

FACING
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GUIDE TO
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Table of Contents

| | |
|---|----|
| Introduction | 3 |
| The LGBT community | 4 |
| Understanding 'LGBTIQ' | 6 |
| Some more terms | 7 |
| First approach to the victim: Terms and expressions to avoid | 8 |
| Relationship status | 10 |
| Festivals and events: tips on security | 11 |
| When collecting a deposition | 13 |
| ○ The Questionnaire | 13 |
| ○ Key principles for interviews | 13 |
| Helpful contacts and information | 15 |
| Resources that could offer helpful suggestions | 17 |



Publication produced by CEJI - A Jewish Contribution to an Inclusive Europe on behalf of the Facing all the Facts Partnership

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Facing all the Facts is a project coordinated by CEJI – A Jewish Contribution to an Inclusive Europe (Belgium) that takes a collaborative approach to unmask the full extent and nature of hate crime and hate speech working through a coalition of civil society organizations, policy leads, national law enforcement authorities and practitioners.

www.facingfacts.eu  www.facingfactsonline.eu  www.ceji.org

Introduction

This publication was developed in the framework of the **“Facing all the Facts”** project, an EU funded initiative led by **CEJI – A Jewish Contribution to an inclusive Europe** in partnership with a diverse coalition of civil society organisations and national law enforcement authorities, aiming to unmask the full extent and nature of hate crime and hate speech through a collaborative approach. Facing Facts fosters and advocates for better cooperation among civil society and public authorities in recording and monitoring of hate crime. We hope this guide will support better recognition and appreciation of LGBT communities and organisations towards better responses to disability hate crime.

Along with research and advocacy, training is one of the key activities of the Facing all the Facts project. This booklet stands as an important component of the new Facing Facts Online course on recognizing and identifying anti-LGBT bias indicators for civil society and law enforcement. The course was developed in close cooperation with partners and relevant experts in the field of anti-LGBT hate crime. The course is available on the project's e-learning platform <http://www.facingfactsonline.eu> along with additional online courses on other bias motivations (antisemitism, anti-disability, anti-Migrant, anti-Muslim, anti-Roma, anti-Black), three online courses on hate crime for police in UK, Italy and Hungary and an online course on recognizing and combating hate speech currently available in English, French, German and Italian.

Lead partner: CEJI-A Jewish contribution to an inclusive Europe

Facing All the Facts partners:

- Community Security Trust (CST)
- Dutch Centre for Documentation and Information Israel (CIDI)
- ENAR Ireland
- European Network on Independent Living (ENIL)
- European Roma Information Office (ERIO)
- Movimiento Contra la Intolerancia (MCI)
- National Police Chiefs' Council (NPCC)
- National University of Public Service (NUPS)
- Osservatorio per la sicurezza contro gli atti discriminatori (OSCAD)
- Praxis

The LGBT community

The acronym LGBT represents terms and definitions that people use to describe and define themselves in the world. The term gathers together the words: lesbian, gay, bisexual, transgender, intersex and queer. The acronym can also be expressed as LGBT+, with the “plus” symbol representing numerous other categories, such as asexual and pansexual.

The LGBT community has always been present in human history, with different levels of expression and acceptance in different parts of the world. Throughout history, some regions and populations have been more open and accepting than others with regard to same-sex unions and couples, or in their conceptualisations of gender, while others have condemned and oppressed same-sex couples and non-gender-conforming people for not conforming to the standards and norms of their societies. During the 20th century, the Western world witnessed new waves of persecution of the LGBT community, including the extreme political movements of Fascism and Nazism. It also saw the start of a broader change of perception: instead of just being categorised as a sinful choice, homosexuality began to be seen as a mental illness that could be cured.

Though the American Psychiatric Association declassified homosexuality as a mental illness in 1987 and sexual orientation was removed from the International Classification of Diseases in 1990, the harmful repercussions of this stigmatisation continue to be felt to this day. Conversely, the second half of the 20th century also witnessed a growing movement defending equal rights and opportunities, and an increase in manifestations, campaigns and demonstrations supporting the rights of LGBT people.

