



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

# HATE CRIME IN SCOTLAND 2019-20

Published June 2020

## Main points

There has been an increase in the number of charges reported in 2019-20 compared to 2018-19 for all categories of hate crime.

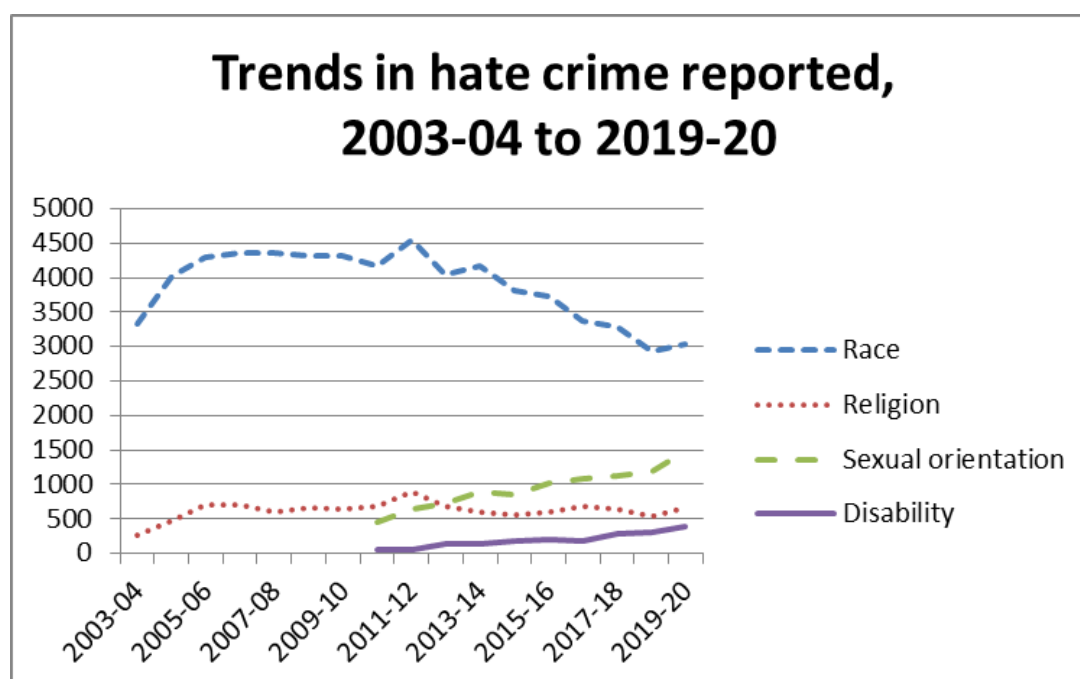
Racial crime remains the most commonly reported hate crime. In total 3,038 charges relating to race crime were reported in 2019-20, an increase of 4% compared to 2018-19. Although the number of charges has increased in 2019-20, it is still the second lowest annual figure since consistent figures became available in 2003-04, and is 33% lower than the peak in such charges in 2011-12.

Sexual orientation aggravated crime is the second most commonly reported type of hate crime. The number of charges reported increased by 24% in 2019-20 to 1,486. With the exception of 2014-15, there have been year on year increases in charges reported since the legislation introducing this aggravation came into force in 2010.

There were 660 religiously aggravated charges reported in 2019-20, an increase of 24% compared to 2018-19. Direct comparisons are not possible with earlier years, but the number of charges reported with a religious aggravation in 2019-20 appears to be at around the same level as the number of charges containing a religious element in 2015-16, but lower than the level in 2016-17.

The number of disability aggravated charges increased by 29% to 387 in 2019-20. With the exception of 2016-17, there have been year on year increases in charges reported since the legislation introducing this aggravation came into force in 2010.

There were 41 charges reported in 2019-20 with an aggravation of transgender identity, compared to 40 in 2018-19.



## Introduction

This publication provides details of hate crime reported to the Procurator Fiscal in Scotland in 2018-19, and earlier years. The relevant legislative provisions are provided in Annex 1.

## Background

The information in this publication is obtained from the Crown Office and Procurator Fiscal Service (COPFS) operational database. The database manages and processes reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. Since this is a live database, the figures in this publication may differ slightly from those published in earlier years due to changes made during investigation and prosecution of a case.

