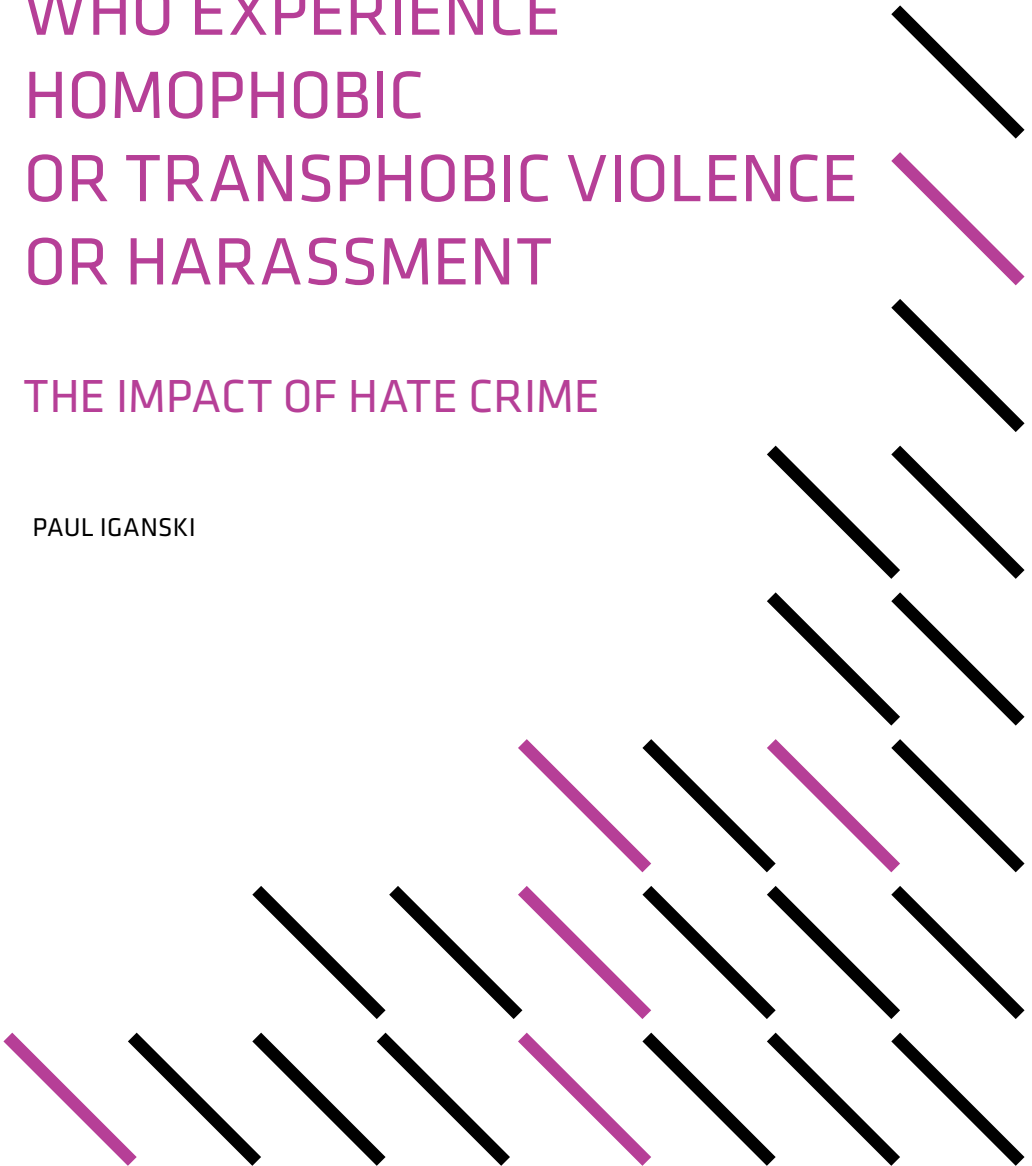


H A T E N O M O R E

UNDERSTANDING  
THE NEEDS OF PERSONS  
WHO EXPERIENCE  
HOMOPHOBIC  
OR TRANSPHOBIC VIOLENCE  
OR HARASSMENT

THE IMPACT OF HATE CRIME

PAUL IGANSKI



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UNDERSTANDING THE NEEDS OF PERSONS WHO EXPERIENCE HOMOPHOBIC OR TRANSPHOBIC  
VIOLENCE OR HARASSMENT: THE IMPACT OF HATE CRIME

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# THE NEEDS OF PERSONS WHO EXPERIENCE HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT

## Background

In 2015 the *Hate No More* campaign commissioned a study of homophobic and transphobic violence and harassment in five countries: Croatia, Hungary, Latvia, Lithuania, and Poland. Past research by the European Union Agency for Fundamental Rights had shown that compared to the EU average LGBTQI (lesbian, gay, bisexual, transgender, queer and intersex) persons in these EU Member States appeared to face a greater risk of hate violence – physical or verbal assault or harassment due to their LGBTQI identity.<sup>1</sup> The campaign involved a partnership of NGOs from each of the five countries,<sup>2</sup> led by the Polish NGO Campaign Against Homophobia, and was financed by the Fundamental Rights and Citizenship programme of the European Commission. The study was prepared and conducted by the Center for Research on Prejudice at the University of Warsaw.<sup>3</sup>

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1 European Union Agency for Fundamental Rights (2014) EU LGBT survey. European Union lesbian, gay, bisexual and transgender survey. Main results, Vienna: European Union Agency for Fundamental Rights. [http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results\\_tk3113640enc\\_1.pdf](http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf), Figure 36, page 60.

2 Zagreb Pride (Croatia), Háttér Társaság (Hungary), MOZAĪKA (Latvia), LGL(Lithuania) and Campaign Against Homophobia (Poland).

3 <http://cbu.psychologia.pl/en/intro/>



The study consisted of two parts: (1) an online survey of a self-selected sample of 1818 LGBTQI respondents aged 18 years and above across the five countries combined who completed a survey questionnaire, and (2) semi-structured face-to-face interviews with fifty individuals who had experienced homophobic or transphobic violence or harassment in the preceding five years and had made a report to the police. Thirty of the interviews were conducted in Poland with the rest divided evenly between Croatia, Hungary, Latvia and Lithuania. The full reports of the study can be read on the *Hate No More* project website at: [hatenomore.net/](http://hatenomore.net/)

This report draws out key findings from the study concerning the needs of persons who experience homophobic and transphobic violence and harassment, and the extent to which those needs were addressed by the criminal justice systems in the five countries combined.

The report provides a rapidly accessible source of reference for activists, policy-specialists, journalists, criminal justice practitioners and professionals, politicians, educators and students.

## Structure of the report

This report is presented in two parts:

**PART 1:** provides key findings about the prevalence, location, perpetrators, and the impact of homophobic and transphobic violence and harassment reported by the survey respondents to set the context for the discussion of the needs of those who experience such violence and harassment.

**PART 2:** explains the needs of persons who experience homophobic and transphobic violence and harassment and provides key findings about the criminal justice system response to such violence and harassment across the five countries combined. An evaluation is provided of the extent to which victims' needs were satisfied.

Based on the evaluation of the extent to which victims' needs were addressed by the criminal justice system, the report highlights a number of failings of the police in responding to the needs of victims of homophobic and transphobic violence and harassment and indications of victims' dissatisfaction with the prosecution services and the courts – as evidenced by the *Hate No More* study. These

failings present a potential deterrent to reporting incidents to the police and for those who do get involved with the criminal justice system there is a strong likelihood of secondary victimization.

#### METHODOLOGICAL NOTE

The research participants in both parts of the study represent a self-selected sample – not a random sample – who responded to calls to participate in the research. The use of a study design with calls for participation in the research is one approach adopted when it is not feasible to achieve a random sample of the target population – such as LGBTQI persons – as there is no information available to enable the selection of a representative sample of participants.

A random sample is necessary for the generalization of research findings beyond the research participants to the wider target population. Therefore, due to the non-random nature of the sample, the research findings presented in this report cannot be generalized to all LGBTQI persons. Furthermore the research findings from the sample of participants are potentially biased to over-estimate the prevalence of homophobic and transphobic violence and harassment due to the nature of the call for participation.

Nevertheless, despite these limitations to the study, the report presents the findings about the views and experiences of a substantial number of LGBTQI persons: the 1818 survey participants along with the 50 interview participants concerning homophobic and transphobic violence and harassment. Such views and experiences are instructive for illuminating how well the criminal justice system responds to the needs of persons who experience homophobic or transphobic violence or harassment, and highlighting areas where improvement is needed.

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4 European Union Agency for Fundamental Rights, EU LGBT Survey. Technical Report, pages 6-9, [https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf), retrieved October 2016.

## SUMMARY FINDINGS

- Almost one third (30.4%) of the 1818 survey respondents in the five countries combined experienced hate-motivated violence or harassment in the preceding five years;
- Hate-motivated harassment was experienced more often than hate-motivated violence. The average number of experiences of harassment was 3.6 and an average of just over 1 (1.06) for hate-motivated violence.
- Nearly half (45.2%) of transgender respondents reported suffering from hate-motivated violence or harassment in the preceding five years.
- The majority of the most serious incidents involved threats of violence and other forms of verbal aggression.
- Physical attack accounted for just under one-third (28.9%) of the incidents respondents felt were the most serious.
- One-third (33.8%) of the incidents of hate-motivated violence and harassment occurred in public places such as streets, public squares or parking lots.
- Other common locations included school, college or university, at home, or while travelling on public transport.

