

RECOMMENDATION PAPER

A victim-centred approach to preventing repeat hate crime victimisation of LGBTI people



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This paper highlights the importance of a victim-centred approach to preventing repeat hate crime victimisation of LGBTI people. Given that it might be hard to prevent LGBTI people from ever experiencing hate-motivated violence or harassment, it seems reasonable to focus on those who have already fallen victim to it and try to prevent them from being victimised again by reducing the likelihood of recurrence, and to make sure they feel safe and empowered by mitigating the fear of crime.

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INTRODUCTION

Despite considerable progress towards the establishment of an inclusive society, people whose sexual orientation, gender identity, gender expression or sex characteristics do not conform to heteronormative standards are discriminated against to this day and are denied equal human rights. Hate crimes targeting lesbian, gay, bisexual, transgender, and intersex people (LGBTI)¹ are on the rise across the EU, causing damage to victims, their families, and communities as well as to the very fabric and cohesion of society itself. For many victims, hate-motivated harassment and violence are not just a one-time occurrence, but a repetitive pattern of victimisation, commonly referred to as repeat victimisation, which renders them extremely vulnerable and intimidated.

This paper is divided into four parts. In chapter one, the phenomenon of repeat victimisation, its aetiology, its patterns and implications for crime prevention and victim support are discussed. In chapter two, the extent and impact of hate crimes targeting members of the LGBTI community are highlighted and a brief overview of the victimisation rates in the EU based on the 2019 survey conducted by FRA is provided. In chapter three, the major issue of under-reporting of homophobic and transphobic hate crimes is addressed, namely the barriers that discourage LGBTI people from reporting their experiences of victimisation and the subsequent ramifications. Finally, in chapter four, a victim-centred approach to breaking the vicious cycle of repeat hate crime victimisation of LGBTI individuals is advocated and some practical recommendations and general prevention guidelines are proposed.

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1 UNDERSTANDING REPEAT VICTIMISATION

Preventing and reducing the repeat victimisation of LGBTI victims of hate crimes requires an adequate comprehension of the nature of this phenomenon. Therefore, the purpose of this chapter is to provide insights into its mechanisms and specificities, as well as its significance for the crime prevention field and victim support in general.

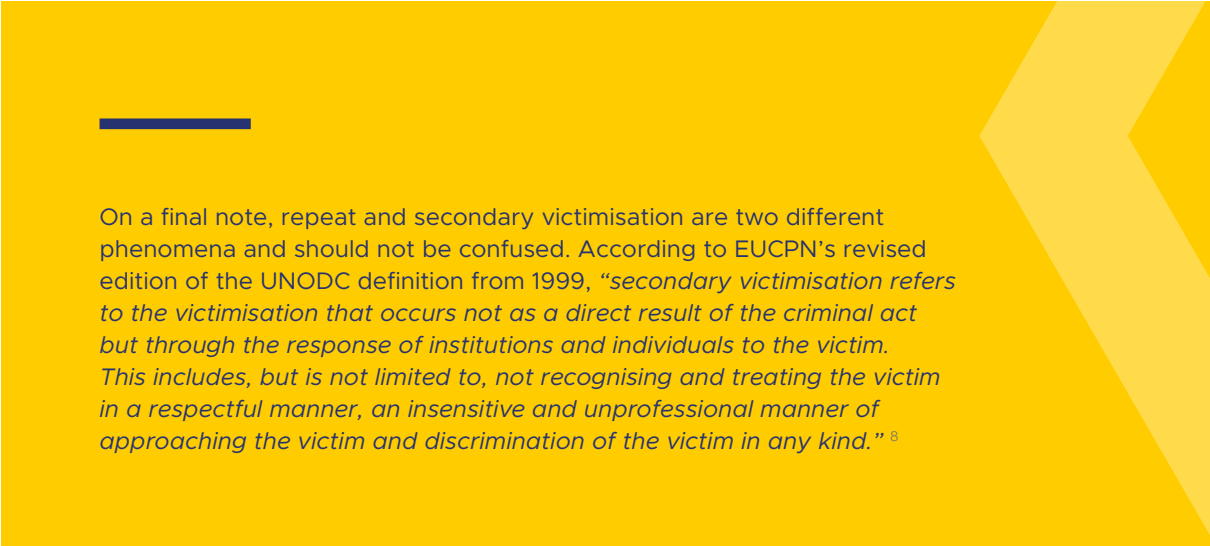
Identifying the phenomenon

The phenomenon of repeat victimisation is as age-old and universal as crime itself.² It is conceptualised as the victimological counterpart to repeat offending, also known as criminal recidivism. Essentially, repeat victimisation can be defined as a distinct crime pattern, according to which a victim experiences repeated criminal victimisations within a specific time frame.³ The characteristics of this pattern are discussed below.

It is present across all crime types, both property and personal, from domestic and commercial burglaries, car thefts and credit card frauds to hate crimes, domestic violence, sexual assault, and child abuse, without any remarkable differences in the way it manifests itself.⁴ Any person, group of people, residence, commercial establishment, or vehicle subject to revictimisation is classified as a repeat victim, regardless of whether the offender was the same person as before.⁵

Repeat victimisation is a multidimensional phenomenon as it manifests in several ways. According to a research-based typology, victims can be divided into four main

categories, namely true repeats, near repeats, virtual repeats, and chronic victims.⁶ *True repeat victimisation* occurs when the same victim is targeted again for the same crime type as the one previously experienced during a specific period. For instance, a person who is assaulted twice within a year is considered a true repeat victim. *Virtual repeat victimisation* occurs when the targeted victim is virtually identical to the original victim in terms of characteristics. For example, a victim of hate crime who shares the same targeted identity trait with past victims of the same offender is thought to be a virtual repeat. *Near repeat victimisation* occurs when a potential victim is in spatiotemporal proximity to a past victim. A household in the same neighbourhood of a previously burgled house is a near repeat victim. Finally, *chronic victimisation* occurs when the same victim experiences more than one type of crime, such as when domestic violence, rape and robbery are carried out against a chronic victim. Other terms to describe this category are multiple victimisation and poly-victimisation.⁷ In the context of this paper, repeat victimisation refers to the category of true repeats, unless explicitly stated otherwise.



On a final note, repeat and secondary victimisation are two different phenomena and should not be confused. According to EUCPN's revised edition of the UNODC definition from 1999, "*secondary victimisation refers to the victimisation that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim. This includes, but is not limited to, not recognising and treating the victim in a respectful manner, an insensitive and unprofessional manner of approaching the victim and discrimination of the victim in any kind.*"⁸

Explaining the phenomenon

Repeat victimisation is not just a random occurrence, nor can it be attributed to simple "bad luck". In trying to answer the question of why some individuals and places are victimised repeatedly over a given period, two dominant explanations have been proposed: the boost hypothesis and the flag hypothesis.

