

Awareness of Anti-LGBT Hate Crime in the European Union

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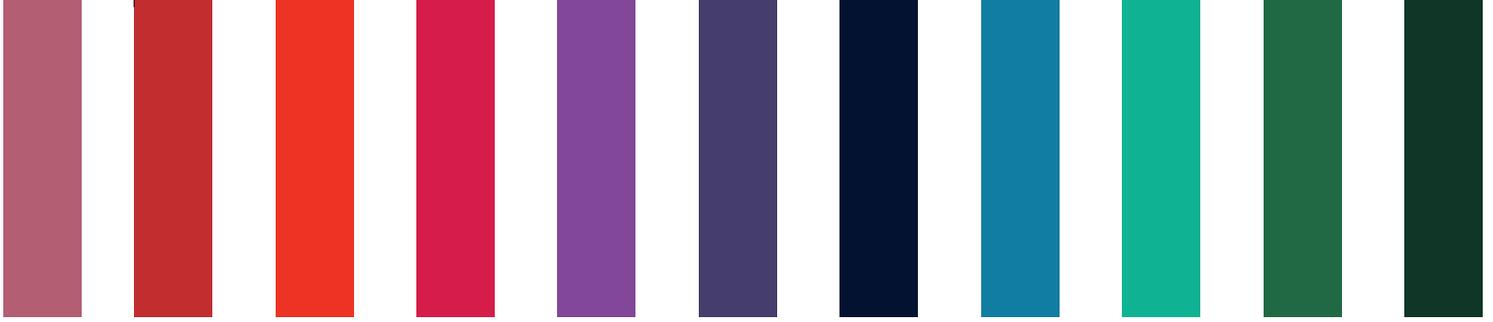
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PREFACE

In Europe and around the world, we have been seeing a sharp rise in hate and divisiveness, often targeting marginalised groups such as lesbian, gay, bisexual, trans and intersex (LGBTI) people. Anti-LGBTI discourse is increasingly entering the global political stage and influencing societies, propagated by populist leaders stoking fear and breeding intolerance for the sake of political gain.

This harmful rhetoric normalises hate and discrimination against LGBTI people, and encourages hate crimes and violence towards LGBTI people in action as well as speech, both online and in the physical world. The effect is dangerous and double-edged: it increases the likelihood of people being attacked for no reason other than their sexual orientation, gender identity, gender expression and/or sex characteristics, while at the same time creating an environment that makes reporting hate crimes more difficult, as LGBTI people are no longer able to trust that authorities will treat them respectfully or that their case will be properly investigated – even where there are supportive policies and legislation in place.

Against this background, it becomes all the more important to ensure that people – regardless of whether or not they identify as LGBTI – know how to spot anti-LGBTI hate crimes, how to respond to them, and how to support and empower victims. In this way not only can the risk of secondary victimisation be reduced, but a positive narrative is also introduced that sends a clear message to victims of hate crimes as well as to everyone in their wider social groups – the LGBTI community, their supporters, and the rest of society – that LGBTI people are deserving of the same recognition, respect and equality as everybody else.

This issue is what the *Call It Hate* project addresses, working across borders with civil society, public authorities and the general public to discern awareness of anti-LGBT hate crime, recognition of the need to report, and to empower victims to access the support services for hate crime victims to which they are entitled, including under the Victims' Rights Directive of the EU (2012/29/EU). ILGA-Europe is proud to be an Associate Partner of the *Call It Hate* project, and is glad to support the crucial work it does towards making Europe a safer place for LGBTI people.

Evelyne Paradis
Executive Director, ILGA-Europe

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We would like to thank everyone who contributed to the final conference of the *Call It Hate* project held in Budapest on 26 and 27 September 2019. Special thanks go to speakers from international organisations and institutions involved in countering intolerance and building a safer and more equitable world for LGBT people.

We would like to thank the members of the public from all 10 countries who took their time to respond to the survey.

Finally, on behalf of all project partners, we would like to acknowledge all victims of anti-LGBT hatred and prejudice. This research is for you.

Editors

FOREWORD

 **Piotr Godzisz and Giacomo Viggiani**

Despite the efforts of many scholars, international actors, civil society organisations and some governments to tackle violence targeting lesbians, gay men, bisexual and transgender (LGBT) people, the understanding of anti-LGBT hate crime in Europe remains limited. The problem is further exacerbated by the low level of reporting of hate crime, as many victims remain distrustful of the system and feel that reporting will not change their situation. The inaction of bystanders often leaves victims of hate crimes feeling alone and vulnerable.

Lack of research coupled with lack of reports renders hate crime invisible for the public and – in some cases – for the authorities. This in turn results in insufficient resources being put into policing, prosecuting and sentencing, victim support, awareness-raising, and outreach.

Our philosophy for countering hate crime is based on addressing **three key needs**: the need to build infrastructure and improve the capacity of professionals to work with victims; the need to raise awareness among the general public and empower victims and witnesses to react; and the need to further our understanding of hate crime to inform all advocacy and policy activities. Building the capacity of professionals (e.g., police, prosecutors and victim support centres) to effectively recognise anti-LGBT hate crime and support victims is the first step to tackle the problem. Once the infrastructure for reporting and victim support is put in place, we may start to raise awareness of anti-LGBT hate crime among victims and witnesses, encouraging both of these key groups to call out hate crime. For campaigns to be effective, we need to make sure that they are evidence-based and target well-defined groups.

The above principles guided two international, interdisciplinary, intersectional and intersectoral projects led by University of Brescia (Italy) and the civil society organisation Lambda Warsaw (Poland): *Come Forward* (2016-2018) and *Call It Hate* (2018-2019). With complementary sets of activities, the two actions, both co-funded by the European Union, directly contributed to countering anti-LGBT violence in 12 EU countries.¹

In the *Come Forward* project, we focused on understanding and addressing gaps in the infrastructure which create barriers in the access to justice for victims of violence based on sexual orientation and gender identity. Legal and policy approaches to hate crime, systems to support victims, raising awareness and collecting data were documented in the book *Running Through Hurdles*:

¹ *Come Forward* was implemented in 2016-2018, and *Call It Hate* was implemented in 2018-2019.

