

ILGA-Europe's Documentation & Advocacy Fund

**Guidelines for grantees on how to monitor and report
homophobic and transphobic hate crimes and incidents**

17th January 2013

INTRODUCTION

These *Guidelines on how to monitor and report homophobic and transphobic incidents* have been devised with the support of the Dutch government, to better equip the beneficiaries of the 11th re-granting cycle of ILGA-Europe's *Documentation & Advocacy Fund*. The cycle's objective is to feed into ILGA-Europe's evidence based advocacy strategy in favour of European legislation and policy measures to tackle homophobic and transphobic incidents.

The first purpose of the *Guidelines* is to make possible the collection of reliable and comparable data from different European countries, in a consistent way, taking into account the standards required by national, European and international organisations. This is why the *Guidelines* include instructions on how to collect, classify and analyse data and also comprise working definitions of the concepts to be used by the grantees, such as the categories of incidents to be monitored and the bias indicators to be considered as valid criteria. The *Guidelines* also give clear indications to grantees on how to structure the report they will have to submit to ILGA-Europe.

ILGA-Europe also expects the *Guidelines* to serve a second purpose that goes beyond the scope of the *Fund's* cycle. In many European countries, we are aware that our members are willing to engage in such data collection activities, but lack capacities and resources to start such a process. The *Guidelines* can be considered as a practical tool to facilitate this kick-off effort. They were written after a consultation of some of ILGA-Europe's most experienced members in the area, and building on other projects to which we have been participating, such as the *Facing Facts!* project¹.

For these reasons, we require that the beneficiaries of the 11th cycle of the *Documentation & Advocacy Fund* commit to apply the *Guidelines*. This shall allow them to focus on how to ensure that the documentation and reporting schemes they put in place really reach out to LGBTI communities and are sustainable. At the same time, we want to keep using the *Guidelines* after the end of the *Fund's* cycle, for them to become one of the tools offered by ILGA-Europe to all member organisations engaging in actions to tackle homophobic and transphobic violence at local, national and European levels.

¹ *Facing Facts!* is a two years project financed by the European Commission aiming to improve monitoring and recording of hate crimes and incidents throughout the European Union. ILGA-Europe is an associated partner to the *Facing Facts!* project: <http://www.ceji.org/facingfacts/>

TIME LINE – GRANTS ON DOCUMENTATION OF HOMOPHOBIC AND TRANSPHOBIC VIOLENCE (2013)

January 2013

- Training on the methodology organised by ILGA-Europe
 - Grantees finalise their outreach strategies



15th February 2013

- Deadline for grantees to send feedback on reporting form translations, chosen data collection tools, and safety issues related to data collection/storage (including a draft of the disclaimer mentioned in Annex 1)
 - Fine-tuning of tools with ILGA-Europe, if needed



Between March and 31st October 2013

Data collection and recording phase (Monitoring)

- 6 to 8 months period agreed with ILGA-Europe taking into consideration the national context and the local challenges
- Communication with ILGA-Europe shall take place during this phase, in order to discuss possible corrective actions in case of concerns as regards the number or the types of incidents collected



June 2013

Mid-term needs analysis under the basis of feedback from grantees

- Communication strategies
- Contacts with communities
- Use of the reporting forms
- Number of cases collected



November - December 2013

Drafting of grantees reports in English

- Draft reports to be submitted to ILGA-Europe by the 28th November 2013
- Submission to ILGA-Europe by the 20th December 2013.

I. MONITORING HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND INCIDENTS

Within the framework of the grant agreement with ILGA-Europe monitoring homophobic and transphobic incidents implies two steps:

- collecting data about homophobic and transphobic incidents;
- organising the collected data according to fixed standards and a fixed set of categories, and analysing the data to understand main trends and features of homophobic and transphobic hate crime in your country.

Step 1. Collecting data

For the purpose of this project only data on incidents that happened after the 1st of January 2013 should be collected. The collection period will be considered closed on the 31st of October 2013.

- **Defining the tools used to collect data**

Within the framework of the grant provided by ILGA-Europe, you are asked to collect data through the recording of individual hate incidents. This can be done through individual interviews with victims (or with witnesses) by phone or face-to-face. It can also be done through a specific on-line reporting form. We strongly advise you not to collect data through face-to-face interviews or a telephone hotline, if your organisation does not already have the capacity to assist victims of hate crime.

