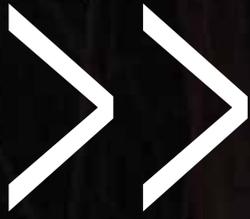


Destination



# EQUALITY

winter 2009-10

Urgent call for  
Europe to tackle  
**homophobia &  
transphobia**

What makes  
**people hate?**



**Elisabeth Ohlson Wallin:**  
artist & educator

**HATE &  
VIOLENCE**  
**edition**

# Welcome to The Hague!



ILGA EUROPE  
THE HAGUE  
2010

**In 2010, the 14th ILGA-Europe's Annual  
Conference will take place in The Hague on  
28-31 October.**

Please visit our conference website from mid June 2010 when the first conference mailing will be available and which will contain registration and scholarship forms as well as more practical details about the venue:

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"A young guy was excited. He had arranged to meet a guy via the Internet. But there was no date, he was instead brutally assaulted. Four young men jumped on him, kicked and punched him. He had been fooled into a trap."

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**Dear readers,**

In 2005 during the first ever Pride March in my home town of Riga I faced hatred and violence tête-à-tête. I was stunned by the faces of hundreds of compatriots shouting 'Degenerates!' and 'Whores!', throwing stones, eggs, spraying tear gas at me and other marchers and desperate to break the police chain around us to use their fists. I was ready for opposition, but I was not ready for that orgy of pure and ugly hatred. We were lucky and nobody got physically hurt. But the mental trauma was tremendous: some participants of that Pride March needed therapy sessions, some considered leaving Latvia and others actually left the country. For a long time after the Pride, I avoided using public transport and commuted by taxis to avoid being recognised; a fear close to paranoia haunted me for a very long time....

But my biggest shock was that not a single politician in my country condemned the wave of hatred and violence which shook the entire country. And that the police announced they cannot even prosecute a man who proudly paraded a poster stating "Fags will only be cured by gas chambers" during the anti-Pride demonstration simply because Latvian law does not recognise homophobia in its law on incitement to hatred. Can you imagine anyone in Europe publicly displaying

similar posters with the words 'Jews', 'Gypsies', or 'Catholics' instead of 'Fags' going unpunished?

Far too often we hear about cases of physical assaults and even killings of people purely because they are or appear to be lesbian, gay, bisexual or trans. Words of hatred and humiliation are being used by some politicians, religious and community leaders across Europe almost on a daily basis. This is the gruesome reality. Despite all the efforts made in Europe towards protecting minorities, promoting diversity and respecting differences, some individuals and groups of people are still using hateful speech and violence as a method of expressing their views about people who are different from them.



Man holding poster "Fags will only be cured by gas chambers" during Riga Pride 2005

Only 16 among the 47 Member States of the Council of Europe recognise homophobia and transphobia in their laws on hate crime and/or hate speech. Homophobic and transphobia are still uneasy and uncomfortable subjects with some European institutions. All European nations and European

organisations strongly oppose and introduced specific measures against hatred and violence motivated by racism. Yet, national and European lawmakers are somehow less proactive when it comes to addressing similar crimes motivated by homophobia and transphobia. Fortunately, at European level there is a growing number of politicians who are voicing the support and need for action.

Obviously the law is not the only solution to tackle such a complex phenomenon as hatred. What makes some individuals hate other individuals or groups of people? What is the effect of hate crime and hate speech on a victim and a whole social group? It is important to understand the patterns, the thought processes taking place in a perpetrator's mind. Only then can we tailor our work and educational campaigns with particular individuals and communities to prevent, or at least significantly reduce the root causes of hatred and violence.

The impact of hate crimes and hate speech in most cases is not limited just to a particular victim; they represent a particular system of attitudes or feelings towards an entire group and this is why hate crime cannot be treated just as common crime.

Europe cannot afford to repeat mistakes from the past and needs to make sure that no person in Riga or anywhere in Europe is allowed or condoned for parading a poster "Fags will only be cured by gas chambers". If Europe turns a blind eye on homophobia and transphobia today, who will that man in Riga decide to 'cure' tomorrow?

**Juris Lavrikovs**  
editor



# Preparing for a great joint effort

**ILGA-Europe has entered its third and final year of its second Strategic Plan – the one adopted for 2008-2011. This means that 2010 will be a year when the next 3-year plan has to be discussed and tailored, shaped and eventually adopted by the membership at our annual conference in Den Haag in October 2010.**

The Strategic Plan is an important document where the collective ideas of ILGA-Europe's membership, Board and staff merge into a clearly formulated set of strategic objectives and means to achieve them. This document will serve as the lighthouse towards which all of ILGA-Europe's activities over the next three years should point, and help us assure that all our work is focused and well anchored among our stakeholders.

Since the adoption of the previous Strategic Plan in Vilnius in October 2007 ILGA-Europe has experienced some significant developments and challenges. We are now a recognised Human Rights NGO with 12 staff members, an annual budget close to 2 million Euros and activities in most European countries. During these past few years we have seen progress for the LGBT communities throughout our continent – towards a horizontal non-discrimination EU directive and the adoption of partnership and marriage laws for same-sex couples in a number of European countries. Progress has also been made in the understanding of the needs of people who are transgender and represent different gender identities, and the discussion on the definitions of the word "family" has become more visible on the political agenda.

One cannot say that ILGA-Europe alone achieved all these positive developments – but it is hard to imagine that such progress would have happened without the work of our organisation. We know, therefore, that the next Strategic Plan will define the most important milestones, for the LGBT community, which we wish to pass in

our countries in the years to come. We truly hope that the new Strategic Plan will facilitate a shared understanding and commitment among our membership towards a focused agenda of the European LGBT movement in 2011-2013.

The creation of a Strategic Plan is team work. Our membership, Board and staff all have important roles to play in this process. Without significant input from a range of member organisations from all parts of Europe it is not possible to produce a Strategic Plan which we all feel ownership of. The work will be lead and supervised by a strategic planning team consisting of the Executive Director and 2-3 representatives from the Board and staff. The on-going diversity training work, as well as the evaluation work we have been engaged in over the past two years, will feed into the process of creating the Strategic Plan.

We will also engage various other stakeholders, policy makers and cooperation partners in the process in order to best identify the most important issues which need to be addressed. We need to hear critical voices to better understand what we can and should do to improve our work, and we need to produce a good needs assessment. Our member organisations will receive timely updates of the progress of the Strategic Plan, and also be invited to an intense strategic planning session on 12-13 June. After the planning session the draft Strategic Plan will be circulated amongst our members for critical comments and feedback. It is our sincere hope that as many member organisations as possible

will take active part in the planning process!

Finally, the draft Strategic Plan will be presented, discussed and voted upon at the annual conference. As you know, our annual conferences have become our main meeting point and forum where strategic questions are asked, discussions take place and new ideas are highlighted. Over the past three years ILGA-Europe has promoted debates at the annual conferences about multiple forms of discrimination, diversity within the LGBT communities, local and global struggles and the importance of cultural and religious barriers to LGBT equality, among other things. These discussions, and sometimes heated debates, have been a great help in exploring themes which are essential in our every day work and in identifying the differences in opinion that we have, but more importantly – to seeing what unites us and to realising that we have a common goal and a shared vision of the world.

Our aim is to write a Strategic Plan which sets high but realistic goals and at the same time is user-friendly and understandable to our members and ourselves. We are confident that this is achievable with the support and collective experiences of our great membership as well as with the work done by our excellent staff and dedicated Board.

We are looking forward to cooperating around this important task!

**Martin K.I. Christensen &  
Linda Freimane**

*Co-Chairs of ILGA-Europe's Executive Board*

# Overcoming religious and cultural barriers and trans rights on the agenda

More than 300 lesbian, gay, bisexual, transgender and intersex activists from 48 countries gathered in beautiful sunny Malta in the middle of the Mediterranean for the ILGA-Europe Annual Conference held during 28 – 3 October 2009.



Our conference in Malta was in fact the largest ever ILGA-Europe conferences in its 13 years of existence. The conference was co-hosted by the Malta Gay Rights Movement (MGRM) and 18 enthusiastic volunteers helped the conference to run smoothly.



ILGA-Europe's board & staff and MGRM representative with President of Malta

## ILGA-Europe meeting with the President of Malta

Two days before the conference started, the ILGA-Europe board, staff and representatives from MGRM met Dr George Abela, the President of Malta. This was the first time that a Head of State met representatives of ILGA-Europe during its annual conference. During the meeting the President highlighted the importance of information and education in tackling discrimination and increasing tolerance and acceptance of diversity. This meeting will hopefully open doors for the Maltese LGBT community in their fight for legal equality and social acceptance.



## Different families, same love – across the island

During the conference ILGA-Europe's family campaign posters were prominently displayed on bus stops in various Maltese localities. The posters highlighting the challenges LGBT families and their children face due to the lack of legal recognition were translated into Maltese by MGRM. Such prominence of the posters increased visibility of the issues in country and their translation to Maltese made sure that they resonated with the local population.



ILGA-Europe's family poster on a bus stop in Malta

The presence in Malta left its mark as the ILGA-Europe conference became very visible for the Maltese public and widely reported in the national press and a few international media covered the conference and LGBT issues substantially before, during and after the conference. Moreover the focus on the Mediterranean

region was clearly needed. On the third day of the conference, MGRM awarded Alecos Modinos, gay activist from Cyprus, for his tremendous contribution towards LGBT rights in Cyprus and his international involvement in ILGA-Europe over many years. In 1993, Alecos won a case in the European Court of

Human Rights against Cyprus which led to the decriminalisation of consenting sexual acts between adult males in his country. For years, Alecos was a prominent defender of LGBT human rights in Cyprus and the South Eastern European region, known well beyond the shores of his country.

# ILGA-Europe Annual Conference 2009



Alec Modinos at the Conference

## Pre-conference on trans rights

The day before the Annual Conference, ILGA-Europe and Transgender Europe held a pre-conference titled Putting Trans Rights on the European Agenda. The pre-conference brought together European and national stakeholders in a direct dialogue with trans and LGBT activists from across Europe. This was the first trans conference to be

exclusively driven towards good practices in policy and legal developments. During the conference representatives from the European Commission, the European Union's Fundamental Rights Agency, EQUINET, the European network of equality bodies, and the Council of Europe made a number of significant commitments. Belinda Pyke stated on the behalf of the European Commission, that it will be looking at the way EU Member State implemented the 2004 gender equality directive vis-à-vis trans people in its 2010 report. It will also be publishing its first trans specific legal and policy mapping study.

The Council of Europe will be mirroring the Fundamental Rights Agency's report on homophobia and transphobia in the EU in its 20 Member States that are not members of the European Union. Additionally, the Commissioner for Human Rights will keep raising the issues around transgender human dignity and human rights in his country visits.

The Fundamental Rights Agency will be updating its transgender fact sheet during 2010, while keeping up its awareness raising around the findings of its report on homophobia and transphobia.

Finally, the EQUINET will issue an Opinion-Statement on the gap in anti-discrimination legislation with regards to trans people and will address the lack of mandate of the equality bodies in some EU member states in dealing with trans issues.

At the end of the pre-conference a declaration on the rights of trans people was read, debated and approved. The declaration is the first of its kind, and highlights the importance of cooperation with different institutions on a social, national, European and worldwide level. The declaration was passed to the ILGA-Europe's annual conference and Transgender Europe for their endorsement.

## From European LGBT policies to overcoming cultural and religious barriers

Louis Galea and Evarist Bartolo during opening of our conference



During a number of panel debates, workshops and self-organised

discussions conference participants explored the conference there of

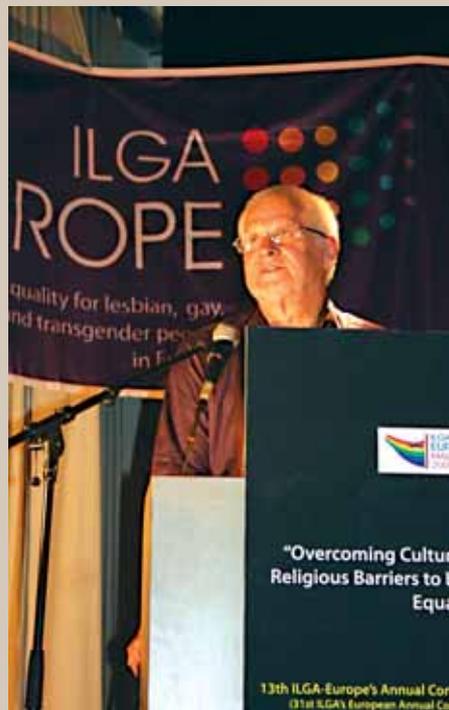
Overcoming cultural and religious barriers towards LGBT equality.

This year we had an impressive list of guest speakers which included **Ulrike Lunacek**, Austrian member of the European Parliament; **Louis Galea**, speaker of the House of Representatives (Maltese Parliament); **Francis Agius** and **Evarist Bartolo**, members of Maltese Parliament, **Belinda Pyke** from the European Commission. All of them were exploring which policies are needed at European level to achieve greater equality for LGBT people. It was particularly encouraging to hear the Maltese parliamentarians speaking out openly in support of equality and human rights for LGBT people.

A lively, entertaining and thought provoking debate was led by **Vladimir Luxuria**, former member of the Italian Parliament, journalist and LGBT rights campaigner, and **Juris Cālītis**, Latvian pastor of the Anglican Church who was excommunicated by the Latvian Lutheran Evangelical Church for supporting LGBT rights in his country.

Vladimir Luxuria spoke with lots of humor about the cultural clashes that she experience in Italy: "Culture in Italy, there has just been a big scandal, if it were just gossip I wouldn't bore you with it, but it is more and involves cultural barriers as well. It looks like an Almodovar film, but it is true." (speaking about the national scandal that broke out following the publication of details about a politician's affair with a transgender sex worker).

Juris Cālītis explored why religion and human rights are having difficulties in getting along. He pointed out three main reasons – firstly that religion is not something superficial, but is coming from deep feelings and understandings, which should not be neglected. Secondly, Juris Cālītis



Juris Cālītis



Vladimir Luxuria

emphasised that all religions try to "...represent the most consistent and continuing, extensive, authoritative, and deliberate explanation of what it means to be a human being." The third reason is based on the second, as in order to keep this, churches are behaving conservative and seems very slow in adapting to social changes.

Both Vladimir Luxuria and Juris Cālītis advocated the separation between the state and the church and stressed the need to build bridges. Juris Cālītis: "We need just laws, but we also need just people. And more necessary than rights are friendships. What is the good of having rights of you are still enemies?"

## Meetings with Maltese Trade Unions

During the period of the conference, ILGA-Europe had the possibility to develop closer links with national trade unions and assist MGRM in entering in dialogue with them. These meetings were received with great interest and the trade unions were quick to point out their commitment for equality for all.

**Juris Lavrikovs**  
**Nanna Moe**

*ILGA-Europe's Communications team*

**A week of debates, discussion, exploration of new ideas and developing new projects, warm Maltese sun and sea, meeting old and making new friends went fast. We now look forward to the next 14th Annual Conference in October 2010 which will take in The Hague on 28-31 October, see you there!**

# Standing up jointly against hate and violence



**This article provides a vision on how ILGA-Europe wants to see hate crimes being addressed by European organisations and details the organisation's current and planned work in this area.**

The right to life, security and protection from violence is among the most obvious Human Rights guaranteed by international and European treaties and conventions. It is also enshrined in many national Charters of Rights and Constitutions in European countries. As a consequence, all attempts on citizens' safety by States and other authorities are prohibited. At the same time, States are also meant, by all means, to protect people from such attempts – whoever the perpetrators may be.

