

Tackling hate crime



Understanding anti-LGBT+ hate crime



the LGBT+ anti-abuse charity



This is a guide for LGBT+ people who have experienced anti-LGBT+ hate.

It includes information on a wide range of topics relating to hate crime, including your rights, sources of support, and the criminal justice system.

We created this guide to help LGBT+ victims answer the following questions:

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

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1 About anti-LGBT+ hate crime



Anti-LGBT+ hate crime

Anti-LGBT+ hate crime is a name for homophobic, transphobic, biphobic, acephobic or interphobic abuse, violence and intimidation. If you have been 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 targeting you for being lesbian, gay, bisexual, pansexual, trans, queer, non-binary, intersex or ace. 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, transphobic, acephobic or interphobic 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 anti-LGBT+ 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
- Sexually threatening or violent behaviour
- Encouraging others to target LGBT+ people

How are hate crimes different from other crimes?

The impact of abuse targeting part of your core identity can go deeper and last longer than other forms of abuse. It can cause a feeling of fear that prevents people from feeling able to be themselves. For that reason, Galop, the police, the state prosecutors, 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 anti-LGBT+ 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 injuries 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 can advise you about applying.

Example: A bi man is called a homophobic slur and punched when leaving a LGBT+ venue.

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 a transphobic slur at her and says she 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 abusive anti-LGBT+ phrases.



However, expressing anti-LGBT+ views is **not** a hate crime unless they use threatening or abusive language.

Example: A religious preacher who says ‘homosexuality is a sin’ in the street, without any additional abusive behaviour, is not committing a crime.

Inciting anti-LGBT+ violence

It is illegal **to call for others to commit crimes** against someone on the basis of their race, faith or sexual orientation. That includes words, pictures, videos, and even music. It also includes information posted on websites. Illegal hate messages might include calling for violence or depictions of it being carried out. Unjustly, the legal protections against inciting violence do not currently extend to cover gender identity, and disability.

If a trans person with a Gender Recognition Certificate is **outed by a colleague in their professional role**, it may be an offence under the Gender Recognition Act 2004. It could also be considered direct discrimination under the Equality Act 2010.

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, acephobia and interphobia. If you come across or are targeted by anti-LGBT+ hatred online, you can report the material to Galop by tagging [@GalopUK](https://twitter.com/GalopUK) on Twitter or emailing help@galop.org.uk. 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 or romantic orientation, gender identity, race, religion or disability will be considered as an aggravating factor.

Posting private sexual images online or offline without the person's consent is an offence under the Criminal Justice and Courts Act 2015.

Example: A gay man received 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 advisable never to hand over money, as it is likely that the perpetrator 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 his 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 or to discuss your options.

They may also be able to help you communicate with the police or pass on information anonymously on your behalf if you choose.

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

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





Record details and store relevant data

Our memories fade fast, so writing down details or recording a voice note after an incident is important. If it's part of an ongoing situation, such as neighbour, 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. Later it may 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.



Caring for yourself

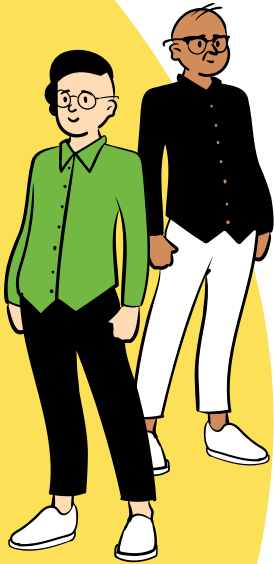
Experiencing abuse is stressful and even traumatic at times. If you aren't ready to speak with someone you can access supportive resources at galop.org.uk/resources-publications independently, or even focus on your basic needs. Eating well, drinking water, and getting enough sleep can be enough to cope some days.

If you need to speak with someone, you can **talk to someone in your life that you trust** or you can speak anonymously to the LGBT+ Hate Crime Helpline (020 7704 2040).

You can also speak to the helpline about getting connected to a local support services which can meet your particular needs. Remember, you are an expert in what you need to feel okay.



4 Reporting



Should I report?

