

Hate Crime

Name

Hate Crime is a form of discrimination and a violation of human rights.

Description



Right to life: People must be protected from transphobic attacks and any transphobic threats fully investigated.

Right to freedom of expression: It is not acceptable to expect trans* people to hide away to try to avoid hate crimes. People must be able to live freely and safely no matter how they express their gender or how visible as trans* they might be.

Right to freedom of assembly and association: People must be able to join together to form trans* organisations and hold various public events in safety.

Establish the motive

A crime can be considered to be a transphobic hate crime if the motivation behind it is prejudice against trans* people or against variations of gender identity and gender expression.

What's important is WHY the crime is committed, rather than the actual identity of the person targeted.

If someone attacks a trans* person just to steal money and the trans* person was simply the nearest person with some money then that's not a hate crime – the motivation is simply to get money. However, if someone attacks a person they think might be trans* because they want to show that they think it is wrong for someone to be trans*, then that is a hate crime – the motivation is prejudice against trans* people and/or gender variance.

Hate crimes harm individuals and wider society

Hate crimes are intended to send messages to specific groups of people that they are unwelcome and unsafe in particular communities. Therefore, hate crimes cause high levels of fear, anxiety, depression, stress, mistrust and anger for the people targeted and for their peers, friends, families and allies. Society in general is also damaged by hate crime because hate crime is very socially divisive and disruptive which results in policing, health, employment and tourism costs to the economy.

Witness list: who is monitoring transphobic hate crime?

Recording and reporting transphobic hate crime is an important way to push for improvements in the daily life experiences and safety of trans* people. The options for reporting hate crimes vary from country to country. Investigate what options are available to you through your government, police and any national equality commissions, as well as international human rights organisations.

If no one is officially monitoring transphobic hate crime in your country, YOU can! You can download a '[handbook on monitoring and reporting homophobic and transphobic incidents](#)' from:

http://www.ilga-europe.org/home/issues/hate_crime/resources

Even the most basic information collected by you and your friends can be useful. The more details that you record the better but even short anonymous information can help build up vital knowledge. At the very least, tell other trans* activists about what is happening in your country.

No matter where in Europe you are, you can contact:

- **Transrespect versus Transphobia Worldwide Research Project:**
<http://www.transrespect-transphobia.org>
- **Transgender Europe:** <http://www.tgeu.org>
- **ILGA-Europe:** <http://www.ilga-europe.org>
- **Amnesty International:** <http://www.amnesty-eu.org>
- **The Organization for Security and Co-operation in Europe:**
<http://www.osce.org>
- **The Council of Europe Commissioner for Human Rights:**
<http://www.coe.int/t/commissioner>

Countering opposition to hate crime laws

Sometimes people claim that legislation to prevent transphobic hate crimes could violate their freedom to express religious or other beliefs that it is "wrong" to be trans*.

You can counter this by explaining that hate crime laws only apply where the actual behaviour (such as hitting someone, damaging their property or repeatedly harassing them) is already a criminal act.

Simply politely disagreeing in a non-threatening way with a trans* person's opinions is not a hate crime, but shouting threats and abuse at them can be a hate crime.

Hate crime laws are designed to improve the statistical recording, investigation and prosecution of hate crimes in order to reduce the damage they cause to individuals and society. Hate crime laws do not reduce or impact on anyone else's human rights.

The 'Offences (Aggravation by Prejudice)(Scotland) Act 2009' is an example of fully trans* inclusive hate crime legislation.

(<http://www.scottishtrans.org>)