on these platforms to begin tracking and recording incidences of online hate crimes, so that the true scale of the problem can be uncovered and the appropriate measures implemented to tackle it.

Barriers to reporting

18. While the increase in police-recorded statistics could be partly attributed to more victims reporting hate crimes, these figures are likely to underestimate the scale and severity of the issue.

19. LGBT people continue to face significant barriers that prevent them from reporting hate crime. Stonewall’s *LGBT in Britain: Hate Crime and Discrimination* found that **four in five** LGBT people (81 per cent) who experienced a hate crime or incident in the last 12

months did not report it to police. **Seven in ten** (71 per cent) LGBT people did not report the incident to the police or to anyone else (e.g. local authority, social worker, charity). Alarming, the same report also found that young people are least likely to report hate crime to the police, with only **12 per cent** of LGBT young people age 18 to 24 doing so.

20. We know that there are many reasons as to why a victim of anti-LGBT hate crime or incident may not report it. For example, a victim may not know what a hate crime or incident is, they may fear facing further discrimination, that it won't be taken seriously by the police or that reporting won't lead to conviction. The *National LGBT Survey* also found that many respondents described verbal and physical abuse as 'normal', 'frequent', and 'something you put up with' as LGBT people – further disincentivising them from reporting.

“I have previously been a victim of a great deal of harassment from a neighbour because I'm gay and I was living with someone in a relationship. I received no help or support from my housing association and felt that was because my housing officer didn't care. She was possibly homophobic too. I have also been the victim of an assault by my ex-partner's sister. I could never report this to the police because my partner was scared of the reaction of the police” – Isla, 61, London (LGBT in Britain: Hate Crime and Discrimination)

“I have been the victim of transphobia numerous times over the past two years, and yet the police haven't really taken it seriously. I was even deliberately misgendered over the phone by the police, even after I'd corrected them twice” – James, 47, South East (LGBT in Britain: Hate Crime and Discrimination)

“Me and some friends were victims of a homophobic attack in town and after contacting the police, they basically blew it off and said that we need to be more resilient” – Noah, 23, West Midlands (LGBT in Britain: Hate Crime and Discrimination)

Recommendations

- 21. In addition to the College of Policing's Operational Guidance, it is vital police forces improve training to all police officers and frontline staff to sensitively handle, identify and record homophobic, biphobic and transphobic hate crimes to encourage reporting, better support victims (including those with multiple protected characteristics) and bring perpetrators to justice.**
- 22. Furthermore, police forces should regularly engage with the communities they represent, including LGBT people, to fully understand how they can better support victims of abuse and identify trends of hate crime in their area and appropriately address it.**

Hate Crime Action Plan

23. Stonewall welcomes the progress made so-far in delivery of the Government's Hate Crime Action Plan. Furthermore, we warmly welcome the extensive consultation carried out with LGBT organisations, groups and individuals when seeking to deliver some of the LGBT-specific commitments. For example, Stonewall and Galop were consulted

significantly during the Crown Prosecution Service's refresh of their policy guidance on tackling homophobic, biphobic and transphobic hate crime.

24. In October 2018, the Government provided a detailed update on progress made, along with new commitments, as part of their refresh of the Hate Crime Action Plan. We welcomed many of the new commitments made, including:

- The Law Commission will undertake a review of the coverage and approach of current hate crime legislative provisions, following their recommendation in 2014 to do so
- Identifying opportunities to support additional police training that will be tailored to the needs of victims of specific types of hate crime – for example, those which are homophobic, biphobic and transphobic
- A wide-ranging national hate crime communications campaign aimed at publicly addressing hate crime and making it clear that it is unacceptable to target people on the basis of their identity

25. Stonewall has been greatly encouraged by the progress made so far in delivering the refreshed Plan's commitments and look forward to continuing our work alongside Government in the final year. **We have warmly welcomed what has been achieved under this vital four-year plan, and now urge the Government to extend this portfolio of work in the form of another.**

Legislation

Disparity in legislative protection

26. Stonewall continue to remain very concerned that not all types of hate crime are treated equally under the law. For example, in England and Wales, hate crime based on sexual orientation, transgender identity and disability are not considered as 'aggravated offences' and so carry a lower maximum sentence than those based on race and faith.

27. Stonewall is deeply concerned that this creates a clear 'hierarchy of hate', with some hate crimes treated more severely than others. Not only does this fail to appropriately deter perpetrators, it also sends a signal to both the LGBT and disability communities that reporting will not lead to a sufficient sentence.

28. **However, we warmly welcomed the Government's commitment to instruct the Law Commission to review hate crime legislation and have been greatly encouraged by the inclusion of LGBT organisations, groups and communities in the pre-consultation phase of this project. We strongly urge that the same level of engagement continues throughout, and that the Government respond to the final report in a timely manner.**

Abuse and discrimination at sporting events

29. Sporting events continue to remain an environment where LGBT people face discrimination, exclusion and abuse. Our *LGBT in Britain: Hate Crime and Discrimination* report found:

- **One in ten** LGBT people (10 per cent) who attended a live sporting event in the last year experienced discrimination because of their sexual orientation and/or gender identity
- **Almost one in five** BAME LGBT people (18 per cent) report experiencing that discrimination at a sporting event in the last year, as well as more than **one in five** trans people (22 per cent), compared to **eight per cent** of LGB people who aren't trans
- **More than one in five** LGBT people (43 per cent) think public sporting events aren't a welcoming space for LGBT people and BAME LGBT people are somewhat more likely to feel this way (52 per cent)
- Non-binary people are also more likely to say that sporting events aren't a welcoming environment, **52 per cent** – followed by 50 per cent of LGBT men and 36 per cent of LGBT women

“I experience homophobic abuse at football games on a weekly basis” – Liliane, 23, Scotland (*LGBT in Britain: Hate Crime and Discrimination*)

“More needs to be done to tackle discrimination by people at live sporting events, particularly by straight cis men at live football events. They shout discriminatory things at the players, using particularly homosexuality and homophobic slurs as though it is some kind of insult. Attending football matches is making me more and more uncomfortable. I feel there is nothing I can do about it, and I am considering no longer attending such events” – Roxy, 20, North West (*LGBT in Britain: Hate Crime and Discrimination*)

30. Current legislative protections against offensive chanting and gesturing in stadia are not equally applied to all protected characteristics under the *Equality Act 2010*. While ground-breaking at the time, the *Football (Offences) Act 1991* only covers race and Stonewall is concerned that this sends a damaging signal to other communities who may experience this type of abuse when attending sporting events.

31. Stonewall strongly urges the Government to work collaboratively with the Chair of the Digital, Culture, Media and Sport Committee, Damian Collins MP, by supporting his *Football Offences (Amendment) Bill*. This Presentation Bill seeks to amend the *Football (Offences) Act 1991* so that it protects all identities under the *Equality Act 2010*.

April 2019