- **Developing a clear outreach strategy**

Before starting to collect data you have to communicate to LGBTI communities that you are collecting data on homophobic and transphobic incidents and how you will collect data. We encourage you to develop a clear strategy on how you will inform LGBTI communities about this project. In general there are different ways of communicating, such as leafleting, distributing posters in LGBTI communities' centres and speaking at community centres and to community leaders. When you inform communities you have to explain clearly the way people can report homophobic and transphobic incidents (e.g. via telephone hot line, by offering face-to-face counselling services, or via a special website and an (anonymous) on-line reporting), why it is safe to report incidents to your organisation, and how you will use the collected data. Depending on your national context and on the quality and nature of already existing communication channels with law enforcement bodies, you may also choose to communicate on this service with the police, for instance to better support victims. However, cooperation with the police is not a requirement under this grant. Keep in mind that your communication should not promise any services you may not be able to offer. Also, be careful not to alarm LGBTI communities but remain factual when informing about your service.

- **Making use of a uniform reporting form**

Regardless of the method you choose to collect data (individual face-to-face interviews, a telephone hotline or via on-line reporting) under this grant we ask you to use a **pre-defined reporting forms for victims and witnesses** of homophobic and transphobic hate crimes (see [annexes 1, 1a and 1b](#)) which ILGA-Europe has devised for its grantees and which will enable you to capture all relevant information. It also will help ensure you are consistent in your data collection. You can use this reporting form for on-line reporting or for face-to-face or telephone interviews with victims (or witnesses) of homophobic and transphobic hate incidents and crimes.

Step 2. Classifying and analysing data

- **Classifying the data to prepare its analysis**

In order to be able to analyse the collected data in a consistent way you will first have to classify the data. This implies organising the data according to certain standards and criteria. For this purpose we ask you to use the [standard data classification tool in annex 2](#). This tool is proposed in the form of an Excel sheet, but you are free to use any other appropriate software. Annex 2 provides detailed indications on how the collected data is to be classified and encoded for the purpose of further analysis. The data classification tool follows closely the reporting forms for hate crimes by victims and witnesses (see [annexes 1, 1a and 1b](#)). The aim is to ensure all data and information reported by victims will be included in the data classification tool. The data classification tool also ensures all collected data and information from different reported incidents is encoded following the same standards.

- **Determining the category of hate incident**

Under this grant selected organisations are requested primarily to collect data on [hate crimes](#) as defined in the glossary of these guidelines. Grantees will be asked to classify any recorded incident in one of the following 6 broad categories of such hate crimes, and, when relevant in their context, in the complementary category of "other incidents with a bias motivation":

- 1) Homicide
- 2) Extreme physical violence
- 3) Assault
- 4) Damage against property
- 5) Arson
- 6) Threats and psychological violence
- 7) Other incidents with a bias motivation

[Annex 3](#) provides a detailed definition and explanation [for each category of the above-mentioned crimes and incidents](#) with detailed examples committed against members of the LGBTI communities. Most of these categories correspond broadly to types of crimes which are covered by criminal laws across European countries,

although there are some differences depending on the jurisdiction.

The last category *Other incidents with a bias motivation* targets incidents which do not qualify as a "hate crime" according to the definition used for the purpose of this project which are based on OSCE standards², regardless of whether they are mentioned in your country's criminal code. However, they form part of the same hostile social environment and they are relevant to illustrate the context in which hate crimes happen. This includes for example hate speech and discriminatory incidents.

- **Defining the bias indicator**

The data classification tool will also require you to specify the bias indicator for each reported hate incident. Bias indicators are objective facts that will enable you to determine if a given reported case can be classified as a homophobic or transphobic crime or incident. The information provided by the victim will naturally indicate if the reported incident is a homophobic or transphobic incident. In addition [Annex 3](#) provides a [detailed list of bias indicators](#) to assist you in determining if a given recorded case could be considered a homophobic or transphobic hate crime. Under this grant you are not obliged to provide an exhaustive list of the bias indicators that are associated to each and every hate incident. However, identifying one or more bias indicators will be key in determining whether a given incident could be considered a homophobic or transphobic hate crime and thus if it can be used for the data analysis and subsequently in your reporting.