The progress achieved so far underlines how social perception evolves over time: more and more people are recognizing that the right to equal opportunities, representation and support should not discriminate on any grounds, including sexual orientation and gender identity. For this reason, it is important that security and protection from hate crimes against LGBT people be provided, as well as an open-minded and inclusive approach to victim support. It is important to acknowledge the identity and orientation of those with whom we interact, for example by using a person's preferred pronouns. It is also crucial not to make



assumptions, and to respect the privacy of others, so as not to place them in situations in which they feel unsafe or uncomfortable. A good rule to follow is that if you are unsure about something, ask. Finally, it is important to keep in mind that sexual orientation and gender identity are entirely unrelated, and that whom a person is attracted to has nothing whatsoever to do with their gender identity.

Sexual orientation is an emotional, romantic, sexual or affectional attraction to another person, covering a spectrum that ranges from being exclusively gay or lesbian to being exclusively straight. Sexual orientation is different from sexual behaviour in that it refers to feelings and self-perception that may or may not be expressed in a person's behaviours. Gender identity refers to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the gender assigned at birth. This includes one's personal sense of body as well as other expressions of gender, including dress, speech and mannerisms. Some people may also choose to modify their bodily appearance or function through medical, surgical or other means in order to more closely align their personal sense of body to their gender identity. As gender is a spectrum, some people's gender identity fall outside the gender binary of male and female.

Understanding "LGBTIQ"¹

Lesbian:

The term refers to people who identify as women who are attracted, sexually and romantically, to other people who identify as women.

Gay:

The term refers to people who identify as men who are attracted, sexually and romantically, to other people who identify as men.

Bisexual:

The term refers to people who are attracted to partners of both sexes.

Transgender or Trans:

Is an inclusive umbrella term referring to people whose gender identity and/or gender expression differ from the sex/gender they were assigned at birth. It may include, but is not limited to: people who identify as transsexual, transgender, transvestite/cross-dressing, androgyne, polygender, genderqueer, agender, gender variant, gender non-conforming, or with any other gender identity and/or expression which does not meet the societal and cultural expectations placed on gender identity.²

Intersex:

"Intersex" is an umbrella term used for a number of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male and who may show more or less directly both female and male genitalia. These people may undergo genital surgery as infants, but growing up they may adopt gender identities that are the opposite of the manufactured sex.³

Queer:

Once a negative term used to define all those people who did not have heterosexual desires or behaviours, nowadays it is used as a neutral umbrella term to define one's identity without necessarily using one specific term.

¹ "An Ally's Guide to Terminology. Talking about LGBT People and Equality", by Movement Advancement Project, 2017.

² ILGA-EUROPE: https://www.ilga-europe.org/resources/glossary/letter_t

³ Intersexion Film, <http://www.intersexionfilm.com/about-2/>

Some more terms:⁴

Non-binary:

An umbrella term for a person who does not identify as only male or only female, or who may identify as both.⁵

Asexual or ace:

Someone who does not experience sexual attraction.⁶

Pansexual:

Refers to a person whose emotional, romantic and/or sexual attraction towards others is not limited by biological sex, gender or gender identity.⁷

Transsexual:

An older and medicalised term used to refer to people who identify and live in a different gender. The term is still preferred by some people who intend to undergo, are undergoing, or have undergone gender reassignment treatment (which may or may not involve hormone therapy or surgery).⁸

⁴ "Handbook on monitoring and reporting homophobic and transphobic incidents", by Dr Christine Loudes Evelyne Paradis, ILGA Europe 2008.

⁵ <http://www.stonewall.org.uk/help-advice/glossary-terms>

⁶ <http://www.stonewall.org.uk/help-advice/glossary-terms>

⁷ <http://www.stonewall.org.uk/help-advice/glossary-terms>

⁸ https://www.ilga-europe.org/resources/glossary/letter_t

First approach to the victim: Terms and expressions to avoid

Talking with people, especially in delicate situations related to hate crimes, always requires sensitivity, objectivity, politeness and professionalism. To establish a solid connection with the victim and to earn their trust, police officers should consider few key elements that facilitate this mission. First of all, the gender identity of the victim should always be considered and should be applied through language: the use of their preferred pronouns will help victims feel understood and accepted and will ease the conversation.

