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**Hate Crime**  
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**HATE CRIME – THE DEVELOPMENT OF STATUTORY AGGRAVATIONS IN SCOTLAND.**

Scotland has a common law system of criminal law. This system has evolved in the recent past in area of “Hate Crime” with the introduction of statutory aggravations to common law charges notwithstanding that the common law was sufficiently flexible to have regard to the aggravated circumstances of the offence.

Aggravations are aspects of charges that the prosecutor thinks makes the alleged conduct more culpable

Statutory aggravations were introduced in the areas of race (in 1998) and religion and belief (in 2003).

In 2003 the Scottish Government set up the Working Group on Hate Crime to consider the most appropriate measures needed to combat crime based on hatred towards social groups.

The definition of “Hate Crime” was provided as, “crime motivated by malice or ill-will towards a social group.

In 2004 this Group recommended the introduction of new statutory aggravations in the areas of disability, transgender identity and sexual orientation. The Scottish Government declined to enact legislation at that time.

This presentation will explore the issues that were considered in deciding whether the law of statutory “Hate Crime” aggravations should be extended and provide information on the approach which is now taking place in the Scottish Parliament in this area.