Obstacles in the Access to Justice for Victims of Anti-LGBTI Hate Crimes in Europe (Godzisz and Viggiani 2018). Based on the findings of that research, handbooks on working with victims of anti-LGBT hate crimes² and a training manual (Stoecker and Magić 2018) have been developed. Next, we created a pool of trainers, who then delivered capacity-building sessions for over 800 professionals across 10 EU member states. This has helped to improve the availability of inclusive facilities where victims of anti-LGBT hate crime may receive professional, confidential and effective advice, protection and support.

As the next step after building the infrastructure, we started to work on outreach and campaign activities. The first steps included the development of info packs for victims of anti-LGBT hate crime – in most countries the first such publications.³ Over 15,000 info packs were distributed during outreach activities by *Come Forward* partners. Next, we started to work on the *Call It Hate* campaigns targeting, on the one hand, witnesses, and, on the other, members of the LGBT communities. Before doing so, we ensured that our country campaigners received bespoke training in how to communicate and frame equality issues. A special training session was organised in September 2018 in Sofia in cooperation with ILGA-Europe. Following the training, country-specific campaigns were developed, which separately targeted both members of the general public and members of the LGBT communities. While the tools and methods in each country were different, all partners had the same goals: to encourage witnesses to intervene on behalf of victims and to empower victims to respond.

To inform the campaigns, we generated original data on reactions to hate crime, empathy for victims, awareness of hate crime and support for hate crime laws. Specifically, we conducted 20 focus group interviews with members of the LGBT community and undertook a large-scale survey (n = 10,612) polling the representative samples of populations in ten EU states. The responses we received were used to inform the country campaigns. The results of the quantitative research are now presented in the form of a report to additionally serve as inputs for broader policy and research activities.

We believe that the philosophy behind the *Come Forward* and *Call It Hate* projects can be, and should be, replicated in other actions aimed at tackling anti-LGBT hate crimes in Europe. To inspire future efforts, sets of good practices on countering underreporting and supporting victims gathered throughout the projects have been published. They may be downloaded from the website LGBThatecrime.eu, which serves as a repository of all publications developed during both projects.

While the combined efforts of the *Come Forward* and *Call It Hate* projects come to a close, the need to counter anti-LGBT hate crime should become

² The handbooks are available for download on <http://lgbthatecrime.eu/resources/handbook>. Prints may be obtained from respective project partners.

³ The info packs are available for download on <http://lgbthatecrime.eu/resources/infopack>. Prints may be obtained from respective project partners.

a priority for both the EU and the national governments. For that, changes in the law, policy and practice are needed, and resources need to be made available to ensure that victims receive the protection and support they need and perpetrators are brought to justice.

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INTRODUCTION: VIOLENCE AND VICTIMS

✍️ Piotr Godzisz

Hate crime

A number of definitions of **hate crime** exist around Europe and North America. In the United Kingdom, for example, the working definition used by the police and prosecution services states that the term “hate crime” should be understood as

[a]ny criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person’s disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity (Crown Prosecution Services 2018).

The UK definition emphasises *hostility*, which may be demonstrated before, during or after the act. Another approach to defining hate crime focuses on *discriminatory selection* (ODIHR 2014:50). Such a model is proposed by the OSCE in its *genu s–differentia* definition of hate crime, included in the Ministerial Council Decision No. 9/09: Combating Hate Crimes (OSCE 2009). The Decision defines hate crimes as “criminal offences committed with a bias motive”. It is built on two elements. The base offence may involve any act prohibited by criminal law, such as a threat, blackmailing, theft, physical or sexual violence, arson or homicide. The act becomes a hate crime if the victim is selected because of a personal characteristic, such as their so-called “race”, national or ethnic origin, creed, sexual orientation, gender identity or disability. A growing number of organisations and countries (e.g., Croatia, Poland and North Macedonia) have adopted versions of the OSCE definition for the purpose of prosecution or monitoring of hate crime.

The *Call it Hate* research, while addressing the problem of violence against lesbian, gay, bisexual and transgender (LGBT) people, in most cases does not use the term “hate crime” in the wording of the questions, as it might not be immediately understandable for all respondents. This reflects three issues with the concept of hate crime in Europe: the fact that the word “hate” may be misleading, as the discriminatory motive does not always amount to hatred; the fact that the term was coined in the USA and has only recently started to be used in continental Europe; and the resulting uneven awareness of the problem among studied jurisdictions. Thus, instead of the term “hate crime”,

some typical hate crime scenarios, such as assaults on same-sex couples holding hands on the street or attacks on Pride March participants, are used to measure the respondents' empathy¹ and likelihood of intervention on behalf of victims. Alternatively, when probing for opinions on the prevalence and consequences of hate crimes, or support for enhanced penalties for hate crimes, longer descriptions (e.g., "people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity") are used.

Victims, witnesses and perpetrators

Among various definitions of the term "**victim**", one of the most commonly accepted is the one included in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (United Nations 1985). According to the Declaration, a victim is to be understood as a person who has "suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power". In a similar vein, the European Union's Victims' Directive (European Parliament and Council of the European Union 2012) stipulates that "victim" should be understood as "a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence".