In case of doubt or uncertainty, it is best to politely ask the person how they would like to be addressed. Be aware of your surroundings, and ensure that your questions will not risk inadvertently outing the person to others. Secondly, it is essential to use proper terminology, and to be aware of their connotation, as some may be perceived negatively if wrongly applied. Here are some commonly misused terms⁹ to watch out for:

Gay:

'Gay' is an adjective, not a noun. Avoid sentences such as "*He is a gay*"; the correct phrasing in this case is "*He is gay*". The same should be applied to other words such as "lesbian", "bisexual" and "trans".

Homosexuality:

The term is, per se, neutral, but can be misused to stigmatize gay or lesbian people by reducing their person and a part of their identity to a sexualised term.

Lesbianism: The word is perceived as negative, as a pejorative, as is using "gay" as an insult.

Lifestyle / Sexual Preference:

The terms suggest a perception of LGBTI+ people's life through sexual lenses, and imply that a person's sexual orientation and/or gender identity is the result of choices that can be changed, influenced or "cured".

Sexual Identity:

As with Lifestyle and Sexual Preference, the term Sexual Identity erases any personal element related to a person's life and underlines only the sexual aspect, proposing it as the only interpretative key.

⁹ "An Ally's Guide to Terminology. Talking about LGBT People and Equality", Movement Advancement Project, 2017.

Transitioning:

Refers to a series of steps people may take to live in the gender they identify with. A person's transition can be social and/or medical. Steps may include: coming out to family, friends and colleagues; dressing and acting according to one's gender; changing one's name and/or sex/gender on legal documents; and medical treatments including hormone therapies and possibly one or more types of surgery.¹⁰

Sex change, Sex-change operation or Pre/post-op:

Trans people have the right to privacy, and enquiring about what medical interventions a trans person may or may not have undergone (or may plan to undergo) is usually inappropriate. Should the context require raising this question, the commonly accepted terms are gender affirming surgery or sex reassignment surgery.

A Transgender and Transgenderers/Transgendered:

'Transgender' is an adjective, not a noun. When speaking to a transgender person, use the person's preferred name and the pronouns they feel most comfortable with.

If you are approaching members of the LGBT community for the first time or you are reporting information to someone who is not familiar with terms and acronyms related to that community, be sure to use complete definitions (*e.g. Lesbian, Gay, Bisexual, Transgender and Intersex people instead of LGBTI people*) and avoid overly technical terms. However, do not sacrifice using proper and respectful terminology for the sake of being understood. It is better to seize the opportunity to inform and educate those not yet in the know, than to adapt to the lowest common denominator in such a way as might be harmful to LGBT people.

Ultimately, it is important to remember that a person's life is private and that certain elements can be sensitive: avoid making assumptions and respect personal boundaries. Not everyone wants to discuss their transition, their gender identity or their sexual preferences.