The information in this publication covers 2010-11 to 2019-20. The legislation for the newer categories of hate crime (disability, sexual orientation and transgender identity) came into force on 24 March 2010. For the other categories of hate crime (racial and religious) the publication includes some additional information on longer term trends since 2003-04.

The figures quoted in this publication relate to the number of charges reported rather than the number of individuals charged or the number of incidents that gave rise to such charges. Where a charge has more than one hate crime aggravation, it is included in the overall figures for each type of hate crime into which it falls. If a charge under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 contains a hate crime aggravation it is included in the overall figures for each type of hate crime into which it falls.

The tables provide information on the initial decision taken by Procurators Fiscal on how a charge will proceed. This includes the decision to take court proceedings or to use alternatives to prosecution including fiscal fines and other direct measures. Further information on what is included in each decision category, including a breakdown of the reasons for taking no action, is given in Annex 1.

## Race crime (Tables 1a, 1b)

In total 3,038 charges relating to race crime were reported in 2019-20, an increase of 4% compared to 2018-19. Although the number of charges has increased in 2019-20, it is still the second lowest annual figure since consistent figures became available in 2003-04, and is 33% lower than the peak in such charges in 2011-12, when 4,547 charges were reported.

The proportion of charges that specifically relate to racially aggravated harassment and behaviour has fallen steadily over recent years, from 62% in 2010-11 to 40% in 2019-20. There has been a corresponding increase in the proportion of charges relating to other offences (for instance, threatening or abusive behaviour, or assault)

with a racial aggravation. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence are required for the racially aggravated aspect of the crime whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge libelled.

Court proceedings were commenced in respect of 82% of charges in 2019-20. In total, 91% of charges reported in 2019-20 led to court proceedings (including those not separately prosecuted<sup>1</sup>, but which may have been incorporated into other charges for the same accused which were prosecuted).

No action was taken in respect of 3% of charges.

### **Religious crime (Tables 2a, 2b)**

There were 660 charges with a religious aggravation reported in 2019-20, which is 24% more than in 2018-19.

In the period 2012-13 to 2017-18 some charges that would otherwise have been reported with a religious aggravation will have been reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Direct comparisons of the number of charges reported with a religious aggravation between 2012-13 and 2017-18 inclusive, and other years are therefore potentially unreliable. Research by the Scottish Government provided an estimate of how many additional religious charges there were in each year between 2012-13 and 2016-17, but no estimate is available for 2017-18 due to the repeal of the Act. However, the level of charges with a religious aggravation in 2019-20 appears to be at around the same level as the number of charges containing a religious element in 2015-16, but lower than the level in 2016-17.

In 2019-20, court proceedings were commenced in respect of 84% of charges with a religious aggravation. In total, 93% of charges reported in 2019-20 led to court proceedings (including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 2% of charges.

### **Disability (Table 3)**

In 2019-20, 387 charges were reported with an aggravation of prejudice relating to disability, 29% more than in 2018-19. This is the highest number of charges reported since the legislation creating this aggravation came into force in 2010. The number of charges reported has increased year on year since the legislation was introduced, with the exception of a small fall in 2016-17.

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<sup>1</sup> See note 7 of the Annex for the definition of charges not separately prosecuted.

Court proceedings were commenced in respect of 88% of charges reported in 2019-20. In total 94% of charges led to court proceedings, including those not separately prosecuted, but which may have been incorporated into other charges for the same accused.

No action was taken in respect of 1% of charges reported in 2019-20.

### **Sexual orientation (Table 4)**

In 2019-20, 1,486 charges were reported with an aggravation of prejudice relating to sexual orientation, 24% more than in 2018-19. The number of charges reported has increased consistently year on year since the legislation was introduced, with the exception of a fall in 2014-15.

Court proceedings were commenced in respect of 84% of charges (or 92% including those not separately prosecuted, but which may have been incorporated into other charges for the same accused).

No action was taken in respect of 1% of charges.