Considering victims of bias-motivated violence, the often-cited definition of hate crime proposed by Perry (2001:10) states that hate crime is "usually directed towards already stigmatized and marginalized groups", suggesting that hate crimes are majority-on-minority crimes. Conversely, the OSCE (2009) emphasises that "victims of hate crimes may belong to both minority and majority". Indeed, most hate crime legislation nowadays is written using generic categories – e.g., the protected characteristic "religion" covers people belonging to both majority and minority denominations.²

¹ In the context of the project, empathy is understood as the ability to, or the action of, "understanding, being aware of, being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of another of either the past or present without having the feelings, thoughts, and experience fully communicated in an objectively explicit manner" (Merriam Webster n.d.). Sympathy is understood as synonymous with empathy.

² Notable exceptions, limiting the protection to minority groups, exist in some jurisdictions. For example, the Criminal Code of Norway recognises the protected ground of "homosexual orientation" (instead of the more commonly used sexual orientation), while the law in England and Wales recognises crimes based on the victim's "transgender identity" (instead of gender identity). Excerpts of criminal laws pertaining to hate crime from OSCE-participating states may be found at <https://www.legislationline.org/topics/topic/4/subtopic/79>.

The Declaration of Basic Principles (United Nations 1985) recognises that one can be a victim of a crime “regardless of the familial relationship between the perpetrator and the victim”. In this sense, people experiencing intimate-partner violence, violence against children, violence against women or domestic abuse (including based on sexual orientation or gender identity) should also be granted victim status. However, feminist literature problematises the term “victim”, which may be seen as implying helplessness and passivity. Instead, the term “**survivor**”, which may “remediate some of the stigma that can attach to victimization” is proposed (Dunn 2005:1). Explaining the preference for “survivors” over “victims”, for example, Dunn (2005:3) argues:

Early images of battered women as (mostly) “victims” and more recent images of battered women as “survivors” are very different ideal types. To the extent that victims are presented as trapped, and survivors, conversely, are shown as making choices, they are constructed in ways that place them at opposite poles of an agency continuum.

Some writers have also recently opted for the adoption of the term “survivor” over “victim” in the context of hate crime. Notably, unless the violence resulted in death, the term “survivor” is used by the American Bar Association in its *Framework for enhanced responses to bias-motivated violence based on sexual orientation, gender identity, or gender expression* (2019).

In this research, while we recognise the problematic nature of the term “victim”, we have decided to use it anyways. This is because it is currently the preferred term used in policy and practice, as well as the media, in most countries.

In some cases, the term “victim” may also be applied to other groups which are affected by the crime. Such a proposition is included in the Victims’ Directive (European Parliament and Council of the European Union 2012), which lists as victims “family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death”. The document further defines “family members” as “the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim”, ensuring that same-sex partners, regardless of the civil-law status of same-sex unions, may also be recognised as victims.

In the context of hate crime, authors often argue that its harms “extend beyond the immediate victim to negatively impact the victim’s **reference community**” (Bell and Perry 2015:98, emphasis added). In the broad sense, therefore, “victims of hate crimes” may be understood as people who directly or indirectly suffer from hate crime. Those who suffer vicariously do so because they share the protected characteristic and they fear future victimisation. Community consequences of hate crimes, while not physical, may be equally damaging, and may include heightened levels of threat, vulnerability, depression, suicidal thoughts and change in behaviour (Bell and Perry 2015; Walters et al. 2017). In some cases, the fear of hate crime may even cause potential victims to

move to a different country, perceived as safer (Card 2019). In our research, we consider the awareness of the community impacts of hate crime among LGBT people by including statements regarding avoidance of expressing one's gender identity or sexual orientation on the street due to fear of being assaulted, threatened or harassed.

Finally, the Declaration of Basic Principles (United Nations 1985) adds that the term "victim" includes also "persons who have suffered harm in intervening to assist victims in distress or to prevent victimization", thus extending the definition to cover **witnesses** or, e.g., police officers protecting Pride Marches. The position of witnesses is particularly important in this research, which probes for differing emotional (empathy) and physical (intervention) reactions to violence against LGBT people. Specifically, the part of the analysis devoted to reactions tries to uncover what separates those who are willing to intervene on behalf of victims from those who stay silent or even engage in victimisation. In this sense, to use Baum's (2008:summary) words, we distinguish between "those who destroy (perpetrators), those who help (rescuers), and those who remain uninvolved, positioning themselves between the two extremes (bystanders)".

Model victims

Many people have certain normative expectations about crime victims, such as who the victims are or how they should behave. Whether one meets those expectations (or, in other words, conforms with another's stereotypes) may determine their legitimacy as a victim and impact the witnesses' reactions to victimisation.

In his seminal text, Nils Christie proposed to understand the "**ideal**" **victim** of a crime as "a person or a category of individuals who – when hit by crime – most readily are given the complete and legitimate status of being a victim" (Christie 1986:18). To illustrate how the circumstances of victimisation may impact the witnesses' emotional reactions, Christie (1986:abstract) juxtaposed two different kinds of crimes:

In some cultures, the ideal victim would be the little old lady on her way home at midday after caring for her sick sister, hit on the head by a big man who grabs her purse and uses the money to buy drugs. In contrast, a victim far from society's ideal would be a young man in a bar hit by an acquaintance. This victim would probably receive less sympathy even if his injuries were more severe.

The young man from the example does not meet the standard of the ideal victim because he may be perceived as (at least partially) responsible for his victimisation: he went to a bar (where people drink alcohol and fights between men happen); he socialises with the wrong people, he was possibly intoxicated and perhaps provoked the assailant. If he is not seen as a "victim" he risks

receiving less protection and support (from witnesses, society, legislators, and law enforcement), even if the actual damages (psychological, physical or economic) are significant.

To describe the “ideal victim,” Christie developed a list of characteristics:

- The victim is weak;
- The victim is involved in a respectable activity;
- The victim is *en route* to a place which is beyond reproach;
- The perpetrator is dominant to the victim and can be described in negative terms;
- The perpetrator is unknown to the victim and has no relation to them;
- The victim has enough influence to assert “victim status”.