Survey respondents who had experienced homophobic or transphobic violence and harassment in the preceding five years reported greater post-victimization impact on four of eight measures used by the *Hate No More* survey – lower levels of personal control and generalized trust in others, a worse state of health, and feeling less secure in their neighbourhoods – compared with those who had not experienced homophobic or transphobic violence in the preceding five years.

Only a small minority – approximately 1-in-7, or 13.5% – of survey respondents across the five countries combined who had experienced homophobic or transphobic violence or harassment in the preceding five years reported at least one incident to the police.

The research identifies a number of key needs of victims of homophobic or transphobic violence or harassment: i) the need for security; ii) the need for support; iii) the need for information; iv) the need for respect; iv) the need for confidentiality; vi) the need for justice, and; vii) the need for belonging.

Appreciating those needs is vital to understanding and informing appropriate responses to those who experience hate motivated violence and harassment.

A number of failures in policing homophobic and transphobic violence and harassment were illuminated by the study. They included:

- Failure to arrive at the crime scene;
- Discouragement by the police in making a report;
- Trivializing victims' experience;
- Lack of understanding by police officers about homophobia and transphobia;
- Negative attitudes from police officers towards sexual orientation and sexual identity, and;
- Police not acting when witnessing harassment and violence.

Only ten of the thirty-eight survey respondents who reported homophobic or transphobic violence or harassment to the police had any contact with the prosecutor's office. They were evenly divided between being satisfied and dissatisfied with the service they received.

Only eleven of the thirty-eight survey respondents who reported homophobic or transphobic violence or harassment to the police had their cases referred to the courts: only six participated in any trial. Their rating of their needs satisfaction by the courts was higher than the ratings for the police and the prosecutor's office.



## PART 1:

### Experience of homophobic and transphobic violence and harassment

All survey respondents were asked about their experiences of hate-motivated violence and harassment. The objectives were to:

- Estimate the prevalence among the survey respondents of homophobic and transphobic violence and harassment;
- Identify the sociodemographic risk factors that might increase the probability of victimization, and;
- Gather information about the characteristics of perpetrators.

#### 'Headline' findings

##### PREVALENCE

- Almost one third (30.4%) of the survey respondents in the five countries combined experienced hate-motivated violence or harassment in the preceding five years;
- Hate-motivated harassment was experienced more often than hate-motivated violence.

### RISK FACTORS

- Transgender participants were 1.5 times more likely than the average to experience hate-motivated violence or harassment in the preceding five years;
- Bisexual women were more likely, compared to the average, to report experiencing a sexual attack or a threat of such attack when asked about their experience of hate-motivated violence or harassment.

### PERPETRATORS

- A majority of the most serious incidents of hate-motivated violence and harassment were committed by heterosexual males acting in groups;
- Hungarian respondents in the survey were more likely to report being attacked by extremist groups;
- Bisexual men were more likely to report attacks conducted by groups of football fans and hooligans;
- Respondents residing in rural areas and small towns were more likely to know the perpetrator, and they were also more likely to report experiencing aggression at school or university compared to those residing in large cities.

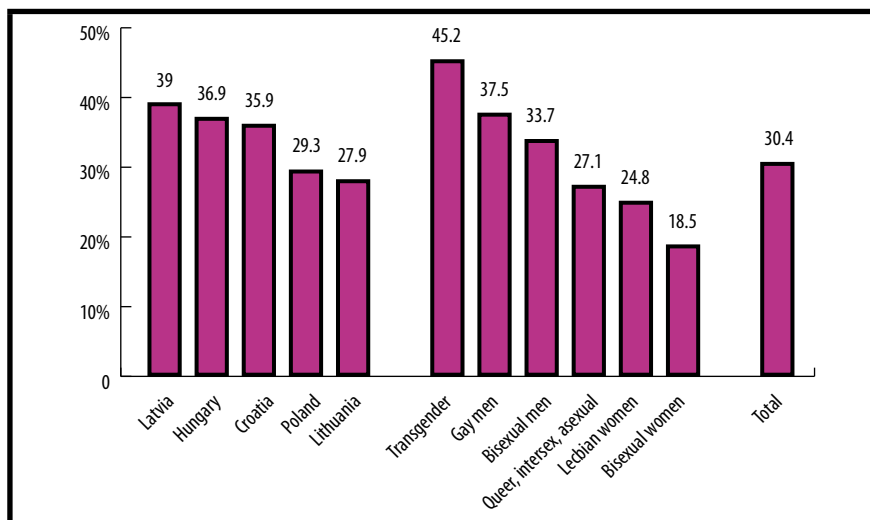
These 'headline' findings are expanded with more detail below...

### WHAT PROPORTIONS OF RESPONDENTS REPORTED EXPERIENCING HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT IN THE PRECEDING FIVE YEARS?

Across the five countries combined, almost one-third (30.4%) of the survey respondents reported that they had been personally harassed, physically or sexually attacked or threatened with violence – due to their actual or assumed sexual orientation, gender identity or gender expression – in the preceding five years.

- Transgender respondents were the most likely (45.2%) to report suffering from hate-motivated violence or harassment in the preceding five years.
- Bisexual women (18.5%) were the least likely to report experiencing hate-motivated violence or harassment.
- Older respondents were less likely than the average to report experiencing hate-motivated violence or harassment in the preceding five years.

- Subjectively wealthier respondents were also less likely than the average to report experiencing hate-motivated violence or harassment in the preceding five years.



**Figure 1.** Experience of homophobic or transphobic violence or harassment in the preceding five years: by country and LGBTQI category.

*Percentage of survey respondents who reported being personally harassed, physically or sexually attacked, or threatened with violence, due to their actual or assumed sexual orientation, gender identity or gender expression.*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 1818

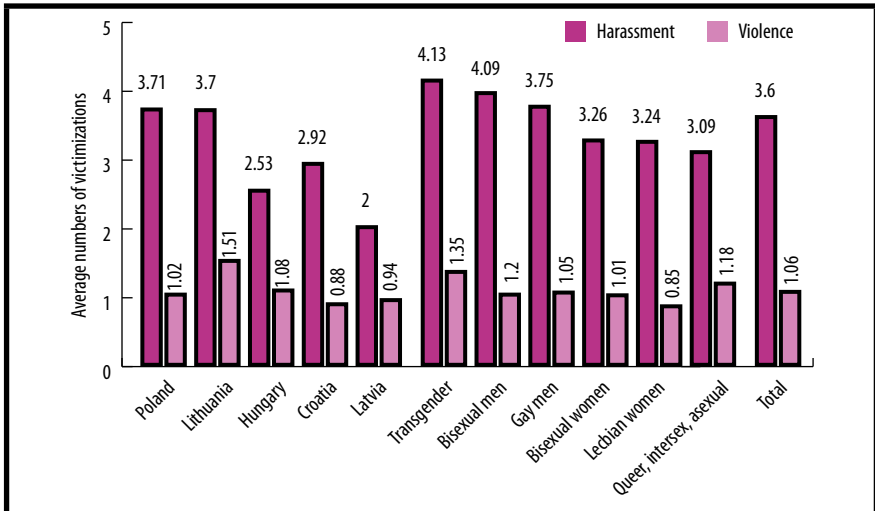
## HOW FREQUENTLY WAS HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT EXPERIENCED IN THE PRECEDING FIVE YEARS?

For the 557 survey respondents who reported at least one experience of homophobic or transphobic violence or harassment in the preceding five years:

- The average number of experiences of harassment was 3.6 and an average of just over 1 (1.06) for hate-motivated violence.
- Transgender persons experienced hate-motivated harassment and violence the most frequently compared with other LGBTQI subgroups.
- Lesbian and bisexual women reported physical violence less frequently compared with other LGBTQI subgroups.



- Latvian respondents experienced hate-motivated harassment and violence the least frequently and the Polish and Lithuanian respondents the most frequently.



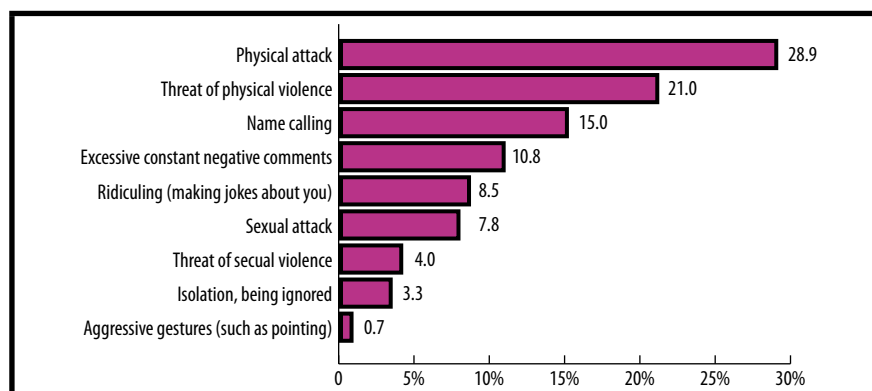
**Figure 2.** Frequency of homophobic or transphobic violence or harassment in the preceding five years: by country and LGBTQI category.  
*Average number of victimizations for those survey respondents who reported being personally harassed, physically or sexually attacked, or threatened with violence, due to their actual or assumed sexual orientation, gender identity or gender expression.*  
 Source: Hate No More, Campaign Against Homophobia, 2015  
 Number of respondents: 557

### WHAT WERE THE MOST SERIOUS TYPES OF INCIDENTS OF HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT EXPERIENCED BY SURVEY RESPONDENTS?

Survey respondents who reported at least one experience of homophobic or transphobic violence or harassment in the preceding five years were asked to indicate the most serious type of incident they experienced:

- The majority of incidents involved threats of violence and other forms of verbal aggression.
- Physical attack accounted for just under one-third (28.9%) of the incidents respondents felt were the most serious.

