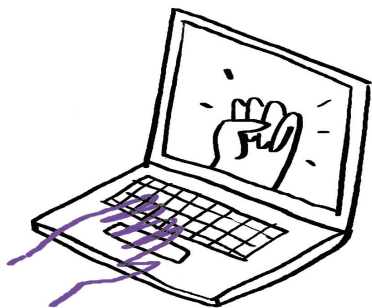


HATE CRIME:

**A GUIDE FOR
LGBT+ PEOPLE**





HATE CRIME:

A GUIDE FOR
LGBT+ PEOPLE



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www.lgbthatecrime.eu



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1. ABOUT HATE CRIME

ANTI-LGBT+ ABUSE

Hate crime is a name for homophobic, transphobic or biphobic abuse. If you are **threatened, harassed or attacked** because you are LGBT+, you have experienced a hate crime. You can **report it to the police and to Galop**. This applies even if you are not LGBT+, but the person abusing you believes that you are.

WHO FACES HATE CRIME?

Hate crimes target people because of **who they are**. That includes people abusing you for being lesbian, gay, bisexual, trans, queer, non-binary, intersex or asexual. It also includes abuse based on someone's race, faith or disability.

DON'T ACCEPT IT

No one has the right to abuse you for who you are. You have a **right to be respected and to express**

yourself free from abuse. If you do face homophobic, biphobic or transphobic abuse, you have a right to expect authorities and support organisations to be on your side.

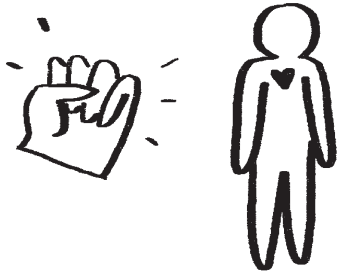
TYPES OF HATE CRIME

Any abusive behaviour that expresses homophobic, transphobic or biphobic prejudice can be a hate crime. This can include:

- Verbal abuse, such as calling someone anti-LGBT+ names
- Acting in a threatening or intimidating way
- Physical attacks
- Stealing or damaging your belongings
- Sending abusive or offensive messages
- Blackmail, including demanding money not to out you
- Sexually threatening or violent behaviour
- Encouraging others to target LGBT+ people

HOW HATE CRIMES ARE DIFFERENT FROM OTHER CRIMES?

The impact of homophobic, transphobic and biphobic abuse can go deeper and last longer than other forms of abuse. It can cause **a feeling of fear that prevents people feeling able to be themselves**. For that reason, Galop, the police, the Crown Prosecution Service and the government have committed to combat hate crime and help people who face it.



2. THE LAW

IS IT A CRIME?

The law protects you from homophobic, biphobic and transphobic verbal and physical abuse. Sometimes it's obvious that you've experienced a hate crime, though often it's less clear, such as when someone behaves in an aggressive, hurtful or prejudiced way. If you're unsure if what they have done has broken a criminal law, you can still report it to the police and to Galop.

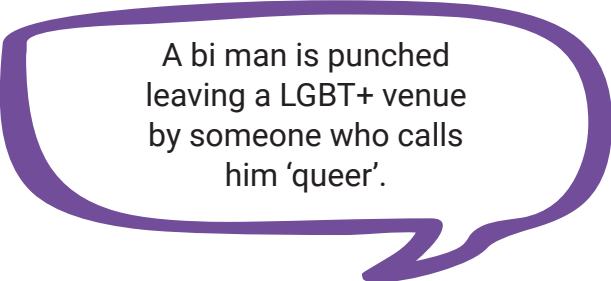


PHYSICAL VIOLENCE

Physical assault is a crime. This includes pulling or pushing someone, grabbing, spitting at them and throwing things. It also includes unwanted physical contact such as hitting that leaves slight or no injury. Any of these would be **common assault**. Violence that causes marked injuries, such as cuts, is **actual bodily harm**. Violence that causes very serious injuries is **grievous bodily harm**.

If you are injured during an attack, you may be able to claim **financial compensation** from the Criminal Injuries Compensation Authority. Galop may be able to help you apply.