The last point is particularly worth elaborating on. There is a body of literature which “suggests that those victims most likely to be recognized as deserving state protection from injury or suffering are those who are capable of generating what are called sentimental emotions, such as feelings of sympathy, compassion or pity for the harm inflicted upon them” (Aradau 2004; Baier 1994; Nussbaum 2001; Walklate 2011, in Mason (2014:80)). It is obvious, however, that not all victims will have the characteristics or resources to evoke positive emotions. The (in)adequacy of the concept of the ideal victim has been therefore considered in relation to several strands of criminal behaviours. In the context of international crimes, van Wijk (2013:159) argues that, while “the characteristics of the ideal victim of genocide, crimes against humanity and war crimes largely overlap with the ideal victim of conventional crimes,” “victims of international crimes face much more difficulty in publicizing their fate and consequently ‘benefiting’ from their status as victim.” Schwöbel-Patel (2018) problematises the image of the ideal victim of international hate crimes, arguing that the ideal victim’s “features coalesce into a feminized, infantilized and racialized stereotype of victimhood.”

In the context of **hate crimes**, it has been observed that some minority groups do not meet the standards set for the ideal victim by Christie (1986). Mason (2014) argues that the decision regarding whether someone should be granted the status of the ideal victim of hate crime laws depends on the scale of the victimisation, the perceived deservedness and the significance of the victimisation to those who make the judgement. She sums up her theoretical considerations by saying:

For symbolic purposes, then, the ideal victims of hate crime law are those who have the right amount of vulnerability, blamelessness and proximity to engender compassionate thinking and thereby help shift the normative values through which they are perceived. In other words, the potential for hate crime law to achieve its moral ambitions is only as strong as the capacity of protected groups to meet the image of a sympathetic victim (conversely, legislative protection itself might produce a sense of legitimacy that generates feelings of compassion). Communities that struggle to engender this kind of emotional thinking, despite their vulnerability and difference,

are far from ideal within this hierarchy of victimization because they have little to offer the moral ambition of hate crime law and, indeed, may be feared to undermine that function by discrediting or watering down its ideological potential” (P. 86).

Leaving out the discussion on categories of protection, new empirical research (Erentzen, Schuller, and Gardner 2018) suggests that the victim's behaviour during the crime may also affect the observers' willingness to recognise a particular situation as a hate crime and grant legitimacy to the victim. Racialised or religious or sexual minority victims who accept harassment passively and with good behaviour are more likely to be viewed sympathetically by observers. According to Erentzen et al. (2018:1), “deviation from this script results in a loss of sympathy and an increase in victim blaming”.

LGBT people as victims

One of the groups affected by hate crime which may fall short of the image of ideal victims and is often left out from the protection offered by hate crime laws is the LGBT community. There is a useful discussion in the literature on imagining and portraying people with minority sexual orientations (e.g., Mole 2011) or gender identities (e.g., Bettcher 2007) as abnormal, sinful, dangerous to family, children and society, or treacherous. Also many of the common contexts of anti-LGBT violence seem to preclude the possibility of granting the “ideal victim” status to those affected. The negative characteristics include:

- Public visibility of sexual and gender diversity or LGBT rights may be portrayed as a bad influence on children; attempts to stop the “LGBT ideology” may be framed as a legitimate way of protecting the children from harm;
- When same-sex couples express affection or transgender people express their gender identity in public they may be perceived as provoking violence (asking for it);
- Pride Marches may be portrayed by some of the media as immoral and obscene; residents may perceive them as an unnecessary nuisance and a threat to urban security;
- Crimes may take place in or around night-time economy venues, such as gay bars, sex clubs or saunas; victims may be intoxicated or engaged in sex work;
- “Corrective” rapes reported by lesbians and trans men may be seen as a way of “curing” or disciplining them, while sexual assaults on men or sex workers may be dismissed due to the stereotype of promiscuity and because of the victims' gender or profession;
- Bisexual people may be stereotyped as promiscuous and victimised by their (potential) partners due to the perceived threat of cheating; transgender people may be victimised by their (potential) partners when they (or someone else) find out about their gender identity;

- Underreporting of hate crimes contributes to the dismissing of the problem as pervasive and urgent.

On the other hand, some of the characteristics of anti-LGBT violence may be conducive to establishing the legitimacy of the victims:

- Attacks may be seen as part of a broader, state-sponsored, systematic persecution, likened to international crimes, such as genocide;
- Hate crime offenders are sometimes portrayed in the media as right-wing extremists and members of hate groups, thus people perceived as dangerous by most of the society;
- Attacks are often perpetrated by groups of people, able to overpower the victim;
- Some attacks motivated by homophobia or transphobia are particularly brutal and vicious;
- Videos and testimonials showing attacks or bloodied victims may be shared online, causing reactions from members of the public and politicians;
- LGBT children and young people victimised by parents or other family members may be perceived as weaker due to their age or dependence on the perpetrator;
- The attack may be caused solely because of the perpetrator's bias, including if the victim was engaged in a neutral (or even respectful) activity;
- LBT women victims may be seen as weaker in comparison with male offenders.

With the above set of seemingly opposing characteristics, LGBT victims of crimes could be the “ideal object” of studies on “ideal victims”, blame attribution, and support for hate crime laws. Nonetheless, while some authors (most recently Donovan and Barnes (2018)) consider the issue of legitimacy of LGBT victims of hate crime, there is surprisingly little data available to feed into academic discussions. In particular, we know relatively little, in terms of empirical data, about to what extent the circumstances of the crime (including the characteristics of the victims and the perpetrators) affect the levels of empathy granted to victims of anti-LGBT hate crimes by members of the public, or – by extension – the support for sexual orientation and gender identity hate crime laws. In the context of the latter, a handful of surveys (Cabeldue et al. 2016; Cramer et al. 2017; Johnson and Byers 2003; Wilkinson and Peters 2018) have been conducted, but outside of Europe and on mostly non-representative samples, with one exception (Steen and Cohen 2004). Considering the different traditions of minority protections in Europe (Goodey 2007), the shorter history of LGBT rights activism in post-Communist Central and East Europe (Kuhar 2011), the varying degrees of acceptance of LGBT people (European Commission 2015) and the resulting mosaic of legislative and policy approaches to anti-LGBT hate crime among EU states (Langarita et al. 2018; Schweppe, Haynes, and Walters 2018), the results of the studies conducted in the USA may not be applicable on this side of the Atlantic. There is a need for more research on the perception of LGBT people as victims of crimes in Europe.