On the one hand, the *boost* hypothesis stipulates that an initial victimisation *boosts* the probability of a future victimisation. The successful outcome of a first offence makes the victim more attractive and/or vulnerable to a subsequent victimisation. For instance, an offender who has already burgled a house successfully may choose to revisit that same house soon after, knowing that it is indeed a suitable and rewarding target. Or perhaps, other offenders in the area learn about that burglary and how profitable it was and decide to break into that same house or the one next door in cases of near repeat victimisation. For this reason, the boost hypothesis is also referred to as event or state dependence, since the likelihood of an event occurring depends on the existence of a previous event.

On the other hand, the *flag* hypothesis, also referred to as risk heterogeneity, posits that both initial and repeat victimisation are more likely to occur when potential targets possess some predisposing risk factors that *flag* them as particularly vulnerable and/or attractive to perpetrators. These risk factors mostly remain constant over time, thus rendering victims susceptible to criminal

victimisation even for their entire lives.⁹ For example, racial and sexual minorities carry a heightened risk for hate crime victimisation by virtue of a predating identity characteristic. It has also been postulated that LGBTI people are flagged as vulnerable to potential offenders because they are stereotypically considered easy targets in the absence of adequate state and police protection due to the systemic discrimination that they endure.¹⁰

In reality, those two explanations are not necessarily mutually exclusive. A target may originally flag itself as attractive or vulnerable to all offenders, but an initial victimisation may boost the probability of repetition by an offender, who now knows for certain that the target is accurately flagged.¹¹

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Patterns of repeat victimisation and implications for crime prevention

Ample evidence exists proving that a small proportion of the population experiences a relatively large proportion of all crime, indicating that some people suffer disproportionately from higher rates of repeat victimisation.¹² Moreover, people with a history of past victimisation face an elevated risk of being revictimised, as each subsequent victimisation increases the probability of further victimisation. In other words, a previous victimisation experience is a strong predictor of future victimisation.¹³ Additionally, offenders involved in cases of repeat victimisation are likely to be prolific in terms of the number of offences committed. Basically, success begets repeats.¹⁴

The pattern of repeat victimisation is not random; rather, it displays a certain predictability regarding the place and time it manifests. The higher rates of repeat victimisation are commonly found in high-crime areas and specifically within hot spots, which is to say small geographical places where criminal offences are clustered.¹⁵ Furthermore, research across all types of crime has identified a distinct time course pattern, according to which the risk of a subsequent victimisation is at its highest immediately after the commission of the initial crime, followed by a steady decline in the upcoming weeks and months.¹⁶

Based on the patterns above, several implications for crime prevention can be drawn. For starters, if a small amount of people account for a large proportion of victimisations, then it stands to reason that the prevention of repeat victimisation can yield a substantial reduction in the overall crime rate. Indeed, a systematic review of 31 studies found that, on average, over 20% of crimes were prevented, concluding that protecting repeat victims is a viable approach to crime reduction.¹⁷ It is also argued that preventing repeat victimisation is less likely to cause crime displacement compared to unfocused crime prevention initiatives.¹⁸ While it is hard to determine the success of a general crime prevention strategy to thwart something that ultimately did not come to pass – a non-event – reducing repeat victimisation produces tangible results and can have added value as a performance indicator for crime prevention evaluation.¹⁹

Perhaps one of the most significant implications of preventing and reducing repeat victimisation is the coordinated approach to crime prevention and victim support, fostering a unique synergy between these two key policy components and facilitating strong inter-agency partnerships.²⁰ Arguably, victim support without

proper crime prevention denies practical assistance to the people who need it the most. For a strategy that focuses on the recently victimised to be successful, victims must be supported, protected, and included in the prevention process.²¹ Therefore, crime prevention can be seen as an integral aspect of victim support services.²²

Robust implications can also be attributed to the predictability of repeat victimisation, which allows for an efficient and equitable way of distributing, in space and time, limited prevention resources. Where to allocate resources? In high-crime areas, hot spots, and the most victimised targets, referred to as “hot dots”, who are in need of crime prevention and victim support services.²³ When to allocate resources? In the immediate aftermath of a crime and during the period, when the risk of a subsequent victimisation is most acute.²⁴ What is more, focusing on repeat victimisation is a practical form of “drip-feeding” of police resources, meaning that manpower, patrols, and government funding need only be administered on a case-by-case basis, instead of having everything allocated and spent all at once. This in turn optimises the longevity of resources and by extension of the prevention strategies that utilise them. Since repeat victimisation contains an element of prediction regarding where and when crime will occur, it can also improve the detection of repeat and prolific offenders.²⁵ For these reasons, the application of repeat victimisation to predictive policing, away from reaction and towards a more data-driven, problem-solving approach, has been suggested.²⁶

For more information on predictive policing, check EUCPN's recommendation paper,²⁷ available at:

<https://eucpn.org/document/predictive-policing-recommendations-paper>

02 DESCRIBING THE PROBLEM: EXTENT AND IMPACT OF ANTI-LGBTI HATE CRIMES

What is a hate crime?

Broadly defined, a hate crime is a criminal act that is motivated by bias or prejudice due to the victim's real or perceived belonging and/or affiliation to a particular population group. A discriminatory motive can be attributed to stereotypical assumptions, preconceived attitudes, intolerance, or animosity towards individuals that share a common protected characteristic, such as race, religion, ethnicity, disability, gender, gender identity/expression, sexual orientation, or any other fundamental element of someone's identity. Hate-motivated crimes manifest in a variety of forms, ranging from verbal abuse, online harassment, robberies and vandalism, to blackmail, sexual and physical violence or threats thereof, and even murder.²⁸

Why should we focus on anti-LGBTI hate crimes?

This paper focuses on hate crimes targeting lesbian, gay, bisexual, transgender, and intersex people (LGBTI). From a crime prevention perspective, it is beneficial to concentrate on a specific group of victims, as doing so allows for the formulation and deployment of a more focalised, victim-centred policy against a very complex crime phenomenon, as hate-motivated crimes are, which requires a thorough understanding of the distinct challenges and needs associated with the LGBTI community.

Even to this day, LGBTI people continue to experience discrimination and inequality on the grounds of their

sexual orientation, gender identity/expression and sex characteristics in multiple spheres of their everyday life. This is confirmed by the fact that in 2019 43% of LGBTI people in the EU declared that they felt discriminated against, as opposed to 37% in 2012.²⁹ Unquestionably, they are a stigmatised, historically oppressed, and vulnerable social group, whose fundamental rights and freedoms are regularly violated.

