

Seminar on the tackling of underreporting of homophobic and transphobic hate crimes – civil society and policymakers joining forces

REPORT

Towards an inclusive response to homophobic and transphobic violence and hatred
8 December 2015, Thon Hotel Brussels City Centre

Summary

On 8 December 2015, ILGA-Europe brought together representatives from EU member states, civil society activists and political figures from national governments for an **expert workshop**. The workshop asked how EU member states can encourage people to report hate crimes. We used all the expertise gathered in the room to investigate why successful actions against hate crime worked, to talk about creating political will to drive these initiatives forward and think about who needs to be involved, from police and judges to journalists and teachers.

Participants agreed on concrete steps to undertake together on the national level, joining forces between civil society and public authorities. These steps varied from developing joint policy strategies to improving the internal organisation of police forces, among many other steps.

Jointly, all NGO and government representatives also agreed on a number of recommendations to tackle the underreporting of hate crimes in the whole of Europe. These included recommendations to generalise joint trainings for law enforcement officers, to support civil society initiatives on victim support and on third-party reporting, to assign LGBTI liaison officers, and to enact inclusive hate crime legislation on the national and EU level.

First Session

State of play: the situation regarding underreporting of homophobic and transphobic hate crimes in the EU. How to explain underreporting? Presentation of ILGA-Europe's 2015 Report (based on incidents from 2013) and of other relevant research.

ILGA-Europe's recent work on hate crime:

- 2012: first steps, methodology on hate crime reporting, based on OSCE standards
- 2013: put into practice in 12 CoE States (8 EUMS, 4 non-EUMS) ==> findings and recommendations!
- 2014-2015: project in four EUMS to increase cooperation between members and public actors (police forces, judicial actors, governments, equality bodies).



IE Study 2013-2014: the NGO perspective on hate crimes and on underreporting

- Countries:
 - EUMS: Greece, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Spain
 - Non-EUMS: Ukraine, Turkey, Moldova, Bosnia-Herzegovina
- Rates of reporting:
 - FRA LGBT Survey 2012: 22%
 - Stonewall Study 2013: 33%
 - ILGA-Europe Study 2014: 11%

Main findings from the 2014 ILGA-Europe Study:

- Most victims and perpetrators tend to be between 18-25 years old
- In all public areas (cities and rural areas alike)
- Cases involving trans people show more extreme violence
- Gay men tend to report more often, but the relatively high numbers involving lesbian women and transwomen should not be neglected.
- Home, local neighbourhood and school: often the place of attacks
- Group violence
- Small fraction of the cases reported to NGOs were actually reported
- Where NGOs have programmes for victims support and/or legal representation: greater likelihood of reporting to the police

Why do victims not report?

- In the past years, there have been important reports on underreporting of hate crime, particularly regarding hate crimes based on sexual orientation or gender identity.
- Regarding victims of homophobic or transphobic hate crimes, it is very worrying that reporting rates varied from 30% to 11%, in a number of different studies.
- Most often, victims didn't report because they were afraid of a forced coming out, because they didn't think it would make a difference, because they didn't believe the authorities could actually do something, or because they were afraid of the police's reaction.
- And everyone here who works against hate crime and who focuses on different groups of victims, knows that these observations are not limited to LGBTI people but also go for other groups, in sometimes to a lesser or greater extent.

Problems within the public authorities?

- When we then look at the side of the public authorities, we see that in some cases, victims have it wrong, because the authorities are actually aware and trained and able to help.
- However, in too many cases, studies confirm that there is still a great lack of knowledge and expertise on hate crime on the side of the authorities, or even worse: we should not deny that there is still a lot of bias and prejudice within police forces or other public bodies.
- In that regard, we are particularly curious to see the results of the upcoming report of the FRA of the EU, who recently interviewed more than thousand persons working in law enforcement, education and healthcare. From what we hear, the first results seem to confirm this huge problem that still exists within law enforcement bodies, sometimes even rooted in their organisational culture.

Idea of inviting our member organisations together with policy makers / government representatives / equality bodies:

- At ILGA-Europe, we believe that cooperation between civil society and public authorities leads to tangible and committal results on the ground in the fight against hate crime. We hope to demonstrate this once more today, through the presentations by NGO and government representatives.
- Indeed, in districts where NGOs have good contacts with police forces, public prosecutors and other stakeholders, victims are helped better and trust is created, which leads in turn to increased reporting rates.

