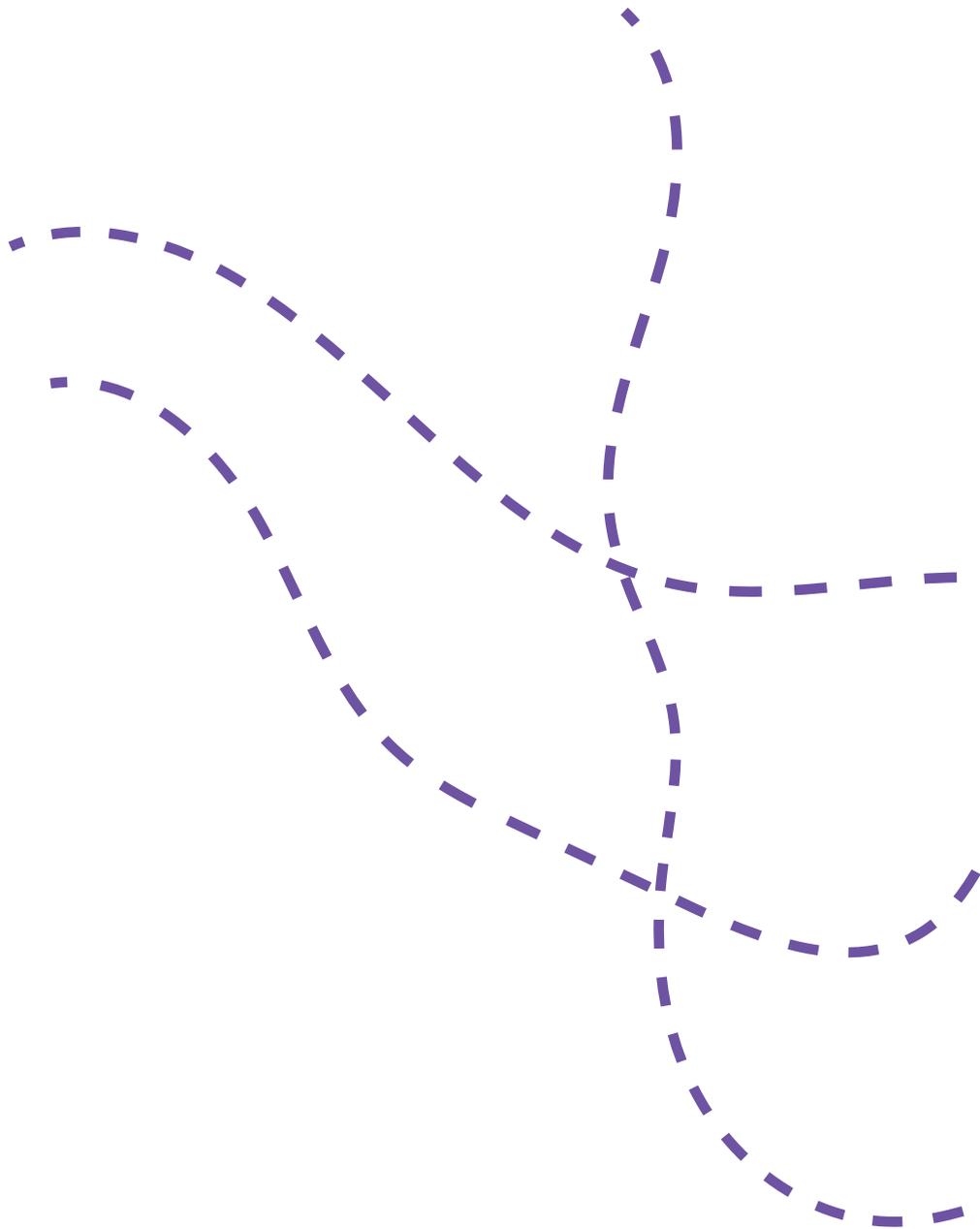


Working with Victims of Anti-LGBT Hate Crimes

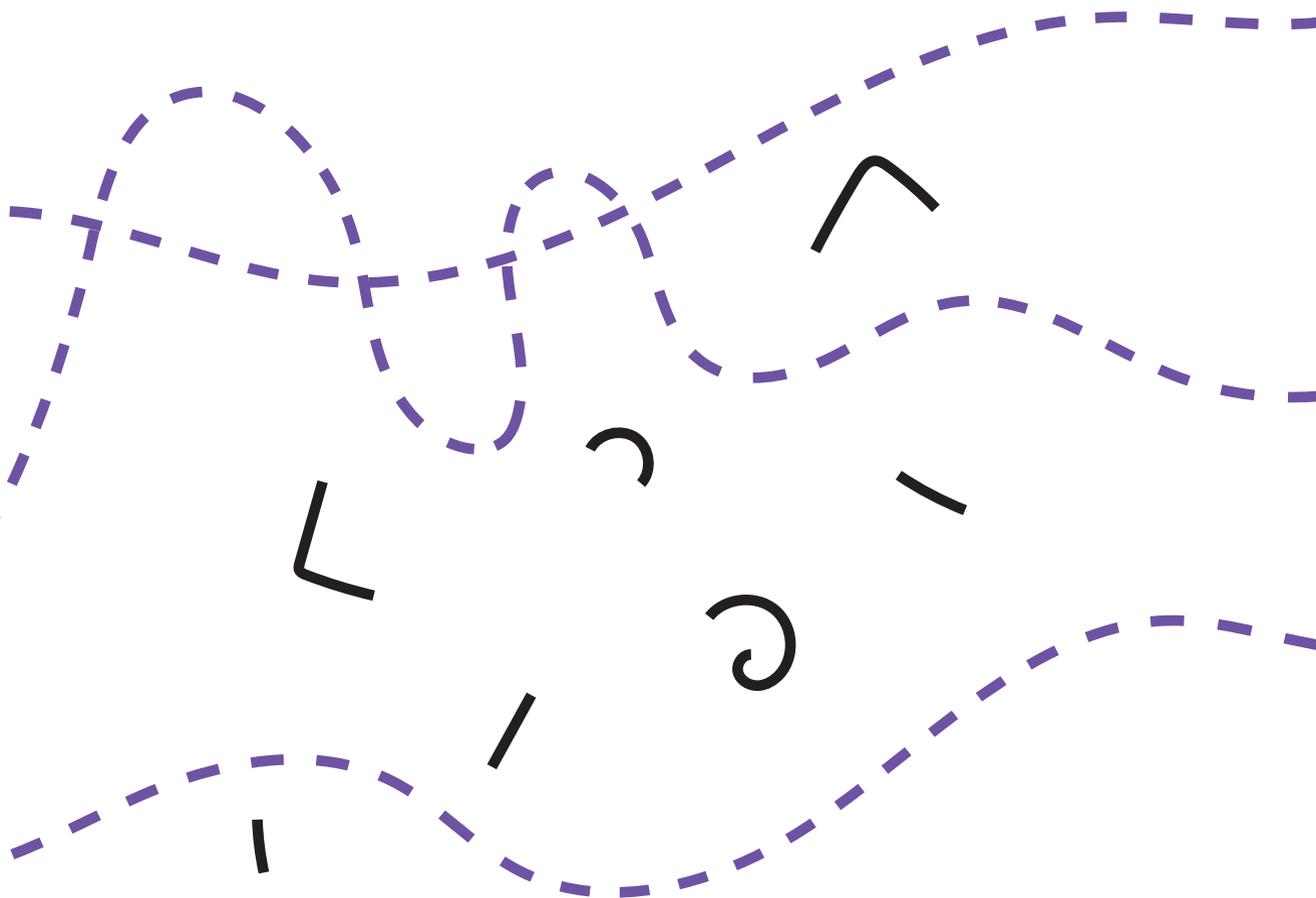
A Practical Handbook





Working with Victims of Anti-LGBT Hate Crimes

A Practical Handbook



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Come Forward: Empowering and Supporting Victims of Anti-LGBT Hate Crimes

