

# Law Commission: Hate Crimes Law Consultation

## Expert Link submission – December 2020

### Introduction

1. Expert Link is a peer led organisation championing the voice of people with lived experience of multiple disadvantages, including homelessness, mental health issues, substance misuse, offending and domestic violence and abuse.
2. As an organisation we advocate for a world where people with lived experience of multiple disadvantages are treated as equal partners in decisions made about our lives.
3. We have a national network of people with lived experience of multiple disadvantages, using their wisdom to influence local and national policy. Our network is diverse, brought together by a programme of strengths-based training which supports people with lived experience to be involved in service development and to demonstrate to service providers and commissioners the power of involving them.
4. The submission has been developed by our National Expert Panel, made up of people with lived experience of disadvantages from across England, all of whom are closely linked to the communities we're serving. Membership spans across Bedford, Blackpool, Croydon, Durham, Hertfordshire, Leeds, London and Sheffield.
5. This submission makes the case that people experiencing homelessness should be recognised as a hate crime category, given the prevalence of crimes against people experiencing homelessness motivated by prejudice, the additional harm that these crimes have on individuals and wider society, and the suitability of fit.
6. **We understand that evidence around this area can be difficult for organisations to gather. We would therefore welcome elaborating further on any of the information provided to support the Law Commission in their considerations.**

**Consultation Question 19. We invite consultees' views on whether "people experiencing homelessness" should be recognised as a hate crime category.**

7. It is the view of Expert Link that people experiencing homelessness should be protected through Hate Crime legislation.
8. In reaching this position we have considered:
  - Whether there is evidence of **demonstrable need**
  - Whether there is evidence of **additional harm**
  - The **suitability** of providing this protection within the legal framework
9. It should be noted that areas surrounding where supported housing projects or temporary accommodation are located can often be targets of crime, which would meet the criteria for hate crime. However, the majority of evidence we have pertains specifically to people experiencing rough sleeping.

## Demonstrable need

10. Expert Link recognises the issues raised within the consultation that it is difficult to demonstrate the prevalence of crime based on prejudice towards people experiencing homelessness, given that police do not routinely collect this information. Further, because of the nature of the crime, there is likely to be a large number of people who do not discuss incidents, let alone report incidents to the police.

*"I've never told anyone. It was only when I spoke to Dr [PSYCHIATRIST]. Who you going to tell? No-one."*

11. However, in addition to the Crisis research cited in the consultation document, there is clearly a growing volume of direct experiences that are being shared, either through work with charities or other research projects.
12. Our National Advisory Panel of people with lived experience of disadvantage highlighted a number of examples of crimes based on hostility or prejudice towards people experiencing homelessness, either directly experienced or otherwise.

*"Three people were killed in the city because they were homeless. They were targeted because they were rough sleeping. There's no doubt about it. And there's been loads of other beatings and that kind of stuff."*

*"The amount of people who have been convicted for assaulting or doing whatever to people on the streets, I don't see how it's in question really. Everything ranging from throwing litter at people, urinating on them, it's just well known. I don't think there can be any doubt."*

*"I remember when I was on the street, I just got kicked while I was rough sleeping. That's all."*

*"I know one bloke got smashed, he slept on the [LOCATION] with his friend. I asked where his friend was, he got beaten up with a four by two."*

*"Some of the incidents are so graphic."*

13. Crimes outlined included violence, assault, rape and murder. Some people shared stories of where they had been targeted and kidnapped.

*“When I was on the street I was kidnapped by Travellers and forced to work for a few weeks. I know a lot of people that’s happened to, a hell of a lot of people, and I know it still happens. One of the blokes I was with had been there for 9 years.”*

*“We have quite a lot of people that disappear, [people] have come, hang around outside [LOCATION] where people have showers and stuff, and then are approached and then either they disappear and you don’t hear from them again until they come back a year later or weeks later when they have been able to escape... They give them the drugs as well. Cause they say they’re going to give you a wage but they give you drugs and you need the drugs because you’re withdrawing.”*

*“I was kidnapped off the street ... And I was kept in a place for about 5 days and raped by a lot of different men ... That’s probably because I was homeless. They might have been abducting other people, I don’t know, but I suspect it was because I was homeless.”*

14. Further, incidents relating to sexual violence are likely prevalent and under-reported to police.

*“A lot of the women I work with, they report men going up to them, exposing themselves, telling them to touch it. ‘If you touch it, I’ll give you a fiver.’ I don’t think if they weren’t homeless that would happen.”*

*“Other women, waking up, and the same man that is stalking, being at the end of where they are sleeping, intimidating them. It’s creepy. I think there’s a lot of sexual violence.”*

15. It is clear to Expert Link that as well as there being a high prevalence of crimes committed towards people experiencing homelessness, and in particular rough sleeping, that these crimes are motivated by prejudice and hostility.

*“When we talk about somebody sleeping in a doorway and someone pissing on them, or kicking them or setting fire to tents, that doesn’t happen in everyday life. If you see a fight in the bar someone doesn’t just walk up to someone and punch them or kick them, there’s usually been an altercation or something to upset the other person. When we’re talking about hate crime, if somebody has a belief in regards to race what I’ve perceived when I’ve received hate crime due to my ethnicity, it’s not been because I’ve said something to upset them or offend them, it’s been purely because of the colour of my skin, and that’s how I’ve perceived it, there’s been nothing to trigger why somethings occurred. And that’s what’s happening with rough sleeping.”*

16. For some people, tents are a symbolic representation of homelessness. Where these are targeted, it is clear that this is based on prejudice or hostility towards people rough sleeping.