Reporting is your choice, and you have other options if it's not the right step for you. There are many good reasons people do not want to report, but everyone has the right to report, and to have their experience acknowledged. **Whether you report or not, Galop is here to help.**

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. Anti-LGBT+ abuse and violence are huge problems for our community, but reporting can make a difference.

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.

If you think you were targeted because of your sexuality or gender identity, you should make the police aware of this, as the incident should be investigated as a hate crime.

Reporting to Galop

Phone: 020 7704 2040

Online: galop.org.uk/make-a-referral

Email: help@galop.org.uk

Twitter, Facebook and Instagram: GalopUK

Reporting to the police

In an emergency: Dial 999

In a non-emergency: Dial 101

Online: True Vision report-it.org.uk

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 anti-LGBT+ 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 will be 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) in England and Wales. 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 called the Victims' Right to Review. You can get in touch with Galop for advice about this.



If things go wrong

Police and prosecutors 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 speak to an advice charity.

Options may include, complaining through the independent police complaints body covering your country, a service supporting people facing hate crime, or getting legal help.

6 The 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 any documents which you've been asked to bring with you. 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, the cost of 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 to give evidence. 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 forms of help. Galop can discuss this with you and help you apply for these measures.

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 giving evidence.

7 Your rights



You are entitled:

- To be able to understand and to be understood
- To have the details of the crime recorded without unjustified delay
- To be provided with information when reporting the crime
- To be referred to victim support services and have services and support tailored to your needs
- To be provided with information about compensation
- To be provided with information about the investigation and prosecution





- To make a Victim Personal Statement
- To be given information about the trial process and your role in court
- To be given information about the outcome of the case and any appeals
- To be paid expenses and have property returned
- To be given information about the offender following a conviction
- To make a complaint about your rights not being met

8 Additional help



Whether you decide to report or not, you can talk to Galop by phone on **0207 704 2040**, or help@galop.org.uk. They may be able to suggest other sources of help to handle a situation besides the police.

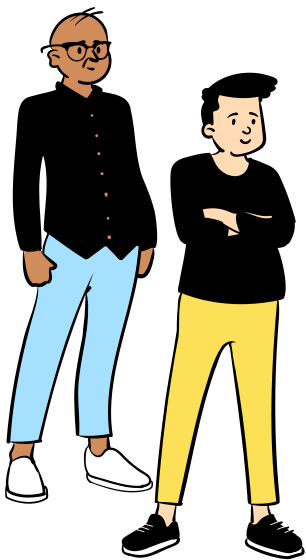
These might include the following:

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 anti-LGBT+ 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 challenging 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.



Discrimination

You have a right to expect fair treatment by 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.

If the discrimination emanates from your employer, you may be able to talk to your union. 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 anti-LGBT+ hate can be difficult. Talking with someone you trust can help. You can talk anonymously to a helpline like Galop's LGBT+ Hate Crime Helpline.

Here, you can talk about how anti-LGBT+ hate crime has made you feel and find out about support services in your area. There are also LGBT+ support services that offer counselling.

9 Useful contacts



Galop

galop.org.uk
help@galop.org.uk
020 7704 2040

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

Tell MAMA

tellmamauk.org/submit-a-report-to-us
info@tellmamauk.org
0800 456 1226

A service working with victims of anti-Muslim hate crime.

The Monitoring Group

tmg-uk.org
office@tmg-uk.org
020 7582 7438

TMG works with victims of racial and religious hate crime.

The Traveller Movement

travellermovement.org.uk
info@travellermovement.org.uk
020 7607 2002

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

CATCH

Community Alliance
to Combat Hate

catch-hatecrime.org.uk

CATCH is an alliance of organisations representing the different strands of hate crime to help victims in London.

East European Resource Centre

eerc.org.uk

info@eerc.org.uk

(EN/PL) 07521857415 (EN/RO) 07730021986

EERC provides information, advice and support to people from Central and Eastern Europe.

Victim Support

victimsupport.org.uk

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?

why-me.org

020 3096 7708

A restorative justice charity that works with victims of crime.

True Vision

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.

Galop

info@galop.org.uk

galop.org.uk

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