- **Analysing the data to identify main trends in hate crime**

As mentioned, the aim of the data classification tool is to prepare and ease your data analysis. Once all collected data is encoded correctly, the data classification tool will help you extracting quantitative data in the form of statistics, charts and graphs to detect 'simple' trends, such as the rate of recurrence of certain types of incidents, the main categories of victims, and others. The data classification tool will also enable you to cross data and provide a more complex picture of trends, such as:

- the sexual orientation, biological sex of the victim and the type of incidents and places of incidents (e.g. urban/ rural context) that have occurred for the different categories of victims;
- the main categories of victims in terms of age, the degree of being 'out' and the main types of incidents that have occurred for the different categories of victims;
- the relationship between the victim and the perpetrator (especially if the perpetrator was known to the victim or not) and the main types of incidents.

The workshop for grantees in early 2013 will explain you in detail how you can extract data, cross data and how to establish graphs and statistics to identify

² <http://www.osce.org/odihr/66388>

main trends.

The recording tool will also help you extracting qualitative data and facilitate a fact-based description of specific incidents. In your report the quantitative data and trends can be completed with the description of particularly significant cases that have occurred.

- **Comparing trends in hate crime/incidents over years**

If you are recording data more than one year following the same methodology, you will be able to compare data with previous years' data, and thus also compare trends, which presents a more complete picture rather than a snapshot. This helps determine if there has been an improvement in the situation. If you will start only with data collection with this ILGA-Europe grant, this won't obviously be possible during the first year of your reporting.

Further important issues to keep in mind as regards data collection
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To ensure your data collection is of an appropriate standard, and in particular sufficiently reliable and credible from the point of view of victims, the following issues need to be addressed:

- **Victim confidentiality:** make sure you guarantee the confidentiality of the victims. If you intend to share any data with police or other public authorities or media (which you are not required to do this under this grant) make sure victims officially agree that their details are passed on to third parties.
- **Legal certainty:** ensure that under your national legal system you are allowed to collect data on individual hate incidents. Check also if you, as an NGO, are potentially compelled to divulge all victim details to a court of law and relevant lawyers if you record an incident. Make sure you are sufficiently well informed and can comply with all legal requirements when collecting data. Ensure also that you understand the laws governing hate crimes and how hate crimes are defined in your country (if they are defined).
- **Clarification of purpose:** victims need to know what they can and cannot expect from the reporting process. Ensure you inform adequately people before you record any case. Be sure they understand if there is any benefit to them personally or if this is for the community as a whole.
- **Staff training:** every aspect of the data collection requires you and your colleagues to have sufficient training. As mentioned, under this grant in order to collect data you are not obliged to assist victims of hate incidents through individual face-to-face interviews or via a telephone hotline. However, if you are assisting victims, be aware that your staff dealing directly with victims may be exposed to traumatic experiences and to

victims who may be themselves traumatised or otherwise psychologically disturbed. As an NGO involved in assisting victims of LGBTI phobic violence you have a duty of care to your staff (be they voluntary or paid) and also to victims. Staff should know what agencies (beyond law enforcement, i.e. hospitals, psychological support) are locally available to help victims. Staff should also appreciate their own professional and legal limitations in what support and care they can provide for victims. As already mentioned your staff must agree to respect the confidentiality of victims. Staff should also ensure they understand the documentation process and be trained in interview and documentation methods.

- **Media reports:** Scanning press and other media reports on homophobic or transphobic incidents alone is not sufficient on its own, although these reports can be quoted as context elements when you report on hate incidents. To include a specific incident reported by press into your data collection, we advise you to conduct an interview with the victim/s or witnesses, if this is possible. Again, this depends on your capacity to assist victims. Media helps to set the context but it is not primary data; media facts do need to be checked.
- **Photographs:** If you take photographs of an incident, make sure they are dated and subject matter identified, where possible. Individuals should be identified as well. Make ensure you have the permission to use the photo from the people shown on the photo. Under this grant you are not obliged to include any picture into reporting or for the purpose of data collection.
- **Cooperation with police:** Under this grant you are not obliged to cooperate with police on data collection. However, depending on the relationship you have with police, you may want (always on the basis of victims' request) to discuss with police the recorded hate incidents to ensure that they also have a record of the crime (and recognise its bias nature depending on the national legal system). This can also help you identifying additional relevant information that is lacking from victim's reporting, any similarity to other crimes, the identification of perpetrators, etc.
- **Evaluation:** Over time your organisation will become more proficient in collecting data and recording hate incidents. We strongly recommend you to evaluate regularly your activity to ensure it serves the purpose of efficient monitoring to further improve it.