- Bisexual women respondents were the most likely to mention a sexual attack, or a threat of it, as the most serious incident of hate crime: they were least likely to mention physical violence or a threat of it as the most serious case.



**Figure 3.** Most serious types of incidents of homophobic or transphobic violence or harassment experienced by survey respondents in the preceding five years.

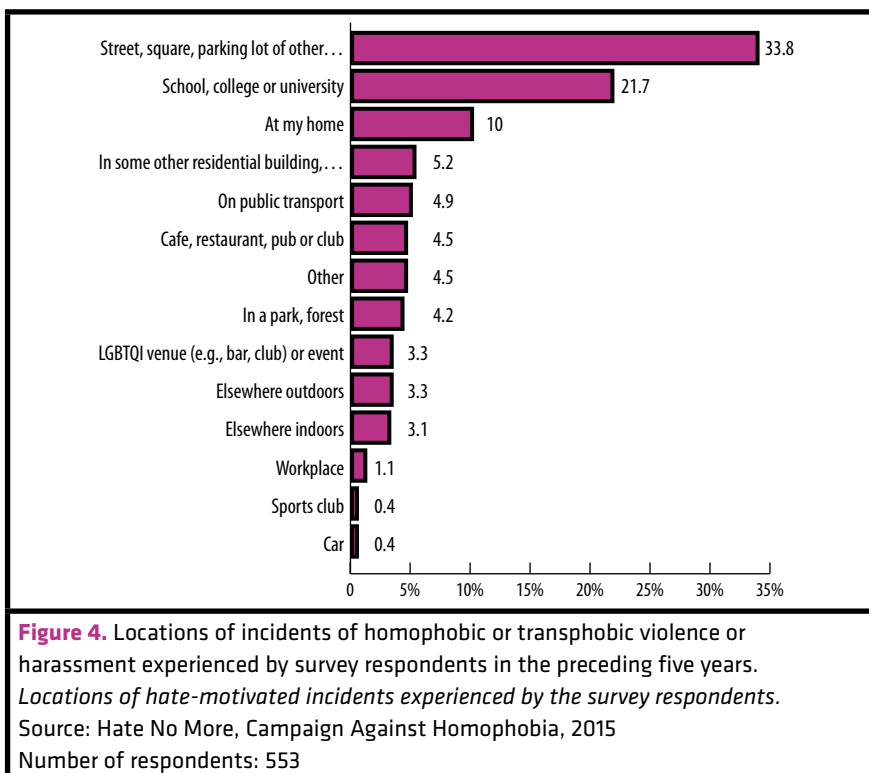
*Most serious type of hate-motivated incident experienced by the survey respondents.*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 553

## WHERE DID INCIDENTS OF HATE-MOTIVATED VIOLENCE AND HARASSMENT OCCUR?

- One-third (33.8%) of the incidents of hate-motivated violence and harassment occurred in public places such as streets, public squares or parking lots.
- Other common locations included school, college or university (which accounted for just over one-fifth of incidents), at home, or while travelling on public transport.
- Older respondents were at a higher risk of experiencing hate crime in public space.

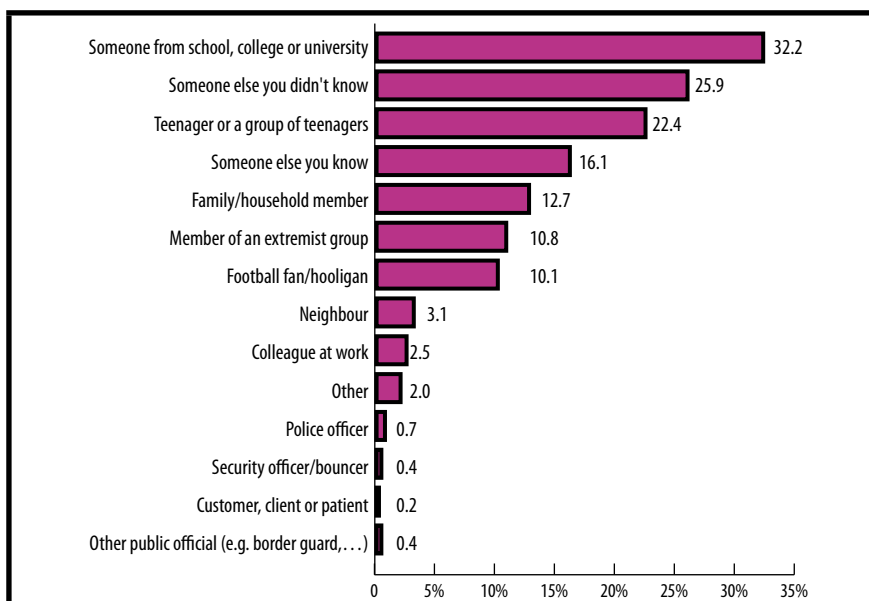


## WHO WERE THE PERPETRATORS OF HOMOPHOBIC AND TRANSPHOBIC VIOLENCE AND HARASSMENT?

Survey respondents who reported experiencing homophobic or transphobic violence or harassment in the preceding five years were asked who they thought the perpetrators were in the most serious incidents they experienced. The results show that the majority of offenders are very ordinary people and not members of violent extremist groups:

- A majority (70.9%) of the perpetrators were male.
- The great majority (88.3%) of perpetrators were thought to be heterosexual.
- A majority (65%) of incidents were committed by groups of aggressors – apart from in Latvia where the great majority (88.2%) of incidents reported in the survey involved a single offender.
- Bisexual men were the most likely to recall incidents committed by groups of aggressors (85.7%) and attacks perpetrated by football fans or hooligans.
- Persons attending the same school, college or university accounted for almost one-third (32.2%) of the most serious incidents.

- One eighth (12.7%) of the most serious incidents of hate-motivated violence or harassment could be classified as ‘domestic’ or intimate partner violence given that they were committed by family members or other members of the household.
- Incidents where police officers or other public figures were perpetrators were rare.
- Respondents from Hungary were the most likely to report being attacked by a member of an extremist group.



**Figure 5.** Perpetrators of homophobic or transphobic violence or harassment experienced by survey respondents in the preceding five years.  
*Perpetrators of hate-motivated incidents experienced by the survey respondents.*  
 Source: Hate No More, Campaign Against Homophobia, 2015  
 Number of respondents: 553

## Impact of homophobic and transphobic violence and harassment

In addition to any physical injuries or immediate emotional shock that might be inflicted by hate-motivated violence and harassment many persons suffer some post-victimization socio-emotional and psychological impact. While this is also

the case for victims of other forms of violence, a well-established body of research comparing crime survey evidence for hate crime victims as a group with victims of otherwise-motivated crimes shows that the impact of hate-motivated violence and harassment can potentially be greater when socio-emotional and psychological injuries are considered.<sup>5</sup>

The greater impact is not felt by every single victim of hate-motivated violence and harassment – because crime victimization affects different people in different ways.<sup>6</sup> However, **on average** it is clear that hate crime hurts more when the post-victimization socio-emotional and psychological impacts are measured.

Specifically, victims of hate crime as a group are **more likely** to report:

- Significant problems with their job or school work following victimization;
- Significant problems with family members or friends – including getting into more arguments or fights than before, not feeling that they could trust them as much, or not feeling as close to them as before;
- Suffering protracted and higher levels of depression and withdrawal; anxiety and nervousness; loss of confidence; anger; increased sleep difficulties; difficulty concentrating; and fear and reduced feelings of safety;
- Protracted psychosomatic symptoms – such as headaches, trouble sleeping, changes in eating or drinking habits, stomach upset, fatigue, high blood pressure, and muscle tension or back pains.

Understanding about the post-victimization impact of hate-motivated violence and **harassment** is important for appreciating the contexts of the needs of hate crime victims. Usefully, therefore, the *Hate No More* survey extends the evidence-base with additional measures of post-victimization impact not generally covered in the research evidence to date on the socio-emotional and psychological impact of hate crime.

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5 See for example: Herek, G. M., Gillis, J. R., & Cogan, J. C. (1999), 'Psychological sequelae of hate crime victimization among lesbian, gay, and bisexual adults', *Journal of Consulting & Clinical Psychology*, 67: 945 – 951; McDevitt, J., Balboni, J., Garcia, L., and Gu, J. (2001), 'Consequences for Victims: A Comparison of Bias and Non-Bias Motivated Assaults', *American Behavioral Scientist*, 45/4: 697 – 713.

6 See for example: Iganski, P., and Lagou, S. (2015), 'Hate Crimes Hurt Some More than Others: Implications for the Just Sentencing of Offenders', *Journal of Interpersonal Violence*, 30/10: 1696 – 1718; Meyer, D. (2010), 'Evaluating the Severity of Hate-Motivated Violence: Intersectional Differences among LGBT Hate Crime Victims', *Sociology*, 44/5: 980--995.

## THE IMPACT OF HOMOPHOBIC AND TRANSPHOBIC VIOLENCE AND HARASSMENT: MEASURES USED BY THE *HATE NO MORE* SURVEY

All respondents in the survey were asked a number of questions about their psychological, social and physical wellbeing.