### **Transgender identity (Table 5)**

In 2019-20, 41 charges were reported with an aggravation of prejudice relating to transgender identity, 1 more than in 2018-19. The number of charges reported each year was on a generally upwards trend until 2017-18, and has been steady at a slightly lower level over the last two years. However, the total number of charges remains small and is thus likely to be subject to fluctuation from year to year.

Court proceedings were commenced in respect of 33 of the 41 charges.

<b>Table 1a: Race crime Charges reported, 2010-11 to 2019-20 (numbers)</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	20-21
<b>Total number of charges of race crimes</b>	4178	4547	4034	4160	3820	3721	3367	3278	2921	3038
Of which										
Charges related to racially aggravated harassment and behaviour	2574	2792	2376	2300	1969	1757	1462	1370	1204	1208
Charges related to another offence with a racial aggravation	1604	1755	1658	1860	1851	1964	1905	1908	1717	1830
Decision on how charge will proceed										
Court proceedings	3500	3728	3347	3632	3296	3216	2825	2749	2371	2480
Not separately prosecuted	357	350	348	267	270	257	256	270	240	273
Direct measures	54	64	50	49	33	51	98	91	136	92
Referred to Children's Reporter	47	92	76	59	61	51	45	53	53	64
No action	220	313	213	153	160	146	143	113	118	84
Awaiting decision	0	0	0	0	0	0	0	2	3	45

<b>Table 1b: Race crime Charges reported, 2010-11 to 2010-20 (percentages)</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
<b>Total number of charges of race crimes</b>	4178	4547	4034	4160	3820	3721	3367	3278	2921	3038
Of which										
Charges related to racially aggravated harassment and behaviour	62%	61%	59%	55%	52%	47%	43%	42%	41%	40%
Charges related to another offence with a racial aggravation	38%	39%	41%	45%	48%	53%	57%	58%	59%	60%
Decision on how charge will proceed										
Court proceedings	84%	82%	83%	87%	86%	86%	84%	84%	81%	82%
Not separately prosecuted	9%	8%	9%	6%	7%	7%	8%	8%	8%	9%
Direct measures	1%	1%	1%	1%	1%	1%	3%	3%	5%	3%
Referred to Children's Reporter	1%	2%	2%	1%	2%	1%	1%	2%	2%	2%
No action	5%	7%	5%	4%	4%	4%	4%	3%	4%	3%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%

<b>Table 2a: Religiously aggravated crime<sup>2</sup></b>										
<b>Charges reported, 2010-11 to 2019-20 (numbers)</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
<b>Total number of charges of an offence aggravated by religious prejudice</b>	694	896	689	591	567	591	678	650	534	660
Additional religious charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.			75	48	48	50	46	Not Avail.		
Estimated total religious charges	694	896	764	639	615	641	724	Not Avail.	534	660
<b>Decision on how charge will proceed</b>										
Court proceedings	594	782	564	526	490	540	582	555	457	555
Not separately prosecuted	60	63	78	38	34	28	55	46	44	60
Direct measures	*	12	10	*	5	*	*	*	19	21
Referred to Children's Reporter	*	5	13	*	5	*	*	*	0	6
No action	23	34	24	21	33	15	14	22	14	15
Awaiting decision	0	0	0	0	0	0	0	2	0	3

<sup>2</sup> Some figures have been suppressed, with an asterisk, to avoid potentially releasing information relating to identifiable people. See the Annex, paragraph 28 for more details.



<b>Table 2b: Religiously aggravated crime Charges reported, 2010-11 to 2019-20 (percentages)</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
<b>Total number of charges of an offence aggravated by religious prejudice</b>	694	896	689	591	567	591	678	650	534	660
<b>Decision on how charge will proceed</b>										
Court proceedings	86%	87%	82%	89%	86%	91%	86%	85%	86%	84%
Not separately prosecuted	9%	7%	11%	6%	6%	5%	8%	7%	8%	9%
Direct measures	*	1%	1%	*	1%	*	*	*	4%	3%
Referred to Children's Reporter	*	1%	2%	*	1%	*	*	*	0%	1%
No action	3%	4%	3%	4%	6%	3%	2%	3%	3%	2%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%

