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Combating hate crime and other hate motivated incidents based on sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC)

PROMISING PRACTICES

This document is a compilation of promising practices from different Council of Europe member States aimed at addressing hate crimes and hate motivated incidents related to sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). Its purpose is to serve as a source of inspiration and reference for discussions on developing national measures to combat anti-LGBTI hate crime.

The promising practices have been selected from various sources and are referenced in the document, with links to websites for more detailed information on each initiative. They are organised into eight chapters, covering legislative measures, projects and other initiatives that address anti-LGBTI hate crime, including measures to protect LGBTI individuals from hate crime in detention facilities. Useful resources are listed in the appendix for easy reference.

This document was developed as part of the Council of Europe's second thematic review of the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. Readers can also refer to the report on *Hate Crimes and other Hate-motivated Incidents based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC)*, prepared by the Council of Europe Working Group on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (GT-ADI-SOGI) of the Steering Committee on Anti-Discrimination, Diversity, and Inclusion (CDADI).

The opinions expressed in this work are those of their author(s) and do not necessarily reflect the official policy of the Council of Europe.

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I. Steps to improve legal frameworks

This section provides a selection of examples whereby hate crime legislation has been amended to explicitly include gender identity, gender expression, and sex characteristics as aggravating factors. In some other cases, legislative amendments have not been explicit due to a lack of political agreement but may still offer some avenues for criminalising anti-LGBTI hate crimes. This section also includes positive examples of inclusive or evidence-based processes of legislative review.

Denmark: New legislation covering gender identity, gender expression, and sex characteristics

The Danish Parliament adopted amendments to the Discrimination Act and the Gender Equality Act which explicitly prohibits discrimination on grounds of gender identity, gender expression and sex characteristics. It further amended the penal code to add gender identity, gender expression, and sex characteristics as aggravating factors for prosecuting hate crimes. The amendments entered into force on 1 January 2022.

Source: ILGA 2022 Annual Report, see the bill as adopted can be found here (in Danish): https://www.ft.dk/samling/20211/lovforslag/L18/som_vedtaget.htm

North Macedonia: Working group on hate crime legislation

A working group of experts established by the Ministry of Justice was tasked with the preparation of amendments to the criminal code regarding hate crime. The group brought together academics, government officials, judges, prosecutors, and human rights NGOs under the chairing

of a distinguished criminal law scholar. Technical and financial support was provided by the OSCE. The group carried out a study visit in Croatia, conducted legal analyses on possible legislative solutions and used locally available victimisation data to inform its works. The resulting draft amendment, introducing a legal definition of hate crime along with adding penalty enhancements to several offences, was submitted to the parliament as a government bill and was adopted with minimal changes.

Source: Godzisz, P., Project “ENTER: Diffusion of laws addressing anti-LGBT violence to South-East and East European countries”, unpublished draft.

United Kingdom: Law reviews in England, Wales, and Northern Ireland

Law Commission review of hate crime legislation in England and Wales

In a final report submitted in December 2021, the Law Commission* recommended that across the various hate crime laws (including aggravated offences and stirring up offences) all protected characteristics should be treated equally with a view to provide greater protection for victims of disability and LGBT+ hate crime in particular. The report follows a consultation process in which some 2500 replies were received which helped in shaping the recommendations.

**The Law Commission is the statutory independent body created by the Law Commissions Act 1965 to keep the law of England and Wales under review and to recommend reform where it is needed.*

Source: Website of the Law Commission: <https://www.lawcom.gov.uk/project/hate-crime/>, see also Final report on hate crime law (2021): <https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jxou24uy7q/uploads/2021/12/Hate-crime-report-accessible.pdf>

Consultation on Hate Crime Legislation in Northern Ireland

The Department of Justice opened up consultation on hate crime legislation in early 2022, and invited victims of hate crime, voluntary and community sector organisations supporting victims of hate crime, criminal justice organisations, public organisations and independent bodies to contribute. The said consultation followed the commissioning of an independent review of hate crime legislation in 2019 and the publication of a Final Report from this Review of Hate Crime Legislation in Northern Ireland in December 2020 which included a number of recommendations, including the inclusion of the protected characteristics of age, sex/gender (including transgender identity) and variations in sex characteristics.

*Source: ILGA 2022 report
See the consultation document of the Department of Justice: <https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/hate%20crime%20legislation%20consultation.pdf>*

II. Increasing institutional co-operation on hate crime at various levels

This section includes a selection of working groups or networks which have been established in some CoE member states to address and/or enhance institutional co-operation on issues of hate crime, including anti-LGBTI hate crime. Some of these working groups have NGOs as members which allows for full transparency on the work done. Some others involve civil society on an ad hoc basis depending on the specific issue to be discussed. Others are established at national level while some others are operating at local level.