II. DRAFTING THE GRANTEE REPORT ON HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND INCIDENTS

The aim of any reporting on hate crime is to explain to different target groups (LGBTI communities, national or International authorities, etc.) the main trends in bias motivated violence and the extent of prejudice against LGBTI people in a given country within a given timeframe. Reporting is essential to the sustainability of evidence-based advocacy, in order to justify policy positions or proposals to respond to homophobia, transphobia and interphobia.

Within the framework of the grant of ILGA-Europe's *Documentation and Advocacy Fund*, all grantees agree to provide ILGA-Europe with a *grantee report* describing what is happening in your country or region based on the data you managed to collect. Obviously your report can also serve to inform other target groups such as the LGBTI communities in your country, national, regional or local governments, law enforcement bodies, and media.

For your grantee report, you are expected to use the structure described below. This will allow the data collected by all grantees to be used in a comprehensive European advocacy framework.

1. Introduction

The introduction should include a short description of the background of your monitoring and reporting activities, how you collected the data (on-line reporting form, face-to-face/telephone interviews), the challenges you faced and how you managed (or not) to overcome them, the exact target group of your monitoring (L, G, B, T, or I, or a combination of several communities), as well as the period covered by your report. As a result, your introduction should be perfectly transparent about your chosen methodology for collecting data and highlight its limitations as regards the representativity of the respondents and the resulting data interpretation.

ILGA-Europe will provide all grantees with a standard text explaining the European-wide nature of the current project. You will have to include this text in your introduction.

2. Key findings

This section should include a short executive summary of your key findings, which should not exceed one page.

3. Bias motivated violence against LGBTI

This is the core section of the report and should contain the following elements:

3.1. The legal situation of homophobic and transphobic hate crime

The report should include a short summary on the definition of hate crime or bias crime in your national or regional legislation (if there is any), whether this definition is inclusive of some or all homophobic and transphobic hate crimes, and how it can be used by victims, victims support organisations and prosecution services. It is also important to explain which types of incidents (although they are *de facto* offences or crimes committed with a bias motive) are not considered as hate crimes according to the law in your country. You may want to include some background information concerning work on hate crimes done by government or civil society.

3.2. Homophobic and transphobic hate crimes and hate incidents

The report should provide a summary on the hate crimes and incidents that you have been able to document in your country within the agreed data collection period. This part of the report should be structured following the broad categories of hate crime and hate incidents as outlined and defined in annex 3:

1. Homicide
2. Extreme physical violence
3. Assault
4. Damage against property
5. Arson
6. Threats and psychological violence
7. Other incidents with a bias motivation

For each category the report should provide a maximum one-page summary showing the total number of incidents and a description of main events. Your summary can include graphs and charts. The report should include information on trends, if the data collected allows you to identify them. Make sure the report includes the following trends:

- (1) the rate of recurrence of certain categories of incidents;
- (2) the main categories of victims in terms of sexual orientation, gender identity, and the possible existence of multiple bias factors (such as race, religion, age, etc.);
- (3) the correlations between places of incidents (e.g. smaller/bigger cities; settings) and different categories of incidents;
- (4) the correlations between the main characteristics of victims in terms of age, the degree of being 'out' and the main categories of incidents;
- (5) the existence and nature of the relationships between the victims and the perpetrators and the main categories of incidents;
- (6) the correlations between the types of perpetrators (e.g. family members; public officials, etc.) and the main categories of incidents;
- (7) the type of support sought by the victim (e.g. legal, medical support) and the quality of the service received from the persons and/or organisations contacted.