<b>Table 3: Disability aggravated crime Charges reported, 2010-11 to 2019-20</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
<b>Total number of charges of an offence aggravated by prejudice related to disability</b>	48	60	137	147	176	199	188	282	299	387
<b>Decision on how charge will proceed (numbers)</b>										
Court proceedings	35	36	94	127	151	173	146	231	255	339
Not separately prosecuted	*	7	7	*	*	13	21	13	17	23
Direct measures	*	*	5	*	*	8	13	*	*	9
Referred to Children's Reporter	0	*	6	0	*	*	*	*	*	9
No action	8	12	25	13	16	*	*	20	14	5
Awaiting decision	0	0	0	0	0	0	0	0	3	2
<b>Decision on how charge will proceed (percentages)</b>										
Court proceedings	73%	60%	69%	86%	86%	87%	78%	82%	85%	88%
Not separately prosecuted	*	12%	5%	*	*	7%	11%	5%	6%	6%
Direct measures	*	*	4%	*	*	4%	7%	*	*	2%
Referred to Children's Reporter	0%	*	4%	0%	*	*	*	*	*	2%
No action	17%	20%	18%	9%	9%	*	*	7%	5%	1%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	0%	1%	1%

<b>Table 4: Sexual orientation aggravated crime Charges reported, 2010-11 to 2019-20</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
<b>Total number of charges of an offence aggravated by prejudice related to sexual orientation</b>	452	650	729	887	848	1027	1081	1116	1194	1486
<b>Decision on how charge will proceed (numbers)</b>										
Court proceedings	357	535	564	780	757	890	899	954	993	1249
Not separately prosecuted	37	42	63	66	43	55	94	81	109	114
Direct measures	15	24	36	9	8	18	40	37	48	69
Referred to Children's Reporter	7	11	18	9	10	22	21	15	16	27
No action	36	38	48	23	30	42	27	27	28	18
Awaiting decision	0	0	0	0	0	0	0	2	0	9
<b>Decision on how charge will proceed (percentages)</b>										
Court proceedings	79%	82%	77%	88%	89%	87%	83%	85%	83%	84%
Not separately prosecuted	8%	6%	9%	7%	5%	5%	9%	7%	9%	8%
Direct measures	3%	4%	5%	1%	1%	2%	4%	3%	4%	5%
Referred to Children's Reporter	2%	2%	2%	1%	1%	2%	2%	1%	1%	2%
No action	8%	6%	7%	3%	4%	4%	2%	2%	2%	1%
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%

<b>Table 5: Transgender identity aggravated crime Charges reported, 2010-11 to 2019-20</b>										
Year	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20
<b>Total number of charges of an offence aggravated by prejudice related to transgender identity</b>	14	16	14	25	21	30	42	52	40	41
<b>Decision on how charge will proceed (numbers)</b>										
Court proceedings	14	12	11	22	18	20	31	34	30	33
Not separately prosecuted	0	*	*	*	*	*	*	6	*	*
Direct measures	0	*	*	*	*	*	0	6	*	*
Referred to Children's Reporter	0	*	*	*	*	0	6	*	*	0
No action	0	*	*	*	*	*	*	*	*	*
Awaiting decision	0	0	0	0	0	0	0	0	0	0
<b>Decision on how charge will proceed (percentages)</b>										
Court proceedings	100%	75%	79%	88%	86%	67%	74%	65%	75%	80%
Not separately prosecuted	0%	*	*	*	*	*	*	12%	*	*
Direct measures	0%	*	*	*	*	*	0%	12%	*	*
Referred to Children's Reporter	0%	*	*	*	*	0%	14%	*	*	*
No action	0%	*	*	*	*	*	*	*	*	*
Awaiting decision	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

# ANNEX 1

## Legislation

1. Race crime is defined as any charge of racially aggravated harassment and behaviour in terms of Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 or Section 18, 19 or 23(1)a of the Public Order Act 1986 or any racial aggravation in terms of Section 96 of the Crime and Disorder Act 1998. In order to prove a charge of racially aggravated harassment and behaviour two sources of evidence establishing the racial element are required whereas evidence from a single source is sufficient to prove a racial aggravation which is attached to another substantive charge.
2. Religiously aggravated offences are defined as charges that include an aggravation of religiously motivated behaviour in terms of Section 74 of the Criminal Justice (Scotland) Act 2003.
3. Disability aggravated offences are defined as charges that include an aggravation of prejudice relating to disability in terms of Section 1 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.
4. Sexual orientation aggravated offences are defined as charges that include an aggravation of prejudice relating to sexual orientation in terms of Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.
5. Transgender identity aggravated offences are defined as charges that include an aggravation of prejudice relating to transgender identity in terms of Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.