Example:



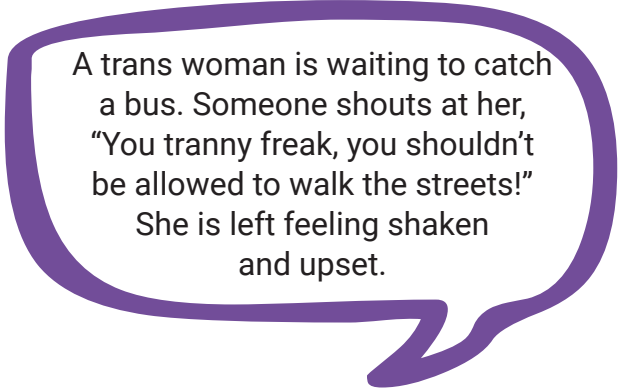
A bi man is punched leaving a LGBT+ venue by someone who calls him 'queer'.

VERBAL ABUSE

There are laws to protect you from verbal abuse and you have a right to get it recorded as a hate crime by the police. If someone uses **threatening, abusive or insulting words or behaviour** towards you, that is a crime under the Public Order Act. The exact crime depends on what happened:

If someone abuses you with the **intention of making you feel alarmed or distressed**, they are committing a section 4A Public Order offence.

Example:



A trans woman is waiting to catch a bus. Someone shouts at her, "You tranny freak, you shouldn't be allowed to walk the streets!" She is left feeling shaken and upset.

If you think they **intended to cause you physical harm**, it would be a crime under section 4 of the Public Order Act.

Example:

A lesbian couple is threatened with sexual violence because they are holding hands.

If someone uses **threatening or abusive words or behaviour that are likely to cause alarm or distress, even if not aimed at anyone in particular**, it would be a crime under section 5 of the Public Order Act.

Example:

A group of men walking along a crowded street chanting "we hate queers!"

ENCOURAGING ANTI-LGBT VIOLENCE

It is illegal **to call for others to commit crimes** against LGBT+ people. That includes words, pictures, videos, and even music. It also includes information posted on websites. Illegal hate messages might include calling for homophobic, transphobic or biphobic violence or depictions of it being carried out.

Example:

A leaflet saying that gay people are sinful and should be killed.



ONLINE ABUSE

You have the right to live free from online homophobia, transphobia and biphobia. If you come across or are targeted by anti-LGBT hatred online, you can report the material to Galop by tagging @GalopUK on Twitter or by sending a private message through Facebook. We will help to get the material removed where possible.

Indecent, grossly offensive, threatening, false, obscene or menacing communications may be an offence under the Malicious Communications Act 1988 or the Communications Act 2003. However, the threshold for prosecution is very high. Currently, only **credible threats of violence, harassment, or stalking, which specifically target individual(s), or breach a court order designed to protect someone**, are likely to be prosecuted. References to sexual orientation, gender identity, race, religion or disability will be considered as an aggravating factor.

Example:

A gay man receives homophobic abuse and credible threats of violence from someone known to him via Facebook.



HARASSMENT

Harassment usually involves **repeated abusive behaviour**. It includes oppressive or unreasonable behaviour aiming to make someone feel distressed or fearful. The key element is that the unwanted behaviour happens more than once. The harasser does not have to intend to cause harassment in order to commit this crime, so long as a reasonable person would feel harassed by their actions. This behaviour is a crime under the Protection from Harassment Act 1997.

Example:

A trans man has a neighbour repeatedly intimidate him by blocking his path and make transphobic comments.

BLACKMAIL

It is a crime to **demand things** from you **under threat of spreading information** about you. As well as obvious demands such as money, blackmailers can sometimes make implicit and unspoken threats towards you, such as suggesting gifts. It is not advisable to give them any money, as it's likely that they will continue to try and extort money from you. Instead, get confidential advice.



Example:

A man who is married to a woman comes out as bisexual to a colleague. The colleague threatens to tell everyone at work and the man's wife unless he receives £5000.