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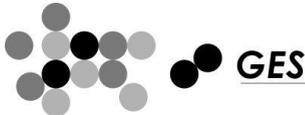
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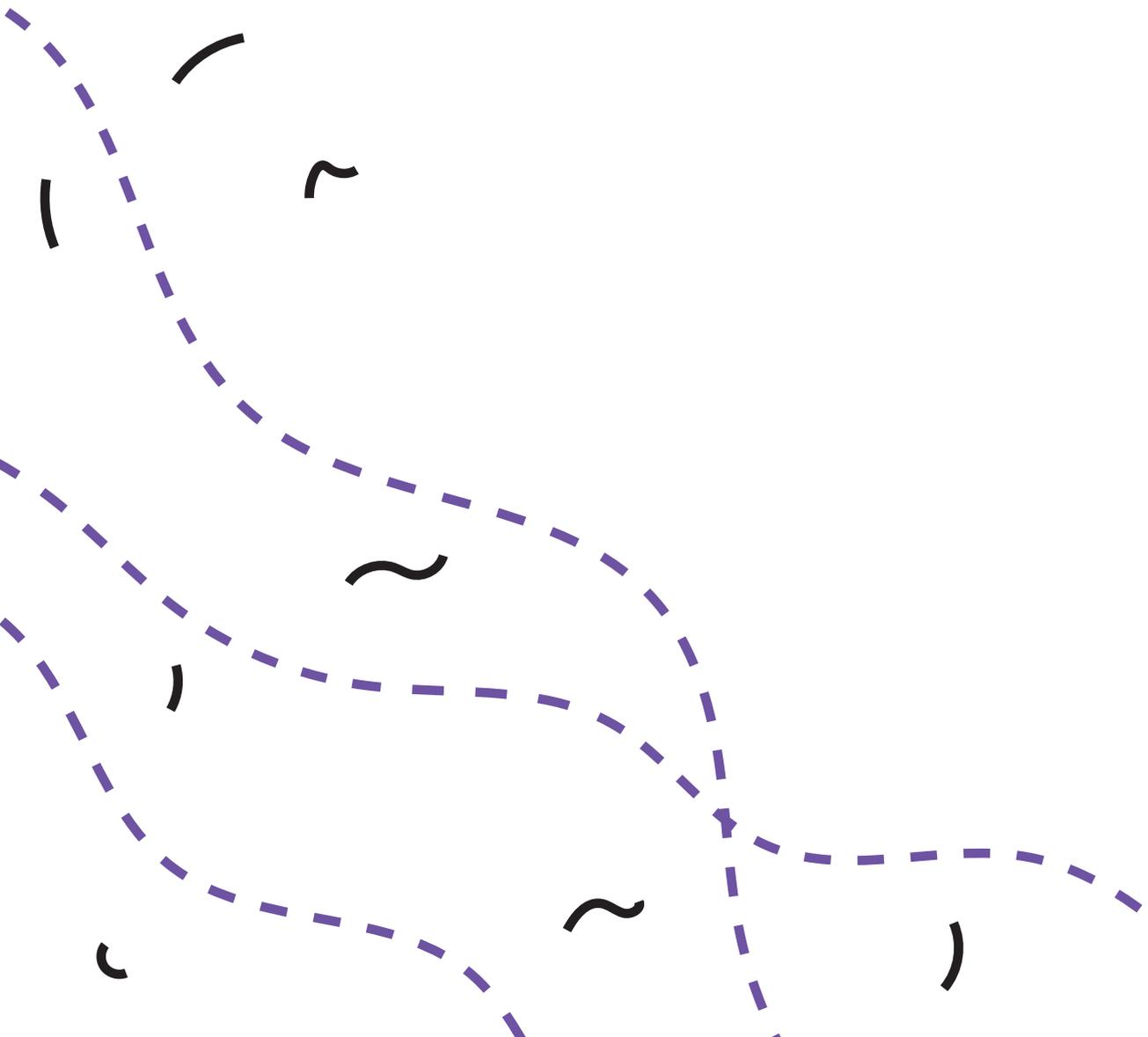
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Supporting LGBT Victims of Hate Crime. A Practical Handbook.

There exists conclusive evidence that anti-LGBT hate crimes persists in the UK and across Europe. According to Galop's Hate Crime Report (2016), 4 in 5 LGBT people have experienced hate crime related to their gender identity or sexual orientation in their lifetime (79%). The FRA European LGBT Survey (2013)¹ also found that more than one in four (26%) LGBT people had been attacked or threatened with violence in the five years preceding the research. Figures are even more worrying when it comes to trans people, since a third (34%) of all trans respondents say they were physically or sexually attacked or threatened with violence in the five years preceding the survey. National victimization surveys, as well as cases collected by civil society organizations and reported to the Office for Democratic Institutions and Human Rights (ODIHR), also show a high number of anti-LGBT hate crimes across the region. The FRA LGBT 2013 survey also shows that homophobic and transphobic violence remains underreported across the UK and Europe. Namely, fewer than one in five (22%) incidents experienced by the respondents in the five years preceding the survey have been reported.

In order to fight underreporting and improve assistance for victims, the project Come Forward: Empowering and Supporting Victims of Anti-LGBT Hate Crimes, works to build the capacity of charities and authorities to understand and respond to the needs of victims facing anti-LGBT hate crime. The handbook in front of you is based on the experience of experts from different countries in collaboration in order to protect the rights of LGBT people in their countries.

¹ European Union Agency for Fundamental Rights: European Union lesbian, gay, bisexual and trans survey, Luxembourg: Publications Office of the European Union, 2013

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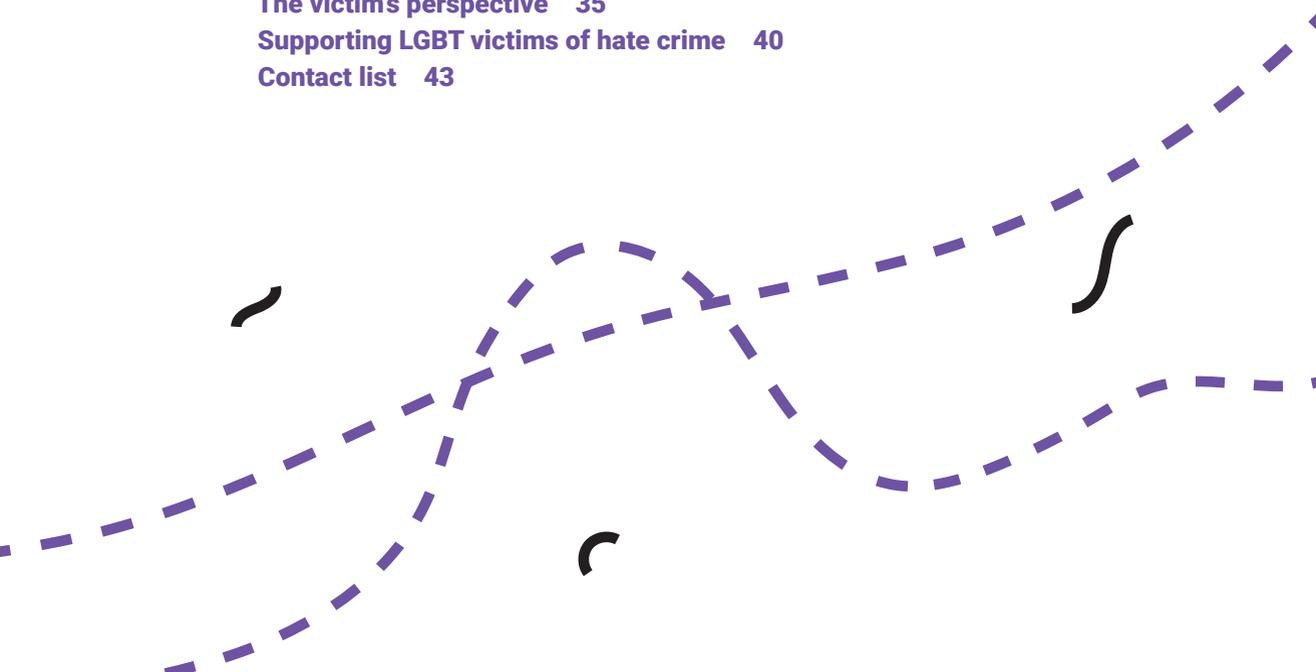
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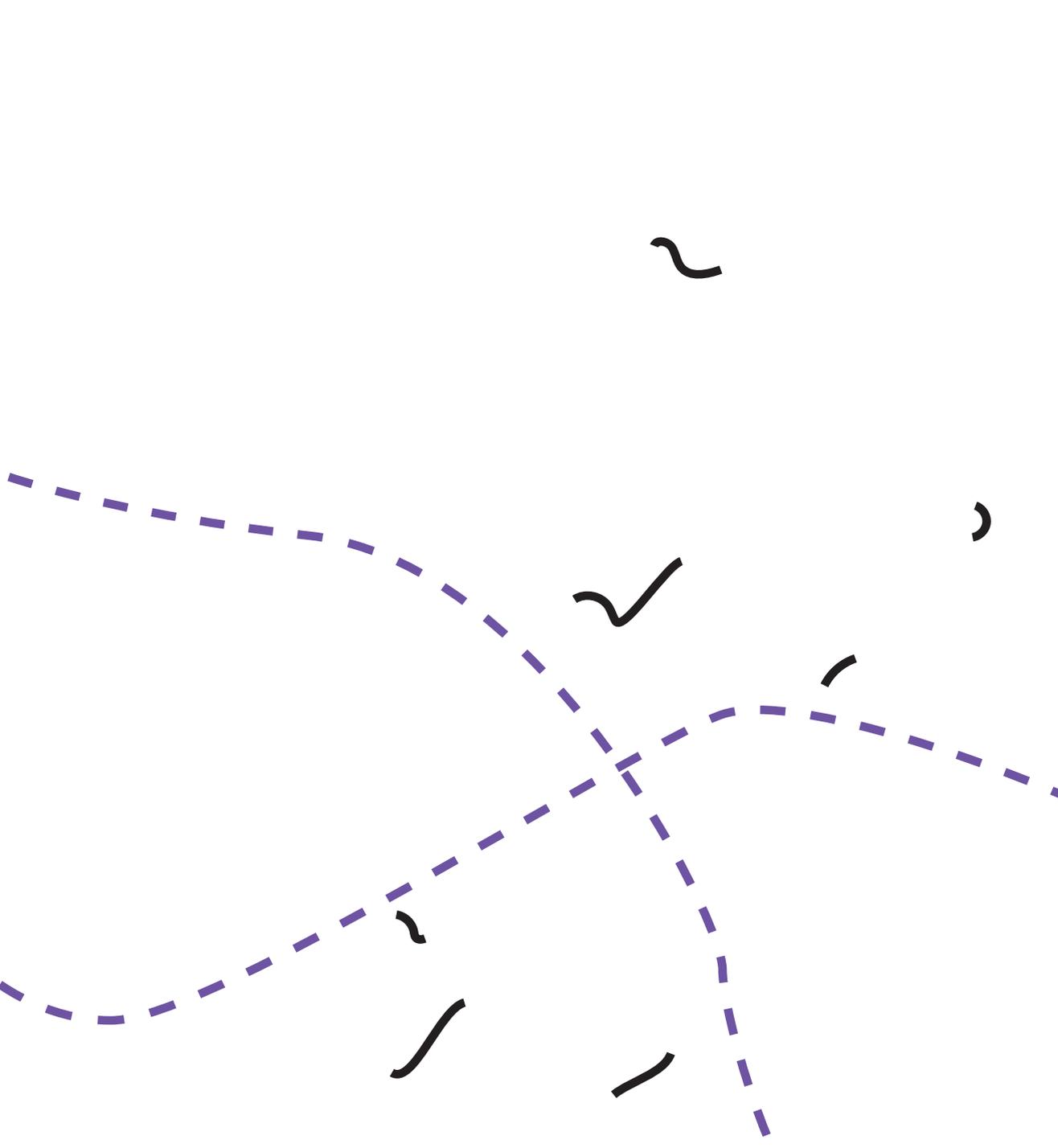
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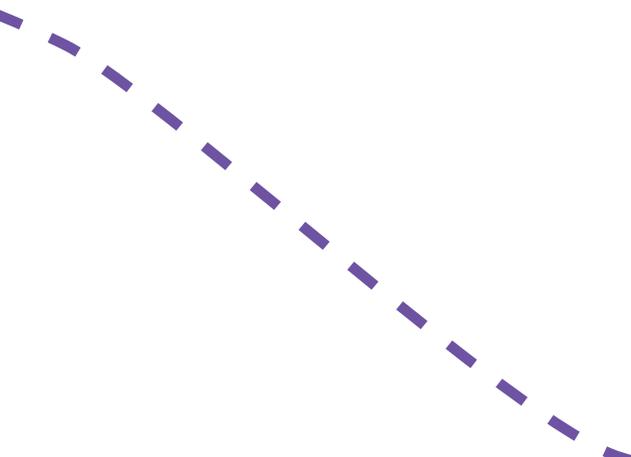