Belgium: Working group on registration of hate crimes

The working group started its work in 2020. It is composed of representatives of the Equal Opportunities Team at the Federal Public Service Justice, the police, the judiciary, and the national equality body – the Interfederal Centre for Equal Opportunities. It is funded by the regular budget and is integrated in the regular operations of the members of the COL 13/2013 Working Group (COL 13/2013 is joint circular for the police divisions of the Integrated Police and the prosecutors on hate crime, see also under the Section on ‘[Recoding](#)’ below). The working group may seek advice from experts (such as victim services and academics) and feedback from civil society organisations on certain questions.

Source: FRA, Promising practice, hate crime: <https://fra.europa.eu/nl/promising-practices/working-group-registration-hate-crimes>

Croatia: Hate crime monitoring working group

The working group was established by the Head of the former Office for Human Rights in 2010. It focuses on collection of data and analysing and monitoring implementation of laws related to hate crime and discrimination. Its members include representatives of the Ministry of Interior, the State Attorney’s Office, the Ministry of Justice, the Police Academy, the Ministry of Foreign and European Affairs, the Misdemeanour High Court of the Republic of Croatia, the Municipal Criminal Court in Zagreb, the Faculty of Law in Zagreb, the Ombudsperson’s Office, the Council for Development of Civil Society, and various NGOs.

Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) Running Through Hurdles: Obstacles in the Access to Justice for Victims

of Anti-LGBTI Hate Crimes in Europe. Lambda Warsaw, Warsaw:
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf

France: Co-operation between justice, law-enforcement, NGOs, and shop-owners to support LGBTI persons victims of violence

In rural France, at the initiative of the Public Prosecutor of Saint-Gaudens, Ministry of Justice and law enforcement representatives have signed an agreement with three associations and shop-owners which makes their shop shelters for victims of anti-LGBT violence. They may alert on cases of abuse of LGBT people for follow-up action by law enforcement and judicial authorities. By involving citizens like shop-owners, this initiative aims at providing more safe places and support for victims and overcoming their possible reluctance to complain at a police station.

Source: Thematic report on the implementation of Recommendation CM/Rec (2010)5, Hate crimes and other hate motivated incidents based on sexual orientation, gender identity or sex characteristics in France, January 2023: <https://www.dilcrah.fr/2023/03/06/resen-tation-du-rapport-sur-les-crimes-de-haine-anti-lqbt-en-france/> (in French)

Italy: Re.A.DY Network

Re.A.DY is a national network of local public administrations (municipalities, provinces and regions) co-operating in elaborating and implementing policies and good practices against discrimination based on sexual orientation and gender identity. The network was inaugurated in 2006 at the initiative of Cities of Turin and Rome and has no more than 230 partners among regions, provinces and municipalities.

*Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) Running Through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe. Lambda Warsaw, Warsaw
Network website at <https://www.reteready.org/>*

Lithuania: Working group to increase the effectiveness of the fight against hate crime and hate speech

The working group consists of representatives of seven national public authorities (the Ministry of the Interior (MoI), the Prosecutor General's Office, the police department, the Department of National Minorities, the Office of the Inspector of Journalist Ethics, the Office of the Equal Opportunities Ombudsperson and the Ministry of Social Security and Labour) and 11 NGOs. It was established by order of the MoI on 24 February 2020 and minutes of its meeting are made public on the website of the MoI. Meetings held in the first half of 2021 were devoted to the questions of legal regulation to ensure liability for hate speech, questions of criminal liability for hate crime and discussion of positive practices of Poland; issues relating to registration and investigation of hate crime against people with disabilities and experience of United Kingdom in addressing this problem.

*Source: FRA, Promising practice, hate crime, <https://fra.europa.eu/en/promising-practices/working-group-promote-effective-response-hate-crime-and-hate-speech-lithuania>
For an overview of the working group meetings in 2021: <https://vrm.lrv.lt/lt/atsakas-i-neapykantos-nusikaltimus-ir-neapykanta-kurstancias-kalbas> (in Lithuanian)*

Norway: National hate crime network of the Equality and Anti-Discrimination Ombud

The national hate crime network of the Equality and Anti-Discrimination Ombud is the forum where the authorities and civil society meet and discuss hate crimes. In this network, some 15 organisations representing groups particularly at risk of hate crime are able to provide their information and feedback to the authorities. The network has been in existence since 2016 and holds meetings about four times each year.

Source: Hate crimes targeting LGBTI people in the Nordic countries, A survey of strategies, methods and initiatives (2021):
<https://pub.norden.org/temanord2021-551/> (page 29)

Slovenia: Working group of State prosecutors on hate speech and hate crime

The working group's aim is to increase the specialisation of state prosecutors, unifying prosecutorial practice and penal policy, and improving the training and knowledge of prosecutors for dealing with and prosecuting hate crime and hate speech. The working group initially covered hate speech but expanded to hate crime. The working group prepared a definition of hate crime with a view to systematize the recording of hate crime. On 2 June 2020, on the basis of this definition, the General State Prosecutor ordered a new special note/mark to be added to the files to indicate a hate crime.