- **'Outness'**: Respondents were asked 7 questions about 'outness': the disclosure of their sexual orientation, gender identity or gender expression to friends, colleagues or schoolmates, family members, and where relevant neighbours, medical staff, immediate superiors and customers.
- **Personal control**: A rating of how much freedom of choice and control respondents felt they had over the way their lives had turned out.
- **Health state**: A rating of their current health state.
- **Perceived safety**: A rating of how secure respondents felt in their neighbourhood.
- **Generalised trust in others**: Respondents were asked to Agree, Disagree, or Neither agree nor disagree with three statements concerning generalised trust – a form of trust that goes beyond networks of friends or relatives to the wider community: 'Most people are basically honest'; 'Most people are basically trustworthy', and; 'Most people are basically good natured and kind'.
- **Life satisfaction**: A rating of how satisfied respondents are with their 'life as a whole these days'.
- **Internalised homophobia**: A five-question measure of self-directed prejudice concerning agreement with negative societal attitudes toward homosexuality – shown by previous studies to be positively associated with depressive symptoms or anxiety.
- **Relative deprivation**: A measure of the extent to which a person perceives their situation as undeservedly worse in comparison to other LGBTQI persons (or their 'in-group') and in comparison to heterosexual persons (or their 'out-group').

*Comparison of the wellbeing of survey respondents who reported experiencing homophobic or transphobic violence or harassment in the preceding five years with the wellbeing of those who weren't victims provides an indication of the impact of victimization.*

## Impact of homophobic and transphobic violence and harassment on personal wellbeing

Survey respondents who had experienced homophobic or transphobic violence and harassment in the preceding five years reported slightly greater post-victimization impact on four of the eight measures used by the *Hate No More* survey. They reported lower levels of personal control and generalized trust in others, a worse state of health, and feeling less secure in their neighbourhoods, compared with those who had not experienced homophobic or transphobic violence in the preceding five years. However, experiencing homophobic or transphobic violence or harassment in the preceding five years was not associated with lower levels of 'outness', lower life satisfaction, or greater internalized homophobia.

A one key reason why victims of homophobic or transphobic violence or harassment are more likely on average to report on some of these measures a lower state of well-being than LGBTQI persons who had not experienced such violence or harassment is that the victims can perceive the attack as painfully striking at the core of their identity. The same is the case for some victims of hate crime in general. Some see hate crimes as 'message crimes': sending a message to the victim that they are devalued, unwelcome, denigrated, despised. Furthermore, as victims of hate violence are attacked because of their social identity, such crimes are not personal, and because of this they also convey the potential for further victimization and therefore have an intimidatory impact.<sup>7</sup>

It is notable that some respondents – among well-educated inhabitants of large cities, who were relatively open about their sexual orientation, gender identity or gender expression – reacted to hate-motivated aggression in a constructive way. Their experience increased intentions to engage in collective action aimed to improve the position of LGBTQI participants in the country concerned.

### WHAT WAS THE IMPACT OF REPEATED EXPERIENCES OF HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT?

The more incidents of homophobic or transphobic violence respondents reported in the survey...

- The lower was their sense of security in their neighbourhood, and;

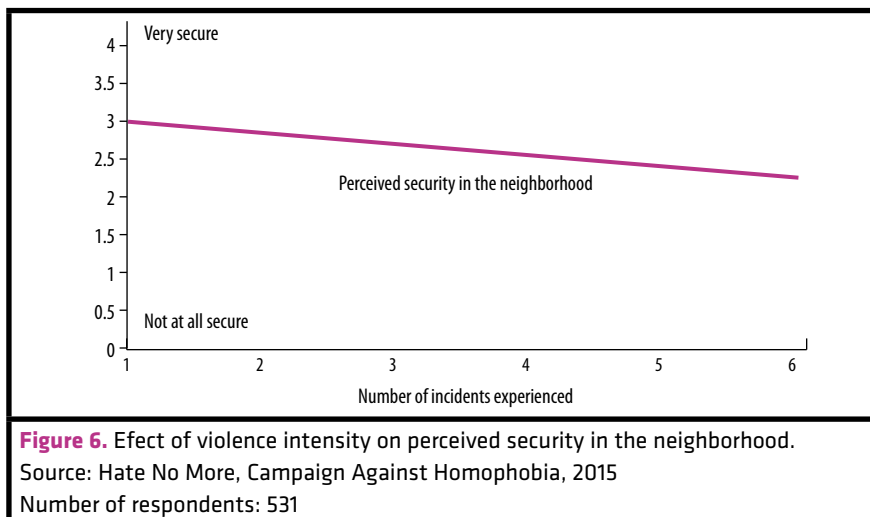
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7 Kees, S.J., Iganski, P., Kuche, R., Świder, M. And Chahal, K. (2016) Hate Crime Victim Support in Europe. A Practical Guide, Dresden: RAA Saxon, pages 20-21.

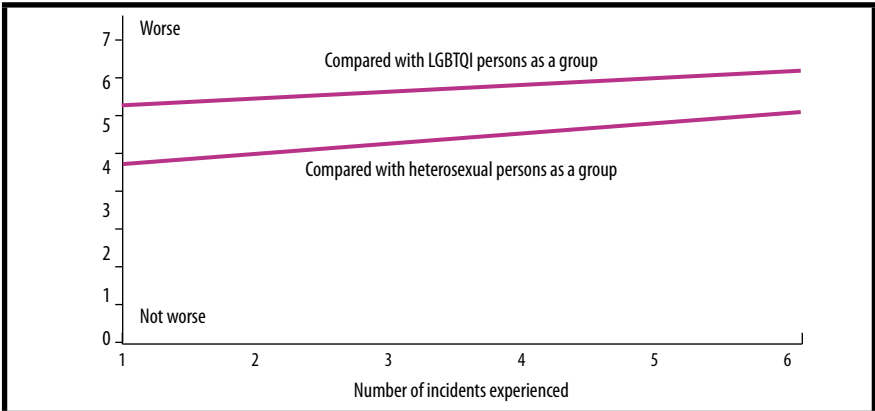
- The more likely they were to feel a sense of relative deprivation: that their situation was worse in comparison to conditions enjoyed by their heterosexual friends and by other LGBTQI individuals as a whole.

The more incidents of homophobic or transphobic harassment respondents reported in the survey...

- The lower was their sense of security in their neighbourhood and;
- The worse was their subjective assessment of their state of health;
- The less trustful they said they were of others in general, and;
- The more likely they were to feel that their situation was worse in comparison to conditions enjoyed by their heterosexual friends and by other LGBTQI individuals as a whole.







**Figure 7.** Effect of violence intensity on sense of relative deprivation.  
 Source: Hate No More, Campaign Against Homophobia, 2015  
 Number of respondents: 535

## PART 2:

### The needs of persons who experience homophobic and transphobic violence and harassment

Given the potential impact of hate violence upon victims, persons who experience homophobic or transphobic violence or harassment can have a range of needs. Appreciating those needs is vital to understanding and informing appropriate responses to victims. In the face-to-face interviews for the *Hate No More* study, some of the victims of homophobic and transphobic violence and harassment reflected upon their particular needs. Seven needs were articulated in the research ranging from the most fundamental need for physical safety to more complex psychological needs:

- the need for security;
- the need for support;
- the need for information;
- the need for respect;
- the need for confidentiality;
- the need for justice, and;
- the need for belonging.

It is instructive to briefly discuss these needs in a little more detail to set the context for an evaluation of how well the police and criminal justice system met the needs of the research participants who reported homophobic or transphobic violence or harassment to the police.

## Need for security

The need for security is greatest during and immediately after an incident – whether it be a physical or verbal attack. The person is likely to be in a state of shock. They may be disorientated. They are likely to feel vulnerable. They may feel a profound sense of danger. In these first moments the reaction of those around them can be vital for reducing the mental impact of the victimization. Even minor remarks of recognition of their experience and its impact, and the offer of support – emotional and practical – will be valuable. For instance, offering reassurance, in a calm way, that the police will take measures to protect them, can significantly increase their sense of security. Such a sense of security also includes what might be referred to as ‘symbolic safety’: the feeling that others are on their side, that the police and the criminal justice system will protect and support them, and that they will not be hostile or indifferent towards them. Such a sense of safety, especially in the first moments after the attack, is often crucial for the wellbeing of the victim.

## Need for support

Victims may need immediate support such as medical treatment, repairs to damaged property, and ‘target hardening’ by increased security measures around the home and other sites of attack because of the potential for repeat victimization. And beyond any immediate need for support, ongoing skilled support can be fundamental to help the victim overcome the multiple impacts of hate violence. The role of those providing support is to identify and help develop the victim’s own resilience and agency in managing the impact and consequences of victimization.

## Need for information

The need for information not only refers to identifying sources of support for the victim. Victims will potentially need information about their rights and what they are entitled to expect from the police and criminal justice system.

## Need for respect

Persons who experience hate crime and hate violence often fear not being believed by others – especially by the police and others involved in criminal justice. Such fears are well-grounded as it has long been recognised that in many instances the hate motivation is not acknowledged or taken seriously when hate violence is reported to the police and other authorities. The consequence for victims, therefore, is that the particular impact of hate violence is not acknowledged. There is therefore a need to respect the victim's perspective about the homophobic or transphobic nature of the crime. All the interview respondents believed that hate crimes differ from other acts of violence and abuse. Given this, if homophobia or transphobia are dismissed as being relevant to the case the police and criminal justice system in effect will aggravate the mental impact of victimization: essentially contributing to secondary victimization. Victims therefore need to be listened to – their experiences validated.