The terminology used in this handbook

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Why is it important to understand and use the right terminology? Understanding the terms sexual orientation, gender identity, and gender expression helps us better understand the experiences and identities of LGBT victims of hate crime, and in this way to respect them. Respecting one's identity and using the words the persons would use to describe themselves, is the first step in establishing trust with the victim. Only a person who feels respected and safe can be cooperative and provide us with the information we need in our work. Respectful language can be crucial in investigating the details of an event and finding the best way to assist the victim.

The Importance of Using Respectful Terminology

- respecting the victim's identity and experience
 - establishing trust with victims and making them feel safe
 - encourage the victim's cooperation
- 

On what basis are LGBT people discriminated against?

Sex – refers to biological, social, and legal classification based on a combination of bodily characteristics including: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics. People whose biological sex cannot be classified as either male or female can be classified as intersex, however they may identify as intersex people, male, female, trans people, non-binary or other.

Sexual orientation – describes a pattern of emotional and sexual attraction to people of a particular gender, or to people regardless of their gender.

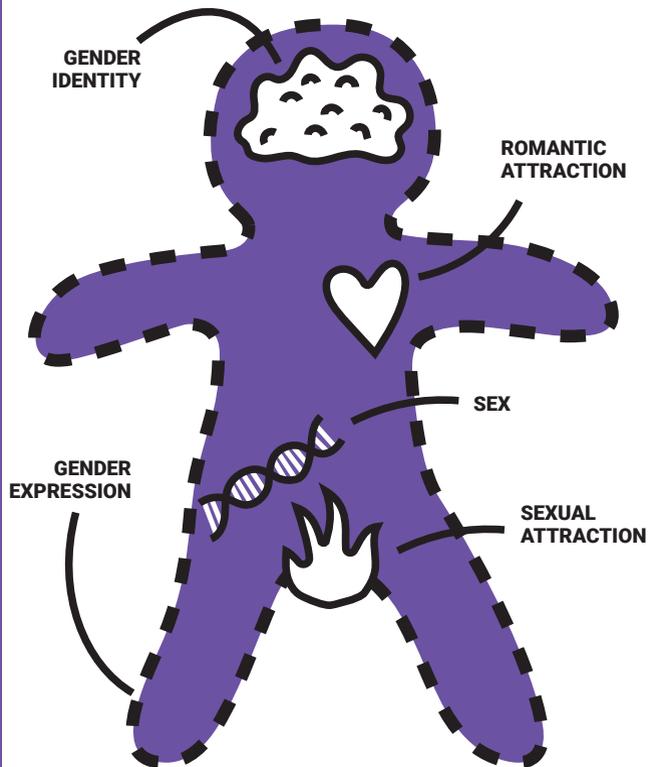
Gender – refers to the socially-constructed set of expectations, behaviours and activities of women (femininity) and men (masculinity) which are attributed to them on the basis of their sex.

Gender identity – refers to a personal experience of gender to which people feel they belong, which may or may not be consistent with the sex they were assigned at birth.

Gender expression – refers to the different aspects of how one person is performing their gender identity through appearance, behaviour, language, interests, roles, and other ways that can be externally perceived.

The Genderbread Person

Gender identity, gender expression, sexual orientation... mostly isn't well delineated and is often variable. It's not binary. Not or/or. Sometimes even and/and. A little of this, a little of that. A whole cookie, and worth it to put your teeth in it!





Sex

**XX, UTERUS, PENIS,
TESTICLE, XXX,
TESTOSTERONE, ESTROGEN,
XY, INTERSEX, VAGINA**

Physical aspects like your hormones, chromosomes and internal and external reproductive organs

Attraction is personal, changeable, and can be based on any combination of sex, gender identity and gender expression.

Sexual orientation



Gender identity

**GENDERQUEER,
TRANSGENDER, MAN,
WOMAN, GENDERFLUID**

Your inner feeling of femininity, masculinity, queerness, ...



Sexual attraction

Who excites you

**ASEXUAL, PANSEXUAL, GAY,
LESBIAN, BI, STRAIGHT,
AROMANTIC**

Who you fall in love with

Romantic attraction



Gender expression

**VOICE, LONG HAIR, DRESS,
PANTS, GESTURES,
MAKE-UP**

Way of behaving, dressing, speaking, moving, ...



**ALL COMBINATIONS
ARE POSSIBLE!**



Hungry for more? This model is based on the Genderbread Person v3. Read about its origin and evolution on itspronouncedmetrosexual.com.

What words to use when talking about and to LGBT persons

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There are many words that people use when referring to LGBT people. Not all of them, however, are the ones that most LGBT people would identify with. Some of the most often used terms are considered insulting, medicalising or dated and if used can lead to distrust or rejection of the interaction. The most frequently used terms that are considered acceptable by the community are those represented in the acronym LGBT and they stand for lesbian, gay, bisexual and trans. Many combinations of the acronym exist: some variations change the order of the letters; some letters are left out or added in order to include many different sexual and gender identities.