**Why should combating hate crime be a major priority?** In December 2009, the Organisation for Security and Cooperation in Europe (OSCE) adopted a groundbreaking Ministerial Decision on those criminal offences that are "committed with a bias motive". Such crimes carry a message to the victim, but also the whole society. Their social connotation has dramatic consequences for entire groups and communities, which permanently feel at threat and suffer attacks on their very dignity.

Wherever perpetrators have the feeling they have societal permission to engage in homophobic and transphobic violence, the very values of tolerance and non discrimination, said to be at the core of European society, are simply denied. Sadly, reporting by ILGA-Europe's members provides evidence

that hate violence against LGBT people is not decreasing, even in countries where legislative changes have already brought equal rights in the past years.

Ensuring effective, prompt and impartial responses to this situation is a major challenge. Such responses may and should include legislative provisions and a comprehensive mobilisation of a broad number of government, civil society and political stakeholders. Working towards the achievement of this objective is one of the core missions of ILGA-Europe.

#### **Reporting of hate violence is a key issue.**

Reporting and monitoring are clearly crucial to designing efficient policies. However, even before reaching that stage, they are absolutely necessary to raising awareness within the institutions, among law enforcement officers and in the public. Following the EU Fundamental Rights Agency's opinions provided in its report on "Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States"<sup>1</sup>, authorities should take all practical measures to ensure that offences are recorded and thoroughly investigated.

Nonetheless, the experience of ILGA-Europe's members proves that initiatives often come from us LGBT NGOs – and from other civil society stakeholders. One

explanation is that the first step involves persuading public opinion, the media and the policy makers that action is needed.

ILGA-Europe has developed a number of tools to facilitate reporting by LGBT organisations in Europe. Among them, our "Handbook on Monitoring and Reporting Homophobic and Transphobic Incidents", published in 2008, and our dedicated Human Rights Violations Documentation Fund. In 2010-2011, ILGA-Europe will also participate in a project funded by the European Commission and coordinated by the Danish Institute for Human Rights, aimed at developing a harmonised "tracing and tackling hate crimes" toolkit.

**Enforcing inclusive hate crime legislation is urgent.** If bias violence carries a message that is contrary to fundamental rights and to our societies' inclusive values, then Parliaments and Governments have to re-assert these values and to actively promote them, by enacting and actually enforcing hate crime laws. A bias motive related to sexual orientation, gender identity or other discrimination should be taken into account, at least as an aggravating circumstance, under offences already existing in criminal law.

Half of the EU Member States already have legal provisions to combat

<sup>1</sup> [http://fra.europa.eu/fraWebsite/products/publications\\_reports/pub\\_cr\\_homophobia\\_0608\\_en.htm](http://fra.europa.eu/fraWebsite/products/publications_reports/pub_cr_homophobia_0608_en.htm)

homophobic hate crimes. One of the last bills adopted, voted on in 2009 by the Scottish Parliament, should be considered an example of good practice in terms of inclusiveness: it is one of the only existing pieces of legislation to fully protect trans people. Other examples are far more worrying. In October 2009, the Italian Parliament voted against a bill against homophobia and transphobia, despite the dramatic increase of hate incidents reported in that country.

At the European level, ILGA-Europe firmly believes it is time for the European Union to take a new step forward. In 2008, the EU adopted a Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law. This decision defines common indictments and common minimum levels of sanction. Building on the opinions released by FRA, and in accordance with the EU's values explicitly defined by the Lisbon Treaty and the Charter of Fundamental Rights, we will advocate for the adoption of more inclusive legislation.

**Tackling violence implies working hand in hand with all relevant stakeholders.** Such an assertion is certainly more than ambitious. Let's take it as a long-term objective.

Creating "multi-agency" partnerships between LGBT organisations, other actors from civil society, local and regional authorities, police forces, prosecution services and health institutions at all levels is the best way to build a comprehensive response and a preventive system against violence. Only LGBT organisations can provide the other stakeholders with qualitative expertise on LGBT communities

and identities. Only authorities have the means to deliver policies to eliminate hatred in the society.

The experience of ILGA-Europe's members shows that strategic networking is necessary where hate crime laws have already been adopted, as well as where this is not the case. In fact, the adoption of good legislation can often be seen both as an achievement and as a facilitating factor of such a long-term strategy.

2010 will be a turning point in ILGA-Europe's work in this field, with expected tangible outcomes from our "Working with the police and challenging hate crime in Europe" project, funded by the Dutch government and supported by the European Commission. This project increases the resources we dedicate to lobbying and advocacy, and it is also an opportunity to develop a working toolkit to facilitate engagement between police forces and the LGBT communities.

In December 2009, we had the opportunity to discuss our objectives during a roundtable open to our membership and other LGBT organisations. The publication of a policy document, based on wide ranging research on existing practices and needs, will allow us to prepare the next steps. The next events we will organise will focus on capacity building. With a view to creating interaction with possible partners, we will also propose active cooperation to European police networks, including the European Gay Police Association (EGPA), police unions and police academies, on the ground of the best examples of LGBT-friendly policing.

Some of our members also participate in other projects aimed at the improvement

of existing practices in other fields of the fight against violence, such as victim support. A number of them will join a project coordinated by the University of Udine to develop a European network for the legal support of LGBT Rights.

We have a long way to go. The elimination of hatred and bias violence requires permanent attention, as new challenges will appear and can only be dealt with over the long term. Working with the media is a good example. Depending on the national contexts, different issues arise: homophobic and transphobic incidents shouldn't be invisible. But what if they are reported in a biased way?

Another important challenge is to find a working way to deal with the prevention of violence and discrimination as early as possible in life, starting within the education system. Recent research on school culture by Stonewall and other British organisations provides evidence that the very word "gay" is increasingly used as an insidious form of insult. Making bullying unacceptable can't be achieved without paying attention to such developments.

ILGA-Europe believes that mutual learning among LGBT organisations is the path to making our efforts successful. Among the good news that 2009 brought us was the adoption of the Matthew Shepard Act that makes homophobic and transphobic assaults a federal crime in the United States. Not having to wait for other Matthew Shepards to be murdered before proactively tackling violence: this is the kind of good news we want to hear of in the future.

**Joël Le Deroff**

*Policy & Programmes Officer, ILGA-Europe*

# Combating Hate Crimes in Europe through Documentation



"CATASTROPHE: with a population of 3.5 millions legalisation of same-sex marriage in Lithuania would become a catastrophe" – example of how Lithuanian newspaper stirs panic among its readers

This article describes some of the projects on hate speech/crime supported by ILGA-Europe's Human Rights Violations Documentation Fund and their contribution towards addressing these issues.

Whether it is to support a national advocacy campaign on prevention of hate crimes, to open a legal service for the LGBT community or to lobby international institutions, documentation is an important element. It helps to understand the demographic and scale of the problem, rally support behind a particular issue, put forward demands to the government based on data which is hard to argue against, and to gain equal standing for LGBT groups with mainstream human rights NGOs.

This is why ILGA-Europe supports its members at the national level through the Human Rights Violations Documentation Fund. Between 2006 and 2008 ILGA-Europe funded a total of 30 projects from 26 LGBT organisations based in 19 different European countries. Over half of these projects cover various aspects of hate crimes.

Documentation of hate speech has been the most popular subject among the Fund's grantees. To organise such work, the organisation needs to define hate speech and develop a scale for grading various political statements. Further there is a need for a tool, starting with a simple folder where all paper cuttings are collected in chronological order, moving to an excel sheet into which all media clips and statements will be collected, and finally some chose more sophisticated software. The process of collection of data, depending on the monitoring period, can be up to one year, after which a report is produced and distributed to relevant stakeholders, most of all mass media, politicians and international institutions.

One of the first projects supported by the Fund was "Homophobic Hate Speech in Latvia: Monitoring the Decision-makers". The project researched homophobic hate speech by politicians during a volatile period in Latvia – between June 2005 and August 2006, in the lead up to parliamentary elections. In the process *Mozaika*, an Alliance of

LGBT People and Their Friends, developed an excellent methodological tool for media monitoring, which can be replicated in other countries. Developing such methodology was one of the project's objectives, and together with the report itself is believed to be the key project result.

Another interesting report, and success of the Fund, is "Not private enough? Homophobic and injurious speech in Lithuanian media", produced by the Lithuanian Gay League. It focuses on representation in the news and images related to LGBT issues, and finds a number of patterns, based on which the report is structured. The report was widely distributed by LGL, with the key audience being media themselves. LGL has noticed that in a short period authors of hateful articles stopped writing about LGBT, and the overall media tone has shifted towards the more positive. The report itself was also well covered by the media in articles, including after the press conference at which the results were presented.

ILGA-Europe's grant also co-funded a project "Activate" – a focal point within Slovenian LGBT group *Legebitra* – where all information on LGBT human rights abuses was gathered and analysed. The final report includes quantitative and qualitative assessments of information gathered via a questionnaire on violence, focus groups and individual cases of LGBT human rights violations in Slovenia reported to *Legebitra* between November 2007 and October 2008.

*Legebitra* believes the report owes its high quality to the fact that various experts were involved: sociologists from the Peace Institute for analysis of the data and report writing, a lawyer for coverage of legal issues, and Jasna – activist and organisational perspective. "But there is room for improvements, and we already know how to do it better next time", says Jasna. When asked about future plans, Jasna lights up: "The project got a great response! I never expected such a positive response to the project. I didn't think it was going to be visible, but it is very visible! Now I can also point on which information is still missing. It's an idea for future reports on what needs to be covered. I take it as a base..."

The next call for proposals for the Fund will be announced in May 2010. To find out more about the Fund, see current and completed projects and some of the methodology and reports produced by the previous grantees, please visit our website: [www.ilga-europe.org](http://www.ilga-europe.org)

**Maxim Anmeghichean**  
Programmes Director, ILGA-Europe



## Handbook on monitoring and reporting homophobic and transphobic incidents

Incidents and violence motivated by hatred against lesbian, gay, bisexual and transgender (LGBT) people take different forms: physical violence, hate speech, threats of violence, verbal abuse, etc. They take place in different places, including public areas, schools, the workplace, or in the privacy of the home.

The incidents motivated by hatred against LGBT people cited in this Handbook have been reported by human rights and LGBT organisations. Unfortunately, many similar cases are not reported and thus remain unknown to national or international authorities.

The consequence of under-reporting homophobic and transphobic incidents is that the issue of violence targeting LGBT people remains invisible. It remains invisible in data on hate crimes and therefore invisible among law enforcement officials, law-makers and public officials.

The lack of documented facts on the occurrence of homophobic and transphobic violence constitutes an important barrier to taking a case against an aggressor and to advocating for legislation on combating hate crime against LGBT people.

Ultimately, the absence of legislation specifically prohibiting violence motivated by homophobia contributes to legitimising homophobia and transphobia and to creating an environment of impunity for perpetrators of violence against LGBT people.

The aim of this publication is therefore to contribute to increased and better reporting of homophobic and transphobic incidents by providing tools and a methodology to document and report violence motivated by hatred against LGBT people in a systematic and factual manner.

This publication is designed for LGBT and human rights organisations who intend to monitor the occurrence of homophobic or transphobic incidents and violence, in order to advocate for legislative changes to increase legal protections from violence motivated by homophobia, lesbophobia and transphobia at national, European and international levels.

You can download a PDF version of the Handbook on our website:

[www.ilga-europe.org/europe/publications/reports\\_and\\_other\\_materials](http://www.ilga-europe.org/europe/publications/reports_and_other_materials)

If you want to order a printed version please contact [nanna@ilga-europe.org](mailto:nanna@ilga-europe.org)

**Mordbrand (Deadly Fire)**

In Piteå in North Sweden, deadly firebombs were thrown into an office belonging to a regional branch of the Swedish National LGBT organisation, RFSL. Two men with connections to the Swedish neo-Nazi community were arrested and convicted for the crime.

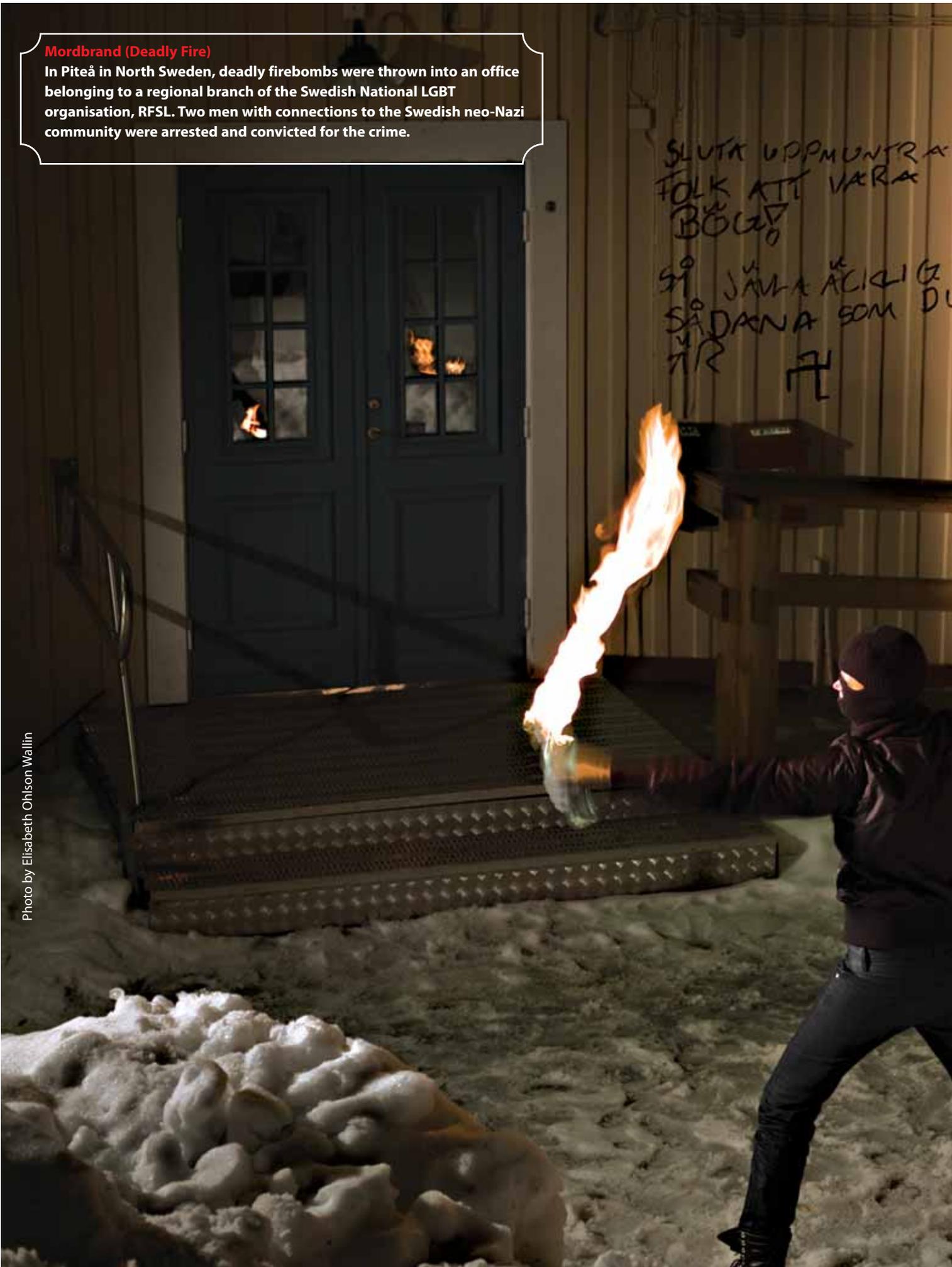


Photo by Elisabeth Ohlson Wallin



# What can the EU do against homophobic hate crime and hate speech?

**This article highlights a hierarchy of EU law dealing with hate crimes and hate speech. Currently EU law only addresses racist hate crimes and hate speech and not other crimes motivated by hate, including by homophobia and transphobia. The author suggests that EU wide legislation is needed to address differences between how EU Member States are dealing with, monitoring and reporting such crimes.**

Anti-Pride protesters at London Pride 2007



In 2000, the EU adopted two equality directives (one directive, the Racial Equality Directive 2000/43, for racial and ethnic discrimination, another directive, the Employment Equality Directive 2000/78, for all other discrimination grounds including sexual orientation). These two Directives differ from each other in important aspects. The Racial Equality Directive is more comprehensive than the Employment Equality Directive. Since 2000 the EU has been criticised in some quarters because of a perceived hierarchy of discrimination grounds. The criticism was that racial and ethnic discrimination is given higher importance by the EU than other types of discrimination, including discrimination against LGBT people. In 2008, the European Commission proposed another directive (COM (2008) 426), the so called Horizontal Equality Directive, to address this criticism and to ensure an equal right to equal treatment at EU level irrespective of ground of discrimination.

However, a hierarchy of grounds of discrimination in EU legislation is to be found not only in the area of anti-discrimination law. Such a hierarchy of discrimination grounds also arguably exists in the field of EU criminal legislation addressing hate speech and hate crime. In 2008, the EU adopted a framework decision on racism under the former third pillar (2008/913/JHA, OJ L 328/2008). A similar instrument on homophobia was never even proposed or seriously considered even though the European Parliament in a resolution on the situation on fundamental rights in the European Union 2004-2008 (P6\_TA(2009)0019) of 14 January 2009 called on the Commission, after consulting the Fundamental Rights Agency, to propose similar legislation to combat homophobia.

In June 2008, the Fundamental Rights Agency of the European Union (FRA) published the first part of its comprehensive homophobia report with the title "Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States: Part I – Legal Analysis". In July 2009, part II of the comprehensive homophobia report of FRA focusing on the social situation was published. Both parts of the homophobia report of FRA deal with homophobic hate crime and hate speech amongst other topics.

In its homophobia reports, the FRA has collected ample evidence concerning homophobic hate crime. The reports found that, regarding prosecutions against homophobic crime, the United Kingdom collects extensive official data. In 2007, a total of 988 criminal court cases were initiated in relation to homophobic incidents, of which 759 resulted in convictions. Court cases represent the 'tip of the iceberg' when it comes to the real extent of often unreported and unrecorded hate crime, including homophobic hate crime. To this end, there are some encouraging developments in a handful of Member States whereby police records of hate 'incidents' are now disaggregated to include information specifically concerning homophobic crime. For example: official data on incidents of hate speech and hate incidents reported to the police are produced in Sweden, where 723 police reports in 2007 were related to homophobic incidents. In the period 1 January to 30 June 2008, 150 homophobic incidents (violence, abuse or harassment) were recorded by the police in the Netherlands. And in December 2009, the Finnish Police College released a report on hate crime including information on 23 suspected hate crimes against 'sexual or gender minorities', which were in the main described as assaults or verbal insults or threats.

The lack of official statistics in other Member States partly results from the fact that hate speech and hate crime offences are either not considered a crime or an aggravating factor, or the collection of complaints does not disaggregate according to the motive (it was thus not possible to distinguish between, for example, racist and homophobic motives in the statistics). As is often the case, the law needs to be in place and clear enough to enable the collection of corresponding and sufficiently detailed statistics.

According to the FRA homophobia reports, 10 EU Member States consider homophobic intent an aggravating factor in the commission of criminal offences. In 15 other EU Member States, homophobic intent is not an aggravating factor in the commission of criminal offences. Amongst this latter group of

states, there are six EU Member States where the notion of hate crimes is known, but does not explicitly extend to crimes committed with a homophobic motive (being restricted, in general, to crimes committed with a racist or xenophobic intent, or using only general formulations). In Ireland and Luxembourg, homophobic motivation may be dealt with at the sentencing stage of the criminal process, but statutory sentencing guidelines dealing with this do not exist and this is left to the discretion of the courts.

Regarding homophobic hate speech, the FRA homophobia reports found that in 12 EU Member States the criminal law contains provisions making it a criminal offence to incite to hatred, violence or discrimination on grounds of sexual orientation. By contrast in four EU Member States existing criminal law provisions against hate speech were explicitly restricted to the protection of groups other than LGBT, making an extension of the protection of the law to LGBT difficult to envisage. In the remaining group of EU Member States there were generally worded offences which may equally serve to protect LGBT persons from homophobic hate speech, while drafted predominantly with hate speech against certain ethnic groups in mind.

Both the broad legal differences detected in the EU Member States regarding homophobic hate crime and hate speech and the related lack of comparable statistics suggest the need for more approximation of the relevant legislation across the EU. There are indications that a legislative instrument which establishes certain minimum standards regarding homophobic hate crime and hate speech across the EU Member States seems to be needed.

One possibility to achieve this would be the adoption of legislation by the EU establishing such minimum standards regarding homophobia following the model of the framework decision on racism (2008/913/JHA, OJ L 328/2008).

**Niraj Nathwani**

Programme Manager Legal Research, European Union  
Fundamental Rights Agency

*The views expressed in this article are those of the author and not those of the EU Agency for Fundamental Rights.*



# Why the EU must act on homophobia

**As a lifelong campaigner for equality and anti-discrimination, I've always believed that the EU is a community of values, and for this reason, discrimination, harassment and violence against EU citizens because of their sexual orientation is not only wrong but it deeply damages the values of equality and justice on which the EU should be built.**



Claude Moraes, Member of the European Parliament

Yet the reality of the EU for many within LGBT communities is big differences between national positions. In some EU countries, such as Poland, homophobic violence and discrimination are ignored or even encouraged through lack of leadership and inaction and the banning of free expression. In others, such as the UK and Spain, positive steps have been taken on key issues such as civil partnerships. Where it is actually measured, discrimination against

lesbian, gay, bisexual and transgendered citizens is an issue in every Member State, and where some advances have been made such as in my own country, the UK, homophobic violence is on the increase again.

So what is being done and must be done at EU level? We are now at a critical stage in developing binding legislation for the EU, and in the implementation of existing legislation.

As a spokesperson for the Socialists and Democrats Group in the European Parliament, I felt passionately about ensuring that the recent Stockholm Programme<sup>1</sup> which sets out what the EU will do in the 'Area of Freedom Security and Justice' for the next five years had solid commitments on LGBT equality. The European Parliament called on Member States to 'ensure freedom of movement for EU citizens and their families including both registered partnerships and marriages' and 'to avoid all kinds of discrimination on any grounds including sexual orientation'.

The centre right Groups added the words 'without prejudice to national legislation on family law', illustrating their resistance and discomfort on the issue.

In the area of hate crime, the EP further stressed the need to establish EU level anti-hate crime legislation noting the 'growing intolerance within the EU'. Hate crime and violence against LGBT communities has become the most visible and disturbing element of wider discrimination against gays and lesbian's in employment, access to services and in the criminal justice system. For all MEPs who care about tackling homophobia and for the EP Intergroup on LGBT rights, Stockholm does not give a perfect blueprint to go forward – for example it does not go far enough on same sex unions – but it is a good and hopeful start if words can be turned into action, and genuine free movement for LGBT couples across Europe can happen.

And here is the crucial point – the experience we have had so far of EU

<sup>1</sup> [www.se2009.eu/en/the\\_presidency/about\\_the\\_eu/justice\\_and\\_home\\_affairs/1.1965](http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/1.1965)

Homophobic protesters during Riga Pride 2007



anti-discrimination legislation is that even where there is the will in the EU institutions – Member States can be unwilling to transpose the legislation, or create 'poor quality legislation' where people find it difficult to access their rights or the legislation is weak on areas like 'indirect discrimination' (where organisations adopt policies which indirectly exclude certain groups).

This was the experience of the 2000 Race Equality Directive which 10 years later is a strong piece of legislation badly implemented by many EU countries. Where there has been good implementation - Belgium and the UK are examples – the effect is positive.

The EU Employment Directive which prohibits LGBT discrimination in employment, also from 2000, again has

a patchy history of effectiveness. Yet it is a valuable step forward. The lesson is, that to make such legislation work, there must be real commitment from national governments who will work with social partners and NGOs to promote the legislation and to make it happen.

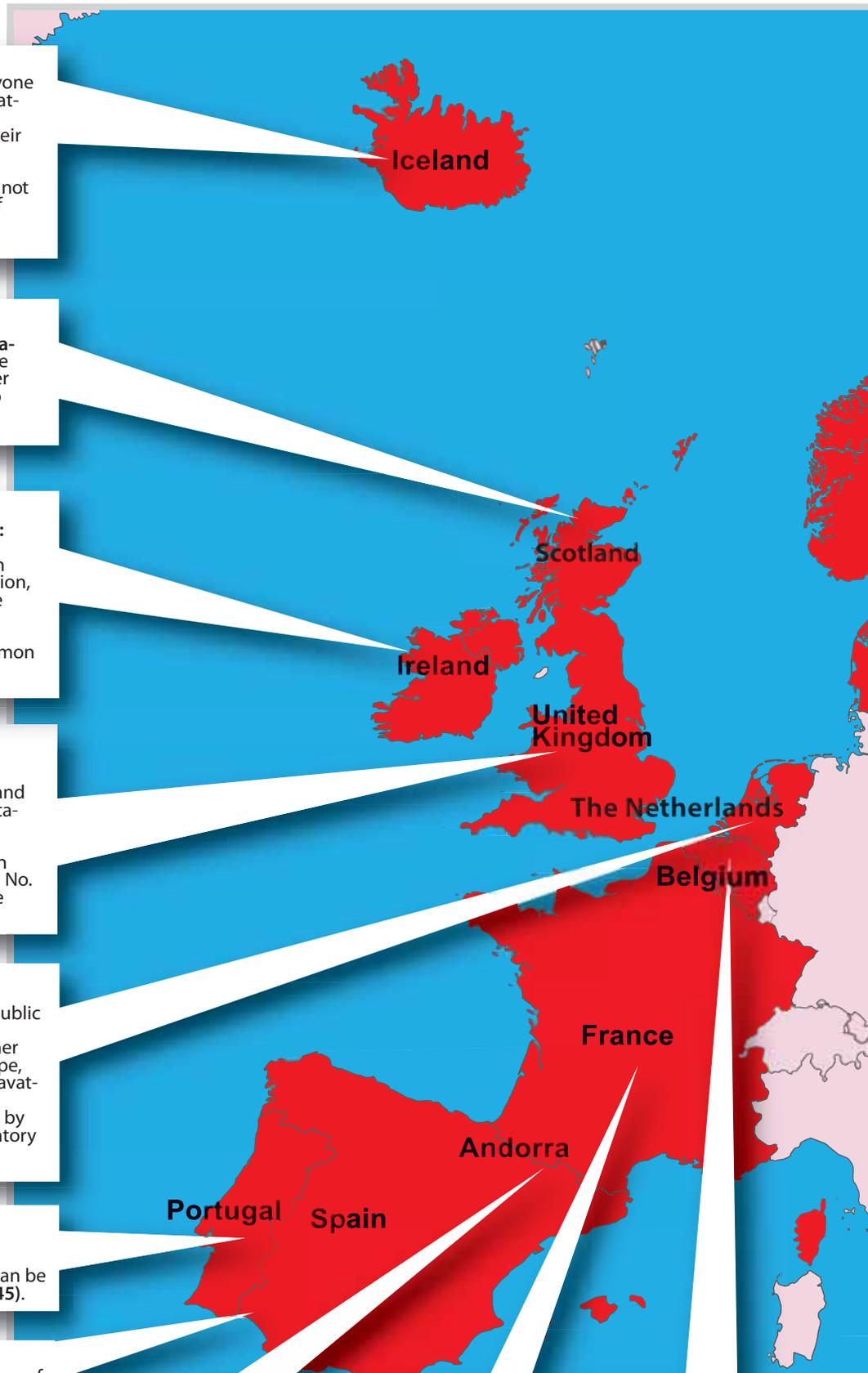
So now the aim is to achieve a horizontal anti-discrimination directive prohibiting discrimination on all grounds listed in Article 13 including sexual orientation. It will take real effort – Germany has already voiced opposition from Conservative and other groups. The challenge is acute in the area of hate crime where national criminal laws will apply. This is because effective action against the perpetrators of hate crime takes place amongst national police forces and criminal courts. Some countries will award higher

jail sentences if a homophobic hate element exists. And some Member States keep statistics on hate crime and train police officers to tackle hate crime. The majority, however, do not.

But there is real hope now. The strategy must be to create the legislation and make it work. Ultimately we have to campaign for changes in attitude and leadership. This is a long journey for campaigners – it will require a unified voice from those within and outside the LGBT communities.

**Claude Moraes MEP**

*is the S&D Spokesperson on Civil Liberties, Justice and Home Affairs, and was previously an NGO campaigner.*



**ICELAND**

**Section 233 of the Criminal Code:** states "Anyone who in a ridiculing, slanderous, insulting, threatening or any other manner publicly assaults a person or a group of people on the basis of their nationality, skin colour, race, religion or sexual orientation, shall be fined or jailed for up to 2 years." (The word "assault" in this context does not refer to physical violence, only to expressions of hatred.)

**SCOTLAND**

**Article 2 of the Sentencing of Offences Aggravated by Prejudice Act:** recognises bias on the grounds of sexual orientation and transgender identity as an agitating factor to be taken into account during sentencing.

**IRELAND**

**The Prohibition of Incitement to Hatred Act:** makes it an offence to incite hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller Community or sexual orientation. Homophobic motivation is recognised as aggravating factor when sentencing for common offences.

**UK**

**The Criminal Justice and Immigration Bill** punishes stirring up hatred against persons, and covers hatred on the grounds of sexual orientation.

**Section 146 of the Criminal Justice Act** also includes hate-crime statutory aggravations. In Northern Ireland, Art 2 of the Criminal Justice No. 2 (Northern Ireland) Order 2004 amended the Public Order (NI) Order 1987 to similar effect.

**THE NETHERLANDS**

**Article 137d of the Criminal Code:** punishes public incitement of hatred, discrimination or violent action against persons on the grounds of his/her hetero- or homosexual orientation. In that scope, homophobic motivation is recognised as aggravating factor in sentencing, accordingly Public Prosecution Service has to increase a sentence by 25% in the case of an offence with a discriminatory aspect.

**PORTUGAL**

**Article 240 of the Criminal Code:** classifies homophobic hate speech as a crime. Assault motivated by the victim's sexual orientation can be punished with enhanced penalties (**Article 145**).

**SPAIN**

**Article 510, Criminal Code** punishes promotion of discrimination, hatred or violence against groups or associations, for reasons related to among others sexual orientation, and those who, knowing it to be false or in reckless disregard of the truth, spread injurious information on groups or associations for similar reasons. **Article 22(4), Penal Code** recognises homophobia as aggravating circumstance.

**ANDORRA**

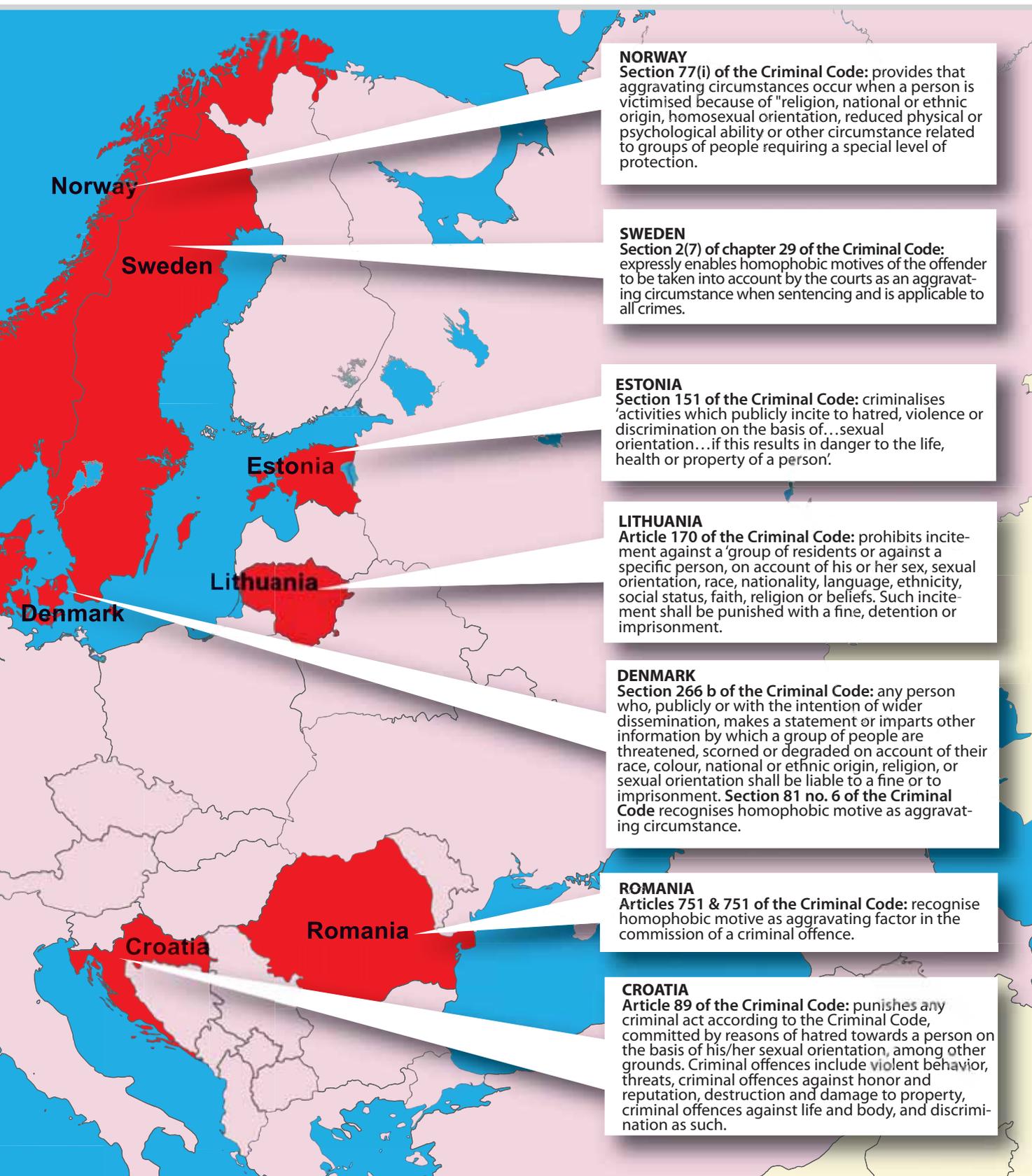
**Article 30.6 of the Criminal Code:** establishes aggravating circumstances to crimes when committed for racist and xenophobic motives or reasons related to ideology, religion, **nationality, ethnic origin, sexual orientation, disease or physical or psychic disability of the victim.**

**FRANCE**

**Articles 225-1 & 225-2 of the Criminal Code:** criminalises discrimination on the grounds of sexual orientation. **Article 132-77** makes discrimination on the grounds of sexual orientation as aggravating factor. **Article 222-18-1** allows specific incrimination for a threat based upon real or supposed sexual orientation.

**BELGIUM**

**Article 22 of the Anti-discrimination Act:** makes it crime to publicly incite to discrimination, hatred or violence against a person on the ground of sexual orientation & prohibits incitement to discrimination, hatred, violence or segregation against a group. The federal legislation recognises 'discriminatory' motives as aggravating circumstances.



**NORWAY**

**Section 77(i) of the Criminal Code:** provides that aggravating circumstances occur when a person is victimised because of "religion, national or ethnic origin, homosexual orientation, reduced physical or psychological ability or other circumstance related to groups of people requiring a special level of protection.

**SWEDEN**

**Section 2(7) of chapter 29 of the Criminal Code:** expressly enables homophobic motives of the offender to be taken into account by the courts as an aggravating circumstance when sentencing and is applicable to all crimes.

**ESTONIA**

**Section 151 of the Criminal Code:** criminalises 'activities which publicly incite to hatred, violence or discrimination on the basis of...sexual orientation...if this results in danger to the life, health or property of a person'.

**LITHUANIA**

**Article 170 of the Criminal Code:** prohibits incitement against a group of residents or against a specific person, on account of his or her sex, sexual orientation, race, nationality, language, ethnicity, social status, faith, religion or beliefs. Such incitement shall be punished with a fine, detention or imprisonment.

**DENMARK**

**Section 266 b of the Criminal Code:** any person who, publicly or with the intention of wider dissemination, makes a statement or imparts other information by which a group of people are threatened, scorned or degraded on account of their race, colour, national or ethnic origin, religion, or sexual orientation shall be liable to a fine or to imprisonment. **Section 81 no. 6 of the Criminal Code** recognises homophobic motive as aggravating circumstance.

**ROMANIA**

**Articles 751 & 751 of the Criminal Code:** recognise homophobic motive as aggravating factor in the commission of a criminal offence.

**CROATIA**

**Article 89 of the Criminal Code:** punishes any criminal act according to the Criminal Code, committed by reasons of hatred towards a person on the basis of his/her sexual orientation, among other grounds. Criminal offences include violent behavior, threats, criminal offences against honor and reputation, destruction and damage to property, criminal offences against life and body, and discrimination as such.

# Laws against homophobic hate crime and hate speech in Europe



December 2009

# The Role of the Office for Democratic Institutions and Human Rights in tackling hate crimes

This article highlights the importance of data collection on hate crimes by states in order to ensure sound analysis and the formulation of effective policy responses to this phenomenon.

Homophobic protesters during Riga Pride 2006



In early 2000, OSCE Participating States decided to respond to an increasing number of reports of bias-motivated incidents. They tasked the Office for Democratic Institutions and Human Rights (ODIHR) to “serve as a collection point for information and statistics on hate crimes and relevant legislation”. ODIHR was also tasked to closely follow incidents and to make the findings public. Additionally, ODIHR was to provide recommendations and assistance to Participating States in addressing a number of hate crimes. Several projects were designed to combat this phenomenon. These aim to capacitate law enforcement and criminal justice agencies and civil society organisations in monitoring hate crimes and developing small projects to assist victims of hate crimes.

## Collection Point

Data collection is a vital component of ODIHR’s reporting duties. In order to collect information on hate crimes, ODIHR relies on nominated officials in participating

States. These contact points<sup>1</sup> provide ODIHR with information about hate crime data, legislation related to hate crimes and various projects designed to address this issue. Civil society organisations also supply information about hate crimes to ODIHR. OSCE field operations and other international organisations give their contributions about information on hate crimes from their areas of responsibility. To a certain extent, ODIHR also relies on media reports as a source of information, but these usually need to be verified with other governmental and non-governmental sources. Data collected from Participating States, civil society and international organisations are used to develop reports, identify gaps and devise recommendations for future actions. As well as this, ODIHR uses the information from Participating States to promote and facilitate the exchange of good practices in combating hate crimes.

In its latest report covering 2008<sup>2</sup>, ODIHR indicated that there is a lack of reliable and comprehensive data on hate crimes.

<sup>1</sup> For full list of National Points of Contact on Combating Hate Crimes (NPCs), please visit [http://tandis/index.php?p=ki-hc\\_npc\\_pub](http://tandis/index.php?p=ki-hc_npc_pub)

<sup>2</sup> *Hate Crimes in the OSCE Region – Incidents and Responses*. Annual Report for 2008, (OSCE ODIHR, Warsaw, November 2009), [http://www.osce.org/publications/odihr/2009/11/41314\\_1386\\_en.pdf](http://www.osce.org/publications/odihr/2009/11/41314_1386_en.pdf).

<sup>3</sup> *Ibid*, p. 13

<sup>4</sup> *Ibid*, p. 13.

According to the report, this scarcity of statistical information impedes sound analysis and the formulation of effective policy responses. Furthermore, without data, it is impossible to assess the proper extent and nature of hate crimes in the OSCE region and to develop effective and relevant policy responses.<sup>3</sup>

ODIHR's findings indicate that even where statistics exist, they are not always broken down into victim categories according to bias motivation, type of crime or outcome of prosecution. In the absence of this type of data it is impossible to determine the frequency with which hate crimes occur in the OSCE region, whether hate crimes are on the rise, or which groups may be most frequently subject to attack.<sup>4</sup> It should be mentioned that, in 2008, 42 States informed ODIHR that they collected data on hate crimes. Of this number, 18 States provided data on hate crimes. Worryingly, Azerbaijan, Bulgaria, Luxembourg, the former Yugoslav Republic of Macedonia and Portugal stated that they do not compile any statistics on hate crime.<sup>5</sup>

A major hurdle to comprehensively addressing hate crimes is the fact that Participating States collect data in different manners so it is impossible to draw comparative judgments on the extent of hate crimes in the OSCE region. For example, of the 42 States which informed ODIHR that they collected data on hate crimes, only 17 reported that they collect data on crimes committed against lesbian, gay, bisexual and transgender persons (LGBT) meaning that there is little scope for proper analysis of the issue in the

region. These include Andorra, Belgium, Canada, Croatia, Cyprus, France, Germany, Iceland, Ireland, Liechtenstein, Netherlands, Norway, Serbia, Spain, Sweden, United Kingdom, and the United States. Other States include different categories which may include racism, extremism, xenophobia, crimes against Muslims, etc.

In order to fill this data deficit alluded to above, information from Participating States is complemented with information from civil society. Every year, ODIHR sends a call to non-governmental organisations to provide information and reports on their work with victims, training and general reports on hate-motivated incidents. In 2009, approximately 40 NGOs provided information on hate crimes to ODIHR. Non-governmental organisations from Belarus, Croatia, Germany, Hungary, Montenegro, Netherlands, Poland, Serbia, Slovenia, Sweden, Turkey, and the United States provided information on incidents against LGBT persons in 2008.<sup>6</sup> For the next year, ODIHR is planning to intensify its outreach to NGOs in collection of information on hate crimes.

## Usage of data and recommendations

The 2008 report underlines that Participating States should invest more in hate crime data collection. For instance, hate crimes should be properly recorded and collected at all levels including the number of incidents and offences as well as the number of prosecutions and outcomes; criminal

justice agencies need to identify cases of hate crimes and to duly investigate and prosecute them. Acknowledgement of bias motivation in the sentencing phase of criminal procedures may help send the message to victim communities that such cases will not be tolerated in the society. Other issues such as training of police officers, prosecutors, judges and civil society is recommended in the report.

In recognition of the role which non-governmental organisations can play in raising awareness about hate crimes and in supporting victims, ODIHR works on training members of civil society. In September 2009, a training of trainers took place in Warsaw. The training involved participants from 25 non-governmental organisations and, in December, a follow-up event took place in Ukraine. ODIHR is also looking at ways to support participants of civil society training to undertake small-scale projects which could increase knowledge and awareness of hate crimes and could provide assistance to victims of hate crimes at a local level.

**Azra Junuzović**

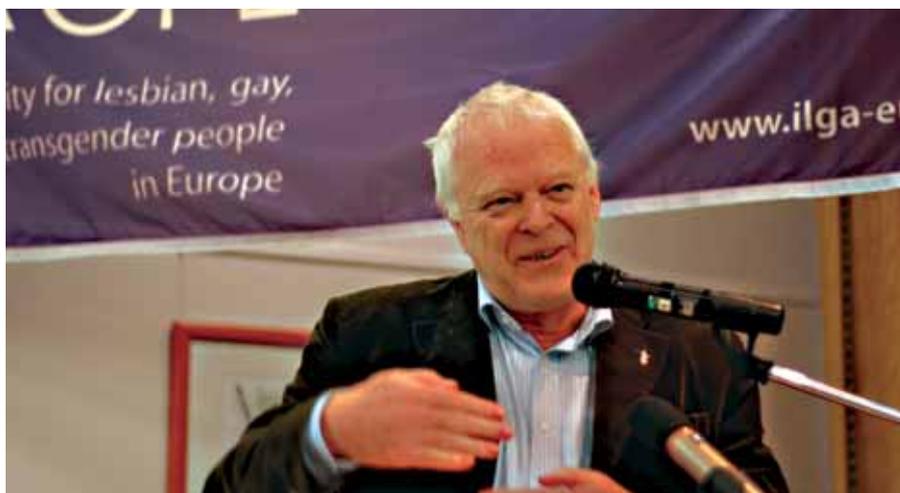
*Hate Crime Reporting Officer  
Tolerance and Non-Discrimination  
Department  
ODIHR*



<sup>3</sup> *Ibid.*, p. 14.

<sup>6</sup> *Ibid.*, pp. 56-58.

## The outspoken watchdog



Thomas Hammarberg addressing ILGA-Europe Annual Conference 2008 in Vienna

**Thomas Hammarberg, Council of Europe's Commissioner for Human Rights, has been a leading figure in the fight to put more focus on hate crimes. He has several times underlined the need to have explicit protection against homophobic and transphobic related violence, and his actions have shown that he stands behind his words.**

At the ILGA-Europe Annual Conference 2008 in Vienna, Thomas Hammarberg was one of the keynote speakers. He was invited because he has been very outspoken in highlighting obstacles for equality for lesbian, gay, bisexual and transgender people since he took office as Commissioner for Human Rights in 2005. In his speech he referred to the patterns of hate crimes and hate motivated incidents against LGBT persons and the lack of appropriate responses of law enforcement officials.<sup>1</sup>

In October 2009, the Commissioner launched a comparative study on the situation concerning homophobia, transphobia and discrimination on

grounds of sexual orientation and gender identity in the Council of Europe Member States. The study will result in a comprehensive report containing a socio-legal analysis of the situation of lesbians, gay, bisexual and transgender persons in the Council of Europe Member States. The Commissioner considers this report necessary in order to have facts and a deeper analysis available for his ongoing dialogue with authorities on this topic. The results of the study are expected to be ready by the end of 2010.

The report can be seen as a logical extension of the research from the European Union's Fundamental Rights

Agency, which was launched in 2008, and aimed to map the discrimination and homophobia based on sexual orientation and gender identity or expression in the 27 EU Member States. The report provided statistics and evidence of widespread homophobia and transphobia in the 27 Member States of the European Union, and it also included statistics on hate crime and violence on the basis of sexual orientation and gender identity and expression. The Commissioner recognised the need to have the same type of study carried out in the 47 Member States of the Council of Europe, and his July 2009 issue paper about Human Rights and Gender Identity, a whole section of which was dedicated to transphobic violence, again showed that the Commissioner wishes to emphasize these issues. In one of Commissioner Hammarberg's *Viewpoints* from 2008, he writes:

*"Gay pride events have been attacked in several European cities, including Bucharest, Budapest and Moscow. In Riga, extremists hurled faeces and eggs at gay activists and their supporters when they were leaving a church service. Some years ago a Swedish hockey player was stabbed to death in Vasteras after he had made known that he was homosexual. In Oporto, Portugal, a group of boys attacked and killed a homeless Brazilian transgender woman and left the body in a water-filled pit. These incidents are only the tip of the ice-berg." (from "Hate crimes – the ugly face of racism, anti-Semitism, anti-Gypsyism, Islamophobia and homophobia", in *Viewpoint*, 21/07/2008)<sup>2</sup>*

<sup>1</sup> <https://wcd.coe.int/ViewDoc.jsp?id=1365221&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>2</sup> can be retrieved at [http://www.coe.int/t/commissioner/Viewpoints/080721\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/080721_en.asp)

In the same article, the Commissioner states that it is the responsibility of the Government authorities to put an end to hate crimes. And that is where a comprehensive study of the situation in the 47 countries would help the Council of Europe to pressure States to take concrete action to prevent and react to cases of hate crime. But he also points out that unfortunately some politicians in Member States are undermining any progress as they use their position to spread hate against minorities and people who they regard as "different". This creates an unsafe environment and the Commissioner regards this tendency as a spark to even more violence related to sexual orientation and gender identity and expression.

The Council of Europe has been very active in promoting diversity and human rights as a type of preventative tool against hate crime as it is believed that more education of young people is key. As Thomas Hammarberg says: "...there is a need to invest more energy into prevention – to inform and educate in order to address the ignorance and fear" ("Hate crimes – the ugly face of racism, anti-Semitism, anti-Gypsyism, Islamophobia and homophobia", in Viewpoint, 21/07/2008)

A concrete example was the campaign 'All Equal – All Different' from 2006 to 2007<sup>3</sup>. The campaign was launched in order to reinforce the fight against racism, anti-

Semitism, Xenophobia and Intolerance. Forty-two countries joined the campaign which targeted young people with different events and activities aimed at promoting diversity and learning.

So what is needed of actions by States to create a safe environment free from all kinds of discrimination and to ensure serious prevention of hate crimes and violence? In the above-mentioned article from Viewpoint, Commissioner Hammarberg stressed areas of actions that he thinks could prevent hate crimes and violence at the national level<sup>4</sup>:

- **Anti-discrimination bodies with a broad mandate > authority to address hate violence through monitoring, reporting and assistance to victims**
- **Co-operative relations with minority communities > build confidence within the community and reassure citizens that reports of hate crimes are taken seriously**
- **Easy access to complaints > assaults get reported**
- **Severe judicial response to hate crimes > Hate crimes should be seen as an aggravating factor enhancing the penalty**
- **Existing hate crime laws must be promptly enforced in order to increase their deterrent effect. The procedures should be well documented and made public.**

Nanna Moe

ILGA-Europe's Communications Officer

"Faggots, we don't want you", pavement graffiti, Italy



<sup>3</sup> look for more information here <http://alldifferent-allequal.info/>

<sup>4</sup> from "Hate crimes – the ugly face of racism, anti-Semitism, anti-Gypsyism, Islamophobia and homophobia", in Viewpoint, 21/07/2008

# Hate crime as a form of discrimination and why European organisations are failing to address it

**This article explores whether hate crime can be considered as a form of discrimination. The authors argue that discrimination should be viewed in a wider sense, not just as unequal treatment, and therefore should be interpreted to include protection from violence and hate. The article then tries to answer the question why the European organisations have so far failed to adequately address the issues of homophobic and transphobic crimes.**

## **Homophobic and Transphobic Hate Crimes as a Form of Discriminations against LGBT persons**

Many people will define the feeling of being discriminated against as the experience of being treated worse or at least differently from somebody else, and this for an unfair reason. Discrimination is mostly conceived as an unjustified form of unequal treatment that results in poorer access of discriminated groups to jobs, housing, education and the like. It should be borne in mind, however, that discrimination also has a wider connotation. Discrimination runs counter to the basic notion of justice that likes should be treated alike and to the right to equality as a fundamental human right. As Article 1 of the Universal Declaration of Human Rights (1948) says: "All human beings are born free and equal in dignity and rights". Discrimination results in a skewed and

unfair allocation of values: goods and services, incomes, opportunities, but also of such 'goods' as safety and liberty. The elimination of discrimination, therefore, should in our view not only include a ban on unequal treatment of equal cases (as well as the ban on equal treatment of unequal cases) but also the prohibition of hate crimes. An example of such international legislation is to be found in Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (1965), which obliges states parties to declare an offence punishable by law (...) 'all acts of violence and incitement to such acts against any race or persons of another colour or ethnic origin'.

In our view, hate crime is a form of discrimination and therefore a matter of

violation of human rights, because it is a threat to the right to life, liberty and security (UDHR Article 3) as well as (in some cases) the right to freedom of opinion and expression (UDHR, Article 19) and freedom of association and assembly (UDHR Article 20). Although hate crimes may be caused by the same negative attitudes, prejudices and the like, which also give rise to unequal treatment (the 'traditional' form of discrimination), hate crimes are apparently not automatically taken on board within a comprehensive anti-discrimination approach.

When we look at binding international legislation against discrimination on the basis of sexual orientation and gender identity, it seems that the fight against that discrimination is limited to



prohibiting unequal treatment, mostly under civil or administrative law. Especially in the context of the European Union, anti-discrimination legislation is based on the 'narrow' economic reasoning that started in the fifties of the last century with the prohibition of unequal pay for the same work done by men and women, as a condition to be fulfilled for fair competition between the Member States. The EU Employment Equality Directive (2000), which prohibits discrimination in the labour market on the ground, inter alia, of sexual orientation follows the same line of argument; discrimination is defined as unjustified unequal treatment of a person compared to another person, in as far as access to a job or to vocational training is concerned. Article 21 of the EU Charter of Fundamental Rights contains a general anti-discrimination clause, among other things on the ground of sexual orientation. With the coming into force of the Treaty of Lisbon on the 1st of December 2009, the Charter has become legally binding on EU institutions and on the Member States, in as far as they are implementing EU law. Here the

restricted definition of discrimination mentioned above also applies.

EU legislation against hate crimes is restricted to hate crimes on the grounds of 'race, colour, religion, descent or national or ethnic origin' (article 1(a) of the Council Framework Decision against Racism, 2008). For complicated historical, political and legal reasons, the EU has so far not extended its hate crime legislation to other 'bias grounds'. In a recent resolution, the European Parliament has said 'that the growing intolerance within the EU needs to be tackled not only through full implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law but also through further European-level legislation on hate crime'.<sup>1</sup>

Our overview of the policy response of international governmental organisations to the phenomenon of hate crimes against LGBT persons also looks at the state of play at the Council of Europe, the Organisation for Security and Co-operation in Europe, the

Organisation of American States and the United Nations. Discrimination on the basis of sexual orientation and gender identity is often only looked upon as an issue of unequal treatment. Incitement to hatred, violence and aggression and even organised rape and murder, however, are the other side of the coin. These phenomena are not always taken on board, and if they are, only half-heartedly so. A policy programme that offers only equal treatment legislation, is incomplete, as it does not deal with hate crime, which often constitutes a threat to the rights to life, liberty and security. But in recent years important steps forward can be seen. Our overview indicates, however, that until now international organisations have not been mandated by (the majority of) their Member States to really tackle the problem of discrimination in the widest possible sense - neither in the sense of conceiving discrimination as more than unequal treatment, nor in terms of covering all relevant 'bias grounds' and not overlooking a sensitive issue such as discrimination and violence against LGBT people.

## Intergovernmental organisations and their (in)action regarding addressing homophobic and transphobic hate crimes

The EU, the OSCE and the Council of Europe are to a certain extent involved in addressing homophobic and transphobic hate crimes in their work. A short overview follows.

In November 2008 the Council of the European Union adopted the Framework Decision on combating certain forms and

expressions of racism and xenophobia by means of criminal law. The Framework Decision establishes that the EU Member States ensure that the following intentional conduct will be punishable by criminal penalties of a maximum of at least between 1 and 3 years of imprisonment: publicly inciting to violence or hatred on the basis of race (in a broad sense), also by

public dissemination of tracts, pictures and the like, as well as publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes. Member States may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting. For other offences, racist and

<sup>1</sup> EP resolution of 25 November 2009 on 'An area of freedom, security and justice serving the citizen' – Stockholm programme), P7\_TA(2009)0090, par.26).

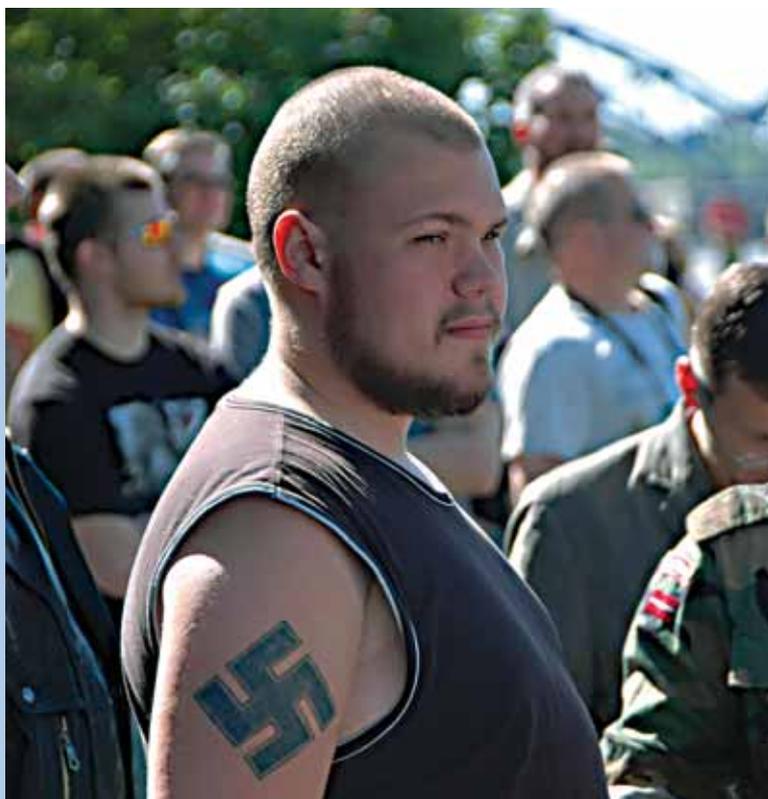
## Hate crimes as European concern



xenophobic motivation will be an aggravating factor.

While in the run-up to the adoption of the Treaty of Amsterdam in 1997 the anti-discrimination provision (that later became Article 13 TEC) incorporated sexual orientation, the 'parallel' provision in the third pillar on the combating of racism as a criminal offence was not targeted for a similar action. There are different possible explanations for this lacuna: discrimination and human rights problems of LGBT persons were at the time mainly defined as a social issue and the LGBT lobby groups therefore concentrated primarily on equal treatment. Another explanation may be that including homophobic hate crime in the Framework Decision would not have had much chance of being successful given the lack of consensus among EU Member States and it being of an already very sensitive and controversial nature. At the time it was not yet clear to policy-makers that homophobia might be a phenomenon of similar impact as racism and xenophobia. The sequence of violent homophobic incidents in Europe that was to reach the media started some years later. It was in particular with the violent beating up of the Belgrade Gay Pride in 2001, that the issue of homophobic violence and its condoning by state institutions reached the European agenda.

Whatever the explanation is, the EU sends out the message that discrimination on the basis of sexual orientation and homophobic hate crimes are of lesser importance than racial discrimination and racist hate crimes. Needless to say, this state of affairs in no way reflects the reality of the problems as encountered in daily life throughout Europe. Hopefully, the



Neo-Nazi at Riga Pride 2008. Image by: Jacob Holdt, [www.american-pictures.com](http://www.american-pictures.com)

European Commission will draw inspiration from the FRA report on Homophobia which stated as its opinion: 'Following the model of the proposed framework decision on racism and xenophobia (...), the European Commission should consider proposing similar EU legislation to cover homophobia. This EU legislation needs to cover homophobic hate speech and homophobic hate crime and approximate criminal legislation in the Member States applicable to these phenomena. Homophobic hate speech and hate crime are phenomena which may result in serious obstacles to the possibility for individuals to exercise their free movement rights and other rights in a non-discriminatory manner. These phenomena need to be combated across the European Union ensuring minimum standards of effective criminal legislation.' And of course, 'gender identity' should also be included in such a framework decision.

The **Organisation for Security and Co-operation in Europe**, the world's largest regional security organisation comprising 56 States and mainly known for its work on conflict prevention and

election monitoring is, amongst other topics, focused on "following closely (...) incidents motivated by racism, xenophobia, or related intolerance, including against Muslims, and anti-Semitism in the OSCE area making use of all reliable information available.' Homophobic and transphobic hate crimes are not explicitly mentioned in the OSCE mandate; this is clearly the result of an ambivalent approach by the OSCE. Despite the fact that homophobic and transphobic hate crimes are explicitly mentioned in the annual Hate Crime reports and sexual orientation (though not gender identity) is included in the working definition of 'hate crime', the OSCE Participating States have never explicitly and officially acknowledged sexual orientation, nor gender identity, as a discrimination ground. This is mainly due to the ongoing successful diplomatic lobbying efforts of the Holy See, which is a fully Participating State in the OSCE. The Holy See, with tacit consent of other conservative States, has successfully blocked the inclusion of sexual orientation. Nevertheless, the OSCE/ODIHR has been an important and leading intergovernmental actor in putting hate crimes and hate crime

monitoring on the European agenda. Apart from the annual Hate Crime reports, the OSCE/ODIHR organised expert meetings on data collection and requested all OSCE States to nominate a 'hate crime contact point' in each country. The OSCE also set up the Law Enforcement Officers Programme (LEOP) which has trained dozens of front line officers in OSCE Participating States. Our evaluation of the achievements of the OSCE with regard to combating homophobic and transphobic hate crimes therefore gives a mixed picture. On one hand the OSCE has developed concrete tools and authoritative reports on hate crimes; on the other hand the lack of explicit inclusion of sexual orientation and gender identity as a bias ground in OSCE Ministerial Council Decisions is a disappointing result – also in terms of the effectiveness of the diplomacy of the more progressive states.

Finally, the European Convention on Human Rights (ECHR) as *the key* regional human rights treaty which is binding on all Member States of the **Council of Europe**, has proved to be extremely important for the furthering of LGBT human rights in general. Regarding hate crimes, the European Court of Human Rights has set some minimal standards but it has not used the label 'hate crime' as such and not in direct connection with homophobic hate crime cases. The Court has set the standard that State authorities have a duty under the Convention to investigate whether a bias motive has played a role in violence or crimes. If so, bias motivation should be considered as an aggravating circumstance in the prosecution and sentencing of the accused. The Court has also considered hateful violent acts in the context of the right to freedom of

assembly and association. In the case of *Baczowski and Others v. Poland*, the Court upheld that 'a genuine and effective respect for freedom of association and assembly cannot be reduced to a mere duty on the part of the State not to interfere (...) There may thus be positive obligations to secure the effective enjoyment of these freedoms'. This can be interpreted as a duty on the State to protect participants of Gay Pride Marches from violent acts fueled by homophobia while enjoying Freedom of Assembly.

A second development in the Council of Europe is the setting up of the Committee of Experts on Discrimination on Grounds of Sexual Orientation and Gender Identity (DH-LGBT). Nine Member States (Hungary, Austria, Germany, Netherlands, FYROM, Norway, Sweden, Switzerland, Croatia) have sent national experts to the meetings in 2008 and 2009 with the task of drafting a Recommendation to the 47 Member States. One section deals with hate crimes and the text recommends that Member States 'Ensure that comprehensive data are gathered and analyzed on the prevalence and nature of discrimination and intolerance on grounds of sexual orientation and gender identity, and in particular on "hate crimes" and "hate-motivated incidents" related to sexual orientation and gender identity'. The Recommendation is expected to be adopted in 2010.

Finally, the Commissioner for Human Rights has prioritised LGBT issues for his office. He has addressed homophobia and transphobia on many occasions in the context of freedom of assembly and association. On some occasions he has

addressed homophobic hate crimes, for example in his country assessment reports. In numerous interviews and in his *Viewpoints* the Commissioner expressed his serious concerns about homophobic and transphobic hate crime and concluded that 'these incidents are only the tip of the iceberg.' In his Issue Paper on Human Rights and Gender Identity he expressed his concerns on the problems transgender persons experience: '(...) transgender people are often afforded little protection by law enforcement officials in the event of a transphobic hate crime or incident. In many cases transgender people who turn to law enforcement agencies for protection are often ridiculed, harassed or just ignored, despite the positive obligation of states under the European Convention on Human Rights to investigate these crimes and bring the perpetrators to justice.' He recommends to the 47 Member States that hate crime legislation which affords specific protection for transgender persons against transphobic crimes and incidents should be enacted. The Commissioner has also launched a 'Comparative study on the situation concerning homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe Member States' where hate crimes will feature as one of the main concerns. The results are expected in autumn 2010.

## **Joke Swiebel and Dennis van der Veur** **Texts adapted from:**

Joke Swiebel and Dennis van der Veur, 'Hate crimes against lesbian, gay, bisexual and transgender persons and the policy response of international governmental organisations', *Netherlands Quarterly of Human Rights*, vol. 27 (2009), no. 4 (December), pp. 485-524.

A pre-print versions of this article is to be found at:

[www.jokeswiebel.nl/pdf/44.pdf](http://www.jokeswiebel.nl/pdf/44.pdf)

# Italian parliament fails to outlaw homo- and transphobic hate crimes

In her article Anna Paola Concia, the only openly lesbian member of the Italian Parliament, tells a story of a defeated law to protect LGBT people from hate crimes, and the surrounding political climate in Italy.



Poster text: "You call us dirty nigger and disgusting lesbian, but you feel offended if they call you Mafioso Italian. Racism is a boomerang. Sooner or later, it will hit you too".

Anna Paola Concia, the only openly lesbian MP in Italy, and Jean Léonard Touadi, the only black MP in the Italian Parliament, portrayed together in a joint campaign against racism and homophobia. Commenting on this poster, MP Concia said: "When I look at Jean Léonard, I realize we have the same smile: the smile of people who know that the others are constantly looking at them with surprise, suspicion and sometimes with intolerance. Our smile is the smile of those who can rely on nothing but their own serenity, if they want to demonstrate they have a right to stand where they are."

This time is not an easy political time to speak about Italy. To speak about Italy and the rights of Italian LGBT people is even harder. I am a lesbian MP, the only openly homosexual MP, out of nearly 1000 MPs. This is a clue, albeit not the only one, when it comes to understanding how Italian politicians have proved unable to face our claims for LGBT people's rights. Unable to see, unable to understand, unable even to implement the Constitution's fundamental rights.

On Tuesday 13 October 2009, the Italian House of Representatives turned down a bill against homophobic and transphobic violence, adding another dark line to the already too long story of institutionalised LGBTphobia in my country. All this happened in a national context that is more than worrying for the democratic rights of all minorities and for all democratic principles. One could mention other votes of the House. But is there something more important than the very principle of equality?

Is there something more fundamental than banning discrimination, hatred and violence motivated by one's sexual orientation, be it homosexual or heterosexual? Whether one is straight or gay does not matter when it comes to this principle's implementation. This is the question I ask. And I ask it to all my MP colleagues of the current conservative majority who are guilty of refusing a law against homophobia and transphobia.

To block it, they provoked a vote on the constitutionality of the bill, but they certainly didn't vote on the ground of a legal analysis. This issue was a pretext, a technical means to kill what was an attempt to negotiate a compromise between the ruling parties and the opposition. This compromise could have become the first attempt in this term to build a constructive dialogue in Parliament, on an issue that deserves to be a priority for all democratic parties.

For a whole year, I spent days working on that bill as rapporteur, and we tried, together with other members of the

Justice Committee of the House, to consider homophobia and transphobia in a way that should have made it impossible to misrepresent or minimise them. We tried to overcome ideological obstacles, to really tackle this huge social problem, which requires urgent action. And I did so with the hope it would benefit the rights of all LGBT people in Italy.

When, for the first time in history, such a bill started to be discussed by the House's plenary, this hope vanished, turning into nothing by political propaganda and by the mindless opposition between the right and the left. This thoughtless opposition became a savage game, at the expense of LGBT people. We feel like we have been pushed outside of citizenship. The good side of politics has been defeated.

Some tried to give a voice to sensible arguments. Irene Tinalgi<sup>1</sup> even explained that "homophobia goes against the economy", and that politicians should be able to "choose to implement the appropriate legislative interventions, trying to look forward to achieving the right decisions for the future." The Italian right-wing, the Catholic parties and the xenophobic "Lega Nord" voted in a way that is contrary to common sense. Even the centre-left should have been stronger in its defence of what was a much needed bill.

However, I won't give up, because I know this is the only way. My party and I have immediately proposed a new bill, making sure to use the phrase "homophobia and transphobia" instead of "sexual orientation and gender identity", since these words were the pretext used to legally challenge the initial bill proposed to the House. On 10 December 2009, the discussion was given a new start in the Justice Committee, and once again I have been appointed as rapporteur.

I pledge to go further along the way, trying to build a wider agreement, and also to build a wider agreement on a culture of civil rights in Italy.

About one month ago, two young men from Savona, Francesco and Manuel, who love each other and who are living together, started a hunger strike to ask the Italian Parliament to start

discussing bills on civil partnerships. These bills have been proposed several times already by individual MPs, but they were never discussed. Francesco and Manuel wrote open letters to all institutions, they signed various petitions, they even asked the European Parliament for some help (and got the support of the LGBT Intergroup).

The Italian politicians and institutions remained completely silent. We were only three MPs to support them. I made a speech at the House's plenary session, to call on my colleagues to listen to these two young men. I told the House how absurd it is to be in such a situation in Italy. How absurd it is to have to think of a hunger strike to get your fundamental rights recognised. We are in Italy, not in Iran.

No answers. I have a feeling of frustration, and that's the way all those who are running this battle feel. Francesco and Manuel even said they should ask to be recognised as refugees in a country like Spain.

I often wonder how the European Union can be of some help to us. To refer to the EU and its values has become the strongest mean we can use in Italy. Even if the society is not as hostile as it was decades ago, this progress is only due to the impressive mobilisation of the LGBT associations. Now this can't be enough, because we all know how quickly a backlash can happen on such social and cultural fields, wherever the institutions and the politicians tend to legitimize negative developments.

In the last months, homophobic and transphobic violence have once again been on the rise in Italy, and all the efforts of LGBT NGOs are in danger of being wasted if the State keeps on considering us as second class citizens. It seems absurd to think that such a thing can happen in Italy. It seems absurd, but it's how things are.

**Anna Paola Concia**

*Member of the Italian House of Representatives  
(Camera dei deputati)*

<sup>1</sup> Irene Tinagli is an Economics lecturer at Carlos III University in Madrid. She is a consultant for the UN Department of Economic and Social Affairs, for the EU Commission and for various regional governments, bodies and companies, both in Italy and abroad. She is an expert in public policy that promotes innovation, creativity and economic development.

# Shortcomings of Hungarian law on hate crimes



Police arrests homophobic protester during Budapest Pride 2007

After more than a decade of peaceful demonstrations, the 2007 Pride March marked an unpleasant turning point in the history of the LGBT movement in Hungary. While anti-gay protesters had always been present at Pride Marches and right wing politicians had often spoken out vehemently against LGBT events, participants of the March met a level of hostility and violence previously unknown in Hungary. Hundreds of protesters followed the route of the March shouting homophobic and anti-Semitic slogans; rotten eggs, vegetables, faeces and gasoline bombs were thrown at marchers, and several participants were violently attacked after leaving the March or the premises of the follow-up party.

Following extensive NGO lobbying and repeated attacks against the Pride March in 2008 the Government prepared two bills to improve state responses to such violent outbursts of

**When in 2007 the Budapest Pride March and its participants were violently attacked by anti-gay protesters, the problem of homophobic hate crimes came to the forefront of the agenda of LGBT organisations in Hungary. Successful lobbying resulted in the adoption of new legislation, but the lack of commitment to fighting anti-gay violence on behalf of state authorities still hinders proper implementation of the law.**

hatred. The first bill (1) extended the scope of hate crimes legislation that previously only applied to racial and religious hatred to cover violent attacks against members of any social group, (2) made it clear that not only state officials, but anyone, is punishable for hindering the right to freedom of assembly, (3) made preparation for certain crimes punishable under law so that authorities can act even before the violent attacks actually take place, (4) raised penalties for several related crimes. The second bill would have introduced civil law sanctions for hate speech, however, it has never entered into force and awaits revision by the Constitutional Court.

The most important aspect of this reform from an LGBT perspective was extending the scope of hate crime provisions to cover any social group, including groups based on sexual orientation and gender identity. Even though LGBT NGOs strongly lobbied for the explicit inclusion of sexual orientation and gender identity in the definition of the newly introduced “violence against member of a community”, the final version of the law retained the original focus on ethnic and religious groups, and only added an open ended “any other group” to the definition. Arguments of the NGOs that the implementation of the law would be easier, and its normative message clearer if it specifically mentioned sexual orientation and gender identity were

## National experience

disregarded. Even though the timing made it clear that the protection of sexual minorities was the rationale behind the amendment, government officials stopped short of ever making this explicit: neither the explanatory memorandum, nor the speeches in parliament made any references to particular social groups affected by the new legislation.

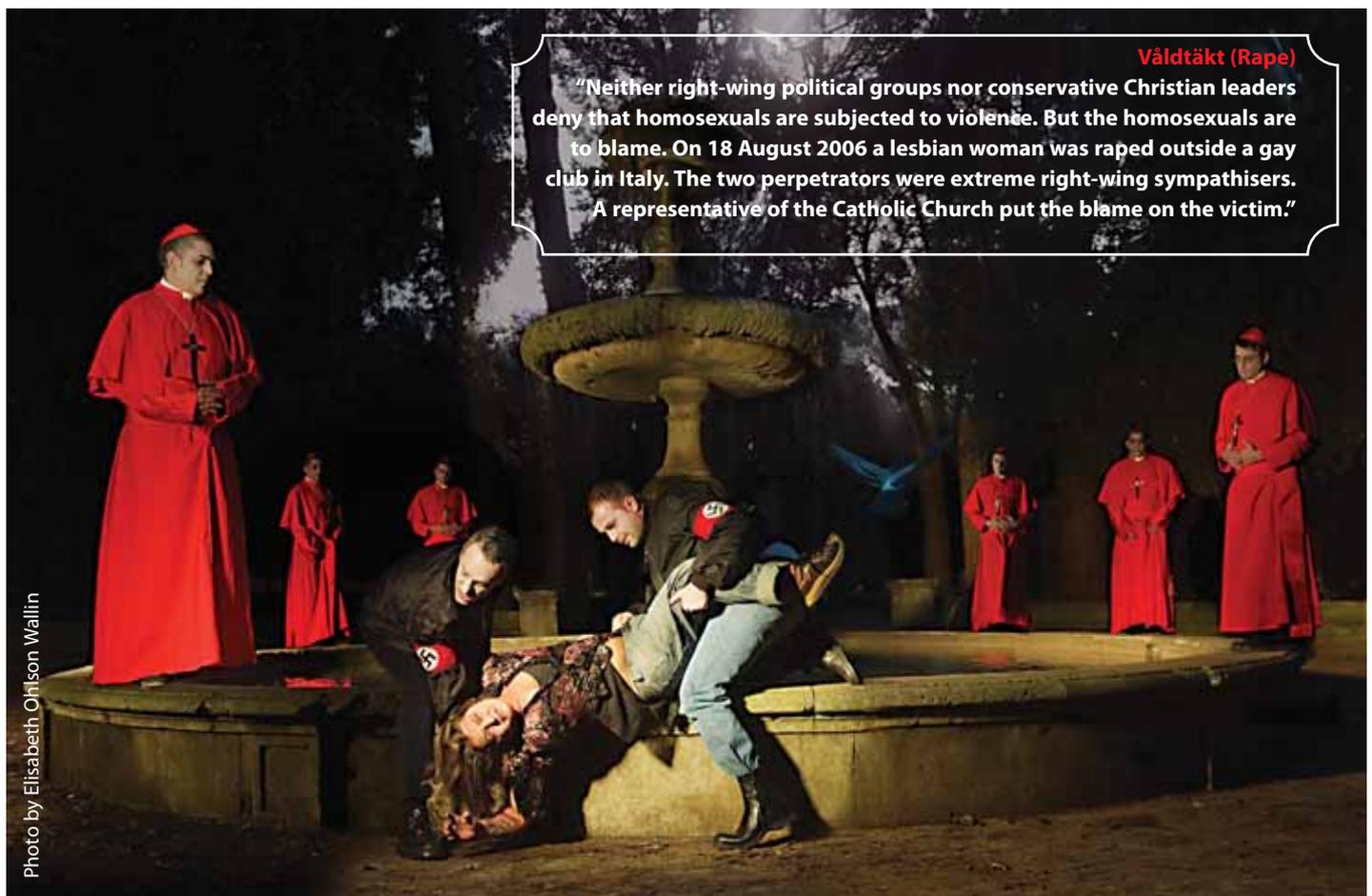
In spite of its shortcomings, the new legislation does make it possible to prosecute homophobic violence as hate crime and prescribes higher penalties for perpetrators of such crimes. In order to raise awareness on the issue of homophobic violence and clarify the scope of the new legislation the NGO Háttér Support Society for LGBT People submitted a list of questions to the Ministry of Justice and Law Enforcement. In its response the Ministry confirmed that the new legislation does cover sexual orientation and gender identity and that training will be organised for judges and prosecutors to guarantee the proper interpretation of the law.

Developments in the 12 months that have passed since the entry into force of the new legislation, however, have confirmed some of

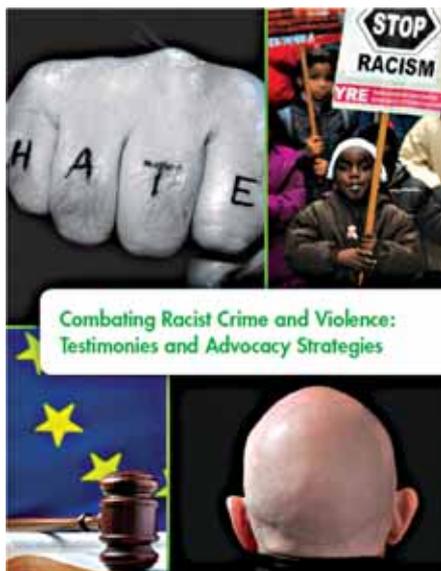
the worries of the LGBT organisations. When a volunteer wearing the official T-shirt of the Budapest Pride March was beaten up, the police started investigating the crime disregarding its motivation, and only upon direct intervention of human rights and LGBT NGOs did the police start investigating it as a hate crime. Such playing down of hate incidents is not limited to homophobic violence: even though violence against the Roma minority has been clearly on the rise in the past years, official statistics show a very low number of hate crime investigations (12 in 2008 including all grounds). Assessing the prevalence of the problem is further hindered by the refusal of state authorities to collect data according to victim groups with reference to data protection legislation, disregarding the fact that such data collection has been running without any legal challenge in discrimination cases at the Equal Treatment Authority. Underreporting on behalf of victims, prosecuting crimes disregarding the hate aspect, and problems with data reporting, results in a vicious circle that underestimates the prevalence of the problem and stops state authorities from treating homophobic violence as a priority issue.

**Tamás Dombos**

*Háttér Support Society for LGBT People*



# A new effective tool to fight racist violence across the EU?



Combating Racist Crime and Violence: Testimonies and Advocacy Strategies

**The European Union Framework Decision on combating racism and xenophobia is an important step in the fight against hatred and violence. Our partners from ENAR give their evaluation of the Framework Decision and highlight its importance.**

Every day ethnic and religious minorities face racist crime and violence across the EU. Often this reality is at worst denied, and at best underestimated. There are many examples of racist crime both existing and emerging, targeting communities including migrants,

religious minorities and Roma. Despite the lack of data and information on racist crime and violence there is no doubt that they are serious concerns in the European context. ENAR's 2008 Shadow Report on racism in Europe shows an increase in racist violence and crime in a number of countries<sup>1</sup>, findings which have been corroborated by other bodies such as the EU Fundamental Rights Agency and the Organisation for Security and Cooperation in Europe<sup>2</sup>.

While most Member States have some legal protections in place to combat racist crime and violence, there are very different approaches to recognising racism as a crime and the scope of the legislation and remedies varies considerably. In some Member States legislation refers only to extremism, e.g. in Germany, while in the UK police use the following definition of a racist incident: "A racist incident is any incident which is perceived to be racist by the victim or any other person"<sup>3</sup>. However, even where laws are in place, the infrastructure and political will to ensure effective implementation of the law does not necessarily exist.

Given this reality in Europe, the European Network Against Racism (ENAR) has long advocated for an instrument to combat racist crime in a coherent and effective manner across

the EU. Indeed, with the rise of new technologies and greater information sharing in the early 1990s, difficulties arose within the EU internal market linked to differences in the substance of EU Member States' criminal law provisions on racism and xenophobia. Inconsistencies with regard to Member States' laws led to scenarios whereby, for example, racist literature could be published in a country where it was not an offence to do so with the objective of disseminating it in a state where it was an offence.

The EU Framework Decision on combating racism and xenophobia was proposed by the European Commission in 2001 with the aim of remedying some of these shortcomings. It advocates that racist crime must constitute a criminal offence in all EU Member States and be punishable by effective, proportionate and dissuasive penalties. The main focus of the Decision is on the prevention of public incitement to violence and hatred against persons on the grounds of racism and xenophobia.

This Framework Decision was finally adopted in November 2008, following six years of negotiations in the EU Council. Unfortunately, the Commission's initial proposal was gradually watered down during the years of negotiations. Much of the

<sup>1</sup> ENAR, 2008 *Shadow Report on racism in Europe* (2009)

<sup>2</sup> European Fundamental Rights Agency, *Annual Report 2009*; *European Fundamental Rights Agency, European Union Minorities and Discrimination Survey (2008)*; *Office for Democratic Institutions and Human Rights (OSCE), Hate crimes in the OSCE region - incidents and responses. Annual Report for 2007* (2008)

<sup>3</sup> Crown Prosecution Service, *Racist and Religious Monitoring, Annual Report 2006-2007* (December 2007)

content of the original proposal has been removed, and many escape clauses have been introduced to allow Member States to circumnavigate their responsibilities. Some of the limitations of the Decision include:

- It does not provide an accurate definition of the types of racist and xenophobic activities and or behaviours which it seeks to target.
- It criminalises public forms of incitement/dissemination to hatred without providing a definition of the public sphere. As a result, it is difficult to identify the type of conduct which is the object of criminalisation in the absence of such a definition. In addition to this, the Decision does not address activities and behaviours which constitute a threat to private individuals.
- It does not address punishment of public figures and representatives of state authorities who engage in racist and xenophobic activities and behaviours.
- It does not contain a non-regression clause. Such a clause is necessary to ensure that Member States whose legislation provides for a higher level of protection abide by the standard of their obligations and do not justify any regression in relation to the situation which already prevails in their legislation.
- It does not include a provision reminding Member States of their international obligations concerning the criminalisation of racist and xenophobic activities and behaviours. Such a provision would highlight the existing binding obligations of the international community on combating racism and xenophobia in international standards such as those contained in the Convention on the Elimination of All Forms of Racial Discrimination.

Still, despite these weaknesses, the Framework Decision represents an overt and binding political commitment by EU Member States to take the actions specified. As such, it provides an additional means to put pressure on Member States to amend their legislation in light of the common objective of combating racism and xenophobia by means of criminal law. Some of the strengths of the Framework Decision include the fact that it encourages Member States to amend their criminal legislation to identify racist and xenophobic motivation as an aggravating factor in the determination by the courts of penalties and to punish the act of assistance in racist or xenophobic activities.

The Framework Decision is fundamental in that it has the potential to complement and influence current EU standards - but it remains only a first legal step, not the end of the European legislative process in the field. In addition, the Council of the European Union reduced the range of offences addressed by the Decision, thus limiting its potential impact. It is therefore important to continue to campaign and lobby on a national and European level for the highest attainable standards of protection and to ensure that weaknesses can be strengthened in the national transposition of the legislation. As the Decision establishes minimum common standards, nothing prevents Member States from adopting higher levels of protection in the course of the two-year implementation period following the official adoption of the Decision. NGOs will have a crucial role to play in lobbying their respective national governments to transpose into

national law and implement the Decision in the most consistent and effective way to ensure the protection of ethnic minorities against potential hate crimes - and even to offer protection beyond the minimum Decision requirements.

In a second phase, NGOs will also have a key responsibility in monitoring the transposition and implementation of the Decision, and in reporting failure or success to umbrella organisations like ENAR that will provide transversal advocacy and lobbying on these issues at European level. Cooperation and exchange of information between national NGOs and pan-European networks will be vital to develop a coordinated answer based on sound monitoring and informed analysis of the national transposition and implementation process of the Decision, with the view to further levelling up these European standards in the future.

It is now up to NGOs and all human rights activists across Europe to mobilise in a coherent way to get the best out of the transposition and implementation of this tool in a first phase, then advocate for an improvement of the new current standards in a few years if they fail to provide an adequate legal response to hate crimes at grassroots level.

**Georgina Siklossy**

*Communication and Press Officer  
European Network Against Racism*



# Moving towards a European network

**This article stresses the importance of support systems and structures for victims of homophobic and transphobic hate crimes. Various ILGA-Europe members are working on the creation of a European network of organisations providing victim support.**

European LGBT NGOs generally have two kinds of objectives and actions: obtaining equal rights and fighting LGBT-phobia. Among them, some NGOs lean towards actions such as supporting victims of LGBT-phobia and reporting the cases of such hate crimes and discrimination.

LGBT victims of physical, verbal violence or discrimination are generally poorly informed. They seldom know their rights, nor do they know criminal procedures. Besides, they often express a form of mistrust of police forces or courts, coming from a long history of homophobia in these institutions – and despite the positive evolution that has been observed in a number of countries. All this shows how crucial the duty of local NGOs in terms of information, orientation and active support is.

Supporting victims and reporting cases remains the necessary counterpart to the fight for equal rights: the more LGBT people obtain new rights and acquire visibility, the more they are potentially victims of LGBT-phobic acts.

Yearly, since 2005, certain NGOs dedicating their core activities to victim support have met regularly in Berlin, Paris or Brussels to share practices. In 2008, ILGA-Europe brought its full

support to the setting up of a European network of such NGOs – an initiative also supported by the company IBM.

This network could focus on three activities:

- seminars and workshops to share practices,
- training sessions aimed at delivering practical knowledge for NGOs wanting to create an activity of support to LGBT victims,
- the promotion of convergence of data collected locally.

Among the prominent members of the network, **SOS-Homophobie** is a French NGO taking action against LGBT-phobic discrimination and violence. It was established in 1994 and is composed of volunteer members from throughout France.

SOS-Homophobie's goals are the following: to help victims of homophobic abuse by providing an anonymous hotline through which they can speak out, be listened to, and above all, be given the means to take action by themselves; to provide a website through which victims can report their testimony online; to take effective action, whenever necessary (supporting letters, counselling, calling on the French Equity Body to make a case).

SOS-Homophobie also sues perpetrators, as civil parties at the victim's side.

Last but not least, SOS-Homophobie publishes an annual report, based upon the cases reported through the hotline and the website, and including a review of the year's events and an analysis of the French media. This report delivers a yearly state of play of LGBT-phobia in France, evaluations of local and national policies and, moreover, it gives LGBT-phobia visibility. It is sent each year to officials, national and local authorities, trade unions, media, academics, and other stakeholders.

By developing these practices, SOS-Homophobie has established itself as an expert on these issues, and proposed prevention programmes such as in-school interventions or training groups designed for any body that might be faced with LGBT-phobia (companies, local authorities, youth club).

Another active member of the network is the **Gay Help Line**, an Italian, Rome-based organisation, which is the result of collaboration between the Roman branch of Arcigay and two main partners: the New Rights Office of CGIL (Italian General Confederation of Labour) and NPS Network of People with

HIV. The Helpline, which is a toll free number and can be reached from all over the Italian territory, was founded by the Municipality of Rome after a Roman gay man was brutally murdered in 2006.

The assistance of Gay Help Line to users is divided into two levels: a first assistance by telephone or chat, completely anonymous, and a second level which can be carried out by the association volunteers (lawyers, doctors, psychologists etc).

Arcigay Roma organises a training course twice a year for the helpline operators which takes place in the premises of the association with about 20 participants and a programme

including most relevant issues: legal, medical, psychological and listening and problem solving techniques. Further training opportunities are provided to operators after their enrolment.

The main achievements of the helpline have been providing thousands of people with assistance and support and, in particular, thanks to two cases which received the legal support of Gay Help Line lawyers, for the first time ever an LGBT association in Italy has been acknowledged as a plaintiff in a homophobia case filed in court.

The next event of the informal network is planned to take place in Rome at the end of June 2010. The host will be

Arcigay Roma and its national support desk, Gay Help Line. On this occasion, European NGO representatives and helpline promoters will meet for a discussion on how to promote further partnerships and exchange of best practices among the participants on a very concrete basis, above all on the issue of data collecting and monitoring which seems to be a relevant issue at the moment at national and EU level, but which needs further discussion and in-depth analysis.

**Jacques Lizé,**

*SOS-Homophobie and*

**Salvatore Marra,**

*CGIL Roma e Lazio, partner of*

*GayHelpLine*

### **Domen (The Conviction)**

**"The men who did not master the strength to abstain from intercourse with other men, they should be punished with death by hanging on poles on the town square."**

**Hate messages was collected on Christian chat rooms. But the Swedish Supreme Court thought that freedom of speech was more important. The accused was freed. It was fully evident that the existing law on incitement to hatred does not work under the legislature's intentions.**

Photo by Elisabeth Ohlson Wallin

# Causes and Consequences of Hate Crimes

This article explores why some people commit hate crime and the consequences of homophobic and transphobic hate crime on the victims and community as a whole.

The Admiral Duncan pub in central London was the scene of a bomb blast in 1999 by David Coperland, who organised a series of bombings targeting Asian, Black and sexual minorities in London. He detonated a nailbomb killing three people and injuring around 70 people



## Violence and hate crimes

We know that hate crimes are committed because of real or perceived differences in race, religion, ethnicity or national origin, sexual orientation, disability, or gender.

Hate crimes have an effect on both the immediate target and the communities of which the individuals are a member, which differentiate them from other crimes.

We also know that worldwide, violence is used as a tool of manipulation on different scales – from a fight between two individuals to war and genocide where millions are affected and many deaths and much suffering are caused. This is why violence is a great concern for humanity – we need to take steps to stop it.

What we do not know for sure – but are eager to know – is HOW we can stop and prevent it.

To be able to do that, we must first understand why people choose to behave one way or another, including why some people become violent, why they commit hate crimes. And – secondly – we should be aware of the consequences of hate crimes both at the

individual and the community level.

## Causes of human behaviour

Different schools in psychology give different explanations of the causes of human behaviour. However, they agree that every behaviour serves a specific goal. It is often that the person is not aware of the real goal of his or her behaviour, nevertheless, the goal exists. We all want to count, to belong, to be safe, don't we?

In order to reach these goals, we usually choose constructive behavioural strategies, like cooperation and contribution. However, sometimes people do not see how to reach these goals by constructive means, and they try to prove their own value and to find belonging by putting others down, or using violence.

Research has shown that violent or aggressive behaviour is often learned early in life.

Violence, as the physical form of aggression, can be based on two different types of motives. The so-called hostile aggression is the means of expressing one's feelings, so it is also called affective aggression. When a person finds out his or her partner is cheating, sometimes at that moment he or she experiences very strong emotions and can express them in an aggressive form – this is hostile aggression, motivated by hurt and anger.

Predatory, or the so-called instrumental aggression, is goal-oriented; in instrumental aggression, violence is not related to feelings towards the victim, it is just the means of getting what one

wants. For example, when someone is attacked in the street and robbed, the robber does not feel offended or hurt by the person he or she is robbing; using violence is not the means of expressing his or her feelings about the relationship with this person. In such a case, violence is just the means of getting money.

Empirical research indicates differences in the two forms of aggression; it shows that people with tendencies toward "affective" aggression, defined in this study as being "impulsive, unplanned, overt, or uncontrolled" have lower IQs than those with tendencies toward "predatory" aggression, defined here as being "goal-oriented, planned, hidden, or controlled" (Behar, D. Et al, 2006).

## Factors enabling hate crimes

What characterises the hate crime offender? Is there anything that distinguishes him or her from other bigots? What guides their decision-making to express their bias in aggressive and violent acts?

David Kirby summarises the results of research in his article for the Advocate thus "Self-loathing, fear, ideology and a pack mentality all drive young man to antigay violence".

In attempt to reveal the motives of hate crimes, J. Levin and McDevitt (2002) grouped hate crime offenders into four major categories according to their motivation. They developed a typology that identified the following primary motivations:

1. offenders who commit their crimes for the excitement or the thrill,
2. offenders who view themselves as defending their turf (bias attacks were

committed in order to protect the offender's neighbourhood from those he considered to be outsiders or intruders from the offender's perspective),

3. a small group of offenders whose life's mission is to rid the world of groups they consider evil or inferior, and
4. "retaliatory" hate crimes (committed after circulation of rumours about a hate crime against the offender's group, whether or not the rumour was accurate).

While the "retaliatory" hate crimes are based on anger and hurt (as well as the need for defending the high status of one's group, thus fostering the sense of belonging to it), it is obvious that the second and third motivation are based on fear.

Why do some people celebrate differences, but others are afraid of them to such a great extent that they are ready to use violence?

The first reason is weak, insecure identity. There is a popular view that gay bashers have problems dealing with their own sexual identity. When meeting



# Anatomy of violence

Homophobic protesters outside the ILGA-Europe Annual Conference 2007 in Vilnius



someone different, people with a strong and healthy identity do not fear, they feel curious to explore the difference. It does not threaten them. They know that to explore does not mean that they will have to assimilate – it means looking into another culture like one looks in the mirror, because the only way to get to see our own identity clearer is through exploration of the similarities and differences of other identities (Cihanoviča, 2009).

However, if our sense of identity is weak, we can easily feel discouraged and threatened. We sometimes assume that the threat comes from outside, from the other culture or the other identity – but it comes from within ourselves. When people meet someone who is gay or bisexual, they sometimes feel tremendously insecure – as they have not yet been able to understand their own sexuality and they do not want to because of fear of losing their belonging to the important group.

Nancy Chodorow, an analyst in Berkeley, California, a member and faculty of the San Francisco Psychoanalytic Institute provides a psychoanalytical view on the relations between weak identity and hate crimes. She states: "In particular men and in particular situations, both gender and sexual orientation are rigidly dichotomized, fragmented identifications, and any internal challenge to the separateness of maleness and femaleness or of heteroerotic and homoerotic fantasies and attachments threatens real disintegration. Characteristically, the badness, femininity and submissiveness to men has to be split off and projected outward where these in turn become extremely persecutory potential identifications. Those who represent the split off and bad projections threaten not only persecutory return, but also disintegrative flooding to meld and fuse with the self. They need to be attacked and destroyed."

Do you know what people do when

they meet something different and feel threatened? They want to avoid or eliminate it. This is what happens with many gay bashers (and other hate crime offenders as well).

So, the stronger the insecurity, the stronger the fear. The stronger the fear, the higher the need to express it, to make the world around less threatening.

Karen Franklin, a forensic psychologist and a widely recognised expert on the psychosocial motivations of hate crime perpetrators, identifies four distinct reasons of rationalisation used by sex crime offenders: self-defence (the above-mentioned fear and feeling threatened), ideology, thrill seeking and peer dynamics.

Thus, her research emphasises the importance of the hate crime offender's belonging to the group and its ideology. When people are not secure enough to have an independent mind, they try to find an ideology that will provide them

with the sense of belonging, clear group norms and status. Insecure people love to belong to ideologies that help them feel "the chosen ones", who are better than others. So, they clearly need a scapegoat group that serves several purposes – provides the group with the feeling of self-worth, helping to unite the group and maintain its identity, and moves blame and responsibility away from themselves and towards a target group.

Gregory Herek, a research psychologist and an expert on antigay violence, points out that the society at large is also responsible for this. "The main thing coming out from research," - he says, - "is that many bashers feel a sense of permission to attack gay people. They perceive that gays aren't valued in our society, which makes them easy targets." Karen Franklin agrees with him, stating that "kids learn as early as kindergarten that it is OK to tease, taunt, or harass anyone who violates gender roles. By the time they grow up, many think gay bashing is perfectly normal, even admirable".

Thus, insecure sexual identity with the need to prove one's masculinity, the strong need for the "pack" and persuasive ideology together with the ambivalent message from the society at large that some of its groups need less protection and respect than others trigger hate crimes, where all the involved sides lose – the victim, the aggressor and the society at large.

## **The consequences for the victims, the group they belong to and the society at large**

While violent crime victimization carries

risk for psychological distress, victims of violent *hate* crimes may suffer from more psychological distress (e.g., depression, stress, anxiety, anger) than victims of other comparable violent crimes (Herek, Gillis, & Cogan, 1999; McDevitt, Balboni, Garcia, & Gu, 2001).

Hate crimes are different from other crimes in that the offender — whether purposefully or not — is sending a message to members of a given group that they are unwelcome and unsafe in a particular neighbourhood, community, school, workplace, or other environment. Thus, the crime simultaneously victimizes a specific individual and members of the group at large.

Hate crimes are often intended to threaten entire communities and do so.

Being part of a community that is targeted because of immutable characteristics erodes feelings of safety and security (Boeckmann & Turpin-Petrosino, 2002). Being a member of a victimized group may also lead to mental health problems. Research suggests that witnessing discrimination

against one's group can lead to feeling depressed and lower self-esteem (McCoy & Major, 2003).

We should also take into account that the society's reaction to hate crimes is also a very important message given to every member about the ground rules the society lives by. If the society's reaction is strong and clear - it protects the victimised individual and group and condemns the aggression – everyone in the society feels safer, because the message is "violence is not accepted here". If the reaction is ambivalent – on one hand, the aggression is condemned, but on the other hand, the victim gets blamed for the aggressor's choice to use violence, everyone in the society gets the message "you can be safe here only if you belong to popular mainstream groups, if not, it's your fault and you are not going to be valued and protected". This is why the society's reaction is vitally important in prevention of further crimes and in maintaining people's well-being at the societal level.

**Jolanta Cihanoviča,**  
*Ma psych*

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**Schlagerfestival (Eurovision Song Contest)**

“On 20 May 2006, the night of the Eurovision Song Contest, the local branch of national Swedish LGBT organisation in Kristianstad had a party. A couple of members from the right wing conservative party, Nationalsocialistisk Front, entered, and suddenly the party turned into an inferno of abuse and threats.”



Photo by Elisabeth Ohlson Wallin



# Swedish provocateur pictures **HATE**



Elisabeth Ohlson Wallin  
Photo: Robert Paraniak

In 1998, Swedish photographer Elisabeth Ohlson Wallin shocked not only Sweden but also the rest of the world with her breakthrough exhibition, *Ecce Homo*. The exhibition portrayed Jesus among homosexuals and transvestites, and after the images were exhibited in a Swedish church, the Pope cancelled a scheduled visit by the Swedish Archbishop, and Elisabeth Ohlson Wallin received such serious threats against her life that she needed police protection. It did not stop her from picturing religion, far-right ideology and hatred against LGBT people.

**Elisabeth, you are not only known in your home country but across the globe for your strong photographic images**

**In this article we talk to and explore the art of the Swedish photographer Elisabeth Ohlson Wallin. The topic of violence and hatred against LGBT people is close to her heart. She shows the ugly and bloody image of hatred and violence as it is...**

**dealing with prejudice, hatred and violence against LGBT people. Could you tell our readers what made you select such topics, what was the motivation to address them through your photography?**

**Elisabeth:** I get my inspiration and motivation from the injustice I experience. It started with a Swedish priest who wrote in Swedish newspapers in 1987 that AIDS was God's punishment. I got so angry because I had friends who were dying of AIDS. The priest made me realise that religion is the most dangerous for us as homosexuals. It would take until 1998 before *Ecce Homo* was ready. But the exhibition was a response to the clergy who cannot deal with homosexual or transgender people.

**Your exhibitions often cause strong reactions. Can you tell us a little about those experiences?**

**Elisabeth:** In the case of *Ecce Homo* Christians were very provoked because the exhibition was created from Christian symbols. *Ecce Homo* was for me a positive exhibition that showed love and I wanted to give us as homosexuals our place in history. But it was dynamite and I was threatened by both the Nazis and the Christians. So you can ask yourself: is love dangerous!?

### In Hate We Trust

In the later exhibition In Hate We Trust - Elisabeth Ohlson Wallin continues to shock. With images she portrays hate and violence against lesbian, gay, bisexual and transgender people through unfiltered artistic reconstructions of real-life events – both in Sweden and abroad.

**Could you guide us through your images about hate, violence and LGBT people and tell us a bit more about the stories behind them?**

**Elisabeth:** In Hate We Trust is a photo exhibition based on real events. Sometimes the inspiration

has come from a small notice in a newspaper about a violent crime, but if you look closer, a strong hate crime is hiding there. Hate crimes are increasing across Europe, not only against homosexual and transgender people, but against several groups as we all know.

Elisabeth Ohlson Wallin mainly holds religious and far-right groups responsible for the hatred against LGBT people. Both religion and far-right groups are therefore recurring themes in her images of violence against LGBT people, and she is not afraid to tell us her reasons.

**Elisabeth:** We live in a time where religions are panicking fearing of loosing their power and want to turn back the clock. It is scary. I want to show the incredible dangers and lies smouldering in religion and thereby in the society. It is dangerous to think that us, LGBT people, are just doing well, as we can see far-right parties gain more and more power, and it may become dangerous again and we are forced back in the closet!! Just have a look at the rest of the world to see how difficult it is for other countries to accept LGBT people and our issues. Death penalty and prison sentences are not uncommon.

### The Artist and The Educator

Elisabeth Ohlson Wallin has probably been cursed many times due to her provocative choices of themes and content. But she is also praised for her role as an artist who also creates awareness of hate and violence against LGBT people. When asked what she thought of the impact of her works, and how she sees her images contributing towards raising awareness, she simply replied:

**Elisabeth:** I am being called an artist and sometimes an educator for adults. I like both titles.

Being an educator for adults comes from her understanding of art. Elisabeth Ohlson Wallin regards art as an

education tool that should be used to make people think and react to the things they see and experience.

**Elisabeth:** Art should be something that helps us to develop, and helps us to think in new ways. I wish of course that my photos will affect and stop right-wing forces that can hurt us. When a great number of people come to my exhibitions, I know that they go home and think.

At the moment, Elisabeth Ohlson Wallin is touring Sweden with a new exhibition Our Rights, which is an exhibition created together with the Swedish human rights organisation - Civil Rights Defenders. Later in 2010, she will be

touching upon religion again by going to Jerusalem to create images for an exhibition about the three large religions present in Jerusalem and their relationship with LGBT people. The exhibition is expected to open in Sweden in 2011.

For more information and to have a look at the work of Elisabeth Ohlson Wallin go to her website (in Swedish – for exhibitions go to *Utställningar*):

[www.ohlson.se](http://www.ohlson.se)

*Background article by*

**Nanna Moe**

*The conversation with Elisabeth Ohlson*

*Wallin was conducted*

**by Juris Lavrikovs and Nanna Moe**



### Halleluja

“When a Christian pastor Åke Green was found not guilty of the accusations of persecution of homosexuals in the Swedish Supreme Court his followers rejoiced. He had preached that homosexuals were a cancer on the body of the society, and was now cleared of all charges. The Swedish Supreme Court sent a message that persecution is all right, as long as you keep it in a preaching context.”



# 'Rainbow Europe': ILGA-Europe's map of Europe reflecting the legal situation for lesbian, gay and bisexual people

## Many countries in Europe made significant progress towards equality for lesbian, gay and bisexual people:

- 2 countries' constitutions refers to sexual orientation in their anti-discrimination provisions
- 13 countries and 1 territory bans sexual orientation in employment
- 25 countries and 5 territories ban sexual orientation discrimination in employment, access to good and services
- 15 countries refer to sexual orientation in hate speech/crime legislation
- 5 countries allow same-sex partners to marry
- 13 countries and 2 territories allow same-sex partners to register their partnerships
- 13 countries recognise cohabitation of same-sex partners
- 9 countries entitle same-sex partners to apply for joint adoption
- 11 countries allow second partners adoption
- 10 countries provide fertility treatment for lesbian couples

## At the same time Europe still have shameful spots of discrimination and inequality:

- 2 countries and 3 territories still have unequal age consent for consenting sexual acts between adult men
- 1 territory still criminalises consenting sexual acts between adult men
- 8 countries banned LGBT public events during the last 10 years

If you want to order a printed version of the map, please contact us:  
[nanna@ilga-europe.org](mailto:nanna@ilga-europe.org)



**Rainbow Europe:**  
 human rights and equality for lesbian, gay and bisexual people

Which symbol represents your country?



In 2009 ILGA-Europe produced new bag for our annual conference in Malta. We now have only 150 spare bags left which we are offering to you in return for donations towards our scheme helping us to bring LGBT activists across Europe to our next annual conference in 2010 in The Hague.

**The donation per bag is € 15 (including package and postage).**

**The bag has square form (39 cm); width - 6 cm; handles - 37 cm.**



**You can donate online:**

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# Welcome to EuroPride 2010 Warsaw

8 -18 July 2010

17 July – the Parade Day

## “LIBERTY, EQUALITY, TOLERANCE!”



We have the special privilege to organise the EuroPride 2010 in Warsaw, Poland.

Poland is a country with more than one thousand years of rich history and European identity. Now, it is a fully independent country, liberated from communist domination (1989), a member of EU and in the course of rapid economic and social changes.

Here the Solidarity was born, not only as a trade union which has changed the political system, but also as an idea and a great social movement which may be attractive for the contemporary world. Poland has also been a part of human rights tradition, also associated with the fight against the banning of our Pride events in the past.

The capital city of Warsaw, with its central location, is an ideal place for exploring the country. The city is today a dynamic cultural and business centre, linking Eastern and Western Europe. It is also a place which can be a starting point for visits to admire the natural beauty of sandy beaches on the Baltic Sea as well as the Mazurian lakes and the Tatra mountains.

We invite you to join our EuroPride 2010 celebrations. We have prepared a very rich programme with LGBT culture, since, art, politic and more.

On behalf of the Equality Foundation, the organiser of EuroPride 2010

Tomasz Baczkowski  
President

[www.europride2010.eu](http://www.europride2010.eu)