## Definitions

6. Not separately prosecuted include charges which were not prosecuted, but where other charges for the same accused within the same case were prosecuted. In some cases the charges which were prosecuted may have included details from the charges which were not prosecuted.
7. Direct measures include fiscal fines, fiscal compensation orders, fiscal work orders, warning letters and referral to diversion from prosecution schemes. The direct measures figures include a small number of charges which were not actioned, but where the accused was given a direct measure in respect of other charges within the same case. In some cases the charges which were given a direct measure may have included details from the charges which were not actioned.
8. No action includes charges where a decision has been taken not to proceed. This will include charges where there is insufficient evidence to proceed or

where further action would be disproportionate. Table 6 below gives a breakdown of the reasons for no action in 2019-20.

9. Cases awaiting decision include those where no decision has been taken yet, and also those which have been reviewed and have been marked for “further enquiries” i.e. where more information is required before a final decision can be taken on whether to proceed.

<b>Table 6: Breakdown of reason for no action, 2019-20</b>					
	Category				
	Racial	Religious	Disability	Sexual orientation	Transgender
<b>Total number of charges – no action</b>	84	15	5	18	*
Not a crime	4	*	*	*	*
Insufficient admissible evidence	49	*	*	9	*
Further action disproportionate	7	*	*	*	*
Mitigating circumstances	3	*	*	*	*
Other	21	*	*	*	*

## Total hate crime

10. Where a charge has more than one hate crime aggravation, it is included in this publication in each type of hate crime into which it falls. It is therefore not possible to add up the charges for each category of hate crime to obtain the total number of hate crime charges reported. Table 7 below provides this information, with charges which relate to more than one category of hate crime counted only once.

<b>Table 7: Total hate crime charges reported</b>	
Year	
2010-11	5,332
2011-12	6,053
2012-13	5,408
2013-14	5,658
2014-15	5,208
2015-16	5,334
2016-17	5,037
2017-18	5,053
2018-19	4,686
2019-20	5,219

## Convictions

11. The figures in this publication relate to initial decisions taken by the Procurator Fiscal. Many of the charges reported in the most recent year, 2019-20, will not yet have reached a conclusion, so information on the final number convicted is not yet available.
12. Figures on convictions for years up to 2018-19 are published by the Scottish Government <https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/> . Please note that there are differences in the way the Criminal Proceedings statistics measure activity in comparison to the figures in this report. In particular, this publication is based on charges reported, while the Criminal Proceedings figures are based on persons prosecuted or convicted, by main charge. One person can be reported with one or more charges against them. Additionally this publication is based on the year the charge was reported to COPFS. The Criminal Proceedings figures are based on the year of disposal. These differences are described in Annex C of the Criminal Proceedings publication.
13. Conviction information on aggravations is available in Tables 12 and 13 of the latest Criminal Proceedings publication. Please note that figures for race crime cover convictions with racial aggravations only and do not include racial charges. (See paragraph 1 above for the definition of race crime).
14. The date of publication for convictions for 2019-20 will be made known when finalised on the Forthcoming Publications page of the Scottish Government website <https://www2.gov.scot/Topics/Statistics/ForthcomingPubs>

## The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

15. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 came into force on 1 March 2012 and was repealed on 20 April 2018. Previous editions of this publication prior to the repeal provided figures on the number of charges reported under the Act. A full time series of the charges reported annually under this Act is available in the 2017-18 publication ([Hate Crime in Scotland 2017-18](#)). There are no charges recorded on the COPFS database reported under the Act after 2017-18. If a charge reported in an earlier year under the Act contained a hate crime aggravation it will still be included in the overall figures for each type of hate crime into which it falls.
16. At the time of the repeal, COPFS conducted a review of all ongoing charges under the Act and a number which were ongoing at that time were amended to an alternative charge.