In recent years, hateful anti-LGBTI rhetoric in public discourse has been on the rise, translating into real incidents of hate-motivated violence and harassment. One such example is the emergence of "LGBT-free zones" in 2019, where some regions in Poland declared themselves unwelcoming of a purported "LGBT ideology".³⁰ During the COVID-19 crisis that began in 2020, the already disadvantaged situation for a lot of minority groups was exacerbated, with LGBTI people being no exception. In Germany, the Ministry of Interior reported that anti-LGBTI hate crimes had increased by 36% in 2020 compared to the previous year, while in the Netherlands the government reported 2,336 cases of anti-LGBTI violence and discrimination in 2020, 264 more than in 2019.³¹ In addition, there have been multiple reports of religious leaders from at least four EU Member States blaming LGBTI communities for the pandemic.³² Naturally, arguing that the spread of a deadly virus was an act of God to punish humanity for the allegedly deviant LGBTI lifestyle induces feelings of homophobia and transphobia in the general public. It should also be underlined that transgender and intersex people are among the most marginalised groups in society as they generally endure more discrimination and violence compared to other members of the LGBTI community.³³

In 2020, the EU adopted its first ever LGBTIQ Equality Strategy for the period 2020-2025, which embodies a set of targeted measures to tackle widespread discrimination against LGBTI people, to ensure their safety and to promote social inclusion.³⁴ The need to provide special support services and protection to LGBTI victims of hate crime is also highlighted in the first ever Strategy on Victims' Rights, adopted in the same year.³⁵ Also, in 2021 the European Commission presented an initiative to extend the list of "EU crimes" in order to cover hate crime and hate speech, including when targeted against LGBTI people. The aim of this initiative is to establish a common legal framework and a comprehensive criminal law approach to preventing and combating these transnational crime phenomena.³⁶ In light of these actions, it is evident that advocacy for LGBTI rights is at the forefront of European policy now more than ever before.

Rates of homophobic and transphobic crime victimisation in the EU

The European Union Agency for Fundamental Rights (FRA) has collected in-depth data concerning the situation of LGBTI people through its large-scale survey (roughly 140,000 self-identified LGBTI participants) conducted in 2019 across all 28 Member States (including the UK at the time of the survey). Overall, 38% of the participants reported experiences of harassment due to them being LGBTI in the twelve months preceding the survey, with transgender and intersex people reporting the highest rates: 48% and 42%, respectively. Moreover, LGBTI minors (defined as 15-17) and young adults (defined as 18-24) exhibit an increased vulnerability to hate-motivated harassment compared to older LGBTI participants, as 47% and 45% of them, respectively, reported accounts of such victimisation.³⁷ This is a clear indication of the heightened victimisation risk, with which the LGBTI youth in Europe is confronted on a regular basis.

Furthermore, one in ten (11%) of all LGBTI participants reported being physically or sexually attacked on the grounds of their sexual and/or gender identity in the five years before the survey. Again, this rate is worryingly

elevated for transgender (17%) and intersex (22%) people. This type of victimisation was also found to be more common amongst participants aged 18-24, with 14% experiencing hate-motivated violence.³⁸

Although, these numbers corroborate the vulnerability of LGBTI individuals to hate-motivated crimes, there is an even more precarious situation hidden underneath. According to the same survey, out of the 11% of all those who reported physical or sexual violence due to being LGBTI, an alarming number of 48%, i.e. almost half of them, experienced such a violent incident more than once during the five-year period, with transgender and intersex people experiencing the highest levels of repetitive violence: 58% and 65% respectively (see Table 1.). In short, a small proportion of LGBTI people experience a large proportion of all homophobic and transphobic hate crimes in the EU (see Table 1). These findings are supported by previous research, according to which victims of hate crime are prone to repeat victimisation,³⁹ which is to say repeated incidents of targeted victimisation, a fact explicitly acknowledged in the EU Victims' Rights Directive.⁴⁰

	LGBTI [EU-28]	Lesbian women	Gay men	Bisexual women	Bisexual men	Trans people	Intersex people
Once	51%	53%	56%	51%	56%	40%	32%
Twice	23%	24%	22%	24%	22%	22%	24%
3-5 times	16%	15%	14%	16%	13%	21%	18%
≥ 6 times	9%	7%	7%	8%	8%	15%	23%
Prefer not to say/don't know	1%	1%	0%	2%	1%	2%	2%
Total of repeat victimisation rate (≥ 2 times)	48%	46%	43%	48%	43%	58%	65%

Table 1. Number of times LGBTI victims of hate-motivated physical or sexual violence experienced such an incident during a five-year period across EU Member States, including the UK.

Source: FRA (2019), EU LGBTI Survey II data explorer.

Readers wishing to form a more detailed picture of the situation in different EU Member States are advised to use the online FRA LGBTI Survey Data explorer, available at:

<https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>

Notwithstanding the invaluable contribution of FRA to unmasking the prevalence of homophobic and transphobic crimes in the EU, there is a substantial lack of official data at both a national and a European level. On the one hand, some Member States do not record in their national crime statistics the bias motivation that led to the commission of a crime. On the other, some Member States, which do keep track of this crucial piece of information, provide only an aggregated number of cases where any kind of discriminatory motive was involved, thus making it difficult to estimate the exact number of anti-LGBTI hate crimes. In addition, police authorities usually record hate crimes as isolated incidents, which leads to cases of repeat victimisation being under-counted. Evidently, insufficient recording by the police creates obstacles to identifying areas and targets at risk of repeat victimisation, to allocating resources appropriately and to developing an overall, effective prevention response to hate crimes.⁴¹

In 2011, the European Commission proposed the EU Victims' Rights Directive, replacing the Framework Decision from 2001, with the purpose of consolidating and enriching the framework of rights for victims of crime. The European Parliament accepted the Directive a year later. By establishing minimum standards on the rights, support and protection of crime victims, the Directive works to guarantee that victims are treated with respect in all EU Member States. This improved set of rules introduces new victims' rights, including the rights of victims' families, the right to understand and be understood, the right to access support services, both general and specialist, reinforces existing rights, such as the right to be informed, and imposes obligations on EU Member States. With regards to hate crime victimisation, the Directive requires Member States to pay particular attention to victims who have suffered a crime motivated by bias or hatred and to provide tailored specialist services based on individual risk assessment (Article 22). The Directive protects the rights of LGBTI victims of hate crime, as it explicitly includes the grounds of sexual orientation, gender identity and gender expression when recognising victims' rights.