Responding to the gaps in knowledge and building on the characteristics of the ideal victim proposed by Christie (1986), the *Call It Hate* research measures the observers' reactions to anti-LGBT victimisation. A set of scenarios (see Annex) has been developed to probe whether a hierarchy of victims exists in respect to LGBT victims of crime and whether the respondents engaged in any forms of victim blaming. The study further develops the field by measuring the likelihood of intervention on behalf of victims as well as measuring the support for sexual orientation and gender identity hate crime laws.

Structure of the book

The book consists of 11 substantive chapters which report the results of the *Call It Hate* public opinion survey, conducted in 2018 in 10 EU member states (Belgium, Bulgaria, Croatia, Hungary, Ireland, Italy, Lithuania, Poland, Slovenia, and the United Kingdom). Special attention is paid to presenting the data in a way that allows a comparative analysis between states, as well as analysis of totals. The first report provides a comprehensive analysis of results from all 10 countries. It is followed by 10 national reports. All of them have a similar structure and report on:

- **Attitudes towards LGBT people, including social distance.** This section covers questions about LGBT people's freedom to live their own lives as they wish and having LGBT persons as neighbours;
- **Empathy.** This section reports on the question of to what extent respondents would feel empathy for LGBT victims of crimes;
- **Witnesses' reactions.** This section reports on findings regarding the respondents' willingness to intervene (e.g., by calling the police) on behalf of victims of crimes;
- **Opinions on anti-LGBT hate crime as a social phenomenon,** particularly its scale and consequences.
- **Support for harsher penalties for hate crimes.**

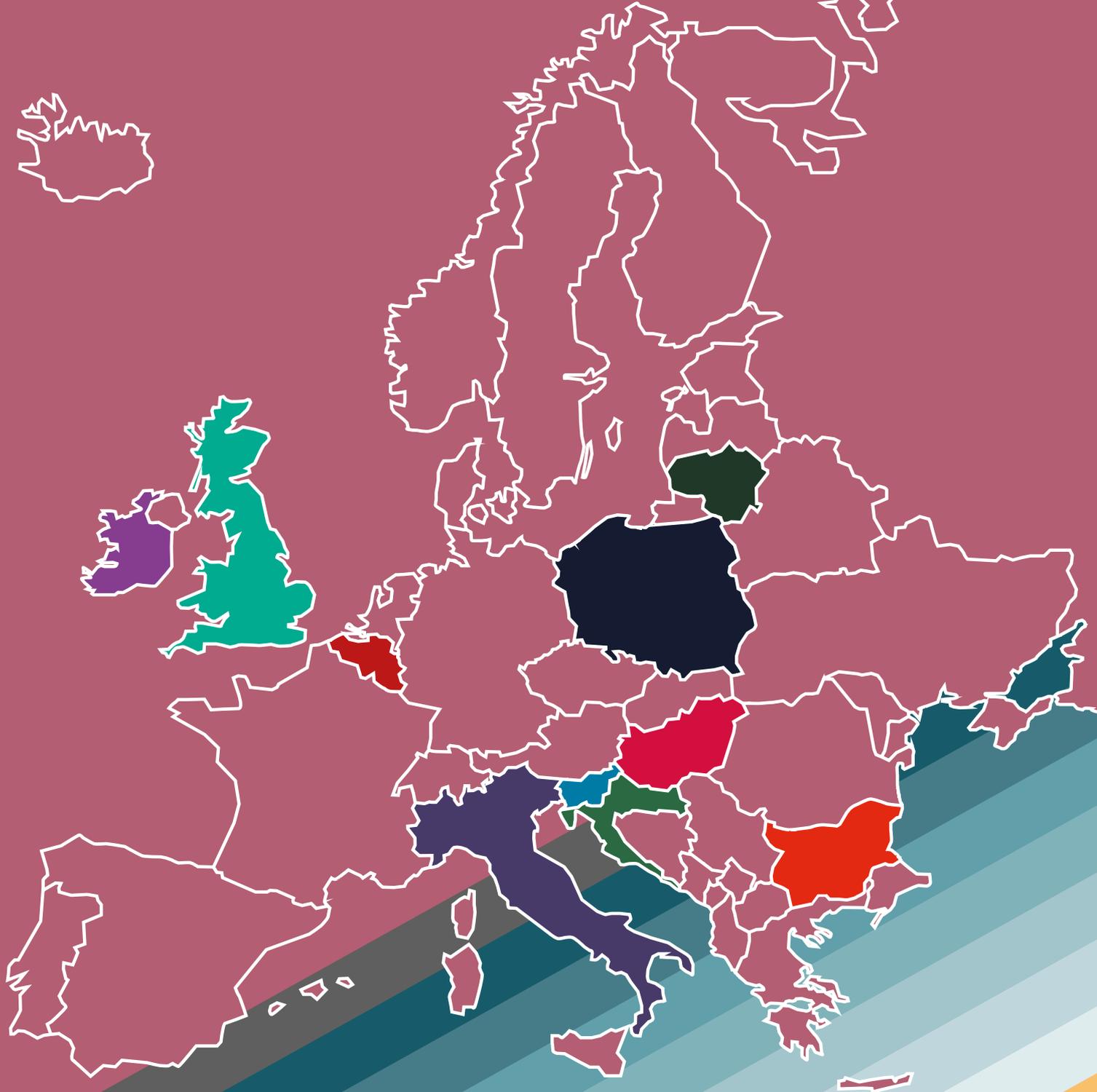
Each chapter concludes with a set of recommendations for future policy and practice. In addition, the national reports situate the *Call It Hate* results in the context of local hate crime laws and policies, data on LGBT victimisation, and previous studies relevant to the topic. Considering the novelty of the topic of the research, in most cases, previous research refers to attitudes rather than the core of the project (i.e., empathy, reactions to or opinions on hate crime). Finally, the annex contains a note on methodology.