3. AFTER AN INCIDENT

GET HELP

It is your decision whether to tell someone what happened. You can talk to an independent charity like Galop for **advice, support and to discuss your options**. We can also help you communicate with the police, or pass on information anonymously if you choose.

You can talk to the police directly by calling the **police non-emergency number, 101**.

If you need **immediate police help, call 999**.

RECORD DETAILS

Our memories fade fast, so writing down details after an incident is important. If it's part of an ongoing situation, such as neighbor, online or workplace harassment, it is useful to keep a record of exact phrases, times and dates. If it was a stranger, it can be useful to write down what they look like while you remember.

IF YOU'VE BEEN INJURED

If you have been physically hurt, it can be useful to **take a photo** of any visible injuries. It may later be used as evidence. You can also apply for financial compensation from the Criminal Injuries Compensation Authority. Galop can advise you and may be able to help you apply.

LOOK AFTER YOURSELF

Experiencing abuse is stressful. Deciding to **talk** with someone in your life that you trust can be a big help. Otherwise you can call the **Samaritans** or **LGBT+ Switchboard** anonymously. For something longer term, you could seek counselling. It is also important to **care for yourself**. For instance, eating well, drinking plenty of water, exercising and getting enough sleep are good for tackling stress. Lastly, **stay positive**. Practice self-compassion. Instead of focusing on ways you need to be better, think how you would respond to a friend experiencing the same problem. Go easy on yourself!

4. REPORTING

SHOULD I REPORT?

We have the right to speak up about homophobia, transphobia and biphobia, to get it officially acknowledged, and to get any help we need. Anti-LGBT+ abuse and violence are huge problems for our community, but **reporting can make a difference**.

Thousands of LGBT+ people choose to report hate crime every year. Doing so is part of defending your rights and resisting those who think that LGBT+ people should stay out of sight.

On the other hand, there are many good reasons that people choose not to report. **If you are unsure** whether to report or you are uncertain about what to expect if you do, you can **talk to Galop**. We can give you **independent advice** and help you pass on information anonymously if you choose.

REPORTING TO GALOP

Phone: 020 7704 2040
Online: www.galop.org.uk/report/
Email: advice@galop.org.uk
Twitter: @GalopUK
Facebook: GalopUK
UNI-FORM: www.uni-form.eu

REPORTING TO THE POLICE

In an emergency: Dial 999
In a non-emergency: Dial 101
Online: True Vision
www.report-it.org.uk
Self Evident
(Police reporting app): www.witnessconfident.org/self-evident-app
On Public Transport: 0800 40 50 40 or text 61016
Anonymously: Crimestoppers 0800 555 111

5. THE POLICE

FIRST STEPS

The first person you speak to will probably be someone in a police call centre. Their job is to find out what happened and make a brief written record. If you tell them it was a homophobic, biphobic or transphobic hate crime, they have a **duty to record** it that way. If you are in immediate danger they should send officers to you. They will give you a crime reference number. It is useful to make a note of it in case you need to call them again.

WITNESS STATEMENT

The police might ask to arrange a face-to-face conversation with you to take a statement and discuss what will happen next. This your opportunity to **fully explain what happened**. They will write an account of what you say and ask you to read and sign if it is correct.

VICTIM IMPACT STATEMENT

You are also able to give a victim personal statement. This is a chance for you to **explain the impact of what happened**, so it can be read out in court. It can cover **the practical and emotional impact** of what happened, why you think it involved **anti-LGBT+ prejudice**, and whether you would like a court to consider awarding you **financial compensation**. That could include giving details of any loss from damage to property, being off work, medical expenses, or compensation for your suffering.

INVESTIGATION

If what you have experienced is a criminal offence, the police would usually investigate it. That involves a police officer talking to you and **looking for evidence** such as CCTV, forensics, internet records etc. They would ordinarily try to **find and arrest** the perpetrator to ask them for their account for what happened. Investigation can take weeks or months, but the investigating officer should contact you regularly to update you.