## Need for confidentiality

Young LGBTQI people can be especially sensitive about their physical and psychological safety. The young, more frequently than others, can be in conflict with their identity, as they are perhaps still discovering and exploring it. They may hide it from their family and others around them. At such a stage of identity development there is a greater vulnerability to offence and humiliation. Contact with the police can therefore potentially be especially threatening for young people. One interview respondent from Poland recalled his concerns when as a young boy, he was caught with his partner by the police for "indecentcy" and transferred to a sobering-up station. He hid his identity and was struggling with it. The police officers who delivered them to the sobering-up station reportedly said "take the faggots" and openly offended their identity. The respondent spent the night in the sobering-up station in enormous fear that the fact of his being gay would come out and bring him serious consequences consisting in being rejected by all his environment, which was extremely intolerant towards homosexuals at that time. Consequently, understanding is needed about how some victims of homophobic and transphobic violence and harassment can be rejected by family and friends when they disclose their sexual or gender identity. Maintaining privacy

and confidentiality can therefore be critical and needs to be discussed sensitively with the victim.

## Need for justice

Some interview respondents emphasized that they are citizens, they “pay the same taxes as others” and fulfill their civil obligations and therefore are entitled to equal justice. The police and the criminal justice system are essential for ensuring justice for victims of homophobic and transphobic violence and harassment.

## Need for belonging

Some interview respondents referred to an idea of social inclusion – or a sense of ‘belongingness’ (as famously termed by Maslow<sup>8</sup>) to a civil community – in which people enjoy equal fundamental rights and protection of the state, regardless of their sex, age, race, religion or sexual orientation. Indifference by the police and other authorities can have a negative impact on the sense of belongingness.

The manner in which the police approach public events organized by LGBTQI persons is also symbolically important – it sends a message stating whether or not LGBTQI people belong to the wider group of citizens. If it is positive, the behavior of the police during marches and other public events can translate into trust in the authorities and a corresponding increase in reports of homophobic and transphobic violence and harassment to the police.

## The criminal justice system response to homophobic and transphobic violence and harassment

To what extent were the needs of persons who reported homophobic and transphobic violence and harassment in the *Hate No More* study addressed by the criminal justice systems in the five countries studied? There are three key compo-

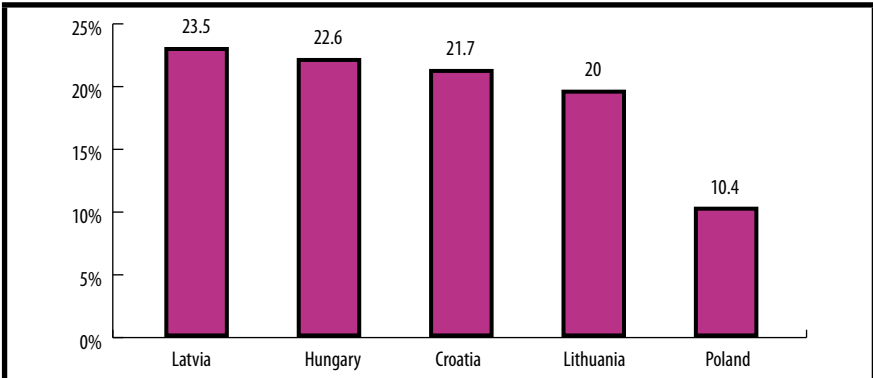
nents of the criminal justice response to crime: the police, the state prosecution office, and the courts. It is instructive to focus on each of these in turn.

## REPORTING HOMOPHOBIC AND TRANSPHOBIC VIOLENCE AND HARASSMENT TO THE POLICE

The police provide the first point of contact with the criminal justice system for most victims of crime. Respondents in the *Hate No More* survey who had experienced homophobic or transphobic violence or harassment in the preceding five years were asked if they made a report to the police. The results were revealing as only a small minority had made a report:

### REPORTING HOMOPHOBIC AND TRANSPHOBIC VIOLENCE AND HARASSMENT TO THE POLICE: 'HEADLINE' FINDINGS

- Only a small minority – approximately 1-in-7, or 13.5% – of survey respondents across the five countries combined who had experienced homophobic or transphobic violence or harassment in the preceding five years reported at least one incident to the police.
- Physical attacks were more likely to be reported than other forms of violence and harassment
- Older and less educated respondents were more likely to report at least one case of hate-motivated violence or harassment in the preceding 5 years.
- In comparison to those residing in large cities, survey respondents from rural areas and small towns were more likely to avoid reporting the most serious crime incident because of shame and embarrassment.
- Bisexual women were less likely than the average not to report the most serious hate crime incident to the police because of fear of the offender.
- Respondents from Poland were the least likely – only 1-in-10 of those who had experienced hate motivated violence or harassment – to have made a report to the police.



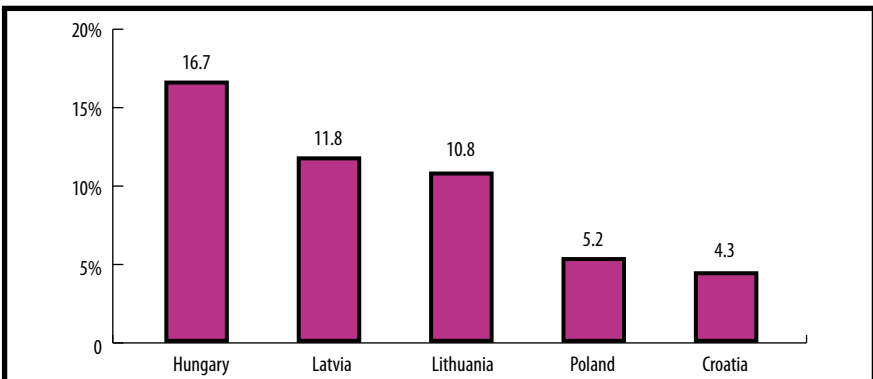
**Figure 8.** Reporting homophobic or transphobic violence or harassment to the police: by country.

*Percentage of victims by country in the last 5 years who reported at least one case of hate-motivated violence or harassment to the police.*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 557

When asked about the **most serious** incident they had experienced, only 7% of the respondents who had experienced homophobic or transphobic violence or harassment in the last 5 years reported it to the police. Hungarian respondents were the most likely, and Croatian respondents the least likely, to have made a report to the police.



**Figure 9.** Reporting the most serious incident of homophobic or transphobic violence or harassment to the police: by country.

*Percentage of victims by country who reported the most serious incident of homophobic or transphobic violence or harassment to the police within the last 5 years.*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 540

Reporting the most serious case to the police depended upon the type of violence or harassment suffered:

- Incidents involving a physical or sexual attack were the most likely to be reported.
- Very few of the cases that didn't involve actual physical violence, such as threats of violence, name calling, and excessive or constant negative comments, were reported to the police – less than 1-in-50 – and;
- None of the incidents involving threats of sexual violence, aggressive gestures such as finger pointing, and ridicule were reported to the police.

Again, the older and less educated respondents were the most likely to report the most serious case of hate crime they experienced to the police.

Some individuals reported the most serious hate crime cases to other institutions, such as LGBTQI organizations: but this accounted for only a very small proportion of victims.

## WHY WERE INCIDENTS OF HOMOPHOBIC OR TRANSPHOBIC VIOLENCE AND HARASSMENT NOT REPORTED TO THE POLICE?

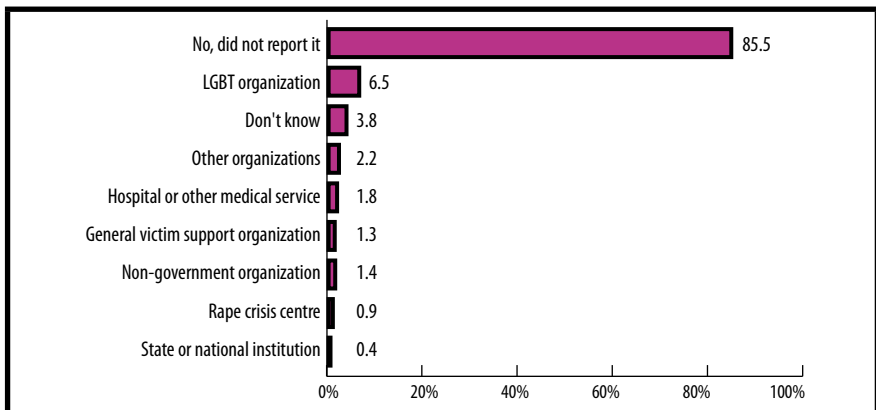
There are many reasons why victims of hate crime do not report their experience to the police:

- The belief that a criminal complaint will not bring anything positive, but instead might lead to further victimization due to retaliation by the perpetrator – especially if the perpetrator lives in the immediate neighbourhood, or is a member of a hate group or even a representative of a public authority;
- Fear and distrust of the police and frustration possibly about previous experience with official authorities;
- Fear of not being believed;
- Fear of being discriminated against or stigmatized in criminal proceedings thereby resulting in further victimization;
- A sense of resignation to attacks – they become habitual;
- A sense of feeling ashamed and not wanting to become stigmatized as a 'victim';
- Fear of discrimination, or even victimization, if they reveal their sexual identity or sexual orientation to public authorities;



- A lack of knowledge about hate crime laws, criminal proceedings and the potential positive outcomes of making a criminal complaint.

Respondents in the *Hate No More* survey who had not reported the most serious incident of hate-motivated violence or harassment to the police that they had experienced in the preceding five years were asked about their reasons for not reporting. The two most frequent explanations – from about 2-in-5 respondents – were the low severity of the incident and the belief that police officers would not do anything to arrest the perpetrator.



**Figure 10.** Reporting the most serious incident of homophobic or transphobic violence or harassment to other institutions.

*Percentages of victims who reported the most serious incident of homophobic or transphobic violence or harassment to other institutions than the police within the last 5 years.*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 553

Transgender respondents were more likely than the average to claim that the police could not do anything.