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REGION AT A GLANCE

Attitudes

More than seven out of ten respondents in the 10 EU member states (Belgium, Bulgaria, Croatia, Hungary, Ireland, Italy, Lithuania, Poland, Slovenia and the United Kingdom) included in the *Call It Hate* survey agree that LGBT people should be free to live their lives as they wish.

There are significant differences between countries in the levels of acceptance. Western Europeans, particularly from Ireland and the UK, are most accepting of LGBT people, while Central and Eastern Europeans, particularly from Lithuania, Bulgaria and Hungary, are least accepting.

Social distance

There are differences between countries as to the openness towards LGBT people as neighbours. In Ireland, the UK and Belgium, respondents are accepting of sexual and gender diversity in their neighbourhood – the social distance towards LGBT people is the shortest compared to the surveyed countries. Italy, Slovenia, Croatia, Poland, Hungary and Lithuania are in the middle. Bulgaria is a lone island on the map, with a significantly higher level of social distance than all other countries in the sample.

There are important differences between the levels of social distance towards particular identity groups under the LGBT umbrella. In total, lesbians have a moderately positive image as neighbours, scoring slightly better than gay men and bisexual people, who are, nonetheless, still perceived positively. Transgender people have a neutral image as neighbours.

Empathy

The level of empathy (i.e., the capacity to understand or feel what another person is experiencing) for victims of crimes depends on the victims' sexual orientation. A heterosexual couple assaulted on the street for holding hands receives significantly more empathy from respondents than a same-sex couple in a comparable situation.

The level of empathy for LGBT victims also depends on gender and gender identity (lesbians receive more, and transgender victims receive less empathy than others), the type of offender (more empathy if the offender is stronger than the victim), as well as the context of the attack. Particularly, victims assaulted during Pride March events or when drunk near bars, and sex workers, evoke less empathy than other victims.

Reactions

The characteristics of the victim impact the probability of witnesses reacting to the crime (e.g., by calling the police). *En bloc*, lesbians, gay men and transgender people are less likely to receive help than an undescribed "someone" used as a reference case.

When victim categories are disaggregated, people are more willing to intervene on behalf of lesbians (as women) than gay men or transgender people.

On the respondents' level, the probability of intervening on behalf of the victim is correlated with the level of empathy.

Opinions on hate crime

Over half of the respondents in the sample believe that LGBT people change their behaviour or appearance in public for fear of being assaulted, threatened or harassed.

55 per cent of respondents believe that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.

Sentencing

The results show a general support for tougher sentencing. Most of the respondents in the 10 polled countries agree that hate crimes targeting people because of their disability should be punished more severely than other, comparable crimes without a bias motive.

Six out of ten respondents believe that crimes motivated by bias based on sexual orientation should be punished more severely.

HATERS AND ALLIES: ATTITUDES TOWARDS LGBT PEOPLE AS VICTIMS OF CRIMES IN 10 EU STATES

✍ Jacek Mazurczak and Piotr Godzisz

Introduction

Between 9th August and 1st October 2018, surveys were conducted in Belgium, Bulgaria, Croatia, Hungary, Ireland, Italy, Lithuania, Poland, Slovenia and the United Kingdom – 10 countries selected to reflect the diversity among EU member states, including the diversity of social attitudes and legal approaches to anti-LGBT hate crime. For example, Ireland (a country with a small population) and the UK (a country with a large population) were included in the sample as countries with high levels of acceptance of sexual and gender diversity, while Poland and Lithuania were selected as states (one big and one small) with rather negative societal attitudes towards LGBT people (European Commission 2015). At the same time, countries like Lithuania and Belgium were selected because they recognise sexual orientation hate crime in their legal systems, while Ireland or Italy were selected because they do not (ILGA-Europe 2019).

Altogether, 10,612 people were polled across all 10 states. The samples are representative in terms of gender, age, region and education.³

The survey consisted of six blocks. In section 1, respondents were asked about their attitudes towards LGBT people. Section 2 considered the level of social distance. These two sections built upon previous studies conducted internationally or within specific states. Section 3 probed for the level of empathy for victims of anti-LGBT violence. Section 4, on the other hand, considered the probability of bystanders' intervention in defence of victims of anti-LGBT violence. Section 5 surveyed opinions on anti-LGBT hate crime as a social phenomenon, while section 6 measured the support for enhanced penalties for crimes motivated by prejudice. This is the first time such questions have ever been asked in a quantitative study of this size in Europe.