Source: FRA, Promising practice, hate crime:
<https://fra.europa.eu/en/promising-practices/working-group-hate-speechworking-group-hate-crime>

III. Specialized structures or focal points

Bosnia-Herzegovina: LGBTI Point of contact in the Prosecutor's Office of the Tuzla Canton

In June 2021, the Canton of Tuzla appointed a contact point in the Prosecutor's Office to provide oversight on cases involving anti-LGBTI hate crime. Such an appointment follows the 2017 nomination of a point of contact for the Sarajevo canton and the efforts of the Sarajevo Open Centre to train of police officers, prosecutors, judges, and lawyers to increase LGBTI people's trust in the police and the judiciary.

Source: ILGA 2022 annual report and Sarajevo Open Centre website: <https://soc.ba/en/point-of-contact-in-the-prosecutors-office-of-the-tuzla-canton-appointed-for-cases-of-hate-crimes-against-lgbti-people/>

France: Local level co-ordinators of local initiatives to combat anti-LGBT+ hatred

In January 2018, a regional network of prefectural officers was set up to combat anti-LGBT+ hatred. As a result, a member of the prefectural staff is in charge of leading and coordinating local initiatives to combat anti-LGBT+ hatred. These officers were tasked, *inter alia*, with implementing a local call for proposals, with a budget of €500,000 in 2018.

Source: French Government National Action Plan to Promote Equal Rights and Combat Anti-LGBT+ Hatred and Discrimination (2020-2023):
www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2020/12/dilcrah_plan-lgbt_2020-2023_en_0.pdf

Hungary: Police's victim protection officers

All county police departments in Hungary have a dedicated victim protection officer whose duties are to monitor victimization and implementation of victims' rights, with special attention to victims from particularly vulnerable groups and communities. They also organize training for police officers on victim support, cooperate with public Victim Support Service and NGOs and, more generally, build trust between police and citizens. They have been reported to "have good contacts with civil society, Roma organisations and LGBT groups." (see ECRI Fifth report on Hungary (2015)).

Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) Running Through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe. Lambda Warsaw, Warsaw

Netherlands: Special LGBT section within the Amsterdam Police

The Pink in Blue section of the Amsterdam Police is composed of police staff working with the National Police Gay Network, COC Amsterdam, the ProGay foundation and the Amsterdam Discrimination Reporting Office, among others. Pink in Blue works from within the Amsterdam police force on behalf of the LGBT community and is entirely funded by the police.

Source: The Netherlands Police: <https://www.politie.nl/informatie/roze-in-blauw-is-het-politienetwerk-voor-lhbt-gemeenschap.html> (in Dutch)

Spain: Special Diversity Unit in the Police of Fuenlabrada

In Fuenlabrada, a special unit for diversity management (GESDIPOL) is in place within the police. Unit staff receive special training on intercultural competence and dialogue, but also on human rights

including LGBT rights, they work on the prevention of hate-crime in collaboration with community organizations, including LGBT organizations, notably by raising awareness on understanding, detecting and countering hate incidents among society.

Source: Report of the Council of Europe's Intercultural cities programme study visit to Fuenlabrada (Spain), 2018, <https://rm.coe.int/community-policing-an-intercultural-approach-to-urban-safety-report-of/1680925cbf>,

Specific unit following-up hate crime victims in the Catalan Police

The Catalan police service includes a specific unit that follows-up hate crime victims from the early reporting phase and gives support, depending on the characteristics of the case, even after the court decision.

Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) Running Through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe. Lambda Warsaw, Warsaw

IV. Reporting, recording, and investigating anti-LGBTI hate crime

This Section includes initiatives to encourage or co-ordinate hate crime reporting and improve recording and investigating of hate crime cases. It also includes guidance issued to police and prosecution on those issues. Positive initiatives implemented at local level, cities or regions in Europe, are also referred to.

Reporting

Belgium: Reporting LGBTQIA+-phobia facts

Brussels Prevention & Security and the Brussels Regional Public Service (equal.brussels) together with RainbowHouse Brussels developed a new reporting form focusing on acts of violence and discrimination based on sexual orientation and gender identity. Victims are provided with information and support on available services that can assist them and made aware of the importance of filing a complaint.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/data-collection-reports-lgbtqia-phobic-facts-violence-and-discrimination>
See the website of the project itself:
www.rainbowhouse.be/en/projet/report/

Ireland: Online reporting of hate crime

In 2021, the Irish Police (An Garda Síochána) launched a new online system for reporting hate crime which is designed to make it easier for victims to come forward. This initiative is a part of the commitment under the 2019 An Garda Síochána Diversity and Integration Strategy. The launch of the tool was supported by publication of a multilingual leaflet explaining what a hate crime is, and how to report it. The leaflet has been published in 19 languages and will be available at all Garda stations and public offices. An Garda Síochána also published a related educational video.