The report needs to show that your organisation remains critical about its own findings. For example, if the data available is based on the analysis of a relatively limited number of incidents, the report needs to be clear that it cannot be taken as a statistical representation of the situation of hate crime in the whole national LGBTI community.

Trends can also be compared with other existing researches or surveys on LGBTI hate crime in your country.

It is imperative not to provide the real names of victims in order to ensure their anonymity. It is equally important not to provide the names of the perpetrators as long as no court has convicted them. However, you may want to devise a method to retain this information securely and confidentially in your own records for future reference.

This section should also include a small number of summaries of specific hate incident which you find are particularly important to report because of the significance of these incidents. The aim is to complete the quantitative data, to show that the hate crimes involve real victims, and to illustrate some particular important or representative cases that have occurred. If you describe specific incidents, please provide accurate information about the date and place of the incident, as well as a short description of the bias indicators.

4. Police and other law enforcement authorities

This section should include a short summary of how police and other law enforcement authorities (e.g. prosecution, courts) react to homophobic and transphobic violence and in particular if and how the police recorded cases of hate crime and incidents, for example whether they recorded them as hate offences or investigated them without taking into consideration the bias motive. It is also important to indicate how other law enforcement authorities such as prosecution and courts follow up these cases, if and when such information is already available. Note that your own internal records should back up any findings you report here. If at all possible, your own records should be detailed enough to use in a court of law.

5. Annex: Glossary

The annex of your report should be based on the translation of the glossary and key terms of annex 3 of the present methodology. The aim is to provide the readers of your report at national level with the key terminology on hate crime. You are free to complete the glossary with basic definitions related to your national LGBTI communities.

Further general instructions for your report on hate crime

- **Confidentiality:** It is imperative not to provide the real names of victims in order to ensure their anonymity. Equally it is important not to provide the names of the perpetrators as long as no court has convicted them. However, the NGO may want to devise a method to retain this information securely and confidentially in its own records for future reference.
- **Language:** Your report must be written in English. Please write as clearly as possible, avoiding any jargon. The aim is not to provide *a legal* report for lawyers, but a report that can be easily understood by a wider public.
- **Formatting:** The grantee report should not exceed 20 pages and be formatted as follows: A4 page size, line spacing of the text should be 1,5 pt and justified, using Arial 11pt, titles using bold 13pt letters.
- **Pictures:** You can add photographs to your report. However images and comments on images need to be chosen sensitively; the context in which images have been taken needs to be clearly explained. You also need to make sure you have the authorisation to use the photographs from those persons who are shown on the photographs.
- **Comparing trends over years:** Ideally reports should compare figures and trends with previous years to clearly indicate trends. As you may just have started to collect data and monitor hate crime, make sure that next year your report compares trends with this year's report.

GLOSSARY

Further specific definitions are provided also in Annex 3 as regards different types of crimes and bias indicators.

Advocacy

The deliberate process of influencing those who make or have responsibility for implementing policy decisions. As such, the word 'advocacy' is quite pliable and is used variously to suit organisational agendas. It is understood in terms of the work an organisation does and the fundamental mission of the organisation.

Bias indicators

Criteria that can assist law enforcement professionals in determining whether a particular crime should be classified as a bias/hate crime. These criteria are not all-inclusive, and each case must be examined on its own facts and circumstances.

Bias motivation

A bias or hate crime or hate-motivated incident can be based on one of the following motivations: race/ethnicity, religion/faith, nationality, age, disability, sex, sexual orientation, gender identity, or other grounds.

Data collection

Data collection implies determining what information is needed and establishing means for acquiring it. Fact finding and monitoring are part of this process. Methods use a wide range of tools including surveys, interviews, questionnaire, etc.

Documentation

The term documentation can have different meanings, depending on the geographical context or the field in which it is employed. It is important to stress that documenting is a process that includes different steps, which can vary depending on the goal of the documentation. Generally, documentation is the process of organising and classifying the collected data in a way that it is accessible in the short and long term. It implies categorising the collected data according to certain criteria (such as the profile of victims/perpetrators; categories of incidents; bias indicators). This makes the data accessible and creates possibilities for analysis. Analysing data includes elaborating statistics, charts and graphs to make findings more visible. Good documentation is the basis for good reporting and dissemination to actors (government authorities, European/international institutions, human rights institutions, etc.) who can take action. Good documentation can also be used to create effective advocacy tools which support changing attitudes, education, articles, posters etc.