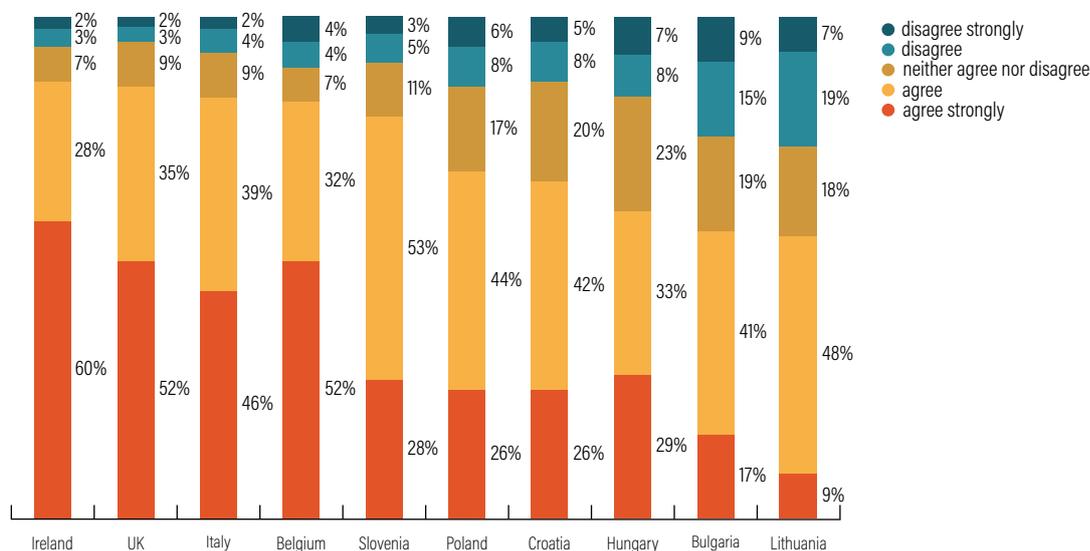
³ See Annex for details of methodology.

Norms: Free to live one’s own life as they wish

More than seven out of ten respondents in all EU member states included in the *Call It Hate* survey agree that LGBT people should be free to live their lives as they wish. People are slightly more accepting of lesbians, gay men and bisexual people (74 per cent) than transgender people (71 per cent).⁴ There are significant differences between countries in the levels of acceptance. Western Europeans, particularly from Ireland and Britain, are most accepting, while Central and Eastern Europeans, particularly from Lithuania, Bulgaria and Hungary, are least accepting.

The first block of questions in the *Call It Hate* survey covered attitudes towards lesbians, gay men, bisexual people and transgender (LGBT) people. Respondents were asked to provide an opinion on the statement that lesbians and gay men/bisexual people/transgender people should be free to live their own lives as they wish. The question builds upon and expands the *European Social Survey* question, “Gay men and lesbians should be free to live their own lives as they wish”, to additionally explore attitudes towards bisexual and transgender people.

Figure 1 Opinions on whether gay men and lesbians should be free to live their own lives as they wish.⁵



A2_1. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: *Call It Hate*.

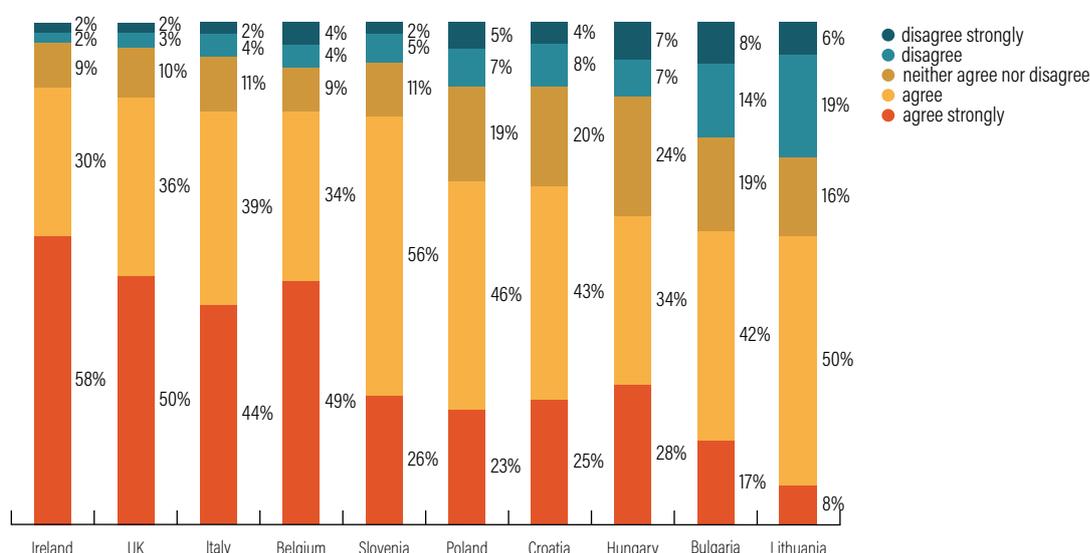
⁴ Significant differences on the level of 5 per cent / confidence on the level of 95 per cent.

⁵ Belgium n = 984; Bulgaria n = 948; Croatia n = 1,134; Hungary n = 977; Ireland n = 1,381; Italy n = 991; Lithuania n = 994; Poland n = 963; Slovenia n = 599; UK n = 1,602.

By doing so, it provides the opportunity to poll whether there are differences in the attitudes towards specific identities which comprise the wider LGBT community. The question used a 5-point scale (agree strongly, agree, disagree and disagree strongly) with a possibility to provide an answer “neither agree nor disagree”. Results are presented in figures 1, 2, and 3 below.

In all surveyed countries the majority of respondents agree or strongly agree that gay men and lesbians should be free to live their own lives as they wish (average result 74 per cent).⁶ However, results for specific countries differ significantly.⁷ Respondents from Western Europe, in particular from the United Kingdom (87 per cent) and Ireland (87 per cent), often agreed with this statement, while respondents from some Central and Eastern European states, particularly Lithuania (57 per cent), Bulgaria (58 per cent) and Hungary (62 per cent), were less accepting.

Figure 2 Opinions on whether bisexual people should be free to live their own lives as they wish.⁸



A2_1-2. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

The results for bisexual people largely replicated the results for the question about gay men and lesbians (average result for combined agree and strongly agree: 74 per cent).⁹ In this case, the responses also varied between countries,¹⁰ but the order of countries remained the same. Ireland, the UK, Italy, Belgium and Slovenia score above the average result, while Poland, Croatia, Hungary, Bulgaria and Lithuania fall below it.