Source: https://ec.europa.eu/migrant-integration/news/ireland-new-online-tool-reporting-hate-crime_en, See also the on-line reporting website:
<https://www.garda.ie/en/reportahatecrime/>

Italy: Co-operation on reporting anti-LGBTI hate crime

Co-operation between Gay Help Line (Volunteer Organisation) and the Observatory for Security against Acts of Discrimination (from the Department of Public Security - Central Directorate of Criminal Police) has been established to enhance support for LGBTI victims of hate crime. The co-operation is not formalised through an official agreement but is based on a now established work practice of Gay Help Line sharing reports of hate-motivated violence with OSCAD by phone or email.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/gay-help-line-and-cooperation-observatory-security-against-acts-discrimination>

Portugal: Providing alternative reporting channels

The alternative methods for reporting include anonymous reporting, and reporting through an online form or through social networks such as Twitter.

Source: FRA, *Promising practice, hate crime*:
<https://fra.europa.eu/en/promising-practices/expanding-reporting-mechanisms>

Spain: Guide to Good Practices for Reporting Hate Crimes

The National Office for Combating Hate Crimes of the Ministry of the Interior published a Guide to Good Practices for Reporting Hate Crimes in 2021: guidance is provided for reporting hate crime as a victim or as a witness and information is included on the resources currently in place - such as the Offices of Assistance to Victims of Crime. The guide also includes recommendations to the state security forces on protecting and helping victims in the reporting of hate crime and in their statistical registration.

Source: ILGA 2022 Annual Report
Link to the Guide (in Spanish):

<http://www.infocoponline.es/pdf/BUENAS-PRACTICAS-DELITOS-ODIO.pdf>

Sweden: Swevic – Together against hate crimes: addressing hate crime under-reporting

The Swedish Police Authority and Victim Support Sweden jointly developed a project to address the under-reporting of hate crime. The methodology included using the civil society organisation Victim Support Sweden as a bridge to groups exposed to hate crimes. The project included collecting information on experiences of victimisation at the outset to aid in designing the activities; regional conferences bringing local-level police and victim support organisations together; and outreach media and social media campaigns, which reached 1.8 million unique users.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/swevic-together-against-hate-crimes>

United Kingdom: Victim-focused recording policies and partnership with NGOs

The Metropolitan Police Service and the London-based LGBT organisation Galop have set up a partnership to develop an “assisted reporting” scheme that allows individuals to report through Galop’s website (<http://www.galop.org.uk/>). In addition to collecting information on the incident, the victim and perpetrator, the scheme offers victims the possibility to connect with the police or, if they prefer, with one of the 155 police LGBT liaison officers appointed by the Metropolitan Police Service to facilitate communication with the LGBT population.

Source: OECD, *Over the Rainbow? The Road to LGBTI Inclusion* (quoting ILGA information)

Recording

Austria: Expanded, systematic hate crime data collection by the Austrian police

The project introduced notably a new flagging system for hate crime data collection and evaluation in the police recording database. Prosecutors receive notifications about flagged hate crime cases automatically. It was accompanied by an internal police decree defining further data collection and data quality management procedures, including extended lists of bias indicators (or ERNST). These have been summed up as follows: E ... stands for impressions of the victim (“Empfindung”). R ... stands for Space and time (“Raum und Zeit”). N ... stands for negative messages by the perpetrator (“Negative Botschaften der Täter”). S ... stands for seriousness of the act (“Schwere der Tat”). T ... stands for perpetrator (“Täter”).

Source: FRA, *Promising practice, hate crime*,
<https://fra.europa.eu/en/promising-practices/expanded-systematic-hate-crime-data-collection-and-reporting-austrian-police>
For more information on the project:
https://www.bmi.gv.at/408/Projekt/files/320_2021_Hate_Crime_Pilot_Report_English_V20_210806_barrierefrei.pdf

Belgium: COL 13/2013: joint circular for the police divisions of the Integrated Police and the prosecutors and its evaluation

The circular provides a framework for the police and prosecutors in their efforts to combat discrimination and hate crime. It provides guidance to police on how to correctly register discrimination and hate crimes; set specific standards for hate crime victims; and improve cooperation and exchanges between judicial staff,

police officers and the national equality bodies. An evaluation of the circular is being carried out and recommendations included *inter alia* establishing contact prosecutors and officers in all the constituent bodies of the public prosecutor's office and the police force with the task of drawing up standard questionnaires and checklists for the police.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/col-132013-joint-circular-police-divisions-integrated-police-and-prosecutors>
See also ECRI sixth report on Belgium:
<https://rm.coe.int/ecri-sixth-report-on-belgium-/16809ce9f0>

Denmark: Monitoring scheme to strengthen police registration of hate crime

As of May 2021, a revised monitoring system is being implemented within the National Police, which will increase the ability to disaggregate data on type of bias motivation or target group. The revised data gathering system is based on the implementation of a more systematic logging of hate motivation when recording offences within the case file processing system POLSAS. The implementation of this revised monitoring scheme is supported by different initiatives by National Police ranging from specialized police training on the topic of hate crime to a more systematic controlling of recorded hate crime / hate speech offences.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/national-police-monitoring-practice>

Georgia: Inter-agency memorandum on co-operation on collection of data on hate crime

The Supreme Court, the Office of the General Prosecutor, the Ministry of

Internal Affairs, and the National Statistics Office of Georgia (GeoStat) signed a memorandum on cooperation to create a joint data system for crimes committed on grounds of intolerance. The agreement focuses on four main areas: concept of joint statistics on crimes committed on grounds of intolerance; classification of crimes committed on grounds of intolerance and the data to be processed; rules of collecting, processing, and analysing the data and preparing and publishing a joint statistical report; distribution of information between the parties. The work on the agreement was supported by the Council of Europe.

Source: <https://www.coe.int/en/web/tbilisi/-/first-ever-memorandum-on-cooperation-on-collection-of-data-on-hate-crime>

Norway: Police guide aimed at systematizing hate crime recording

A guide for the police force on registering bias-motivated crimes (including on grounds of sexual orientation) was released in 2018 to create systematic procedures on the monitoring and registration of hate crimes across all police districts in the country.

Source: Norway's reply to the CoE questionnaire, 2nd review of the implementation of CM/Rec (2010), 2020

Poland: Data collection by hate crimes co-ordinators

A network of 18 police hate crime coordinators is operating at police headquarters, both at province and national levels. Compiling monthly hate crime statistics and providing advice to investigating officers is a common task to all of them but some co-ordinators are specifically assigned to investigating hate crimes.

Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) *Running Through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe*. Lambda Warsaw, Warsaw

Switzerland: Hate crime data collected at cantonal level

Six cantons and the city of Zurich, based on parliamentary initiatives, decided to collect data about LGBTI-based discrimination in 2019. Since January 2021, the police in the Fribourg canton and the city of Zurich started to collect specific data on anti-LGBTI violence. Issues of standardization of data collection has been discussed recently with the possible examination by the Confederation together with the cantons of the possibility of making the collection of data on hate crimes within the meaning of Article 261bis of the Criminal Code relating to gender or sexual orientation compulsory.

Sources:

ILGA 2022 annual review

2021 Report on hate crime (Rapport sur les crimes de haine 2022 Rapport sur le monitoring de la discrimination et de la violence anti-LGBTQ en Suisse en 2021, LGBT+ Helpline)

https://www.tqns.ch/wp-content/uploads/2022/05/21_Hate-Crime-Bericht_franzoesisch.pdf

Tribune de Genève article :

<https://www.tdg.ch/pour-ameliorer-les-donnees-sur-les-crimes-de-haine-213635510958>

Romania: Amending legislation to allow institutions to process data on anti-LGBTI victimization

An explicit exception has been introduced in the Data Protection Law* to ensure that personal data which applies to protected grounds against hate crime can be used for data collection purposes and for the cooperation of the police authorities.

Source: *National thematic report on Hate crimes and other hate motivated incidents against LGBTI people in Romania, January 2023*

* Law 190/2018 on measures to transpose the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (The General Data Protection Regulation) of 18 July 2018, Article 8, published in the Official Journal no.651 of 26.07.2018

Spain: Instruction No. 4/2020, by the Secretary of State for Security (Ministry of the Interior) updating the Action Protocol for the Security Forces for hate crimes and behaviours breaching legal regulations on discrimination

The updated protocol contains an index of behaviours in relation to hate crime, indicators to identify hate incidents that must be included in police reports according to different grounds of discrimination such as minority status. Guidance on protecting victims and victims' treatment is also included in the instruction.

Source: FRA, *Promising practice, hate crime*

<https://fra.europa.eu/en/promising-practices/action-protocol-security-forces-hate-crimes-and-behaviours-breaching-legal-0>

Sweden: Evaluation of police hate crime statistics

The Swedish National Council for Crime Prevention (Brå) which produces the official crime statistics, evaluated the accuracy of the police's hate crime marking and studied similarities and differences in level and content between statistics based on the police's hate crime marking and Brå's hate crime statistics.

Source: *Website of the Swedish National Council for Crime Prevention (Brå)*

https://bra.se/download/18.7e15c82e165fb0ec8fa1d15/1615394348982/2018_13_Polisen_s_hatbrottsmarkering.pdf (2018 study in Swedish)

Investigating and prosecuting

Czech Republic: Considering hate crime impact when initiating investigation

A 2019 decision of the Constitutional Court concerning a hate crime case imposed on police, prosecutors, and courts a duty to consider the harm suffered by individual victims when determining the seriousness of the offence and providing a legal qualification for the perpetrator's conduct.

Source: Czech Constitutional Court Judgment, 2 April 2019 quoted in OSCE ODIHR Guide on Hate Crime Victims in the Criminal Justice System

Sweden: Support for prosecutors

Every local public prosecution office in Sweden must have at least one prosecutor specialising in investigating hate crimes. The Swedish Prosecution Authority's development centre in Malmö is tasked with supporting the country's hate crime prosecutors through answering direct request or producing information materials.

Source: Hate crimes targeting LGBTI people in the Nordic countries, A survey of strategies, methods and initiatives (2021), available at <https://pub.norden.org/temanord2021-551/> (page 36)

United Kingdom: New national hate crime guidance published

New hate crime guidance was released in 2020 after extensive consultation. It provides detailed information to help police forces to investigate and record hate crime and non-crime hate incidents, including proportionate responses to take

depending on the nature of the report and strategies to manage contact with all parties involved. The guidance also covers how to address the particular vulnerabilities of different people to reduce their risk of harm, including victims of sexual orientation or gender identity hate crime.

Source: The College of Policing, <https://www.college.police.uk/article/new-national-hate-crime-guidance-published>

The Crown Prosecution Service operating in England and Wales issued some Prosecution Guidance on "Homophobic, Biphobic and Transphobic Hate Crime" in 2022.

Source: Crown Prosecution Service website: <https://www.cps.gov.uk/legal-guidance/homophobic-biphobic-and-transphobic-hate-crime-prosecution-guidance>

V. Surveys and other forms of research on hate crime

This section offers some examples of surveys and other forms of research on hate crime, including measuring awareness among the general population. While some of these examples are government-funded initiatives, some others are the results of internationally funded projects (for example by the Council of Europe or the OSCE).

Denmark: Exploring intersectionality through a survey of LGBT persons with an ethnic minority background

A 2022 survey by ALS Research funded by the Danish Agency for International Recruitment and Integration (SIRI) explored the living conditions and needs for support of LGBT persons with an ethnic minority

background. It followed up on a previous survey carried out in 2015. Data was obtained via questionnaires answered by 1,200 respondents and qualitative interviews with 30 people which covered anti-LGBT violence.

Source: European Commission website on Integration : https://ec.europa.eu/migrant-integration/library-document/lgbt-persons-ethnic-minority-background-living-conditions-and-need-support-denmark_en (includes link to the survey in Danish)

France: Survey providing indicators notably on attacks against lesbian, gay, bisexual, or transgender people (Living environment and Security Survey)

This updated survey launched in 2022 aims at a better understanding of the facts about attacks that households and their members may have been victims of during the two years preceding the survey. Data from the survey include questions on homophobic or anti-LGBT acts and feeds into different annual publications (from the French Ministerial Statistical Department for Internal Security, National Advisory Committee on Human Rights and High Council for Gender Equality).

Source: FRA, *Promising practice, Hate crime* <https://fra.europa.eu/en/promising-practices/overhaul-victimisation-survey-living-environment-and-security-cvs>
The results of the survey is available here (in French): <https://www.interieur.gouv.fr/Interstats/L-enquete-Cadre-de-vie-et-securite-CVS/Insecurite-et-victimation-les-enseignements-de-l-enquete-Cadre-de-vie-et-securite>

Georgia: Study of attitudes to diversity

This study entitled “Hate Speech, Hate Crimes and Discrimination in Georgia: Attitudes and Awareness in 2021” is the result of a Council of Europe sponsored project “Fight against Discrimination, Hate

Speech and Hate Crimes in Georgia” carried out in 2018-2021. It is comparing the change in the public attitudes to diversity over the past three years.

Source: Project information is available here: <https://www.coe.int/en/web/tbilisi/-/new-study-of-attitudes-to-diversity-in-georgia-people-increasingly-positive-about-minorities-but-awareness-of-laws-and-redress-mechanisms-remains-unch>

See here for the findings of the study: <https://rm.coe.int/book-eng/1680a583d0>

Ireland: Study on the rights, needs, and experiences of LGBT people in prison

The Irish Penal Reform Trust (IPRT) conducted an exploratory study on the rights, needs, and experiences of LGBT people in prison. The 2016 report is the first in-depth study on the experiences of LGBT prisoners in Ireland. It includes first-hand testimonies by LGBT prisoners, and a review of the prison and policy context.

Source: Irish Prison Reform Trust, *Out on the Inside: The Rights, Experiences and Needs of LGBT People in Prison, February 2016* available here: https://www.iprt.ie/site/assets/files/6369/iprt_out_on_the_inside_2016_embargo_to_1030_feb_02_2016.pdf

Lithuania: Survey of police officers and prosecutors on hate crime

A survey of some 500 police officers and prosecutors was initiated in 2021 by the Office of the Inspector of Journalistic Ethics and the Office of the Equal Opportunities Ombudsperson. Its aim was to shed light on how bias-motivated offences and hate speech are treated by law enforcement and how police officers and prosecutors are prepared to react to these types of crimes. In that survey, the respondents were asked to evaluate their knowledge about vulnerable social groups, including knowledge about the LGBTI+ community

issues. The data was used to organize a campaign to train officers and prosecutors to effectively combat hate speech and hate crimes.

Source: Office of the Equal Opportunities Ombudsperson website:

<https://www.lygybe.lt/en/a-survey-reveals-that-police-officers-lack-knowledge-about-vulnerable-communities>

North Macedonia: Hate crime victimisation survey

In 2019, the first ever survey on hate crime victimization in North Macedonia was released. The survey identifies the extent of underreporting of hate incidents by surveying a range of different communities of majority and minority social identity on the basis of ethnicity, religion, sexual orientation, disability, and political beliefs. It includes a specific section on sexual orientation and hate crime victimization.

Source : <https://www.osce.org/mission-to-skopje/424193>

VI. Trainings and Awareness-Raising

Some of the below examples of trainings dealing with anti-LGBTI hate crime have a structural character, being included in the regular training of law-enforcement. Some others have been initiated through international funded projects. It also includes example of broader awareness raising activities aimed at the society.

Croatia: anti-LGBTI hate crime training delivered by the Police Academy

The Ministry of the Interior introduced regular obligatory courses on hate crime against LGBTI persons at the police academy, at all levels of education: in the basic course for police officers, during

specialization, in the specialized study of criminalistics and as part of the hate crime course. The training sessions focus on hate crime and working with LGBTI victims. LGBTI civil society is sometimes involved in these training sessions.

Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) *Running Through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe*. Lambda Warsaw, Warsaw

France: On-going training of police and magistrates

The Inter-ministerial Delegation combatting Racism, anti-Semitism and anti-LGBT hatred (DILCRAH – the dedicated governmental structure for combating LGBT hatred and discrimination) has been organising trainings for police students and gendarmes as well as magistrates on how to deal with hate speech and hate crime, since 2016. A network of specialists or “police/gendarmerie” support services based on the model being tested in Paris, Marseille and Bordeaux is also planned as part of the National Action Plan to Promote Equal Rights and Combat Anti-LGBT+ Hatred and Discrimination (2020-2023).

Source: Reply from France to the CoE questionnaire on the 2nd review of the implementation of CM/Rec (2010)5, 2020

Finland: Multifaceted project to fight discrimination and harassment in everyday life, promote diversity and inclusion, and increase the sense of belonging of young people with an immigrant background.

The 2020-2022 “All in for Equality” project includes a national media campaign on everyday discrimination, new low-threshold tools that enable bystanders to intervene in cases of discrimination and harassment and to increase awareness of cultural and social notions that lead to

discrimination, teaching modules for secondary schools, training on diversity management for employers, training for police.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/all-equality>

Slovenia: Building trust and cooperation between law enforcement and LGBTI community to improve reporting

The NGO Legebitra has established cooperation with the Slovenian Police and engaged in particular with the Centre for Research and Social Skills established by the Police at the Police Academy. The centre employs professionals from different occupational profiles, who deal with diversity in addition to other police duties. They started working together as part of a project entitled “Trust Cop project” which aims at training police officers on how to deal with LGBTI victims of hate crime and to establish police LGBTI liaisons who will provide victim support in cases of police processing of hate crime based on sexual orientation, gender identity, gender expression and sex characteristics. The programme includes training modules for police staff and police LGBTI liaisons.

Source: Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/trust-coop-building-trust-and-cooperation-between-law-enforcement-and-lgbti>

Multi-country project “Facing the facts” (Greece, Hungary, Ireland, Italy, Spain, UK): Enhancing cooperation between civil society organisations, policymakers, the police, and criminal justice agencies to improve the recording, sharing of information on hate crime including on LGBT-hate crime

The 2016-2019 ‘Facing the facts’ project delivered a complete online course for the police, and civil society was involved in delivering six online courses on anti-LGBT hate crime. The project also delivered research on hate crime recording and collection in the countries concerned.