The meaning of the LGBT acronym

Lesbian – people of female sex and/or gender who are physically and emotionally attracted to people of female sex/gender

Gay – people of male sex and/or gender who are physically and emotionally attracted to people of male sex/gender

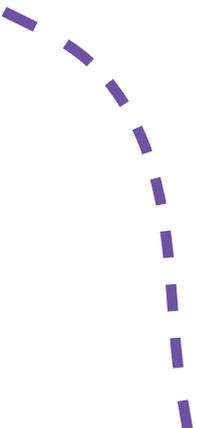
Bisexual – people who are physically and emotionally attracted to people regardless of their sex/gender

Transgender – people who have a gender identity which is different to the gender assigned at birth, and those people who wish to express their gender identity in a different way to the gender assigned at birth

Additional terms you might come across:

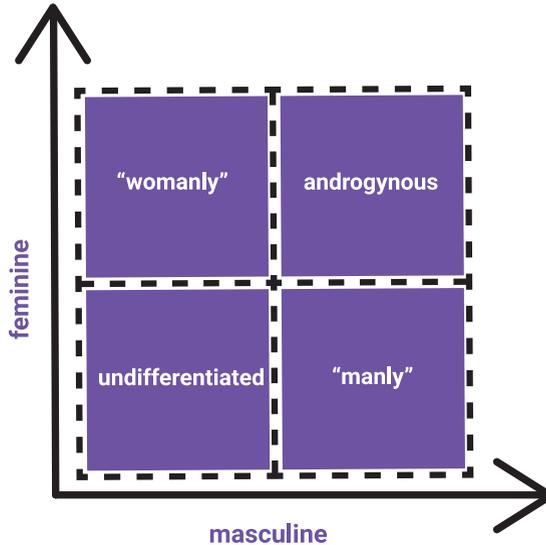
Cisgender – people whose gender identity is aligned to the gender assigned at birth

Intersex – people born with sex characteristics that do not fit the typical definitions for male or female bodies



Queer — historically a derogatory (English) term for LGBT people reclaimed by people whose gender, gender expression and/or sexuality neither conform to dominant expectations nor fit into the definitions of LGBT identities.

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Gay, lesbian, and bisexual identities refer to a person's sexual orientation, trans identity to a person's gender identity, and intersex to sex characteristics. Sex, gender, and gender expression however affect every person in a complex and profound way. They constitute the main aspects of our sexuality and human nature.

Hate crime and discrimination – the legal framework

- 16 During the last several decades, the countries of Europe have made important positive steps in securing legal protection for LGBT people. The legal framework for the protection against discrimination and hate crime against LGBT people have been further developed in the recommendations by the European Union (EU), the Council of Europe (CoE) and the United Nations (UN).

The Victim's Rights Directive

In 2012 the European Parliament and Council of the European Union adopted Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime. The purpose of the Victim's Rights Directive is to ensure that victims of crime receive appropriate information, support, and protection and are able to participate in criminal proceedings. The Directive requires member states to provide customized services to victims and to pay particular attention to victims who have suffered a crime committed because of a bias or discriminatory motive which could, in particular, be related to their personal characteristics. According to Victim's Rights Directive, gender-based violence is directed against a person because of their gender, gender identity, or gender expression or affects people of a particular gender disproportionately. It may result in physical, sexual, emotional, or psychological harm or economic loss to the victim. It includes violence in close relationships, sexual violence (including rape, sexual assault, and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriage, female genital mutilation and so-called 'honour crimes' (see Recital 17).

According to the definition provided by ODIHR², hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria: First, the act must constitute an offence under criminal law; second, the act must have been motivated by bias. Bias motivations can be broadly defined as preconceived negative opinions, stereotypical assumptions, intolerance, or hatred directed to a particular group that shares a common characteristic such as race, ethnicity, language, religion, nationality, sexual orientation, gender, or any other fundamental characteristic. Hate crime does not have to be directed only against a person, but can be criminal damage of property (for e.g., vandalism of personal property or space for community gathering). The Victim's Rights Directive clearly states in Recital 9 that crime is a wrong against society as well as a violation of the individual rights enshrined in the Charter of Fundamental Rights of the EU. As such, victims of crime should be recognized and treated in a respectful, sensitive, and professional manner without discrimination of any kind based on any ground such as race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status, or health.



2 Office for Democratic Institutions and Human Rights is the principal human rights institution of the Organization for Security and Cooperation in Europe (OSCE). ODIHR provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination.



The national legal framework

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"I believe that the UK has one of the strongest legislative frameworks globally and provides a framework for independent criminal Justice agencies and judiciary to find a effective balance between protection from harm and free speech."

Mark Hamilton, National Police Chiefs Council
(The Hate Crime Report, Galop, 2016)

UK hate crime laws enable all forms of hate crime to be dealt with seriously by the police and courts. They do this by forcing courts to give an increased sentence where a crime has been proven to be related to a protected group. These include all crimes related to homophobia, transphobia, biphobia, racism, faith, and disability.

To record something as a hate crime the police need only be satisfied that the victim or any other person believe the reported crime was committed because of one of these forms of prejudice. However, to be considered a hate crime by a court two things are needed:

1) Crime element: Proof that a crime has been committed, such as physical assault, some forms of verbal abuse, repeated harassment etc.

2) The bias element: Proof that the crime was related to prejudice against a protected characteristic. In the UK this includes homophobia, transphobia, biphobia, racism, faith or disability. This can be from words or behaviour during the incident or immediately prior or following it.

In the UK there are legal tests used for the hate element:

The first is "hostility", which is used in England, Wales and Northern Ireland (s.146 & 146 Criminal Justice Act 2003). Courts use an ordinary dictionary definition of this word; meaning ill-will, ill-feeling, spite, contempt, prejudice, unfriendliness, antagonism, resentment, or dislike.

The second model used in Scottish law is "malice and ill-will" (s.2 Offences, Aggravation by Prejudice, Scotland, Act 2009). In practice both these terms are interpreted by courts in a similar way.

There are two ways for a court to establish that an offence was related to bias against a protected group:

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1) Demonstration: Proving that someone showed hostility toward a protected group during the committing of a crime or immediately before or after. This often involves the use of offensive terms about that group.

2) Motivation: Proving that the person committed a crime wholly or partly because of hostility against a protected characteristic. Essentially this means the persons purpose for choosing to commit the crime was their internal thoughts and beliefs about that group. Motive can be established by evidence relating to what the defendant said or did on other occasions or prior to the current incident.

The nature of violence against LGBT persons

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What lies behind the motive of violence out of hatred? Why would a person or a group of people even commit an act of violence? Contrary to what may first come to mind – most of the hate-based violence is not committed by the members of hate groups, gangs or neo-nazis. Most of the perpetrators are ordinary people.

To understand this it is important to stress that prejudices and biases are common in every culture. They usually originate from ignorance or lack of exposure to the 'unknown'. There are many factors leading to homophobic, transphobic and biphobic prejudice. Among them, most common are religious beliefs – accepting that any form of same-sex sexual relation is wrong and condemned. Furthermore, a history of institutional persecution of LGBTIQ people – in most parts of Europe homosexuality was only de-criminalized in the 20th century, while the World Health Organization had not declassified homosexuality as a mental disorder until 1990. There are also culturally conditioned factors, such as sexism and *machismo* – the belief that women or men should never go against the norms that are expected from them.

Discrimination – putting a person or a group in a less favourable position than other people in a comparable situation. The reason for discrimination is usually based solely on an actual or perceived belonging of the person to a certain social category. Indirect discrimination occurs when there is a practice, policy, or rule which applies to everyone in the same way, but has apparently less favourable effect on some people compared to others.

Hate crime – criminal acts related to bias or prejudice towards particular groups of people.

Violence – intentional use of physical, emotional, sexual, and economical force against someone’s will in order to cause physical or psychological harm or death, maldevelopment and/or deprivation.

Homophobia – a range of negative attitudes, feelings, and actions, including discrimination and violence against people who identify or are perceived as being lesbian or gay.

Transphobia – a range of negative attitudes and feelings, including discrimination and violence against people who identify or are perceived as being trans.

Biphobia – a range of negative attitudes and feelings, including discrimination and violence against people who identify or are perceived as being bisexual.

Heterosexism – presumption that everyone is heterosexual and cis-gender and that only opposite-sex attractions and relationships are acceptable and therefore superior.

Sexism –systematic discrimination based on a presumption that physical differences between sexes justify the superiority of one sex and/or gender over another.

Patriarchy – a social system in which cis-gender men hold primary authority in political, social, and public life, hold control of property, and enjoy social privilege.

Homophobia, biphobia and transphobia can take many different forms, including negative attitudes and beliefs about, aversion to, or prejudice against people who are identified or perceived as lesbian, bisexual, gay, or trans. It is often based on prejudices, misunderstanding, false information, stereotypes, or fear that may or may not have deep social, religious, historical, cultural, or other justifications. These prejudices are often learned in one’s primary family.

Homophobic, biphobic and transphobic violence is gender-based violence. Similar to other forms of gender-based violence, it occurs as a result of the normative role expectations associated with each gender. This means that within the context of a society or a community there are certain social expectations about acceptable gender behaviours or

gender roles. At the same time there are only two recognized genders – male and female – and they are unequal in power which is not widely understood. In short, anyone (any gender) can become a target of physical or verbal attacks for transgressing predominant concepts of gender roles. Many examples can be found for transgressing expected or dominant concept of gender roles, because society's roles are complex and can vary, but here are just some of the obvious ones:

- Gay men are transgressing the concept of masculinity if they have sex with other men
- Lesbian women are transgressing the concept of femininity because they do not have sex with men
- Some men are transgressing the concept of masculinity if their gender expression does not match the proscribed gender expression (e.g. if the man's gender expression is seen as "too feminine")
- Some women are transgressing the concept of femininity because they demand equal treatment as men (e.g. in the family, workplace, or in public life)
- Trans people are transgressing the concepts of gender, because they overcome the idea that gender derives from one's sex characteristics
- Intersex people are transgressing the concepts of two distinct sexes by having bodies that cannot be classified neither as male nor female.