Impact of anti-LGBTI hate crimes

It is well-established that hate crimes hurt more than other offences that are not motivated by bias or prejudice towards the victim.⁴² Not only do these hateful acts strike at the very heart of being human, namely a person's identity, but their detrimental impact ripples out in waves, from the initial victim to the victim's community and from that to other targeted groups, threatening the social fabric of our societies as a result.⁴³

At an individual level, LGBTI victims of hate crime experience a vast array of traumatic consequences. Firstly, acts of homophobic and transphobic violence are likely to entail a higher degree of brutality, causing serious bodily harm.⁴⁴ In addition, hate crime victimisation exerts a heavy toll on LGBTI victims' mental health, as research has demonstrated that they are subjected to heightened and prolonged psychological and emotional distress, with symptoms varying from anxiety, depression and PTSD to anger, internalised homophobia and feelings of helplessness and disempowerment.⁴⁵ Incidents that may appear trivial when viewed in isolation, such as a single

biased insult, may become a much more corrosive form of psychological victimisation if they occur repetitively.⁴⁶

Hate crimes, however, do not just inflict harm – they also instil a debilitating fear of crime. According to a Swedish study, victims targeted because of their sexual orientation and gender identity are significantly more likely to worry about future victimisation than victims of non-bias crimes.⁴⁷ LGBTI victims of hate crime are justifiably terrified by the thought of a potential revictimisation, because they feel they cannot shield themselves from a subsequent assault or harassment. Knowing they are being targeted essentially for who they are and for something that they neither chose, nor can control, creates a state of constant personal danger and vulnerability, which is intensified after every incident of repeat victimisation.⁴⁸ Fear of revictimisation has a profound effect on social life, as victims actively engage in risk-avoidance behaviours by altering their daily routines. For instance, they refrain from going to certain public places or streets, they conceal their identity, or even stop being as socially active as they used to be prior to their victimisation, choosing to withdraw from the outside world.⁴⁹ Of

course, practices like these may end up compounding the social exclusion of LGBTI people.

At a community level, people who share the victim's targeted identity characteristic are also affected. Hate crimes are often described as "message crimes", designed to convey a symbolic message to members of the community with which the original victim is associated, that they do not belong in society and they are not safe.⁵⁰ The same applies to anti-LGBTI hate crimes. The harm and fear caused by the victimisation of one LGBTI person resonate outward to all other members of the LGBTI community, who feel vulnerable and frightened too, knowing they might be the next target. Indeed, there is a major component of interchangeability of victims with regards to hate crime victimisation. Since the motive behind a hate crime is not some personal conflict or provocation but the victim's identity, everyone who possesses the targeted characteristic carries the risk of being victimised.⁵¹ This interchangeability is essentially what makes them virtual repeat victims, forcing them to adopt risk-avoidance behaviours in advance. Indeed, out of fear of being assaulted, threatened or harassed for being deemed "different", 61% of LGBTI people in the EU avoid holding hands in public with a same-sex partner, 58% and 57% try to hide their LGBTI identity in a public space and on public transport respectively, while 33% avoid certain places altogether.⁵² These numbers paint the picture of a grim reality of widespread fear and insecurity for many European citizens.

Finally, at a societal level, hate crimes pose a direct threat to the stability and social cohesion of the European Union. By stigmatising a group of people as "other" and weakening their sense of belonging, homophobic and transphobic hate crimes undermine the democratic values and principles of respect, equality, diversity, and inclusion, upon which our Union is founded. The spread of hate crimes against vulnerable communities and the continual infringement of the rights enshrined in the EU Charter of Fundamental Rights render the EU a fragile social construct. After all, a chain is only as strong as its weakest link.

EU Charter of Fundamental Rights

Article 1: Human dignity is inviolable. It must be respected and protected.

Article 2: Everyone has the right to life.

Article 3: Everyone has the right to respect for his or her physical and mental integrity.

Article 21: Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

The Charter is available in multilingual format at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

03 UNDER-REPORTING OF ANTI-LGBTI HATE CRIMES

Rates of under-reporting in the EU.

Undoubtedly, one of the primary obstacles to formulating and implementing an effective prevention response against incidents of hate crime in general, and specifically anti-LGBTI hate crimes, is the worrying issue of under-reporting. Not only are bias-motivated crimes less likely to be reported to the police than other non-bias crimes,⁵³ but LGBTI victims are more unwilling to report their victimisation compared to heterosexual victims.⁵⁴ The vast majority of victims, who are targeted on the grounds of their sexual orientation and/or their gender identity, remain reluctant to notify and report such incidents to the authorities, even in EU Member States where appropriate provisions regarding sexual orientation and gender identity are already enshrined into national hate crime laws, for example in France, Spain, Portugal, Greece and Hungary (see Figure 1).

Numerous studies and victimisation surveys from all around the globe have tried to estimate the dark figure of unreported homophobic and transphobic hate crimes and comprehend the aetiology behind it.⁵⁵ With regard to the situation in Europe, data collected by FRA through its 2019 survey is particularly enlightening. Of the LGBTI participants who had experienced hate-motivated harassment, only 10% submitted a report of their victimisation to any organisation, while merely 4% of those opted to officially report it to the police. According to the survey results, participants who had endured a physical or sexual attack due to them being LGBTI were more inclined to report it compared to those who experienced harassment. Nonetheless, that number is still significantly low, with just 21% of the participants reporting their victimisation to any organisation and only 14% directly to the police.⁵⁶