¹⁰ https://www.ilga-europe.org/resources/glossary/letter_t

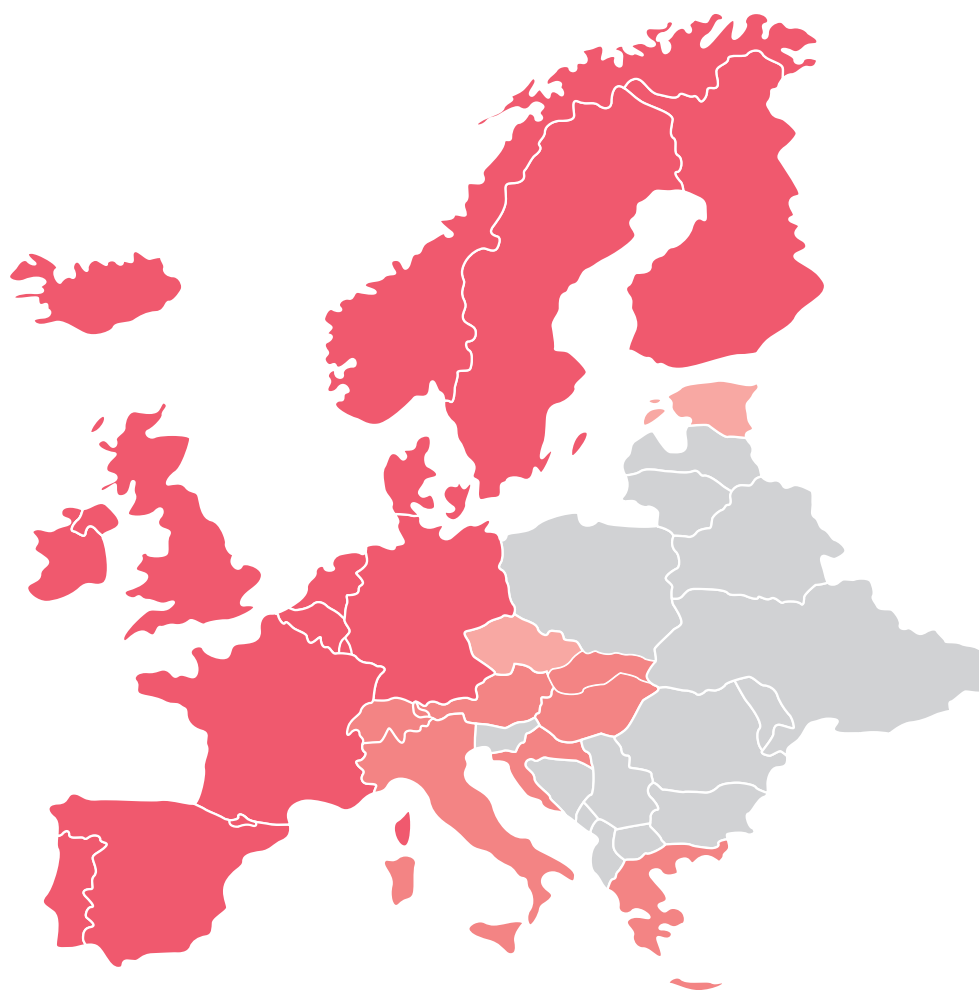
Relationship Status

More and more countries are now recognizing same-sex couple's unions in the western world, although different countries apply different approaches. Some countries, such as the US, Malta, Germany, the Netherlands, Belgium, Denmark, Finland, France, Iceland, Ireland, Luxembourg, Norway, Portugal, Spain and Sweden have approved gay marriage in their national legislation.

Other countries such as Italy, Austria, Switzerland, Slovakia, Hungary, Croatia and Greece have adopted a form of civil partnership providing similar rights to marriage. Others still, such as the Czech Republic, Estonia, France, Slovenia and Spain, permit a form of civil partnership with more limited rights.

Source: Euronwes.com

- Gay marriage legalised
- Civil partnerships - similar rights to marriage
- Civil partnerships - limited rights
- No gay marriage



When assisting a LGBT member or when a relative or partner is needed to fill forms, offer support or help in the deposition, a police officer should remember to consider their civil and family status and the type of legal duties, rights and limits related to it.

In fact, depending on the country of origin and on the limits, rights and duties defined by it, civil partners may have the same property rights, economic exemptions and benefits as married couples. In some cases, they may also have the same access to parental responsibility for a partner's children as well as reasonable maintenance, tenancy rights, insurance and next-of-kin rights in hospital and with doctors.

Festivals and events: tips on security

At various points every year, members of the LGBT community gather together, to express their solidarity, feelings, demands and needs. This can be in the form of **gatherings** or **marches**, including, prominently, during **Pride Month** each June. This month was chosen to commemorate the 1969 Stonewall riots in New York, which are credited with marking the start of the gay liberation movement and the conception of the modern LGBT community.

During Pride Month, events take place around the world to promote and celebrate equal rights, dignity and self-affirmation, and to increase the visibility of the LGBT community. The nature of Pride events often varies depending on the local context; in some places, where the rights of LGBT people are better protected, they may take a festive and celebratory form. In other places, where LGBT people still struggle to access their basic rights, Pride events may instead be occasions of protest, a platform to communicate the existence and persistence of a still-marginalised community.