Hate crime (or bias crime)

Hate crime are criminal acts motivated by bias or prejudice towards particular groups of people. This could be based, inter alia, on gender, gender identity, sexual orientation, ethnicity, religion, age or disability.

A hate crime comprises two distinct elements:

- It is an act that constitutes an offence under criminal law, irrespective of

- the perpetrator's motivation; and
- In committing the crime, the perpetrator acts on the basis of prejudice or bias.

Thus, the perpetrator of a hate crime selects the victim based on the victim's membership or perceived membership of a particular group. Where the crime involves damage to property, the property is chosen because of its association with a victim group and can include such targets as places of worship, community centres, vehicles or family homes.

Hate-motivated incidents

An act that involves prejudice and bias of the sort described above but does not amount to a crime is described as a "hate-motivated incident". The term describes acts motivated by prejudice ranging from those that are merely offensive to those constituting criminal acts in which the crime has not been proven. Although hate-motivated incidents do not always involve crimes, such incidents often precede, accompany or provide the context of hate crimes.

Hate speech

Forms of expression that are motivated by, demonstrate or encourage hostility towards a group or a person because of their membership of that group. Since hate speech may encourage or accompany hate crimes, the two concepts are interlinked. States differ considerably as to which forms of expression can be limited or prohibited because of their hateful nature.

Monitoring

A broad term describing the active collection, verification and use of information to address human rights problems over time. Human rights monitoring includes observing and gathering information about incidents and events (elections, trials, demonstrations, etc); it has a temporal quality as it generally takes place over an extended period of time. In the specific context of hate crime, the purpose of monitoring is to document violence motivated by hatred and to draw the attention of national authorities or international organisations to the violation of recognised human rights. Monitoring ultimately aims to collect sufficient evidence of hate crimes to convince authorities and the public that something has to be done to improve the situation. Monitoring is also done to ensure that the authorities are adhering to the law, guidelines or agreements. It can also show trends over time.

Recording of hate incidents

In the context of hate incidents recording means the police or NGOs are keeping a log, or record, of all hate crimes/ incidents that have been experienced and reported by people. It involves taking down key information that relates to these incidents, such as when they occurred and a description of what happened.

Third Party Reporting

The aims of having third party reporting is to increase reporting of hate crime and to increase the flow of intelligence from the different communities whose members suffer from hate motivated incidents/crime. These are achieved by providing members of the public with an alternative point of contact, which is different from the police. There are a number of initiatives that encourage and assist victims and witnesses to report hate-motivated incidents and crime, these

include:

- *Self-reporting schemes*, allowing victims to make direct reports of incidents/crimes without having to speak to the police.
- *Assisted reporting scheme*, involving a third party such as a voluntary organisation, who take details of an incident or crime and pass the report to the police.

Victim perception

The perception of the victim (or of a witness) is the defining factor in determining that an incident should be investigated as a hate incident. No assumption regarding the lack of motivation as a cause of an incident should prevent reporting it as a hate incident if the victim or a witness indicate such a perception. A victim of a homophobic or transphobic hate crime or incident does not have to be a member of LGBTI communities. For example, a heterosexual man who is verbally abused leaving a gay bar may well perceive that it is motivated by homophobia although he himself is not gay. The deciding factor lies in the perception of the victim or a witness.

Repeat Victimisation

A person, who becomes the victim of a hate crime or incident, may already have been the victim on a number of occasions. Previous incidents may not have been reported to the police for a variety of reasons and as such, when an incident is reported, it may be the culmination of a lengthy course of victimisation.

Secondary Victimisation

When a person is the victim of a hate crime and they perceive a lack of commitment or understanding in the response from the police, this can have the effect of victimising them for a second time. Whether they are in fact receiving such a level of response is immaterial, as the victims personal reaction is based on their immediate perception.

Victim of a homophobic or transphobic hate crime/ incident

A victim of a hate incident/ crime is a person that has suffered of any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate based upon his/her sexual orientation, gender identity or gender expression. The perception of the victim or any other person is the defining factor in determining a homophobic or transphobic hate incident.