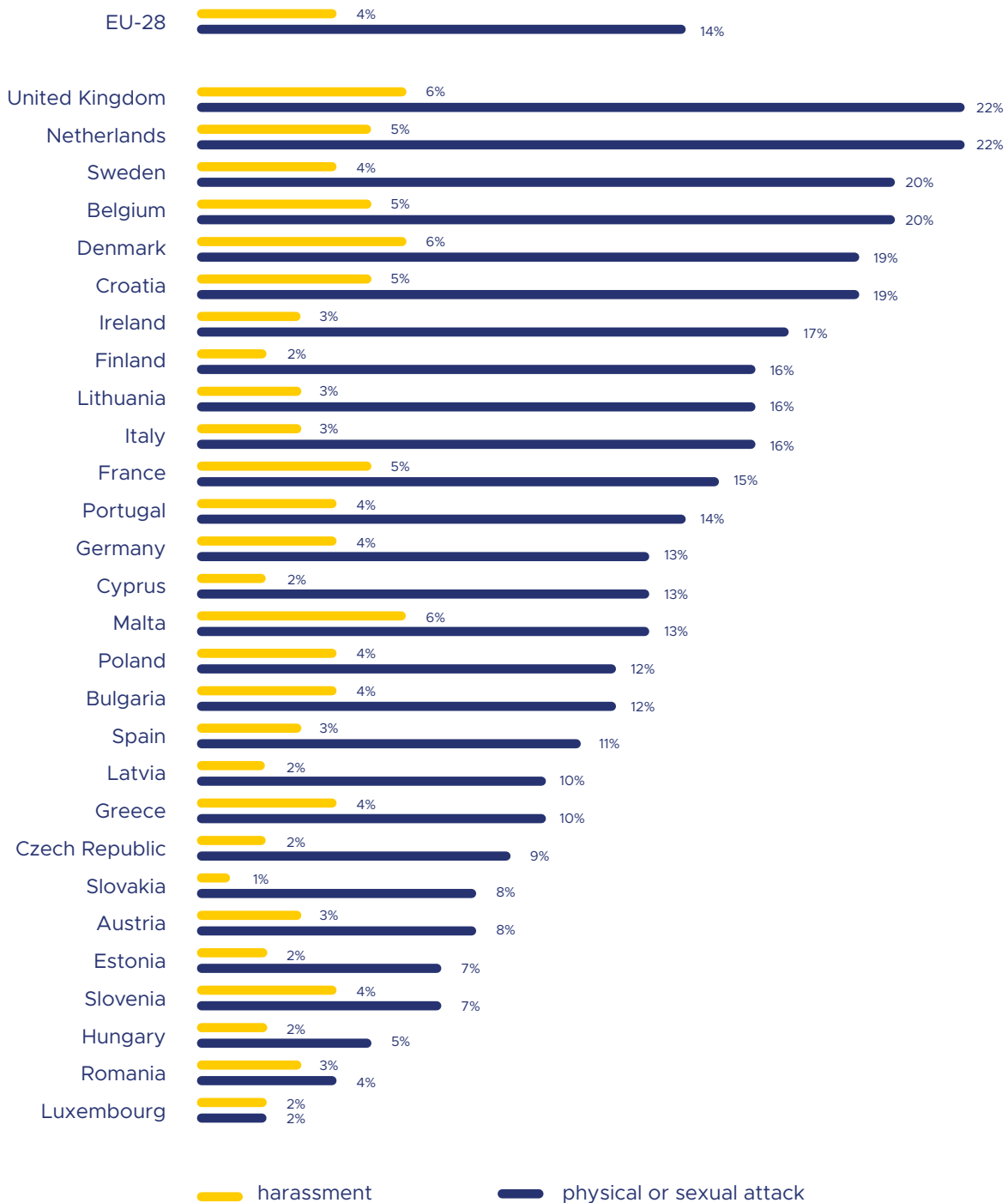


Figure 1. Rates of filing a formal police report of the most recent LGBTI-phobic victimisation across EU Member States, including the UK.
 Source: FRA (2019), EU LGBTI Survey II data explorer.

Barriers to reporting

In order to cultivate a reporting culture amongst the members of the LGBTI community, it is crucial to understand why they are being so hesitant to engage with law enforcement authorities in the first place (see Figure 2). One of the most-cited barriers identified in research studies is the substantial level of distrust towards the police, which stems from decades of strained relations between the two sides, hence undermining victims' readiness to ask for any kind of help from police authorities. This lack of trust is mainly attributed to the generalised perception that the police are unwilling to take LGBTI-phobic violence and harassment cases seriously, which stems from the institutional heterosexism within law enforcement and is shaped by previous negative encounters – for example, the way the police handled earlier reports and in some cases the involvement of the police in hate crime incidents.⁵⁷ This assumption is reinforced by the lack of proper recording procedures. Even when victims muster the courage to report their victimisations, police frequently classify them wrongly as ordinary, “non-bias” crimes.⁵⁸ Consequently, LGBTI victims of hate crime are dissuaded from reporting, because they feel that any effort on their part will be nullified by the subpar police response and the failure to apprehend the offenders. In a nutshell, reporting is considered by many to be a futile endeavour, since nothing concrete will come of it.

A second prevailing barrier associated with the lack of trust mentioned above is the fear of secondary victimisation from the criminal justice system and specifically from the police, given that many LGBTI individuals perceive the police authorities as homophobic and biased against them.⁵⁹ Secondary victimisation can range from police insensitivity about issues of sexual and/or gender identity and victim-blaming to discriminatory treatment and further abuse.⁶⁰

Furthermore, their decision to report a homophobic or transphobic hate crime is influenced by the fear of being “outed”, in other words having their sexual orientation or transgender status become publicly known.⁶¹ Besides the obvious risk of rejection and isolation from family and employers, the fear of having their privacy compromised entails a major concern about how data that officially labels them as LGBTI will be stored and used.⁶² Additionally, many LGBTI victims of hate crime avoid disclosing their victimisation to the police out of fear of subsequent intimidation and/or retribution by the offender. Moreover, a lack of awareness regarding the

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legal nature of hate crimes can create a strong barrier to reporting. Indeed, not all LGBTI people are aware of the kinds of offences that may constitute the basis of a hate-motivated crime pursuant to their respective national legislation, with plenty of victims falsely associating them exclusively with acts of violence, such as assaults.⁶³ As a result, non-violent crimes remain largely unreported.⁶⁴

The reduced likelihood of reporting can also be attributed to a normalisation response of hate crime victimisation and a general sense of apathy from members of the LGBTI community.⁶⁵ Research has shown that many victims acknowledge hate crimes as an accepted and inevitable consequence of their identity as LGBTI, which they must learn to tolerate.⁶⁶ Another central barrier is the perceived seriousness of victimisation, with crimes perceived as too minor or too trivial being less likely to be reported. In essence, victims of LGBTI-phobic crime would rather deal with their experiences on their own instead of involving the police for lower-level crimes, as doing so would only be wasting police time and resources.⁶⁷ Last but not least, LGBTI victims of hate crime abstain from submitting a report due to personal feelings of shame, self-blame, and embarrassment about being victimised. This barrier is further intensified in cases where victims lack an adequate support system.⁶⁸



Figure 2. Reasons for not filing a formal police report of the most recent LGBTI-phobic victimisation across EU Member States, including the UK.
 Source: FRA (2019), EU LGBTI Survey II data explorer.