CHARGING

If there is enough evidence, the police will speak to the **Crown Prosecution Service** (CPS). They **decide**

whether to start a criminal trial and they provide lawyers to argue cases in court. They decide this based on whether a trial would have a **good chance of finding someone guilty** and whether it would be in the **interest of the public**. If the CPS decide not to charge and you think they may have made the wrong decision, you can ask them to reconsider. This is call the **Victims' Right to Review**. You can get in touch with Galop for advice about this.

IF THINGS GO WRONG

Police and CPS employees are public servants and should **treat you with respect and professionalism**. If you are unhappy about the way you are spoken or behaved toward, you can talk to an advice charity. Options may include speaking to a police LGBT Liaison officer, making a complaint to the police force, complaining through the Independent Office for Police Conduct, or getting legal help.



6. COURT

BEFORE COURT

You will be sent information about the date of the trial by your Witness Care Officer. They will tell you **which court to go to, your role in the courtroom and what support is available**. You can ask them for help with childcare or transport. They can also help you **visit the court before the trial**, so you know what to expect on the day. Galop can go through this information with you if any details do not make sense.

ON THE DAY OF THE TRIAL

Before you leave for court, make sure you have all the information you have been sent about the case. You will be invited to the waiting room before your trial starts. You can **bring friends or relatives** with you for support. Galop may be able to attend court with you to provide support and advice on court processes.

AFTER COURT

You can **claim back any money you spend travelling** to court during a trial, as well as **money lost due to being at court**, which could include meals, loss of earnings, or child care. Galop can help you to apply.

EXTRA HELP

You can ask for **special measures** to help you give evidence if you are afraid. This could include **screens** so you don't have to see the perpetrator in court, **giving evidence by live video** from outside the court, or other help. Galop can discuss this with you and help you to apply.

PRIVACY

The press are usually allowed to report on trials. However, **you can ask for your identity to be withheld from the press** during a trial. This is only possible if you are 'vulnerable or intimidated', for instance if being identified as LGBT+ in the press would prevent you from giving evidence.

7. YOUR RIGHTS

YOU ARE ENTITLED TO:

- Be **treated fairly and with respect** by any service you talk to
- Have the police **record** anti-LGBT+ abuse **as a hate crime**
- Have them **consider your opinion** in deciding how to respond
- Have information about your identity treated **confidentially**
- Be called by the **name and pronoun** you ask them to use
- Be **kept informed** about the progress of your case
- Be **offered a referral** for help from a hate crime or LGBT+ service
- Hear if they **arrest, charge, bail or sentence** someone

- Get **extra help to give evidence** in court if you need it
- Ask for your identity to be **withheld from the press** during a trial if you need to
- Apply for **compensation** if you've been injured in a crime
- Make a **'victim personal statement'**, explaining the impact of the crime
- Be told about the possibility of taking part in **restorative justice**
- Ask for **review of a decision** not to take your case to trial



8. ADDITIONAL HELP

Whether you decide to report or not, you can talk to Galop on **0207 704 2040**, or **advice@galop.org.uk**. We may be able to suggest other sources of help to handle a situation besides the police. These might include the following:

RESTORATIVE JUSTICE

Restorative Justice gives you the chance to **tell the offender how their actions affected you**. That could involve a **facilitated meeting** between you and the offender, or an **exchange of letters**. Alternatively, a community organisation such as Galop can act as a surrogate on your behalf. You can talk to **Galop** or **Why Me** for advice about restorative justice.

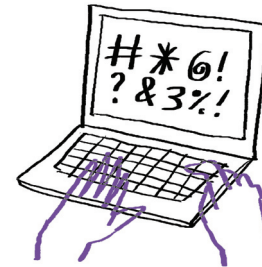
HOUSING

If you live in council or housing association housing, **your landlord has a duty to protect** you from neighbourhood homophobic, biphobic and transphobic abuse. The first step is to explain the

situation to your housing officer. If you privately rent or own your home, you can **ask your local council anti-social behaviour team for help** to challenge the abuse. If it is no longer safe to live there, your local council's housing options team may be able to help. For advice or help, you can contact **Galop** or **Stonewall Housing**.