- Bisexual women were more likely than the average not to report incidents to the police because of the fear of reprisal.
- Respondents who were physically or sexually attacked were more likely to explain that shame, and the belief that the police would not and could not do anything, were their reasons for not reporting.

- Survey respondents resident in rural areas and small towns were more likely to explain that embarrassment, and the willingness to keep the event secret, were their reasons for not contacting the police.
- Poorer educated respondents were more likely to explain that they did not make a report to the police because of fear of the offender and fear of a prejudiced reaction from the police.

Some respondents expressed their conviction that reporting cases is a civil obligation for the benefit of others – although they were very few. Their intent was not only to achieve acknowledgement of their own victimization experience but also acknowledgement of the harm of such crimes for other LGBTQI people as a group. They hoped that they would help prompt better practice by the police and criminal justice system.

One interview respondent, a heterosexual Polish human rights activist said that he had been reporting to the police cases of homophobic hate speech for years. He interpreted his actions as a form of ‘organic work’, aiming to increase the awareness among the police and the justice system: “I have been doing it [reporting the hate speech] for years and I know that it is one of the ways to educate the police and prosecution authorities, to educate them how they should ensure the compliance with the law in Poland”.

### WHAT WAS THE EXPERIENCE OF THOSE WHO REPORTED HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT TO THE POLICE? TO WHAT EXTENT WERE THEIR NEEDS MET?

The face-to-face interviews for the *Hate No More* study showed that some of those who had experienced homophobic or transphobic violence or harassment were highly sensitive and alert at the time to any words – official or private comments – made by police officers, prosecutors and judges. A small comment addressed to the victim, stating, for instance, that the police will take care of it and there is nothing to be afraid of, can change their perception of the whole situation. Such comments were recalled and appreciated by the victims after some time.

Some examples of police responses increasing victims’ symbolic sense of safety included:

- Showing adequate sympathy;
- Showing acknowledgment of the harm suffered and the injustice involved;

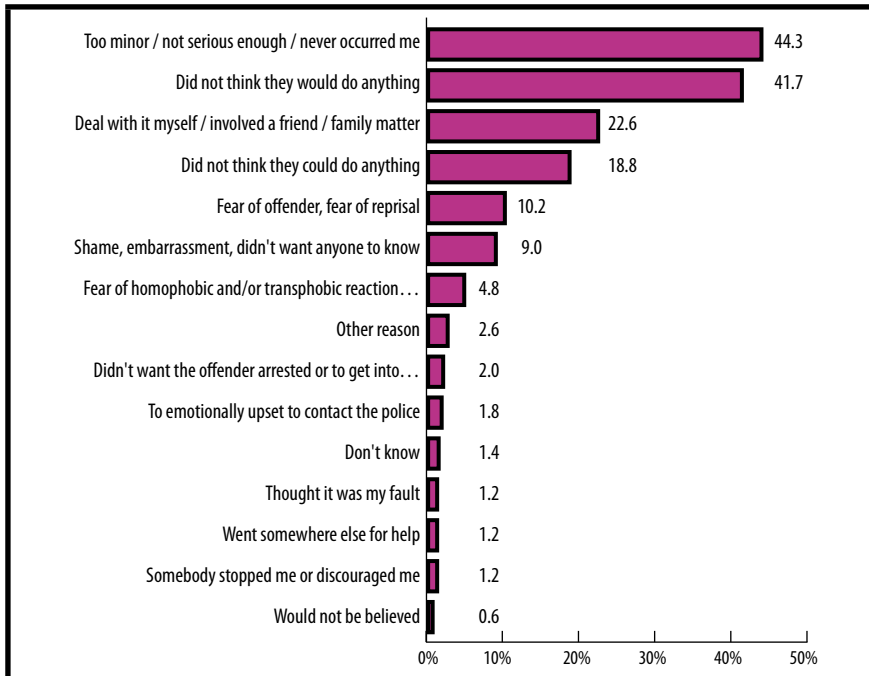
- Stating that all possible measures will be taken in order to apprehend the offenders;
- Police officers providing their personal contact details, and;
- Police officers emphasizing that the police's role is to protect citizens.

Such responses are about sending a fundamental, often non-verbal and symbolic message that “what happened to you is reproachful and unlawful” and “we are on the side of justice for those who have been wronged”. One interview respondent from Latvia appreciated such a response by a police officer at the police station:

There was also a confrontation, one of them [the offenders] who hit me was very aggressive and was also screaming at me that I am a “faggot” and that is the reason I received [the punch], but the person [the policewoman] calmed him down quickly, in a harsh voice said to him to quiet down. He listened and did so. She was really supportive. I felt that in a way she will not allow to me being bullied.

However, such positive views about the police were in the minority. Overall, most of the study's participants who reported homophobic or transphobic violence or harassment to the police were dissatisfied with the service provided: only just fewer than one-in-five of the respondents expressed satisfaction with the way the police handled their cases.

The thirty eight survey respondents in the online survey who had reported their most serious experience of homophobic or transphobic violence or harassment to the police in the preceding five years were asked to rate on a scale from 1 (low) to 7 (high) whether such needs were addressed in their contact with the police. Notably, the survey respondents' perspectives about the degree to which their needs were met were poor as the average rating for each need fell below the mid-point of the scale.



**Figure 11.** Reasons for not reporting homophobic or transphobic violence or harassment to the police.  
*Percentages of respondents providing reasons for not reporting the most serious incident of homophobic or transphobic violence to the police within the preceding 5 years (multiple response possible).*  
 Source: Hate No More, Campaign Against Homophobia, 2015  
 Number of respondents: 501

The interview respondents provided more detailed reflections about the neglect of their key needs:

### FAILURE TO ENSURE VICTIM SECURITY

Police officers went to the crime scene in only half of the most serious cases reported by survey respondents to the police. In one-third of the cases where the police went to the crime scene, it took them between half-an-hour and an hour. One interview respondent said that the police officers arrived after a very long wait and they said that if the victims, who were shocked, did not remember much, there was no chance of finding the offenders. In consequence, the incident was not reported at all and the offenders were not looked for.

## FAILURE OF SUPPORT

Over half of the victims in the most serious cases of homophobic or transphobic violence or harassment reported in the *Hate No More* survey who made reports to the police were not informed about the possibilities of getting psychological, legal or medical assistance. The face-to-face interviews included only three persons who were informed by the police about the opportunity of receiving medical and/or psychological aid. In some cases, even in one case of a severe battery, the victims had to search for medical and psychological aid themselves. None of the participants in the face-to-face interviews remembered being informed by police officers about the possibilities of obtaining legal aid. None of the informants from Lithuania and Hungary remembered being referred to an institution which offers any medical, psychological, advisory, and practical support for crime victims.

Some of the respondents sought external support on their own initiative. Several of them took advantage of psychiatric support and psychological counseling. Some contacted non-governmental organizations dealing with the rights of the LGBTIQ community and human rights protection for help. The support received from those authorities consisted in monitoring the investigation and providing legal advice. The only case of counseling on the part of a state authority happened in Poland, where the respondent was referred to the local representative of the Commissioner for Human Rights for help with a positive result.

## DISREGARDING THE HOMOPHOBIC AND TRANSPHOBIC NATURE OF REPORTED CRIMES

One of the greatest needs expressed by interview participants was the need for acknowledgement of the crime as homophobic or transphobic by the police and criminal justice system. However, a common problem encountered by those who reported their victimization experience to the police was the disregarding of the homophobic or transphobic nature of the crime. In a number of cases, while making a report to the police, the victims emphasized exactly the homophobic or transphobic context: they cited insults, threats and offences which proved it, and actively demanded consideration of this context by the police. Yet the homophobic or transphobic nature of the crime was ignored.

In Poland and Latvia there is no such recognition in law, but in the countries where there are legal provisions for acknowledging the homophobic or transphobic motivation for the crime, according to the interview respondents, the police were often unwilling to classify it as such and discouraged victims from striving

for such a classification of their victimization experience. It is not only a matter of formal legal classification: the appropriate designation of the character of the crime in the reports, witness statements, investigation materials, statements of grounds and other documents, serves as an acknowledgement of its nature.

The predominant experience of the interview respondents was that these needs for acknowledgement were not fulfilled. Commonly, police officers failed to acknowledge the significance of the identity of the victims and failed or refused to acknowledge the homophobic or transphobic motivation of the offenders.

Many interview respondents described indifference or an attitude of neutrality by the police and perceived it as negligence and exclusion, a kind of message saying that homophobic and transphobic crimes do not matter, they are just a nuisance. Respondents often described that in their contact with the police and others in the criminal justice system they frequently felt as if they were a cause of trouble to them by reporting their case.

The failure to acknowledge the significance of the gender identity and sexual orientation of the victims in relation to the crime was perceived by the interview respondents to occur for a number of reasons. First, the police and others in the criminal justice system may consciously avoid the problem of the wronged parties' identity in order to create an impression of neutrality and avoid being accused of discrimination. Even though such practices were interpreted by some respondents as a sign of professionalism, others felt that a relevant aspect of their identity was not recognized. Second, some interview respondents felt that disregard of their gender identity and sexual orientation might also have resulted from a lack of understanding about how to acknowledge their identity. Some respondents pointed out that even though the police (except in the extreme cases of openly prejudiced police officers) tried to use non-discriminatory language they lacked appropriate experience and skills for acknowledging the significance of the victim's identity.

Neglect by the police and other authorities of the homophobic or transphobic motivation for the offence was perceived by some interview respondents not only as a distortion of the reality of the case but also as a contradiction to the purpose of reporting to the police. Such neglect and lack of acknowledgement was conveyed by an interview respondent from Poland who had been beaten in the night, while he was going along the street holding hands with his boyfriend. The offenders accosted them with insulting words referring to their sexual orientation. The insults and humiliating jokes also continued at the police station where the victims and

offenders were transported, and continued also in court, in the presence of others. Nevertheless, the statement of grounds stated that the battery was not motivated by hatred (this was allegedly only the motivation of verbal insults), but resulted from the fact that the victims reacted to the insults instead of not reacting at all. The respondent felt that such statement of grounds to the ruling shattered the whole point of it and not only were the victims blamed, but also the whole event was compared to a common hooligan incident which can happen to anyone in the street. Meanwhile, for the respondent, it was the homophobic character of the incident that was its main point and striving for the disclosure and punishment of this fact was the main motivation for going through the lengthy and tiresome process of seeking justice.

One respondent from Poland who felt that the police were negligent about his complaint of criminal victimization conveyed his feeling of marginalization and exclusion:

You know, how am I supposed to feel like a citizen of this country? How am I supposed to feel that I have a fantastic prime minister, prime ministeress, president? How am I supposed to feel I am a Pole, a patriot, celebrate national festivals? Be proud of the red and white flag and hang it out on the Flag Day? I am f\*\*\*\*\*g sorry. You understand? This country pushes me to the margin, it would like to get rid of me most of all, it doesn't see me in the legal system in any aspect and not only in the situations, you know, of that kind of [hate] crimes, but also as a citizen who has the right to found a family.

Some interview participants described unfriendliness and even open hostility of the police towards the protection of public gatherings of LGBTQI persons. Depending on the political climate in the given locality, the police can be overtly hostile towards participants in such events or display negligence in ensuring the safety of participants. This way, LGBTQI persons are symbolically excluded from a civil community and its rights to peaceful public gatherings.

## BARRIERS TO JUSTICE

There were a number of instances in which victims' experiences were trivialized by the police, and some in which the victims were even discouraged by the police about making a report. Some interview respondents suggested that their

experience of homophobic or transphobic violence or harassment was not taken seriously and downplayed by police officers:

Each time at a report, they tried to trivialize it. Only following our repeated insistence that they should emphasize that we had been attacked because of our orientation, that it had been a hate crime, and not an ordinary attack, only then would they react and write it down. I mean, before, it was always handled as misdemeanours.

Croatia, man, 32

More than half of the respondents who contacted the police were discouraged from reporting the hate-motivated violence or harassment they experienced. In addition to active discouragement, there was subtle discouragement too. One interview respondent from Poland shared their experience of the reception desk at a police station when they went to make a report. The woman sitting there asked the persons standing in the queue, bluntly and without any privacy, unnecessary, and detailed questions about their case. The respondent had to publicly speak about his sexual orientation, standing in the queue. At the same time he witnessed embarrassing and humiliating questions asked to other crime victims. The respondent concluded that the receptionist functioned as a kind of a “gate keeper”, trying to discourage victims from reporting cases. Although the practice of discouraging victims from making complaints is not a problem limited to LGBTQI persons, it seemed to be intensified in the case of homophobic or transphobic incidents – as interview respondents believed that the police did not consider the type of offence as significant.

In another case, a male respondent from Latvia was subject to serious threats and offenses, including threatening with a knife, motivated by hatred for his sexual orientation, coming from his parent’s partner, with whom he lived. He was petrified and called the police. Once they arrived, the police officers actively and effectively discouraged him from making a complaint, saying that it was not going to bring any effect and just provoke the offender and make matters worse. The case was not reported.



## LACK OF UNDERSTANDING BY POLICE OFFICERS ABOUT HOMOPHOBIA AND TRANSPHOBIA.

Some interview respondents indicated a lack of understanding about homophobic and transphobic hate crime among police officers who handled their case. In some cases the respondents had to explain to the police officers who arrived to intervene or those reporting the incidents what homophobia was and what the commonly known abbreviation of LGBT meant. Alternatively, a wish for political correctness resulted sometimes in an overprotective attitude by the police officers, which the respondents interpreted as patronizing. As one respondent said:

It was like we were handled with kid gloves. Seems like nobody knows what to do with us, because of this political correctness and this thoughtfulness not to, you know, not to do something wrong, but still we are such weirdoes. Like, a bit like they don't know what to do with us. And you can't really talk to us openly, because you never know what we take as offensive and, so, you don't know what to do with us.

Poland, woman, 29

## NEGATIVE ATTITUDES FROM POLICE OFFICERS TOWARDS SEXUAL ORIENTATION AND SEXUAL IDENTITY.

Sometimes when victims were discouraged by the police from reporting their experience as a criminal offence they were faced with negative attitudes from police officers about their identity. One interview respondent – a transgender person from Lithuania – was attacked by a few strangers in her own house. Her sister, who the attackers mistakenly took for her, was beaten so severely that she was bleeding. The police arrived at the scene and probably rescued the respondent and her sister; however, the officers were not eager to accept the complaint as a criminal offence. The respondent had to actively demand the acceptance of the complaint and demand to be taken to the police station to make a statement. The police officers at the police station secretly laughed at the victims, ignored them, made them wait for a long time and discouraged them from making a complaint. Despite serious injuries, the respondent's sister was not offered medical examination which made the case more difficult later on – medical examination was carried out much later, when the counsel told the respondent that it mattered. The police

did not do anything in the case, did not secure the traces and did not search for the offenders.

In another case, a female respondent from Poland recalled her conversation with a police officer sitting at the reception desk at a police station: "The policeman decided that perhaps I was going to be a good person to talk to and he told me something in the way of 'so this is why they broke your windows, because you flaunt this homosexuality of yours too much'. Generally I was kind of stunned, whereas the man continued with his stream of thoughts and told me that 'there was too much of it' and that we flaunt and this is because... He would repeat the same old story again and again... I asked him what he meant saying that we flaunted homosexuality because I didn't understand what he meant, what he wanted to say. To which he said more or less this: 'Don't you think it's fashionable these days?' So I asked him: 'But what?' And he said: 'Homosexuality, you know, just as it was the case of being Jewish. Some time ago it was in, so everybody was Jewish. Now it's cool to be gay, homosexual, and now everybody is gay.'

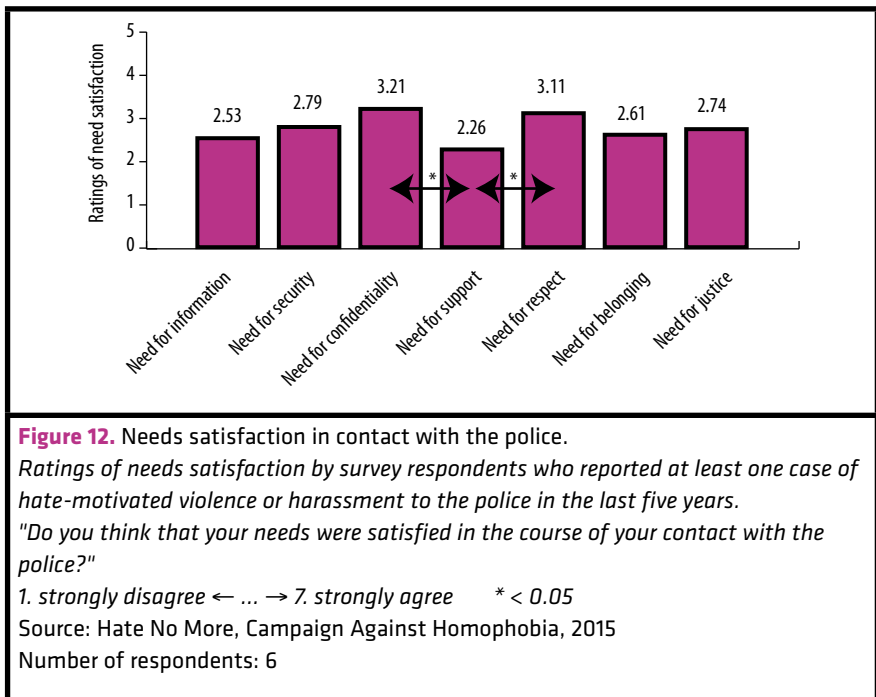
## POLICE NOT ACTING WHEN WITNESSING HARASSMENT AND VIOLENCE

This was starkly illustrated by one interview respondent from Croatia:

...everything was in a fog, explosions, stones were raining down on me... At one moment I saw, I was at the front as one of the organizers, at my side was ... she was 8 months pregnant and we clenched to each other in terror, and I noticed that the thugs had leaders, I saw one directing the others, he stood there, directing the others, where to throw their objects, and I realized, I assumed towards me as well, because I was prominent in the media, and in that moment I said to ... to move away from me, because she's pregnant and so she's not exposed to the attacks as much. I also saw that close to their leader, the one conducting the attacks, there were a number of police officers just standing there, not doing anything to stop him from conducting the attacks against us, as I said. They did nothing to stop the attacks. In addition, all those people throwing all those objects at us, hitting us, they were also yelling the whole time, threatening us: "Kill, kill the Serbs, the faggots, you're all going to die". All kinds of insults...

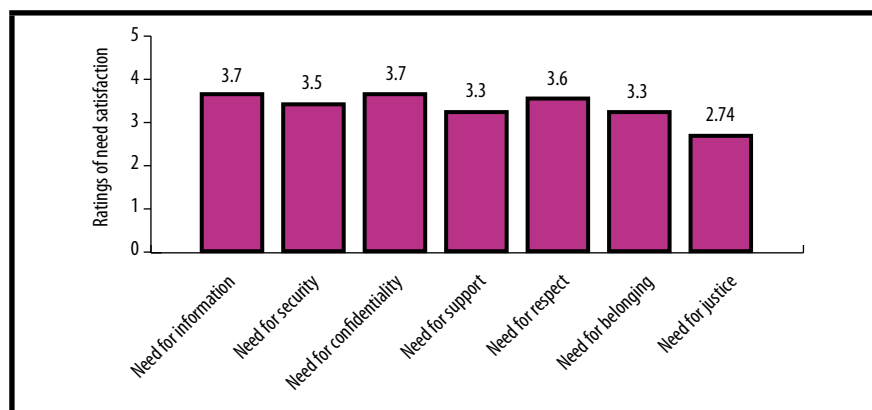
## POLICE VIOLENCE

In one extreme case, a male respondent from Poland talked about his experience of being beaten by the police. In the middle of the night, in an empty street in front of a gay club, the respondent and his partner and a friend were laughing loudly. Police officers came over and asked them for documents. When the respondent asked them why they were doing this, they started to be aggressive and told one of the men to go to the police car. '[The policeman] went around the police car from the front, opened the door... I was sitting behind the driver. And he squeezed my head between the front of my knees and the driver seat and started to hit me with his fists and shoe. At one point he poured tear gas on me – from that moment I don't know [...] if the second policeman also participated in the battery. [...] Then, at the sobering-up station, they say: "We have dealt here with worse faggots than you." Some things about pansies. Oh, and they asked me if I had HIV or AIDS, they were interested in such topics. At one point I said that I wanted to put on record that God, I was beaten and they said... One of them said: "Don't take the Lord's name in vain." And yes, he justified it – "God does not admit faggots to heaven.'



What was the experience of those whose cases of homophobic or transphobic violence or harassment were referred to the prosecutor's office?

Only ten of the thirty-eight survey respondents who reported homophobic or transphobic violence or harassment to the police had any contact with the prosecutor's office. Given the very low numbers of respondents involved, and the means of their selection, the survey findings need to be treated cautiously as indicative, rather than representative, of victims' experiences. Six of them believed that the treatment they received was affected by their sexual orientation, gender identity or gender expression. An even proportion said that it resulted in either better or worse service than the average. Four of the ten respondents who were in contact with the prosecutor's office were satisfied with the treatment they received, and four dissatisfied. The greater extent to which the respondents felt their needs were met and the more participants interpreted the outcome they received as fair, the more satisfied they were with the treatment received in the prosecutor's office. However, for the ten respondents combined the rating of their needs having been met by the prosecutor's office hovered near the mid-point for each scale on a rating of 1 (low) and 7 (high).



**Figure 13.** Needs satisfaction in contact with the prosecutor's office.

*Ratings of needs satisfaction by survey respondents who reported at least one case of hate-motivated violence or harassment to the police in the last five years and had contact with the prosecutor's office.*

*"Do you think that your needs were satisfied in the course of your contact with the prosecutor's office?"*

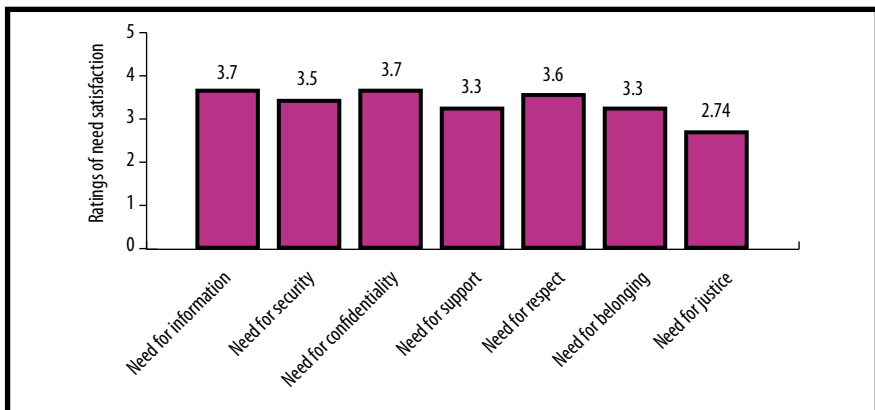
*1. strongly disagree ← ... → 7. strongly agree*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 10

## WHAT WAS THE EXPERIENCE OF THOSE WHOSE CASES OF HOMOPHOBIC OR TRANSPHOBIC VIOLENCE OR HARASSMENT WERE REFERRED TO THE COURTS?

Only eleven of the thirty-eight survey respondents who reported homophobic or transphobic violence or harassment to the police had their cases referred to the courts. The main reason – in half of the cases – was that the offenders were not identified. Out of the eleven individuals whose cases had been referred to the court, only six participated in any trial. They answered a series of questions concerning the course of the trial. Again, given the very small number of respondents involved, and the means of their selection, the survey findings need to be treated cautiously as indicative, rather than representative, of victims' experiences. However, the average rating by victims of their needs satisfaction by the courts was higher than the ratings for the police and the prosecutor's office.



**Figure 14.** Needs satisfaction in the course of court proceedings.

*Ratings of needs satisfaction by survey respondents who reported at least one case of hate-motivated violence or harassment to the police in the last five years and participated in at least one trial.*

*"Do you think that your needs were satisfied in the course of court proceedings?"*

*1. strongly disagree ← ... → 7. strongly agree*

Source: Hate No More, Campaign Against Homophobia, 2015

Number of respondents: 6

Four out of the six survey respondents who participated in at least one trial believed that the treatment they received in the court was affected by their sexual orientation, gender identity or gender expression. An equal number said that it resulted in either better or worse service than the average. However, more individuals were satisfied than dissatisfied with the manner the court handled their situation. Though some of the interview respondents expressed their dissatisfaction with the court's ruling. For instance, in one case the respondent was beaten in the night while he was going along the street holding hands with his boyfriend. The offenders accosted them with insulting words referring to their sexual orientation. The insults and humiliating jokes also continued at the police station where the victims and offenders were transported, and continued too in court in the presence of third parties. Nevertheless, the statement of grounds stated that the battery was not motivated by hatred (this was allegedly only the motivation of verbal insults), but resulted from the fact that the victims reacted to the insults instead of not reacting at all. The respondent felt that such statement of grounds to the ruling ignored the whole point of the crime and not only were the victims blamed, but also the whole event was compared to a common hooligan incident which can happen to anyone in the street. Instead, for the respondent, it was the homophobic character of the incident that was its main point and striving for the disclosure and punishment of this fact was their main motivation for going through the lengthy and tiresome process of seeking justice.

In another case, the interview respondent explained their views very plainly: "The judgement was absolutely unsatisfactory. The judge completely missed the fact that it, it'd been motivated by homophobia and decided that 'those are f\*\*\*\*\*g faggots' was equal to 'stupid idiots'".

Some interview respondents whose cases had gone to court said that the lengthy and time-consuming procedures, the necessity to describe the case many times and meet the offenders in court often on numerous occasions, prevented them from forgetting about the situation and made them vulnerable to retaliation by the offenders.

## Conclusion

Crime victimization affects different people in different ways. However, it is clear that in the case of homophobic and transphobic violence and harassment the impact can potentially be different for some persons – compared with other types of crime – when considering the socio-emotional and psychological consequences. The different impact of homophobic and transphobic crime results in some distinct needs compared with other types of crime. Such needs range from the obvious, such as the need for recognition of the homophobic and transphobic nature of the crime, to rather more complex psychological needs.

It is clear, however, from the evidence of the *Hate No More* study that the criminal justice system is not adequately addressing the needs of those who experience homophobic and transphobic violence and harassment. The great majority of victims do not report their experiences to the police and therefore their cases do not enter the criminal justice process. From one perspective this can be seen to be the victims' own choosing: they are exercising their own agency not to get involved with the criminal justice system. From another perspective that choice might be seen to be shaped in part by the word-of-mouth knowledge of the experience of those who do report homophobic and transphobic violence and harassment to the police.

The failings of the police in responding to the needs of victims of homophobic and transphobic violence and harassment that the *Hate No More* study categorically evidences, and the indications of victims' dissatisfaction with the prosecution services and the courts, leads to the conclusion that there is a strong likelihood of secondary victimization for those who do get involved with the criminal justice system. The impact of the victimization is therefore increased by the very agencies tasked with alleviating the problem. This can perhaps be expressed most cogently by the words of one of the interview participants from Hungary:

“Well, I feel worse. It [the investigation] is going on for too long and I have to keep reliving it, so I often think, was it even worth it, reporting it, because you're only prolonging your own suffering. And I know, I doubt that, I don't think a verdict will be reached, that he [the offender] will probably be acquitted, which will probably make me sad. I don't know, I really don't know what it'll achieve. Maybe it would be best to not report these attacks, not enter any sort of trial and try in that way to keep your name out of the public and hope, that with time, people will forget about it, that it'll stop, that those attacks

will cease. I don't know, I'm trying to figure out a smart course of action and I still can't, I still can't figure out what would be the best thing to do.”

Overall, it is telling that in most of the face-to-face interviews for the *Hate No More* study the respondents claimed that contact with law enforcement authorities and the justice system made them feel worse rather than better. Even in situations where the actions of the police, prosecution and courts were effective, in that they resulted in the offenders being convicted, if the homophobic or transphobic motivation of the crimes was not acknowledged, the whole process of seeking justice was seen to be an unsatisfactory experience from the victims' perspectives.

There is an urgent need, therefore, for the police and criminal justice system in the countries covered by the *Hate No More* study – Croatia, Hungary, Latvia, Lithuania, and Poland – to acknowledge the failings illuminated by the study and implement remedial measures to more adequately respond to the needs of persons who experience homophobic or transphobic violence or harassment.





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