Source: FRA, *Promising practice, hate crime*
<https://fra.europa.eu/en/promising-practices/facing-all-facts> (regarding Italy) webpage of the project on trainings:
<https://www.facingfacts.eu/training/>

VII. Victims’ rights

Czech Republic: Legal aid by a specialist NGO

The organisation In-IUSTITIA was established in 2009. Its mission as described in its statute is to provide social services, legal information and representation to persons affected by prejudiced violence and to prevent prejudicial violence and intolerance, especially racism, anti-Semitism, Islamophobia, homophobia and transphobia, gender-based violence, violence due to age, health, social status, or subculture affiliation. In-IUSTITIA has been accredited by the Czech government as a specialist NGO providing legal aid to victims of hate crime, including representation in criminal proceedings. It co-operates with other organisations to facilitate provision of support and has also educational, monitoring and research activities.

Source: NGO In-IUSTITIA: <https://in-ius.cz/>

Portugal: Directive no. 1/2021 of the Prosecutor General Office

The directive has a threefold aim: 1) it provides instructions for the fulfilment of the rights to information, assistance, protection, and support for victims of crime, especially victims who are particularly vulnerable, 2) it includes the protection of victims of hate crimes as one of the criminal policy priorities, and 3) it enhances the training for magistrates and police officers.

Source: FRA, Promising practice, hate crime
<https://fra.europa.eu/en/promising-practices/directive-no-12021-prosecutor-general-office-law-criminal-policy>

Spain: Restorative justice for LGBTI victims of hate crime led by a university

The project 'Let's go by talking', led by the University of Barcelona in collaboration with many other organisations has conducted research into restorative justice approaches for LGBTI victims of hate crime and run workshops in six countries to exchange good practices, providing online platforms to share its findings and also online trainings.

Source: Let's go by talking
<https://www.letsqobytalking.eu/>

United Kingdom: Informing and empowering victims of hate crime

The Community Alliance to Combat Hate (CATCH) is a group of NGOs combating hate crime in the London area by giving specialist advice and help to people targeted with violence, abuse or harassment because of their perceived race, religion, disability, sexuality, or gender identity. With its NGO specialist partners, CATCH helps with reporting and navigating the justice system. It also can assist recovery from the practical,

emotional, and social impacts of hate crime.

Source: Godzisz, Piotr and Viggiani, Giacomo, eds. (2018) Running Through Hurdles: Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe. Lambda Warsaw, Warsaw
See also www.catch-hatecrime.org.uk

VIII. Protection against anti-LGBTI hate crimes in detention facilities

This section highlights examples of some special rules, guidelines or measures for the treatment of LGBTI prisoners.

Belgium: Federal Action Plan for an LGBTIQ+ friendly Belgium (2021-2024)

The Federal Action Plan for an LGBTIQ+ friendly Belgium (2021-2024) includes a series of actions to train frontline centre staff handling sexual diversity and gender requests in the context of asylum and migration, to provide them with the necessary knowledge to effectively carry out their responsibilities. It also foresees putting LGBTIQ+ asylum seekers in contact with specialised organisations to provide them with information on relevant issues related to LGBTIQ+ people residing in open/closed reception centres.

Source: Federal Action Plan available here
<https://www.premier.be/sites/default/files/articles/Pour%20une%20Belgique%20LGBTIQ%20B%20friendly.pdf> (French) and
<https://www.premier.be/sites/default/files/articles/Voor%20een%20LGBTIQ%20B%20Friendly%20Belgie%CC%88%20.pdf> (Dutch)

Finland: Equality and non-discrimination plan of the Criminal Sanctions Agency

The plan includes a number of measures for the treatment of LGBTI prisoners, notably providing staff and detainees with information and training on diversity in

terms of gender and sexual orientation; ensuring that gender or sexual orientation is not an obstacle to participating in activities or being placed in prison; ensuring that any evidence of discrimination or harassment on the basis of gender or sexual orientation – including by prisoners or staff is followed up. The plan also provides that a person who is being harassed or discriminated against should be informed of whom to contact for help in the institution.

Source: Criminal detention conditions in the European Union: rules and reality, Fundamental Rights Agency, 2019, page 41

Malta: Policy on Trans, Gender-Variant and Intersex Inmates

In 2016, the Corradino Correctional Facility adopted this policy which addresses, among others, issues of registration and placement of LGBT detainees, use of the inmate's self-declared gender identity and corresponding name, title and/or pronouns, rubdowns and searches and access to health services and support for mental health.

Source: Reply from Malta to the CoE questionnaire on the 2nd review of the implementation of CM/Rec (2010)5, 2020
For more information on the policy, see here:
<https://mhascms.gov.mt/en/media/Policies-Documents/Pages/-Trans-Gender-Variant--Intersex-Inmates-Policy.aspx>

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https://fra.europa.eu/en/theme/hate-crime/compendium-practices?countries_eu=All&type%5B%5D=878&=Apply

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