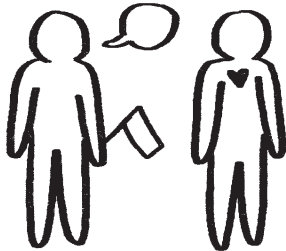
DISCRIMINATION

You have a right to expect **fair treatment** from businesses, public services, charities and your employer. If you are treated in a prejudicial way because you are LGBT+, you may be able to challenge them under the **Equality Act 2010**. You can talk with a service like the **Equality Advisory & Support Service** about options for taking legal action. The police cannot usually help with discrimination unless it involves verbal or physical abuse.



SUPPORT

Dealing with the impact of homophobia, biphobia or transphobia can be difficult. Talking with someone you trust can help. You can also talk anonymously to a helpline like **LGBT+ Switchboard**. There are also LGBT+ support services that offer counselling. You can talk to **Galop** about how hate crime has made you feel and **find out about support services**.



9. USEFUL CONTACTS

Galop

W: www.galop.org.uk

T: 020 7704 2040

E: advice@galop.org.uk

Galop is the LGBT+ anti-violence charity, offering advice and support to people facing hate crime, domestic abuse or sexual violence.

Community Security Trust

W: www.cst.org.uk/report-incident

T: 020 8457 9999

E: incidents@cst.org.uk

The Community Security Trust is a charity working with victims of antisemitic hate crime.

Tell MAMA

W: www.tellmamauk.org/submit-a-report-to-us/

T: 0800 456 1226

E: info@tellmamauk.org

Tell MAMA is a service working with victims of anti-Muslim hate crime.

The Monitoring Group

W: www.tmg-uk.org

T: 020 7582 7438

E: office@tmg-uk.org

The Monitoring Group work with victims of racial and religious hate crime

The Traveller Movement

W: www.travellermovement.org.uk

T: 020 7607 2002

E: info@travellermovement.org.uk

The Traveller Movement works with Gypsy, Traveller and Roma people facing hate crime.

Victim Support

W: www.victimsupport.org.uk

T: 08 08 16 89 111

Victim Support is a charity that works with all people affected by crime, including victims, witnesses, their family and friends.

Why Me?

W: www.why-me.org

T: 020 3096 7708

Why Me? Is a restorative justice charity that works with victims of crime.

True Vision

W: www.report-it.org.uk/your_police_force

True Vision is a police website providing information about hate crime or incidents and how to report it.

LGBT Switchboard

W: www.switchboard.lgbt/

T: 0300 330 0630

E: chris@switchboard.lgbt

Switchboard provide general information, support and a referral service for LGBT+ people and anyone considering issues around their sexuality and/or gender identity.

Stonewall Housing

W: www.stonewallhousing.org/

T: 020 7359 5767

E: info@stonewallhousing.org

Stonewall Housing provides housing advice and services to LGBT+ people.

Equality Advisory Support Service

W: www.equalityadvisoryservice.com

T: 0808 800 0082

Text phone: 0808 800 0084

Equality Advisory Support Service is a helpline and legal advice for issues relating to human rights.

Samaritans

W: www.samaritans.org

T: 116 123

E: jo@samaritans.org

The Samaritans are open 24/7, 365 days a year, and offer a safe place for you to talk any time you like, in your own way – about whatever's getting to you.



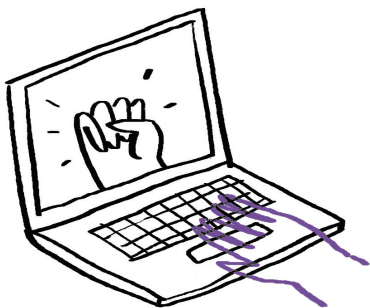
www.galop.org.uk

Twitter - GalopUK

Facebook - GalopUK



www.lgbthatecrime.eu



This handbook answers the following questions about homophobia, transphobia and biphobia:

- What is hate crime?
- Where can I get help?
- What can I expect if I report it?
- What are my rights?

We hope this handbook will help you to explore your options and make informed decisions about what is best for you. Know your rights and get support!



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Twitter - [GalopUK](#)
Facebook - GalopUK