17. In many cases, charges under the Act did not include an aggravation, because the charge itself covered the relevant behaviour. However in certain subsections of the Act, the charge did not include the behaviour against specific individuals or groups covered by the hate crime categories and in these instances the charge may have been reported with an aggravation. Where a charge that would previously have been reported and prosecuted under the Act has been amended to an alternative charge, that alternative charge may now include a statutory aggravation.
18. The repeal of the Act means that there is a discontinuity in the time series of figures given in this publication between 2016-17 and 2017-18. Figures for all categories of hate crime may be higher in 2017-18 and subsequent years than they otherwise would have been due to charges that would previously have been reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 being reported as an alternative charge with an aggravation.
19. Conviction information on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 is available in Annex E of the Criminal Proceedings in Scotland 2018-19 publication.  
<https://www.gov.scot/publications/criminal-proceedings-scotland-2018-19/pages/50/>

## Related Scottish Government publications

20. The Scottish Government published a report in February 2019 [Hate crime - availability of information recorded by the police in Scotland](#). This provided an update on work by Scottish Government statisticians and Police Scotland to review the availability of information on hate crime recorded by the police in Scotland. It included information on hate crimes recorded by the police by crime, by associated hate aggravation(s), and by local authority area. This publication covers all 5 statutory hate crime aggravations, including information on crimes aggravated by more than one aggravator.
21. The Scottish Government previously published research which provides details of the circumstances of charges with religious aggravations. This includes information on the religion targeted, the location where the offence was committed, and the age and gender of the accused. Research has been published relating to charges reported in each year from 2010-11 to 2017-18.
22. The Scottish Government also previously published research which provides details of the circumstances of charges reported in each year from 2012-13 to 2016-17 under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This includes information on the location where the offence was committed including the football stadium if



appropriate, the nature of the offensive behaviour, the age and gender of the accused and their team affiliation. Due to the repeal of the Act, no similar research was published relating to charges reported in 2017-18.

## Related reviews

23. On 31 May 2018, the Right Honourable Lord Bracadale published an Independent Review Report on Hate Crime Legislation in Scotland.

<http://www.gov.scot/Publications/2018/05/2988> . The Scottish Government held a public consultation on Scottish hate crime legislation from 14 November 2018 to 24 February 2019. The consultation responses were considered by the government and, on 23 April 2020, the [Hate Crime and Public Order \(Scotland\) Bill](#) was introduced into the Scottish Parliament. As at June 2020, the Bill is at Stage 1 in the parliamentary process.

## Data sources and data quality

24. The information in this publication is taken from the COPFS operational database used to manage the processing of reports submitted to Procurators Fiscal by the police and other reporting agencies throughout Scotland. Since this is a live database, the figures given here may not exactly match those previously published. For instance, if the Procurator Fiscal amends a charge, the database only holds details of the amended charge.

25. Checks of charges with a disability aggravation revealed that in some cases the aggravations had not been recorded correctly. Errors identified have been corrected where possible.

26. The total number of charges relating to the hate crime category of transgender identity is small. The percentages derived from these figures should therefore be treated with caution, because they are based on small numbers.

27. Percentages may not add up to 100% due to rounding.

28. Some figures have been suppressed to ensure compliance with the Data Protection Act 2018, to avoid potentially releasing information about identifiable people. COPFS does not normally disclose statistical information for data entries of fewer than 5 to ensure it meets its obligations under the Act. Where the number of charges is fewer than 5, these figures have been replaced with an asterisk. In some cases, figures greater than or equal to 5 have also been replaced with an asterisk to ensure suppressed figures cannot be derived by deduction. This applies to all data published by COPFS where Data Protection considerations apply.

## **An official statistics publication for Scotland**

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### **Correspondence and enquiries**

For enquiries about this publication please contact:

Fiona Roberts  
Management Information Unit  
Crown Office and Procurator Fiscal Service  
Email: [fiona.roberts@copfs.gov.uk](mailto:fiona.roberts@copfs.gov.uk)