What makes a behavior homophobic or transphobic? In short, something is a homophobic or transphobic hate crime if the perpetrator's motif to attack was the victim's real or perceived sexual orientation, gender identity and/or gender expression. If the victim or anyone else believes something they had experienced is a hate-crime, it should be documented and recorded as such by the person who this information is reported to, and if the criminal procedure follows, treated as a hate-crime according to national legislation.

Violence against LGBT persons

Despite progress on LGBT rights in the UK, hate crime is still a regular part of many LGBT people's lives. Galop's Hate Crime Report (2016) found that 4 in 5 LGBT people had experienced hate crime related to their gender identity or sexual orientation in their lifetime (79%). This was consistently high across all sexual orientations and gender identities, including trans people (79%), lesbian women (77%), gay men (77%) and bisexual people (75%). It was also high for both women (79%) and men (78%).

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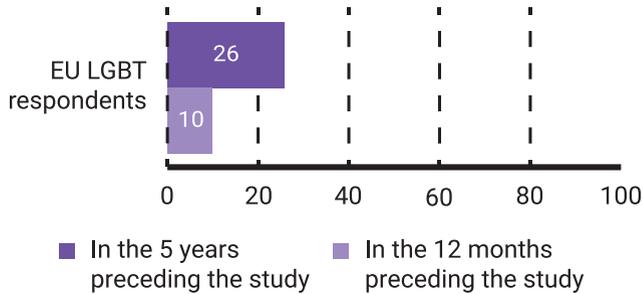
According to government estimates, approximately 29,000 sexual orientation hate crimes are committed each year in England and Wales (Crime Survey for England & Wales, 2015). No estimate currently exists for transphobia, though it seems clear that many more anti-LGBT hate crimes are committed than authorities ever hear of.

In 2012, the Fundamental Rights Agency (FRA) launched an online survey (published in May 2013) on experiences of bias-motivated discrimination, violence, and harassment among LGBT people. The survey received 93,079 responses, and the results show that LGBT people in the EU suffer discrimination, marginalization, and violence at school, at work, and in public.

A quarter (26%) of all EU LGBT survey respondents had been attacked or threatened with violence in the previous five years (see figure 1). A majority of respondents who had experienced violence (59%) in the past year said that the last attack or threat of violence happened partly or completely because they were perceived to be LGBT.

Figure 1. Prevalence of violence in the five years preceding the study and in the 12 months preceding the study (%)

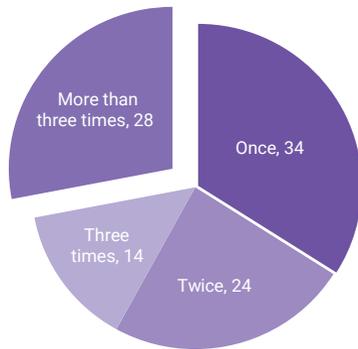
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Source: European Union Agency for Fundamental Rights: European Union lesbian, gay, bisexual and transgender survey, Luxembourg: Publications Office of the European Union, 2013, p. 56

Trans people are particularly vulnerable as they experience the highest level of repetitive violence and hate crimes. One third (34%) of all trans respondents say they were physically or sexually attacked or threatened with violence in the five years preceding the survey, and about three out of ten of all trans respondents said they were victims of violence or threats of violence more than three times in the past year (see figure 2).

Figure 2. Transgender respondents who were attacked or threatened with violence one or more times in the 12 months preceding the study, by number of incidents



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Source: European Union Agency for Fundamental Rights: European Union lesbian, gay, bisexual and transgender survey, Luxembourg: Publications Office of the European Union, 2013, p. 60

The survey indicates that the perpetrators of violence were most often people who were unknown to the victims: 45% of the most recent violence suffered by the respondents were committed by "someone else they did not know". In a third of violent incidents (36% of most recent violent incidents), the perpetrators were a teenager or a group of teenagers. Of the violent incidents committed by someone the respondent knew, the perpetrator was most often someone at work, school, college, or university (17%).

More than half of violent incidents took place outdoors, most frequently on the street or in a square, car park, or other open public space (44%). Of those incidents which occurred indoors, public places were again the most common locations: one in 10 incidents took place in "a café, restaurant, pub or club", whereas one in 13 occurred on public transport. Victim's homes were reported as the place of violence in one of every 12 cases (8%).

Barriers to reporting anti-LGBT hate crimes

26 *"Most offences still do not come to the attention of the police so there is still a lot more to do."*

Mark Hamilton, National Police Chiefs Council (The Hate Crime Report, Galop, 2016)

Very few anti-LGBT hate crimes in the UK are reported. The Galop's Hate Crime Report (2016) found that 1 in 4 LGBT participants had reported the most recent hate crime they experienced to the police (25%). Lesbian women were most likely to have reported (31%), followed by gay men (25%), bisexual people (22%) and trans people (22%).

Reasons given for not reporting included feeling that it would not produce a result (24%), being unsure if it was a crime (22%), feeling it would not be treated seriously (12%), fear it would make the situation worse (7%), and fear of police reacting negatively to their identity (5%). In contrast to the barriers above, the survey found high levels of literacy about reporting mechanisms, with just 2% saying they did not report because they were unsure how or where to do it.

The high levels of anti-LGBT hate crime and low level of reporting mean it is especially important to handle reports in a professional and empathetic manner to encourage future reporting. The importance of this is underlined by a finding from the above research that half of the survey participants who reported a hate crime were satisfied with the outcome it produced (49%), while the remaining half were dissatisfied (50%). Context for this figure can be found in the Crime Survey for England & Wales, which regularly finds that half of people who report hate crime are satisfied with how it is handled by police (52%). That compares poorly with the much higher satisfaction rate for other types of crime detailed in the same report (73%). It also found that victims of hate crime were less likely to feel they had been treated with respect by the police (51% compared with 81% of crime victims in general).

Reasons for not reporting violence to authorities

I thought police would see it as pointless and time wasting. But also I just couldn't be bothered with all the palaver it would cause. And like most people, it's kind of part of life and you would spend too long reporting it all otherwise.

Pansexual participant, The Hate Crime Report, Galop, 2016

I will report if it's really serious. Petty hate crime like this is constant and I don't have the time or energy to pursue every instance.

Bisexual participant, The Hate Crime Report, Galop, 2016

The police were super helpful and nice, but I'm paranoid about outing myself and overcoming that is difficult.

Agender participant, The Hate Crime Report, Galop, 2016

Imagine if in a years time I get beaten up again – do you think they would believe me if I report it? I don't think so. If I get hurt again and I tell the police and say look, this has happened again, I don't think they would go after [the perpetrators]. I don't think anything would happen.

Bisexual participant, The Hate Crime Report, Galop, 2016

Firstly, it didn't actually cross my mind to report it – despite being active in the local LGBTIQ+ community. Secondly, exploring my gender identity (to which the abuse was directed) was still quite a new and sensitive topic for me at the time. Additionally... friends told me many a shit story about being laughed at/disregarded, as well as the whole queer thing coming out in the wash to the extended family should the incident get media coverage.

Gender queer participant, The Hate Crime Report, Galop, 2016

The reason for not reporting hate-crime and violence to the LGBT NGOs are similar to the reasons for not reporting a hate crime to the police, however, there are several considerable differences. For example, among respondents of the Croatian 2013 field research who did not report violence to NGOs (n=323), a majority of them (n=130) did not report it because they diminished the event as “not being serious enough”. The second most common reason for not reporting the violence to the NGOs was because the participants did not know they could report it to NGOs (n=62) and receive legal, psychological or psycho-social support. Furthermore, 50 participants did not report violence to NGOs for lack of motivation, while 25 participants dealt with the situation on their own. In contrast to the reporting a violence to the police, only 20 participants did not report it to an NGO because they distrust NGOs, while 19 because of discomfort (e.g., shame, and fear – in particular fear of “coming out”).

When the hate crime is reported

Finding the courage to report a hate crime is not easy for the victim. Not only have they gone through an event that might have been traumatic, but they will also most probably be in the position of disclosing some aspects of their personal lives and identity to unknown people. This unwanted exposure can cause in the victim the feeling of not being in control of their lives. For this reasons, make sure you take the following steps in order to reassure the victim that their person and perspective are acknowledged and respected.

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General guidance for responding to a hate-crime report

1. Always introduce yourself by your full name and your role in the procedure. Make sure that the victim has your contact information and that they can reach out to you after the interview.
2. Ask what the victim prefers to be called (What is your name? How would you like me to address you?)
3. Ask the victim if they have any physical injuries and make sure that medical assistance is available.
4. If possible, inform the victim about their rights according to the national legislation and/or the Victims' Rights Directive (2012/29/EU). Make sure that the victim receives all the relevant information in a way that is simple, accessible, and understandable for them. The information should be given in different ways: verbally, on a handout that they can take home, etc.
5. Always make sure that the victim feels safe and confident and that they can always ask you questions if something is not understandable. The victim should share only the information they want to share. This is particularly important if your initial contact with the victim is immediately after they experienced violence or in public.