Consequences of under-reporting

The reporting gap of hate-motivated crimes has dire and insidious consequences. To begin with, the unwillingness of victims to report their victimisation to the police means that anti-LGBTI crimes remain mostly unaccounted for, and perpetrators are left essentially unhindered to continue committing their hateful actions without any fear of apprehension. This impunity can in turn strengthen perpetrators' misplaced perceptions that their actions are socially acceptable and morally justified, thus weakening the deterrent capacity of the criminal justice system. Indeed, offenders who initially commit minor transgressions motivated by homo-/transphobia, such as verbal harassment, may be permitted to commit acts of physical violence in the future, if they are not arrested and promptly brought to justice. In other words, under-reporting of anti-LGBTI crime and the subsequent impunity of the perpetrators can have a potentially significant effect on the escalation of violence against LGBTI people, ultimately perpetuating the vicious cycle of repeat victimisation.⁶⁹

At the same time, the issue of unreported hate crimes hinders the visibility of repeat victimisation from law enforcement agencies and policy-makers and restricts the timely identification of repeat victims, thereby underestimating the prevalence and ramifications of LGBTI-phobic incidents and hampering the deployment of effective policing strategies and targeted preventative measures. It is also responsible for the further deterioration of relations among victims of anti-LGBTI hate crimes and the police, and for the misallocation of police resources, thus minimising the resources provided for assisting and defending the LGBTI community. Finally, the decision to refrain from reporting translates into vulnerable victims of hate crime being left unheard, which not only contributes to a lack of proper understanding of the experiences and trauma of LGBTI people, but it also impedes their ability to access both the criminal justice system and valuable support services, to which they are entitled under the EU Victims' Rights Directive.⁷⁰

04 RECOMMENDATIONS

A victim-centred approach to preventing repeat hate crime victimisation

Preventing and eradicating anti-LGBTI hate crimes is no easy task, as the underlying causes that feed the hateful motive of offenders are ingrained in our society. Indeed, heterosexism, homophobia, biphobia and transphobia need to be uprooted while respect, equality, tolerance, and diversity need to be fostered in their place, if this particularly impactful crime phenomenon is to be effectively addressed. A combination of social, economic, and criminal justice policies should be implemented to guarantee the social integration and non-discrimination against LGBTI people in all areas of life and to ensure their protection.

For instance, awarding LGBTI people the same rights that everyone else enjoys, such as equal marriage and adoption rights, legislating for gender-recognition processes without medical prerequisites for transgender people, setting up equality standards in the labour market, developing rehabilitation-based programmes for offenders and enacting a legal framework that recognises a homophobic and transphobic motive as an aggravating factor and punishes perpetrators accordingly are all pivotal steps towards building an inclusive society. Nevertheless, societal changes can take some time to manifest.

On the contrary, a victim-centred prevention response to anti-LGBTI hate crimes yields more tangible results.

Given that it might be hard to prevent LGBTI people from ever experiencing hate-motivated violence or harassment, it seems reasonable to focus on those who have already fallen victim to it and try to prevent them from being revictimised by reducing the likelihood of recurrence. The fact that about one in two victims of anti-LGBTI hate crimes across the EU endures incidents of repetitive violence, as revealed by FRA, is a wake-up call for action and should therefore be the central point of a hate crime reduction policy tailored to the specific risks and needs of this vulnerable social group.

Apart from that, crime prevention is concerned with reducing the harmful consequences of crime.⁷¹ A victim-centred approach could substantially contribute to mitigating the fear of crime and feelings of insecurity and powerlessness that are pervasive in the LGBTI community. This can be achieved by providing adequate protection, emotional and psychological support, information, practical assistance, and advice, by empowering victims and restoring their confidence in criminal justice authorities and by giving voice to those who have suffered. A united front of repeat victimisation prevention and victim support is thus crucial.⁷²

Based on this approach, some recommendations and general guidelines are proposed. However, it is by no means suggested that the focus on preventing repeat victimisation should be the exclusive or primary prevention strategy against hate crimes targeting LGBTI people. Rather, it should complement the multi-faceted policies described above.

Practical recommendations on how to break the cycle of repeat victimisation

1. Encouraging victims to report their victimisation experiences

Paragraph 63 of the Victims' Rights Directive (2012/29/EU)

"In order to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner. This could increase victims' confidence in the criminal justice systems of Member States and reduce the number of unreported crimes. Practitioners who are likely to receive complaints from victims with regard to criminal offences should be appropriately trained to facilitate reporting of crimes, and measures should be put in place to enable third-party reporting, including by civil society organisations. It should be possible to make use of communication technology, such as e-mail, video recordings or online electronic forms for making complaints."

Given that the issue of under-reporting remains a serious limitation to the effectiveness of any hate crime prevention strategy, let alone one that centres around repeat victimisation, it is imperative that the barriers to reporting are effectively addressed. The following actions are thus recommended:

Establish alternative reporting platforms. To boost levels of hate crime reporting, third-party reporting centres should be launched nationally and regionally, where victims of anti-LGBTI hate crimes can report their victimisation in an environment that is safe, community-based, and easily accessible to everyone without having to interact directly with the police. Furthermore, it is recommended to facilitate remote reporting via online / mobile phone apps, which should feature a user-friendly interface for quick and discreet reporting and be easily searchable through online search engines and app stores.

GOOD PRACTICE: **Let's report LGBTQI+ phobia**

Due to the high number of unreported hate crime cases in Belgium, a pilot third-party reporting centre was set up in the Brussels-Capital Region in 2019. It is a data collection project, where victims of homophobic and transphobic hate crimes can share and register their stories with a local NGO, after which they are referred to appropriate victim support services and other state institutions to assist them in submitting formal police complaints, if they so desire.

For contact details, visit:

<http://rainbowhouse.be/en/projet/report/>

GOOD PRACTICE:
FLAG! application

FLAG! is a reporting mobile app released in 2020 in France. This application allows both witnesses and victims to report a verbal or physical LGBTI-phobic incident in a simple and anonymous way, without having to go through the formal reporting processes and interactions with law enforcement agencies. Each report is dated and geolocated by the victim or witness, which the creators of the app believe will facilitate precise and “real-time” mapping of hate crimes. Public authorities will then be able to formulate policies targeted at the areas most at risk, such as a specific district, street, school, establishment, etc. It is worth noting that the application collected over 1,500 reports of 3,896 incidents in its first year of operation alone.

Want more information? Visit their website at:
<https://www.flagasso.com/application-flag.html>

Implement measures to protect victims’ privacy and avoid secondary victimisation from the police. Anonymous reporting should be facilitated where possible and non-threatening interviewing rooms in police departments should be designed to accommodate at least minor, transgender, and intersex victims, i.e. the most vulnerable groups of the LGBTI community, akin to the special hearing rooms for children and other vulnerable victims that have existed in the Czech Republic since 2004.⁷³ It is advised that victims should be interviewed by a police officer of the gender of their choice, with the interviewer remaining the same for all future meetings required. Transparency around how sensitive information is handled and by whom is also important in building trust with LGBTI victims.

Tackle perceptions of police indifference by disclosing previous cases that recount the positive police response to hate-motivated crimes and the outcome produced, for example the perpetrator’s apprehension. Moreover, frequent monitoring of current reports should be provided to demonstrate that the police are actively engaged in delivering justice for LGBTI victims.

Provide specialist training to law enforcement and criminal justice practitioners. Police officers, who are often the primary points of contact for reporting hate crimes, and court officials are insufficiently prepared to understand the needs of LGBTI victims. To enhance confidence in the criminal justice system, both the police and judicial staff should be adequately trained in how to deal with LGBTI victims in an impartial, respectful, non-discriminatory, and professional manner. They should also learn how to build a good rapport and interact with LGBTI victims using correct pronouns and refraining from victim-blaming discourse, as well as how to be empathetic to their victimisation, even if this is minor verbal harassment, because for them it might have the same negative effect as a violent crime.

GOOD PRACTICE:
Policing hate crime against LGBTI persons: Training for a professional police response

In 2017, the Council of Europe produced a training manual comprised of five modules with the purpose of providing assistance, information and the necessary tools for carrying out training sessions for a professional and respectful police response to anti-LGBTI hate crimes.

Check out the manual at:
<https://edoc.coe.int/en/lgbt/7405-policing-hate-crime-against-lgbti-persons-training-for-a-professional-police-response.html>

GOOD PRACTICE:

A workshop guide for law enforcement on anti-LGBTI hate crimes

Safe To Be by Speak Out, which is a European project involving nine EU Member States, developed a multimedia toolkit with a step-by-step interactive workshop intended for law enforcement trainers with the purpose of raising awareness on the psychological impact of reporting a hate crime to the police. In the workshop, law enforcement participants are shown real-life cases that demonstrate both bad and good examples of a reporting process from the perspective of the victim. This encourages participants to step into the shoes of an LGBTI person reporting a hate crime, allowing them to gain a deeper understanding of the significant pressure and distress that this can cause. As a result, participants learn to interact more effectively with LGBTI people by improving their interpersonal skills and acknowledging the need for a safe space during reporting processes and for LGBTI-friendly police investigations.

The workshop guide is available at:

https://lumi.be/sites/default/files/safe-to-be-toolkit_INTERNATIONAL.pdf

Organise awareness-raising campaigns that emphasise the importance of reporting hate crimes, no matter how insignificant they might seem, as well as the consequences of not reporting, so that victims can make an informed choice. **Build information campaigns** explaining what constitutes a hate crime, who the competent reporting authorities in that area are and what the necessary procedure is. These campaigns should be available online and campaign material, such as leaflets, should be distributed at LGBTI events, LGBTI-friendly establishments, and community hubs, and circulated through local LGBTI networks, so they can reach a higher number of victims and people at risk of repeat victimisation.

2. Providing support, assistance, and protection of victims

As the phenomenon of repeat victimisation shifts our attention to a victim-centred response, victim support should therefore assume a prominent role within a prevention framework.

Set up appropriate victim support services for victims of hate crimes. Pursuant to Article 8 of the Victims' Rights Directive, victims of crime should, in accordance with their needs, have access to free of charge and confidential support services, both general and specialist. Given the trauma suffered by hate crime victims and their unwillingness to file a formal police report, victim support services are essential for helping victims come to terms with their traumatic experience and for empowering them to seek justice for their victimisation through psychological and legal counselling.

GOOD PRACTICE:

MANEO project

MANEO was founded in 1990 to deal with the alarming amount of anti-LGBTI incidents in Berlin and is now the most experienced and best-known LGBTI anti-violence project in Germany. It provides victim support services to those who have suffered trauma from homophobic and transphobic violence, as well as counselling regarding options for filing a police report, the penal processes and potential alternatives. MANEO provides contact with experienced lawyers, doctors, and other helpful resources. Also, it accompanies victims, for instance, when going to the police or through court proceedings. The project offers an active reporting centre that collects and documents cases of anti-LGBTI hate crimes in Berlin, and it regularly publishes and disseminates tips on the prevention of LGBTI-phobic violence.

Interested in learning more about MANEO? Visit:

<http://www.maneo.de/en/about-maneo/maneo-in-short.html>

Integrate victim support with crime prevention for a more comprehensive policy against repeat hate crime victimisation. Victim assistance by the police or any other victim support organisation should include meaningful advice and information on crime prevention and on how to avoid future victimisation, for example self-defence strategies, specific places to avoid, and effective security measures in cases of hate-motivated property crimes.

Set up safe houses to guarantee the safety of LGBTI victims. To ensure the physical protection of victims who are exposed to a heightened risk of violent repeat victimisation, and to encourage victims to officially report their victimisation by helping them overcome their fear of retaliation, shelters and safe accommodation schemes for LGBTI individuals should be established and staffed with specialist personnel capable of providing necessary victim support and counselling services. The creation of “rainbow houses” is also suggested in the Strategy on Victims’ Rights based on the “Family House” model of a safe place for victims of domestic violence, where victims can report a crime, receive psychological support and counselling under the same roof.⁷⁴

GOOD PRACTICE:

Le Refuge Bruxelles

It is a shelter providing emergency accommodation and support for LGBTQI+ people aged 18 to 25 who experience social exclusion, discrimination, or other forms of violence on the grounds of their sexual orientation and/or gender identity. The shelter was founded in 2018 in Brussels and its services are available to young LGBTQI+ people from all over Belgium. The maximum length of the emergency accommodation is three months, during which time multi-faceted support, access to physical and mental health care, and other social benefits are provided.

For more information, visit their website at:

<https://www.refugeopvanghuis.be/en/le-refuge-homepage/>

3. Identifying victims and areas at high risk of repeat victimisation

Conduct effective risk and needs assessment of victims of anti-LGBTI hate crimes. The LGBTI community does not constitute a single demographic, but a heterogeneous social group, comprised of people of various identities and lived experiences, with some of them enduring victimisation on multiple grounds, such as race, gender, ethnicity, and disability. For support and protection services to be personalised and tailored to the risks and needs of each victim, a careful individual assessment should be carried out to determine who needs what, when and how. Prior reporting of the crime to the authorities should not be a requirement for the assessment to begin. In accordance with article 22 of the Victims’ Rights Directive, the assessment should be focused on identifying the immediate safety and protection needs of the victim and should consider at a minimum the victim’s personal characteristics, as well as the type and circumstances of the crime, with special regard to “*victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics*”.⁷⁵ A timely assessment of victims’ vulnerability to repeat victimisation, intimidation, and retaliation could optimise the early identification of true repeat and likely repeat victims. This in turn could assist law enforcement authorities and victim support practitioners in developing an appropriate risk management plan and deploying a problem-solving response specifically attuned to each victim’s complex needs. These assessment processes should be carried out regularly, so they can be updated as circumstances change, and should always be interpreted with caution, as a “low-risk” result could potentially lead to unequal protection for some victims. For these reasons, the development of a standardised methodology for individual needs assessments to guarantee a consistent approach by all stakeholders involved is strongly encouraged.