*“We went through a phase, where a lot of service users we worked with, people had tried to set their tents on fire. That tent symbolises homelessness and rough sleeping, and someone’s setting fire to it.”*

*“It is rough sleeping. It’s there. It’s very easy to identify someone that’s rough sleeping. When someone sets fire to tents, hits people, calling names to someone when they’re walking past because they’re sat on the floor begging, that is targeting someone purely because they are homeless, but in essence homeless on a street level. It’s not because they’ve been offending, it’s because of that person’s circumstance.”*

17. Prejudice is likely to be manifested by people perceiving people experiencing homelessness as an easy target of crime, with little ramifications for any actions.

*“Society sees homeless people or rough sleepers as low lives and are vulnerable, and easy to target, because they have got no network to support them in society’s eyes. They haven’t got a network to support them or guard them or protect them because they’re a loner sat in a tent or begging.”*

*“When you’re homeless you’re an easy target. Because it’s not like you’re husbands going to miss you coming home and report you missing. No-one’s going to know. And I think it is done on purpose.”*

## Additional Harm

18. In addition to the direct and instant harm caused to an individual who is the victim of hate crime, people experiencing homelessness receive additional, compounding harms.
19. Similar to hate crimes based on protected characteristics, the existence of crimes against people experiencing homelessness can lead to that person experiencing shame.

*“One of the issues is shame, when you suffer it, whether it be your gender, your sexuality, your age, your race, everything.”*

20. Perhaps the clearest, long-term impact is the affect hate crimes can have on people’s mental health.

*“I was diagnosed with complex post-traumatic stress disorder. Until I got diagnosed, my life was totally chaotic. Since I’ve been diagnosed I’ve worked out why I don’t like strangers, why I’m scared if the door goes, why if someone who looks like that person comes close I get all panicky. So even though it was years ago, it has had a huge effect on how I relate to other people, and I wouldn’t want to go out of the house. I don’t like talking to people, and being depressed... It’s a lasting impact.”*

21. Beyond the direct effect on an individual, the pattern of violence against people experiencing homelessness can lead to other people taking actions to avoid similar experiences. For example, peoples sleep patterns can be affected, with people avoiding particular areas due to fear of violence.

*“People start travelling on public transport. Thus they could be nicked for travelling on public transport plus they’re sleeping patterns could be worse, they won’t be getting as much sleep as they would get, and thus that impacts on their mental health.”*

*“There was one guy I knew, he would walk all night, and then sleep in the day when he could. It is that fear factor, of violence especially.”*

22. Finally, it is also clear that stigmatising attitudes exist within society, including within professional roles intended to support people experiencing homelessness. This can have the effect of entrenching poor standards of support for individuals and preventing them from effectively working towards aspirations.

*“If you ignore it, you’re giving permission for it to continue.”*

*“You still get council officers and professionals using terms like ‘junkies,’ and things like that.”*

## Suitability

23. Finally, it is the view of Expert Link that it would be suitable to include homelessness, in particular rough sleeping, within the characteristics protected by hate crime legislation.
24. In general, the logic that has led to protected characteristics being included also applies to people experiencing homelessness.

*“The mechanisms that underpin how homeless people are treated are almost exactly the same as other things like race. I know it’s an extreme thing, but I’ve known people who have been beaten to*

*death in [CITY]. It's an extreme thing. Racism is a thing and things are moving with it, and I think the law is a part of that. Changes in the law is part of society's views changing on a theme.*

25. The consultation raised the concern that including people experiencing homelessness as a category may inadvertently lead to the criminalisation of people experiencing homelessness themselves. However, it is our opinion that the risk of people experiencing homelessness being wrongly convicted of a hate crime is low given the associated police work which would be necessary to determine the facts of individual cases.

*"If we have an individual that's homeless that attacks another individual that's homeless, there'd need to be significant evidence to convict somebody on that hate crime, rather than just because this person is homeless it's a hate crime."*

26. In fact, it is our opinion that having the additional legal protections is likely to reduce the prevalence of hate crime, and increase the self-esteem of individuals who know that the law is 'on their side.'

*"It will make people feel safer to know that the law is on their side."*

*"I'd feel like the law is on my side. Rather than day in, day out, feeling criminalised due to me drug use, due to sleeping in doorways, due to this and that."*

27. It cannot be understated the level of education that is required throughout society to change stigmatising perceptions of people experiencing homelessness. Changes to the law can lead the way in making these changes a reality.

*"People need to feel that they have got the law behind them that these things will be taken seriously, that people are educated about these crimes and it isn't alright."*

*"It would change people's perceptions. You could put it on them, and say these kinds of attitudes you've got is vile and it's not acceptable. It would take years to happen but it would be a good thing."*

28. **Recommendation:**

- **Expert Link recommends that people experiencing homelessness should be included as a hate crime category.**

## Contact

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