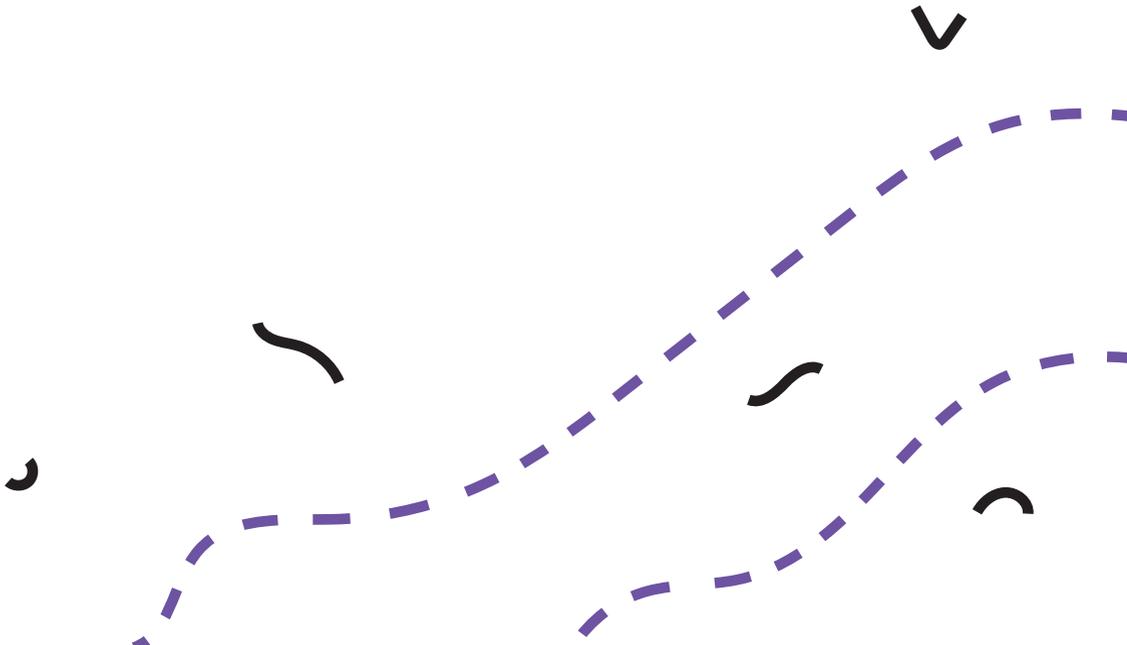
6. Ask the victim to tell you briefly what has happened. Use simple conversation starters so the victim can feel that they are regaining control of their situation (e.g. What would you like now? Do you need water?).
7. Make an individual assessment: Does the victim have any specific support or protection needs? Is the victim particularly vulnerable to repeated violence or secondary victimization?
8. Acknowledge the victim's experience by thanking them for sharing it with you. Ensure the victim about confidentiality during the interview.
9. If possible, inform the victim about further steps and your role in them. It is important that the victim is always accompanied by a person familiar to them.

How to recognize a hate crime against LGBT persons?

Even if victims find the strength to report a hate crime, not all of them will be open about their identity or details of the event that might suggest it was a hate crime. Not only are most people not comfortable talking about their identities and personal lives to officials and unknown people in general, but they might also not be aware of what a hate crime is and what kind of details could be relevant. If you suspect the reported event is an anti-LGBT hate crime, pay attention to the following indicators.

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Remember! Always ask questions about the context of the event and not about the victim's identity and private life (unless it is necessary because of the nature of the crime).



Strong indications for hate-crime against LGBT people

Research and interviews with the victims suggest that most hate crimes against LGBT people:

- 32 are committed by unknown perpetrators in public places, indoor or outdoor – pay attention to whether the attacks happened near an LGBT community place of gathering (clubs, bars, social centres, cruising area) or their own home;
- the person might be a victim of anti-LGBT hate crime due to their gender expression: dress, behaviour, LGBT symbols (rainbow badges/ribbons/clothing, pink or black triangles);
- the victim is an LGBT activist or was involved in activities promoting the rights of LGBT people at the time of the event;
- the victim was in the company of a same sex partner;
- almost always involve homophobic and/or transphobic language, slurs, and verbal humiliation prior to or during the physical attack – ask the victim and witnesses if they remember what the perpetrator was saying;
- are committed before, during, and particularly after events of significance to the LGBT community – e.g. Pride March or protest;
- are committed when there is a significant increase of public visibility of LGBT people in public or the media: e.g. during public debates and political debates on LGBT rights;
- the perpetrator is part of an organised hate group known for homophobic and transphobic hate speech – investigate if they display any symbols that indicate their belonging to an organised hate group or if they identify with any of these groups on social media;
- the perpetrator did not display any financial or other motive when committing the offence (no theft);

- unlike racist hate crimes, anti-LGBT hate crimes can happen at the victim's home and the perpetrator can be a family member.

Documenting hate crimes

What to document during the interview

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- Does the victim believe that the crime was motivated by a bias against LGBTIQ people? If so, document why they think they are a victim of a homophobic/transphobic hate crime.
- If the victim is a trans person whose documents do not reflect their gender identity, be sure to indicate the person's gender identity. Even if the report form requires filling the person's sex, indicate the person's gender identity in the description.
- Document what kind of injuries, if any, the victim has suffered, including how the victims feels emotionally.
- Document a detailed description of the violence and the perpetrator(s). Does the victim know the perpetrator(s) or did they have any encounter before?
- Document if the place where the crime took place has any significance to the community the victim belongs to. If so (a bar, public event related to LGBTIQ people, a cruising area), explain its significance.
- Was the victim alone when they were attacked?
- Were there any witnesses around? Can you reach out to them?

Reaching out to the LGBT community

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LGBT charities can play a valuable role in the process of reporting, investigating, and providing support for the victims. If you work in a public institution dealing with anti-LGBT hate crime victims, be sure to reach out to an LGBT charity. The following are some suggestions on how to reach out to LGBT communities and ways in which to collaborate.

Suggestions on how to reach out to the LGBT community

- Police, prosecutors, and Local Authorities can reach out to LGBT people in taking steps to secure media coverage of successful prosecutions of homophobic and transphobic hate crimes. They can ask for LGBT NGOs' assistance and jointly give a condemnation of the hate crime that occurred. This will encourage other victims to report the hate-crime in the future, regardless on what grounds it was committed.
- The police and prosecutors can work together with LGBT charities in pre-trial criminal investigation, in order to gather intelligence, release witness appeals, gauge community impact, and facilitate the dialogue with the LGBT community to build a trust in law enforcement.
- Public bodies and LGBT charities can jointly attend training and workshops in order to build trust, exchange experiences, and best practices.
- Police officers can establish personal connections with members of the local LGBT community, particularly LGBT community leaders and charities, in order to understand the needs of the community and increase their trust in law enforcement.
- Service providers should use respectful language, challenge offensive language they hear, and try to be informed on LGBT identity issues.

The victim's perspective

Reactions to hate-crime and violence in general can be different depending on the person. Victims of hate-based abuse and violence often experience trauma and extreme anxiety even if no physical harm was involved. Unlike an ordinary crime, hate crimes can affect victim's deeply because it targets their identity or personality. Combining that with trauma and anxiety caused by the violence itself, a victim might be left feeling helpless and losing a sense of security and have a constant feeling of danger as their identity is something they carry with them constantly. Ongoing criminal procedures can be another great stressor for victims, sometimes so powerful that the victim does not want to cooperate with any party involved, even if they are doing all that is in the interest of the victim and the society as a whole. The victims in a criminal procedure are under stress because they are expected to talk about the experienced violence and to be challenged on their account of events (often repeatedly during the criminal procedure), leading to a feeling of secondary victimization.

The following description is a true story that describes just one of many possible types of reactions to hate crime. Sometimes victims in similar situations choose to never talk about it to anyone. If the victim has opened up to you and reported a hate crime it took a lot of courage and strength. The names of the people have been changed to protect their privacy.

