

We are now living in Orwellian times in the UK smacking of the antics of the Third Reich with the introduction of laws that are specifically creating and fueling conflict between individuals and groups of people in the British Empire's tradition of divide and rule.

The UK introduced laws on harassment designed ostensibly and, so the Public is told, to deal with the problem of stalkers. The Harassment Act has only been used in some 4% of cases for stalkers, in 96% for neighborhood disputes and as tool in Family disputes.

We are entitled to know by the law of the day what actions or omissions we must not do in such a clear manner that we know exactly what behaviour is wrong. The Harassment act was the first law that was so loose anything can be harassment as long as

Protection from Harassment Act 1997. The CPS note that The Act is widely drafted, and could incorporate many minor forms of behaviour.

HOME OFFICE CIRCULAR 34/1997 PROTECTION FROM HARASSMENT ACT 1997

Sections 1, 2, 4, 5, and 7 to 12 of this Act will be brought into force on 16 June 1997 by virtue of the Protection from Harassment Act 1997 (Commencement) (No.1) Order 1997. Sections 8-11 are applicable to Scotland and are not discussed in this Circular. Sections 3(1), 3(2) and 6 of this Act will be brought into force on 16 June 1997 by the Lord Chancellor by virtue of the Protection from Harassment Act 1997 Commencement) (No.2) Order 1997 (see paragraphs 11-15 below for a brief description). The purpose of this Circular is to provide guidance to those working in the criminal justice system on the provisions being brought into force by the No-1 order. This Circular is for guidance only and should not be regarded as providing legal advice. Legal advice should be sought if there is any doubt as to the application or interpretation of the legislation.

Section 1 of the Act prohibits a person from pursuing a course of conduct which amounts to harassment.

Harassment is not defined in the Act, except that it includes causing the person alarm or distress. Harassment is, however, a concept which the courts are used to interpreting through other legislation (e.g. the Public Order Act 1986); the harassment was caused by a course of conduct. This is defined in the Act as conduct on more than one occasion; though there is no requirement that the conduct is the same on each occasion. The Act is not retrospective, and all incidents which form a course of conduct will have to post date implementation. Conduct can include speech; and the alleged offender knows, or ought to know, that the course of conduct amounts to harassment of the other.

Hate crimes

If someone commits a crime against you or your property because of your age, colour, sex, race, national origin, religion, sexual identity or disability, this is called a hate crime.

Being a victim of this kind of crime can be a particularly frightening experience as you have been victimised because of who you are, or who or what your attacker thinks you are.

Hate crime can take place anywhere - at home, in the streets, and at work, schools and colleges. Incidents can include threats, verbal abuse, arson, robbery, violence towards you and damage to your property.

Every year, thousands of people in Britain are victims of hate crimes. Nobody should have to live with the fear and anxiety that this crime causes. It can also affect other people living nearby, especially if they are seen to be part of the same group in society.

The effects of hate crime can last for a long time, especially if you have suffered repeatedly. Many people find it helps to talk to someone who understands. We can help immediately after an incident or at any stage. Our trained volunteers can listen to you in confidence and give information, [practical help](#) and emotional support. They can also provide you with information on the [criminal justice system](#) and [compensation](#), if you choose to report the crime. They can also give you information on dealing with a range of organisations, for example, your employers and housing agencies, if you are having difficulties with them because of what has happened to you.

See

http://www.victimsupport.org.uk/vs_england_wales/coping_with_crime/specific_crimes/hate_crimes.php

Hate Crimes and Hate Incidents

See http://www.online.police.uk/english/description_hate_crime.asp

You can use this service to tell us about the following types of crime or incident:

Hate Crime

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

Hate Incident

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

Racist Incident

Any incident which is perceived to be racist by the victim or any other person.

Homophobic Incident

Any incident which is perceived to be homophobic by the victim or any other person.

Transphobic Incident

Any incident which is perceived to be transphobic by the victim or any other person.

Faith Related Incident

Any incident which is perceived to be based upon prejudice towards or hatred of the faith of the victim or so perceived by the victim or any other person.

Sectarian Incident

Any incident which is perceived to be sectarian by the victim or any other person.

Disablist Incident

Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person.

Distinction between a Hate Incident and a Hate Crime as defined by Good practice and tactical guidance from the Home Office March 2005.

2.2.1 A Hate Incident is defined as:

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

2.2.2 A Hate Crime is defined as:

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

2.2.3 *It is vitally important to note that all hate crimes are hate incidents. However some hate incidents may not constitute a criminal offence and therefore will not be recorded as a hate crime. For example, making inappropriate reference to the colour of someone's skin, in a non-confrontational social setting, may well be perceived as a racist incident. However there may be insufficient evidence that it would constitute a racist crime. It is important to understand this distinction.*

2.2.4 *The police are responsible for data collection in relation to hate incidents and hate crimes. It is important that this data is comprehensive and sufficiently robust to establish trends and inform an intelligence driven response*

2.2.5 Hate Incidents: Underpinning rationale

2.2.6 **The perception of the victim or any other person is the defining factor in determining a hate incident.** *The apparent lack of motivation as the cause of an incident is not relevant as it is the perception of the victim or any other person that counts. The prejudice or hate perceived can be based on any identifying factor including disability, age, faith, sexual orientation, gender identity and race. A victim of a hate incident does not have to be a member of a minority group or someone who is generally considered to be vulnerable. For example, a heterosexual man who is verbally abused leaving a gay bar may well perceive that it is motivated by homophobia although he himself is not gay. Therefore effectively anyone can be the victim of a hate incident, including people working inside the police service.*

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2.2.7 **The deciding factor lies in the perception of the victim or any other person.**

2.2.8 *For data recording purposes the police are obliged to record hate incidents where the perception of the victim or any other person that the motivation for the prejudice or hate is*

based upon:

- *Race*
- *Sexual orientation*
- *Faith*
- *Disability*