During the event, it is possible to see several flags and symbols. The most renowned is the rainbow flag, representing the LGBT community, the bisexual flag and the trans flag.



Bisexual and Rainbow Flags

Trans Flag

It is important to remember that hate crimes are sometimes concurrent with the exercise of rights by LGBT people. For instance, Pride marches often draw the attention of homophobic and transphobic groups and individuals, leading to an increase in hate crimes and hate speech targeting LGBT people before, during and after such events. Similarly, a child openly presenting a gender expression different to what society expects from someone of their assigned sex may experience bullying or other forms of victimisation from their schoolmates.

For this reason, it is useful to check **documentary sources of information** that will provide an explanation of the wider context in which homophobic and transphobic incidents take place. For instance, looking for homophobic and transphobic speech by politicians or other opinion leaders prior to the organization of a Pride march, or education policies that support the negative representation of LGBT people, may help explain violence around Prides or in school. Documentary sources can also refer more specifically to an incident (medical or police report) and can corroborate the information given by victims.

Lastly, places such as clubs, **bars or neighbourhoods** known to be frequented by LGBT people may be subject to targeting for hate crimes and homophobic and transphobic incidents. It is important to pay extra attention to these and the surrounding areas and to show support and compassion for a possible victim: many victims, in fact, do not report because of the stigma attached to going to such places.¹¹

¹¹ "Handbook on monitoring and reporting homophobic and transphobic incidents", by Dr Christine Loudes Evelyne Paradis, ILGA-Europe 2008).

When collecting a deposition

The Questionnaire

A good starting point to create a hate crime deposition form tailored to LGBT members is the questionnaire proposed in the Handbook on monitoring and reporting homophobic and transphobic incidents, by Dr Christine Loudes and Evelyne Paradis, ILGA-Europe 2008 (page 41). It offers a generic, yet complete set of questions that help define and identify both the victim and the nature of the crime.

Key principles for interviews

When conducting an interview to assess the crime experienced by the victim and to collect the deposition, it could be useful to adopt some of these tips. They can help you offer a supportive and sensitive service and collect more information.

○ Objectivity

- Remain as factual as possible (avoid basing information on perceptions).
- Choose a neutral place for the interview.

○ Confidentiality

- Offer to hide names and certain information.
- Ask consent to use information, recording, etc.

○ Respect for the interviewee (especially for victims)

- Be aware of their trauma.
- Respect their private life, offer confidentiality and the possibility to conceal/change their identity to protect their privacy.
- Respect gender identity and the request of the victim of using certain pronouns.
- Offer to take breaks during the interview.

🕒 Further advice:

- Be clear about your objectives and clearly state your objectives to interviewee.
- Prepare various types of questions (background questions, open-ended questions, specific questions).
- Allocate sufficient time for the interview.
- Create a safe environment for the interviewee – let them know that the interview can be stopped at any time, and that they can stop if there is a question that they do not wish to answer.

🕒 General observations to make during an interview:

- Observe how the interviewee is behaving:
- Signs of nervousness (e.g. tone of voice, eye contact, body language, etc.).
- Signs of emotions/tears.
- Responsiveness to questions (hesitation, difficulty in understanding, etc.).
- Be aware of the setting of the interview: Who is present at the interview?
- Does the interviewee feel comfortable with everyone present?

In case of doubts or questions on how to proceed, the police may contact LGBT organizations for suggestions or information.¹² In fact, OSCE participating states have signed up to certain commitments, which provide for partnerships between public services (including the police) and civil society.

Pay attention to the victims' identity and privacy: ask if they are publicly out, if only some people know the victim belongs to the LGBT community or if no one knows about it. Outing and doxing (Outing: disclosing a person's gender history, sexual orientation or HIV status without their consent. Doxing: publishing of private or identifying information about a particular individual without their consent) can have very harmful consequences.

They don't just reduce the trust of the LGBT community in the police, but they may also expose the victims to new risks and a possible secondary victimization. The victims may even feel a loss of control on their identities and personal lives and fear negative reactions from friends and family.¹³

¹² "ILGA Europe toolkit for training police officers on tackling LGBT-phobic crime", by Richard Poláček and Joël Le Déroff, 2011.

¹³ "Online Hate Crime Report 2017", by Melanie Stray, GALOP, 2017.

Helpful contacts and information

- The European Parliament's **LGBTI Intergroup** brings together Members of the European Parliament (MEPs) from different political parties around the common goal of advocating for the rights and interests of LGBT people.
Website: www.lgbt-ep.eu/news.php
- **DG Justice** is the department of the **European Commission** responsible for EU policy on justice, consumers' rights and gender equality. It focuses on hate crimes and in the protection of minorities' rights. The section focuses, among other topics, on gender rights and on the protection and support of the LGBT community.
Website: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights_en



- The European **Fundamental Rights Agency** can send examples of good practices, data on the occurrence of hate crime and response by the authorities to the FRA to provide the Agency with information on which to build its work on homophobic and transphobic violence. Website: <http://fra.europa.eu>
- Council of Europe: has issued a training manual for training police forces on dealing with hate crime targeting LGBT people, "Policing Hate Crime Against LGBT Persons" The Sexual Orientation and Gender Identity (SOGI) Unit of the Council of Europe: https://www.coe.int/en/web/sogi/home?p_p_id
- Human Rights Watch: <https://www.hrc.org/resources/hate-crimes-and-violence-against-lgbt-people>
- Transgender Europe: <http://tgeu.org/>
- ILGA-Europe: <https://www.ilga-europe.org/>
- Ilga.org: <http://ilga.org/>
- The rights of Children Raised in Lesbian, Gay, Bisexual or Transgender Families: A European Perspective, 2008: <http://bit.ly/2C3hDaB>
- OII Europe: <https://oiieurope.org/>
- OSCE ODHIR Hate Crime Report: <http://hatecrime.osce.org/>
- Rainbow Europe: <https://rainbow-europe.org/>
- UNI-FORM is the first-ever online platform connecting LGBT NGO's and police forces in EU countries to work together to encourage reporting and tackle LGBT hate crime and online hate speech: <https://uni-form.eu/welcome?country=GB&locale=en>
- LGBT Hate Crime: <http://www.lgbthatecrime.eu/>

Resources that could offer helpful suggestions:

- The Centre: <https://gaycenter.org/>
- Belgium: <http://unia.be/en>
- Italy
Legal Counselling <http://www.retelenford.it/> Gay Helpline: 800.713.713
Arcigay: <https://www.arcigay.it/>
- USA:
In our Voice Crime Assisting Program: <http://www.inourownvoices.org/index.html>
Gay Centre: https://gaycenter.org/?gclid=EALalQobChMI363xxrf61wIVDTPTCh1-HAX7EAAYAiAAEgIYMfD_BwE
- Russia:
Russian LGBT Network : <https://help.lgbtnet.org/chechnya-en>
- UK:
Galop: <http://www.galop.org.uk/>
Stop Hate UK: <https://www.stophateuk.org/>
Stonewall: <http://www.stonewall.org.uk/help-advice/hate-crime> LGBT Consortium: <http://www.lgbtconsortium.org.uk/tag/hate-crime>
- France:
Dilcrah: <http://www.gouvernement.fr/dilcrah>
- Sweden:
RFSL - Riksförbundet för homosexuellas, bisexuellas och transpersoners rättigheter: <https://www.rfsl.se/en/>
Brå: <https://www.bra.se/bra-in-english/home/crime-and-statistics/hate-crime.html>
ILGA-Europe Members Page: <https://www.ilga-europe.org/who-we-are/members>

Lead partner



Full partners



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Facing all the Facts is co-funded by the RIGHTS, EQUALITY AND CITIZENSHIP PROGRAMME (2014-2020) of the European Union

Notes

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Though the American Psychiatric Association removed homosexuality as a mental illness in 1987 and the International Classification of Diseases in 1990, the harmful repercussions of this stigmatisation continue to be felt to this day. Conversely, the 20th century also witnessed a growing movement defending equal rights and an increase in manifestations, campaigns and demonstrations supporting the rights of LGBTI+ people. The progress achieved so far over time: more and more people are recognised and support should not be denied in terms of sexual orientation and gender identity. For