Hate crime story from a victim's perspective:

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Paula is a woman in her 20s. She is a proud lesbian woman who is involved in her local LGBT community — she regularly attends LGBT events, walks proudly in the Pride March with all her friends and family and is out to everyone she knows. She never hides when kissing her girlfriend in public. Like many people her age, she sometimes goes out on a Saturday night with her girlfriend and other friends to bars and clubs. That particular Saturday she decided to go out clubbing in a very popular club where she had been several times before. It was not an LGBT bar, but many of her LGBT friends were regular customers there. Paula and her girlfriend arrived holding hands, met their friends in the club and everything seemed like they were all going to have a good time. Paula and her girlfriend danced together and kissed many times. Later in the night, a man of about her age approached Paula and wanted to flirt with her. As he was too vulgar, Paula was not too polite in her rejection. She did not see the man again, until early morning, as she was leaving the club with her girlfriend. He was waiting for Paula with two of his friends in the parking place near the club. His friends separated Paula and her girlfriend, as the man started humiliating and threatening with all kinds of sexist and homophobic insults. Soon punches followed. The man hit her several times and soon she was on the ground. Her girlfriend witnessed all of it and was screaming constantly. Soon after Paula fell on the ground, one of their friends, Sara, who was in the club with them, noticed what was happening. Sara, who has seen homophobic violence several times before, warned the perpetrators to stop the violence against Paula and her girlfriend, but the man who was attacking Paula started insulting Sara as well. The violence escalated, Sara was able to defend herself and the perpetrator's friends intervened and decided to take him away. Luckily, now there were other people around and someone has already called the police and the ambulance. Both the police and ambulance arrived very shortly. Paula was still on the ground, shocked, bruised and with a haematoma on her forehead. She felt helpless and angry at

the same time, but at this moment there was nothing she could do. Her girlfriend was also traumatized. They were both crying. Their friend Sara was in the least state of shock. She reacted differently to the trauma and was trying to talk to all the other people around. When the police came they asked what happened. All the witnesses clearly stated that Paula and her girlfriend are a lesbian couple who were verbally harassed and humiliated by an unknown man on the grounds of their sexual orientation before he physically and verbally attacked Paula. After the attack Sara was the first one who reached out to charities and helped the investigation by staying in touch with all the witnesses. Paula and her girlfriend at first only wanted medical assistance and refused contact with anyone. Only a week later were they willing to cooperate and asked charities for practical and emotional support.

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Experiencing a traumatic event can cause physical, emotional, or psychological harm, regardless if bodily injuries occurred during the attack. In more serious situations, an acute stress disorder can be developed. Even though victims' reactions to traumatic experiences are individual and therefore can be different, they can be grouped into several categories. Most of the victims' reactions are combinations of these categories:

Emotional reactions – fear, shame, anxiety, helplessness, insecurity, sadness, depression, a feeling of losing control, panic attacks, feeling guilty, distrust in other people, oversensitivity, constant changes of mood, and other intense emotional reactions

Physical reactions – dizziness, body tremors, muscle tensions, psychomotor disturbances, sweating (particularly palms), headaches, high sensitivity to light exposure, feeling cold in lower body (particularly in feet), heart palpitations, high blood pressure, low blood sugar, digestive problems, hyperarousal, difficulty speaking, difficulty breathing, various stages of shock

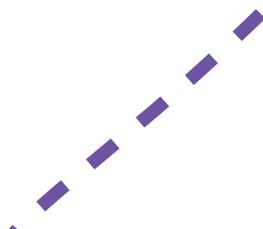
Behavioral reactions – reticence: refusing communication, isolation, crying, aggression, verbal outbursts, impatience, drug or alcohol abuse, self-harm, suicide attempt

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Cognitive reactions – disorientation, confusion, difficulty with concentration, difficulty speaking, forgetfulness, distraction³



3 Source of classification: Hamer Vidmar, Nikica 2016. „The Treatment of Victims of Hate Crime Against LGBTIQ Persons.“ Presented at the Training for the Students of the Police Academy, May 23, Zagreb, Croatia



While working with hate crime victims, bear in mind that:

While working with hate-crime victim(s) of violence and discrimination, please have in mind that:

- the victim may not be able to recall any or enough information about event;
- the victim may not be able to give a detailed and precise statement;
- the victim's statements may be a detailed and precise description of certain parts of the event, but very vague or contradictory in other (e.g. victim may recall in detail the description of the attacker, but not know what happened after the attack);
- the victim may be focused on details irrelevant for the criminal procedure;
- the victim may seem confused and distracted;
- the victim may deny being involved in a hate crime;
- the victim may have been sexually assaulted, but only talk about the physical aspect of the attack;
- the victim may have problems understanding questions;
- the victim may appear confused when talking;
- some victims may be targeted on multiple grounds (e.g. gender, religion, ethnicity, disability or refugee status) – make sure all grounds are recognized;
- the victim may have some health problems due to stress while testifying (e.g. having seizures, violent outburst or extreme anxiety that may lead to a panic attack);
- the victim may seem unfocused and/or lose concentration during a conversation;
- the victim may experience flashbacks of the attack during a conversation;
- the victim may seem emotionless or like they don't care about what has happened;
- the victim may have trouble speaking;
- the victim may describe the experienced violence in a way that might suggest it happened to another person (e.g. speaking in third person);
- the victim may seem hostile and not trustful;
- the victim may be under medication, substance abuse or alcohol.



Supporting LGBT victims of hate crime

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All victims of hate crime are entitled to confidential support services (Victim's Rights Directive, Article 8). These services include: providing information about the criminal procedure, providing advice, emotional and psychological support, and if needed, practical or specialist support to help them cope with the aftermath of a crime, as well as upcoming or ongoing criminal proceedings.

LGBT charities such as Galop can provide advice, emotional support, and direct assistance to victims to help them cope and recover from their experience of hate crime. They can help support victims through reporting, investigation, and court proceedings where necessary. They can also help with the non-criminal justice impacts of hate crime (social, emotional, financial, housing, and practical). They also monitor and document crimes against LGBT people to tackle under-reporting.

The basic support for all hate crime victims, as prescribed by the Victim's Rights Directive, includes:

Emotional support – listening, providing empathy, and showing affection;

Informational support – providing basic information, guidance, or advice regarding their rights and available support services;

Instrumental support – providing material resources according to the victim's needs;

Companionship – helping the victim regain control of their life. This includes engaging the victim in activities with those who provide support.

This basic support should be available from the earliest possible moment – after a crime has been committed – regardless if the crime has been reported to law enforcement or not – and last for an appropriate period after the final verdict has been brought, depending on the victim's individual needs. The victim should also receive support at the moment when the perpetrator is being released from both detention and incarceration.

Victims who have suffered serious harm or are particularly vulnerable can require additional support services due to their specific needs. Particularly vulnerable LGBT groups are those LGBT hate crime victims who could be exposed to repeated violence and should always be provided with specialized support:

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- those who have been systematically abused and threatened by the same person
- victims of long-term psychological abuse
- those who have been a hate crime victim before
- those who personally know their perpetrators
- victims of hate motivated domestic violence
- victims of hate motivated sexual assault and/or rape
- minors
- those LGBT people with intersectional identity needs (race, faith, disability, refugee status, sex workers, etc.)

This specialized support should always be based on the victims' individual needs and severity of the crime. The main role of a specialist support is to overcome or prevent trauma or other forms of long-term harm resulting from the crime.

Have in mind that interviews with victims of sexual violence are very delicate and the victim should be free to make a decision about the interview's gender. Victims of sexual violence, victims of human trafficking and minors have also the right to be questioned by video call.



Specificities of working with victims of homophobic and transphobic hate crime

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- Do not presume that every LGBT person is open to everyone about their sexuality or gender identity. Make sure that the victims feel comfortable and secure and that they can confide in you.
- Be aware that official documents do not always reflect the true gender identity of a person. Some trans peoples identity documents (e.g. passport or driving license) may list their name and sex as different to their preferred name or gender. Be an active listener and use the same gender pronouns as the person you are talking to.
- Be aware that not every LGBT person identifies with words or terms you are familiar with. If you are unsure how the person identifies in terms of gender or sexuality, it is appropriate to ask in a professional and respectful manner: “How do you identify regarding your gender or sexuality?”.
- If you don’t understand something regarding a person’s identity it is best to ask in a professional and respectful manner. If you make a mistake, as soon as it becomes obvious or pointed out, simply apologize.
- Protecting personal privacy is extremely important when working with LGBT people. Disclosing some personal information might have a huge impact on the person’s life. Be sure to do everything to protect the victim’s privacy and always reassure them about it.

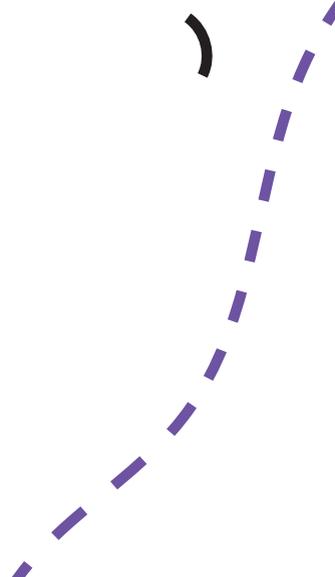


Contact list

Early engagement with LGBT services is essential to reduce fear, mistrust and misunderstandings between victims and authorities. In order to overcome these obstacles, cooperation between police, prosecutors and specialist victim services on the one hand and on the other have proven to be beneficiary for both the victim and law enforcement. This cooperation includes exchange of information on best practices, awareness-raising campaigns to combat under-reporting, research, education and training.