GOOD PRACTICE:

Model Guidance on Individual Needs Assessments of Hate Crime Victims

In 2021, the OSCE Office for Democratic Institutions and Human Rights published some model guidance on conducting effective individual needs assessments of hate crime victims. In short, it is a valuable tool for guiding relevant state institutions, victim support services and civil society organisations that specialise in the field of hate crime victim support in designing, shaping, and implementing individual needs assessments that acknowledge the specific needs of hate crime victims in a respectful manner.

The model guidance is available at:
<https://www.osce.org/odihr/489782>

Improve anti-LGBTI hate crimes recording and data collection. Police should learn how to better unmask and record a homophobic or transphobic motive by using bias indicators. Moreover, the police should also record whether a reported crime is an initial or a repeat victimisation against the same victim. Regular victimisation surveys carried out by NGOs and civil society organisations are also important in that regard. These measures can boost the early identification of both repeat victims and patterns of repeat victimisation in a specific area, thereby enabling national, regional, and local law enforcement authorities to prioritise preventative actions and to administer a more victim-centred, focalised, and proactive police response in the geographical areas where it is most needed. Knowing from research that incidents of repeat victimisation are often found in high-crime areas and knowing that incidents of LGBTI-phobic violence and harassment occur mostly in public places, at a rate of 51% and 42% respectively according to the 2019 LGBTI survey conducted by FRA,⁷⁶ there is a good justification for the necessity of identifying people and places at elevated risk of suffering repetitive anti-LGBTI hate crimes.

4. Forging bonds of partnership

Hate crimes are a complex crime phenomenon with deep societal causes. Thus, an effective prevention strategy requires a multi-lateral approach based on inter-agency cooperation for a joint societal response that homophobia, biphobia and transphobia will not be tolerated.

Appoint LGBTI police liaison officers. At least one such police officer, who might be LGBTI themselves although not necessarily, should be placed in every police department and meet with the local LGBTI community on a regular basis to develop an open communication channel and promote a spirit of partnership and mutual respect. They can attend LGBTI events as police spokespersons, disseminating information regarding crime prevention, explaining the reporting and investigation processes and inspiring favourable attitudes and feelings of security among LGBTI people. As focal points for local LGBTI matters, they can play an instrumental role in identifying priorities and concerns, and thus in developing appropriate preventative police responses. Furthermore, victims of anti-LGBTI hate crimes will be incentivised to report them to the police if they are aware that there is someone genuinely committed to safeguarding their interests.

For more information on their role and responsibilities, check out the LGBT Liaison Officer's Manual of Guidance published by London's Metropolitan Police, available at:
<https://lgbt.police.uk/wp-content/uploads/2020/04/Liaison-Officer-Manual.pdf>

Add LGBTI representatives to local crime prevention councils. As already stated, the LGBTI community is a chronically victimised social group and, as such, the only people who know precisely the dangers that they face daily are LGBTI people themselves. For this reason, adding an LGBTI representative to every local crime prevention council, where those exist, will not only convey a message of solidarity and acceptance from the wider community towards the LGBTI community, but it will also assist in deploying preventative measures against repeat hate crime victimisation, specifically tailored to the situation and the social context of each area.

Set up cocoon watch schemes. In essence, cocoon watch schemes are a smaller version of the community-based Neighbourhood Watch and they have been successfully used in the past for the prevention of repeat burglary⁷⁷ and repeat racial hate crime victimisation.⁷⁸ These schemes function as support networks of allies and consist of neighbours and friends of LGBTI victims. They provide close protection by staying vigilant against any attempted hate crime victimisation, by reporting any transgression they witness to the police and by strengthening the informal social control that deters potential offenders from targeting LGBTI people, as they are no longer perceived to be easy targets.

Facilitate collaborations and partnerships between different organisations. Law enforcement agencies and government authorities should work together with victim support and civil society organisations, as they can provide valuable input through their expertise and their position as de facto representatives of the LGBTI community, thus ensuring that the voices of the latter are heard and taken into consideration when designing prevention strategies. In addition, public institutions should collaborate with the private sector, for example LGBTI establishments, for a coordinated preventative response that extends to a wider audience within the LGBTI community.

Law enforcement agencies and government authorities should work together with victim support and civil society organisations, as they can provide valuable input through their expertise and their position as de facto representatives of the LGBTI community, thus ensuring that the voices of the latter are heard and taken into consideration when designing prevention strategies.

CONCLUSION

In summary, victims of hate crimes are in a highly vulnerable position, as they are being targeted for a core element of their identity and most often their victimisation is not a one-time incident, but rather part of a repetitive pattern, referred to as repeat victimisation. According to findings from the LGBTI survey conducted by FRA in 2019, about one in two LGBTI victims in the EU had experienced more than one incident of hate-motivated physical or sexual violence within a five-year period. Hate crimes exert a heavy toll on the victims and their communities alike, making them feel unwanted and unsafe. In short, hate crimes violate fundamental human rights and challenge the stability and cohesion of our society.

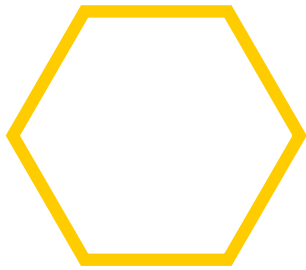
However, the true extent and consequences of anti-LGBTI hate crimes are hard to define, as the vast majority of cases are never reported to the police, thus hindering the visibility of repeat victimisation from law enforcement agencies and policy-makers and hampering the deployment of effective policing strategies and targeted preventative measures.

For this reason, this paper has highlighted the importance of a victim-centred approach to preventing repeat hate crime victimisation of LGBTI people. Given that it might be hard to prevent LGBTI people from ever experiencing hate-motivated violence or harassment, it seems reasonable to focus on those who have already fallen victim to it and try to prevent them from being victimised again by reducing the likelihood of recurrence, and to make sure they feel safe and empowered by mitigating the fear of crime. A united front of repeat victimisation prevention and victim support is thus crucial.

ENDNOTES

- 1 There is a variety of acronyms used to describe this sexual minority, with the most prominent being "LGBTI" and "LGBTQIA+". Although the latter term can be considered more inclusive, since it refers to lesbian, gay, bisexual, transgender, queer, intersex, asexual and "+" indicating any person whose sexual or gender identity does not conform to heteronormative or cisnormative standards, the former term was preferred, as "LGBTI" was the one also used by the European Union Agency for Fundamental Rights for its 2019 large-scale survey, from which this paper draws valuable information.
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