Finally, the importance of alliance building was stressed, among different groups that are the victim of hate crimes. Similarities between different forms of hate crimes were mentioned:

- Different forms of hate crimes can be perpetrated by the same offenders.
- Hate crimes are sometimes cross-sectional, with a victim being targeted for several bias-motives at a time.
- From the victims' perspective, there are also similarities: trauma, shame, not being taken seriously or even hostile reaction by police, etc.
- Authorities should be sensitized to all forms of hate crime.
- Importance of authorities – NGO networks which facilitate the right treatment of complaints/victims

Main questions to answer during today's seminar:

- How can public authorities and policymakers make sure good practices are started and generalised?
- How can public authorities and civil society organizations empower victims to report hate crimes?
- How can civil society be involved as a partner in the process of data collection?

Second Session

“Finding the magic recipe”: session on successful action against hate crime. How did policymakers and NGOs interact to achieve successful action against hate crime? What explains the success?

Focus on the UK and Scotland: Nik Noone (Galop, UK), Jacq Kelly (Equality Network, Scotland) and Jackie Driver (Equality and Human Rights Commission, UK).

See attached power point presentation.

Third Session

We started this session by two presentations. The first one, by Marta Ramos from ILGA Portugal, showed how results can be obtained through a broad approach comprised of trainings of law enforcement officers, support to victims, and follow-up of complaint and judicial proceedings. The second presentation, by Kenneth Mills of the Flemish LGBT umbrella organisation Çavaria, set out the Belgian model of cooperation between law enforcement, the judiciary, the national equality body, and NGOs. Through a Joint

instruction by the Ministers of the Interior and of Justice, a system has been set up with liaison officers in police departments and public prosecutor officers. Trainings are coordinated by the national Equality body and involve NGOs working on hate crime.

We then split up in three groups:

- Group 1: interaction with police forces
- Group 2: how to engage with the judicial world?
- Group 3: the role of education, campaigning and (social) media

Each group was asked to answer these questions:

- Give examples of successful cooperation between NGOs and public authorities in tackling underreporting. Are there examples of cross-sectional cooperation with/between NGOs?
- Explain what made this example successful. What contributed to its success?
- How can these examples be spread further nationally or even internationally?

In the first group, the system of LGBTI liaison officers or hate crime liaison officers was compared to the system of LGBTI organisations within the police force, as it exists in Belgium, The Netherlands, Ireland, etc. It was deemed that both were very useful and that they were not mutually exclusive, on the contrary. The specific added value of NGOs in training of law enforcement was also stressed, and so was the importance of media work to influence police policies. Finally, it was mentioned that data are essential to persuade the officials. Some data are available from the police, but you have to collect yourself too – for example by conducting a survey among LGBTI people.

Example of Pink in Blue (Amsterdam):

- Initiative came from within the police force and has a two fold goal: to increase awareness and acceptance of LGBT people within the police force and to liaise with the LGBT community outside the police force.
- Special number (help line) or e-mail address: LGBT person or LGBT-friendly person picks up the phone. There is a nationwide network of Pink in Blue police officers available (<https://www.politie.nl/themas/roze-in-blauw.html>). The extension of this project to the entire territory posed some challenges, as it was not evident to identify suitable liaison officers in every single police district.
- Pink in Blue can come to your country, try to organize a conference with academics, police officers, officials from ministries, prosecutors etc. It could be a way in to start a discussion, to share knowledge of the problem.

In the second group, on the judiciary, examples were given on how to interact with the judiciary. In one country, a working group had been established to examine cases of hate crimes. This led to good results on how to improve the work of the judiciary on hate crime. The Belgian example of cooperation between the Ministries of the Interior and of Justice, in cooperation with the Equality body and NGOs was also looked at.

In the third group, several successful examples from the field of education were given, but the level of interaction depended very much on the context.

The importance of leadership was a key to success: you need to have political leadership and available resources to have successful initiatives. Need also to capitalize

on opportunities / events that get media attention. Cross-sectoral cooperation: good examples, even if challenging. Important to focus on common ground/objectives. Important for some organisations to reach out policy makers when otherwise won't have the opportunity / overcome barriers.

Fourth Session: National and European legislation

Linda Ravo (European Commission, DG Justice) set out the existing European legislation and policies against hate crime. Unfortunately, the 2008 Framework Decision against racism and xenophobia does not include hate crime on other grounds than racism. However, most Member States have opted for a broader approach. During the Commission's dialogues with Member States on implementation of legislation, there were opportunities for civil society to exercise pressure on governments. Regarding the Victim's Rights Directive, which does mention all forms of hate crime, it was stated that most Member States are still in the process of adopting legislation, even if the deadline passed on 16 November 2015. So far, several Member States had communicated full notifications to the Commission. The Commission will be setting up a High Level Group on all forms of intolerance, and will ensure that civil society contribute to this work.

We then looked into the impact of European legislation on the ground and compared national legislation against hate crime and on victims' support. Without a proper implementation of the 2008 Framework Decision and the Victims' Rights Directive:

- Police will not continue the investigation to collect evidence of a bias-motive
- Offenders will not realise that the crime they committed is worse than ordinary crimes or hate crimes that are mentioned in legislation.
- Public will not be sensitised either

This illustrates the message function of the law, which is not to be underestimated.

Closing Session - Moving Forward

Participants agreed on concrete steps to undertake together on the national level, joining forces between civil society and public authorities. These steps varied from developing joint policy strategies to improving the internal organisation of police forces, among many other steps.

Jointly, all NGO and government representatives also agreed on a number of recommendations to tackle the underreporting of hate crimes in the whole of Europe. These included recommendations to generalise joint trainings for law enforcement officers, to support civil society initiatives on victim support and on third-party reporting, to assign LGBTI liaison officers, and to enact inclusive hate crime legislation on the national and EU level.

FOR GOVERNMENTS & POLICYMAKERS

- Ensure law enforcement authorities and judges are sufficiently trained and sensitised on hate crime, including against LGBTI people, in order to ensure effective, prompt, and impartial investigations of hate crimes.;
- Support civil society efforts to act as victim support in cases of LGBTI hate crime as it can lead to increased reporting of such incidents; and support their reporting work

- Ensure law enforcement authorities and courts record the numbers of LGBTI hate crimes reported, prosecuted and sentenced;
- Support youth educational projects on human rights issues, that includes principles of non-discrimination towards the LGBTI community; Prisons, awareness raising campaigns
- Assign a LGBTI liaison officer with community policing structure to improve reporting of hate crimes; and promote LGBTI associations within police forces

FOR INTERGOVERNMENTAL ORGANIZATIONS

- Support national governments in developing training programmes for criminal justice professionals on hate crime, including how to address LGBTI hate crimes; involving civil society and ensuring accessibility of local law enforcement officers

FOR NGOS

- Continue to develop monitoring and reporting of LGBTI hate crimes and incidents in order to use evidenced-based data to effectively design and target advocacy efforts;
- Develop victim support programmes to enhance reporting of LGBTI hate crimes and incidents to police and other relevant authorities;
- Conduct public awareness campaigns, events and trainings within the LGBTI community to better educated on hate crimes;
- Co-operate with local law enforcement agencies to deliver trainings on LGBTI hate crimes;
- Co-ordinate with local law enforcement to establish an LGBTI liaison officer within community policing departments;

ANNEX: List of participants

Baumann Bastian	Pink Cross	Switzerland
Cerulus Michael	ILGA-Europe	Belgium
Dombos Tamas	Háttér	Hungary
Driver Jackie	Equality and Human Rights Commission	UK
Glaserova Kveta	PROUD	Czech Republic
Holzer Michael	Ministry of the Interior	Austria
Hugendubel Katrin	ILGA-Europe	Belgium
Kelly Jacq	Equality Network	UK
Kozubik Jan	PROUD	Czech Republic
Krickler Kurt	HOSI Wien	Austria
Le Déroff Joël	European Network Against Racism	Belgium
Mazurczak Anna	Commissioner for Human Rights	Poland
Mills Kenneth	Çavaria	Belgium
Németh Ágnes	Hungarian Police	Hungary
Noone Nik	Galop UK	UK
Oravec Dávid	Permanent Representation of Hungary to the European Union	Hungary
Orban Kristina	Transvanilla	Hungary
Owen Trevor	Equality Unit, Scottish Government	UK
Platovas Eduardas	Lithuanian Gay League	Lithuania
Ramos Marta	ILGA Portugal	Portugal
Ravo Linda Maria	European Commission	Italy
Šalnaitytė Rūta	Permanent Representation of Lithuania to the European Union	Lithuania
Scognamiglio Veronica	Amnesty International European Institutions Office	Belgium
Sonnino Melissa	CEJI - A Jewish Contribution to an Inclusive Europe	Belgium
Steiner David	Federal Office of Justice	Switzerland
Tabagari Giorgi	Campaign Against Homophobia	Poland
Tijsma Philip	COC Nederland	The Netherlands
Winkel Bastiaan	Ministerie van Veiligheid en Justitie	The Netherlands