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What follows is the list of charities that provide assistance to victims of hate crime. We strongly advise that victims be provided information on free and accessible support.



Non profit organizations

Galop

LGBT hate crime reporting, support, assistance and specialist advocacy

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020 7704 2040

advice@galop.org.uk

www.galop.org.uk

Community Security Trust

Anti-Semitic hate crime reporting, support and assistance

020 8457 9999

incidents@cst.org.uk

www.cst.org.uk

Tell MAMA

Anti-Muslim hate crime reporting, support and assistance

0800 456 1226

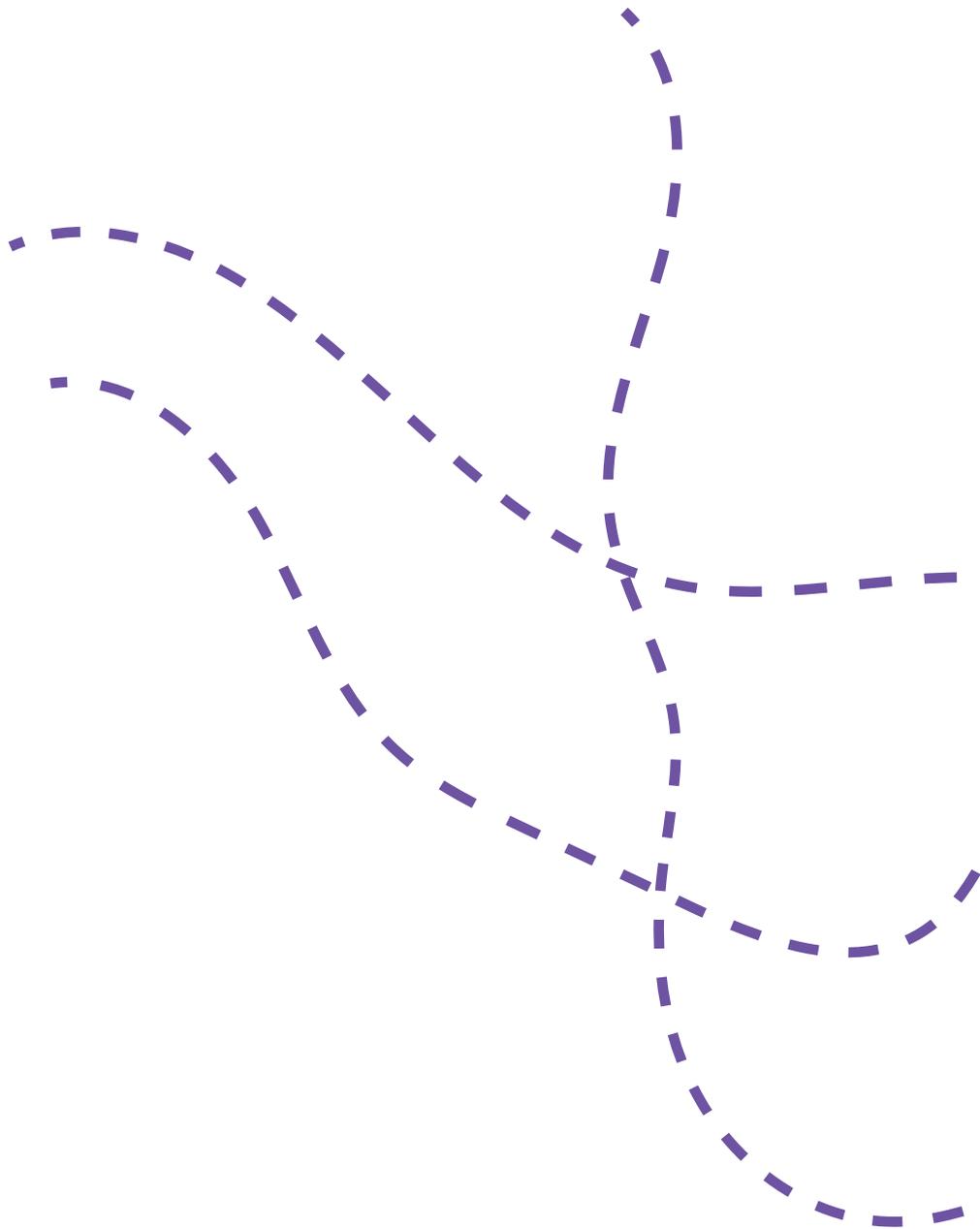
www.tellmamauk.org

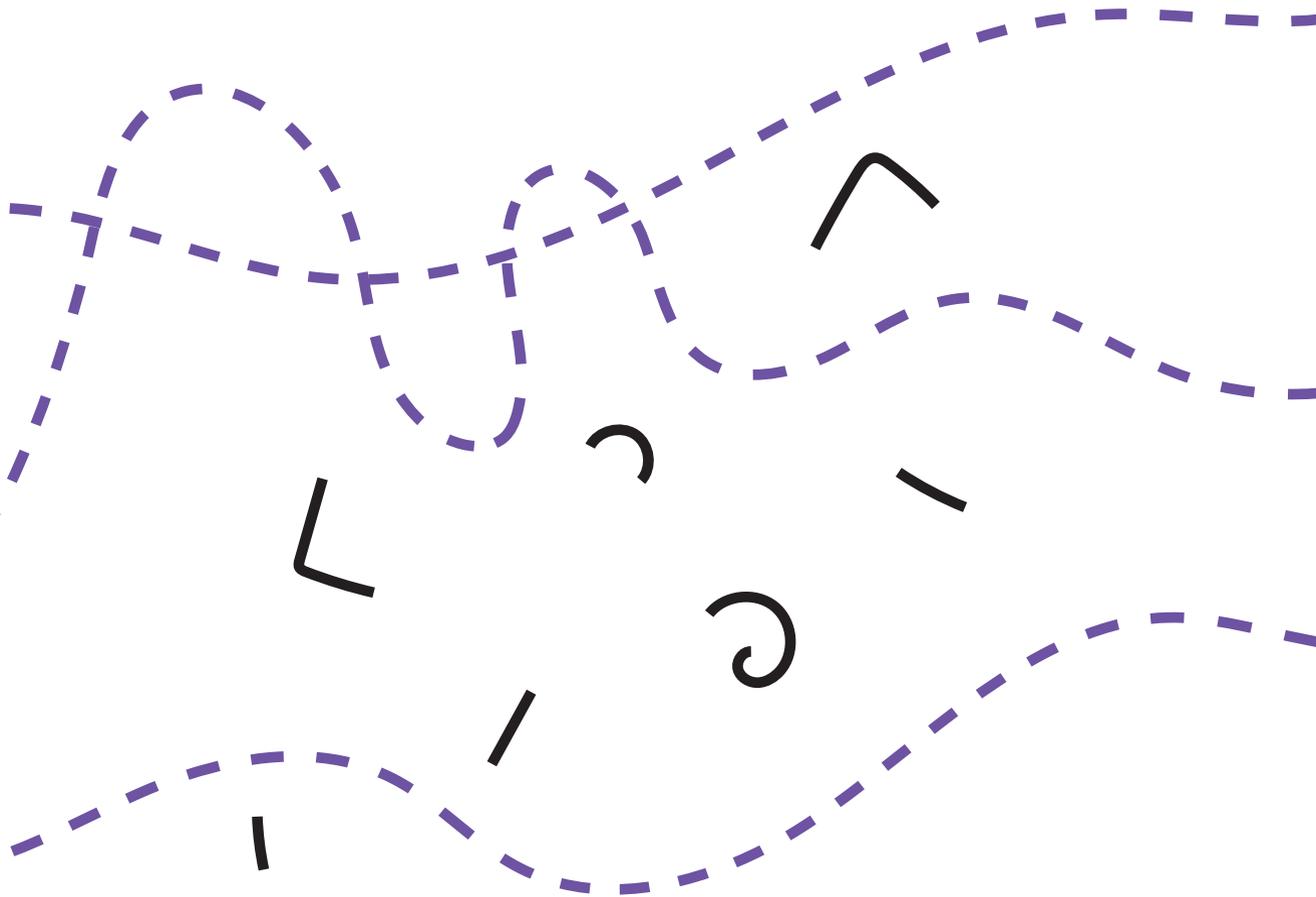
Victim Support

Emotional support service for victims of crime

08 08 16 89 111

www.victimsupport.org.uk







This handbook was developed by the team of the Come Forward project with the aim of providing people working with victims of hate crimes a practical tool on how to accommodate the specific needs of LGBT victims. It provides professionals working with victims and witnesses in institutions and organizations where people can report crimes and receive support (police, prosecutors, non-governmental organizations etc.) with simple and relevant information needed to better understand transphobic and homophobic violence, the experiences and perspectives of the victims, and how to ensure maximal support and safety for the victims. It also includes specific and practical guidelines and tips on how to work and communicate with LGBT victims taking into consideration their specific needs and vulnerability.



ISBN: