

***Briefing***

***Review: Hate Crime***

**June 2018**

**Scottish Government Debate: Thursday 7th June 2018**

**Lord Bracadale's independent review of hate crime legislation**

***Introduction***

Age Scotland welcomes the opportunity to brief MSPs in advance of the above debate. We welcome the findings of Lord Bracadale’s report which independently reviewed Scotland’s current hate crime legislation and would urge the Scottish Government to implement the recommendations.

Age Scotland spoke with Lord Bracadale and his team about how the review would relate to age and the discussion is well reflected in the final report.

***Key Recommendations - Age***

We particularly welcome **Recommendation 10** which calls for a **new statutory aggravation** based on **age hostility**.

*“Where an offence is committed, and it is proved that the offence was motivated by hostility based on age, or the offender demonstrates hostility towards the victim based on age during, or immediately before or after, the commission of the offence, it would be recorded as aggravated by age hostility. The court would be required to state that fact on conviction and take it into account when sentencing.”*

This recognises that in certain instances, a crime may be committed against an older person which is motivated by ill will or malice due to their age. With thousands of older people affected by physical or mental abuse, which can have a detrimental impact on an older person’s confidence, health and wellbeing, it is vital that these hostile acts are recognised within the law.

The introduction of a new statutory aggravator will emphasise that such crimes will not be tolerated in Scottish society, and will empower older people to report these crimes to the police.

We also welcome **Recommendation 11** which calls for the introduction of a **general aggravation** which covers **exploitation and vulnerability**. The sad reality is that older people are often targeted by criminals because of their perceived vulnerability, especially if they are living alone, have a disability or health condition.

We agree with Lord Bracadale that it is not within the scope of Hate Crime legislation to include crimes which cover exploitation and vulnerability, and does not fit with the current public understanding of what constitutes a hate crime. Therefore, a general aggravation is necessary to give older people confidence to report crimes, such as scams, knowing that they will be taken more seriously by the police.

We hope ministers will seriously consider the recommendations in the report in order to give older people every protection.

**About Age Scotland**

Age Scotland is the leading charity supporting older people and promoting their rights and interests. We aim to help Scotland’s people enjoy a better later. We believe that everyone should have the opportunity to make the most of later life, whatever their circumstances, wants and needs.

That’s why we work to make later life the best it can be. We think Scotland can and should inspire, engage, enable and support older people to change their later lives for the better and ensure that there is support for those who are struggling as they live longer to achieve better, happier and healthier lives.

We work in partnership with other charities within the Age Network – Age UK, Age Cymru and Age NI – to pursue these aims across the UK.

***For more information:***

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