⁶ Lesbians and gay men n = 10,573

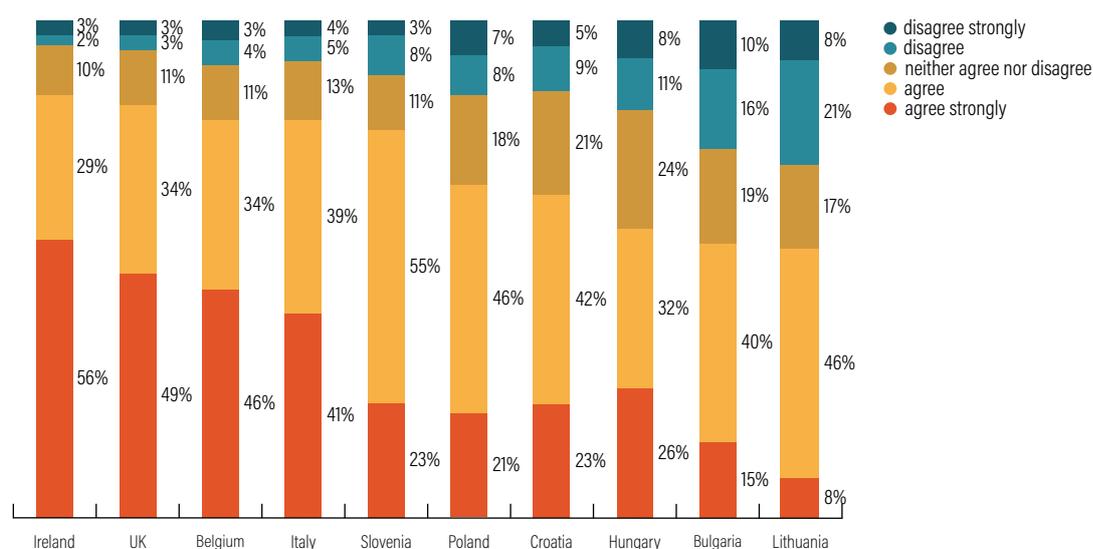
⁷ F (9, 10,563) = 152.171; p < 0.001; hp2 = 0.11

⁸ Belgium n = 983; Bulgaria n = 936; Croatia n = 1131; Hungary n = 974; Ireland n = 1378; Italy n = 978; Lithuania n = 980; Poland n = 954; Slovenia n = 597; UK n = 1598.

⁹ Bisexual n = 10,517.

¹⁰ F (9, 10,506) = 141.853; p < 0.001; hp2 = 0.11

Figure 3 Opinions on whether transgender people should be free to live their own lives as they wish.¹¹



A2_3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

The attitudes continue to remain positive for transgender people as well, though less so than for lesbians and gay men and bisexual people. While the research did not investigate the reasons behind the differences, it is likely that the results reflect the lower public visibility and shorter history of transgender activism.¹² On average, 71 per cent of respondents in the total sample agree or agree strongly that transgender people should be free to live their lives as they wish.¹³ Also the order of countries changes slightly, with Belgium replacing Italy as the third most accepting society for transgender people. Significant differences continue to be observed between countries.¹⁴ For example, while as many as 85 per cent of Irish respondents agree that transgender people should be free to live their own lives as they wish, just above half (54 per cent) of respondents in Lithuania share this view.

Regarding the inter-country comparisons, the results reflect the cultural and societal contexts of LGBT lives in the EU, including the longer history of LGBT activism in the West. In this context, the results showing more positive attitudes in the west and less positive attitudes in the east of the EU are in line with previous studies (e.g., the above-mentioned *European Social Survey*).

Considering the entire sample,¹⁵ demographic variables seem to play little role in determining attitudes towards LGBT people. Some variables related to

¹¹ Belgium n = 977; Bulgaria n = 932; Croatia n = 1,123; Hungary n = 973; Ireland n = 1,376; Italy n = 984; Lithuania n = 984; Poland n = 948; Slovenia n = 597; UK n = 1,597.

¹² The authors would like to thank Roman Kuhar for providing this suggestion.

¹³ Transgender n=10,492. Differences on the country level are not statistically significant.

¹⁴ F (9, 10,482) = 143.747; p < 0.001; hp2 = 0.11

¹⁵ Lesbians and gay men n = 10,573; bisexual n = 10,517; transgender n = 10,492.

human values are relevant.¹⁶ For example, sharing values such as respect for equal treatment (regarding gay men and lesbians: 82 per cent versus 74 per cent in the entire population) and the readiness to listen to people who are different from us (82 per cent versus 74 per cent) turned out to be particularly significant.

Social distance: LGBT people as neighbours

There are differences between countries as to the openness towards LGBT people as neighbours. In Ireland, Britain and Belgium, respondents are accepting of sexual and gender diversity in the neighbourhood. Italy, Slovenia, Croatia, Poland, Hungary and Lithuania are in the middle, while Bulgaria is a lone island on the map, with a significantly higher level of social distance than all other countries in the sample. There are also important differences between the levels of social distance towards particular identity groups under the LGBT umbrella.

In order to further understand the social situation of LGBT people in the 10 countries included in the research, a question about social distance was introduced. Respondents were asked about their sense of comfort if a gay man, a lesbian, a bisexual person or transgender person was to become the respondent's neighbour. The respondents replied on a scale of 0-10, with 10 representing complete comfort. The results are presented in figures 4-7 below.

For the purpose of analysis, respondents were divided into three groups, depending on the answer given:¹⁷

- **Promoters** (9-10; enthusiasts who can promote desirable attitudes in their environment);
- **Passive** (7-8; satisfied but unenthusiastic respondents who are vulnerable to changing their minds); and
- **Detractors** (0-6; respondents who are vulnerable to negative word-of-mouth).

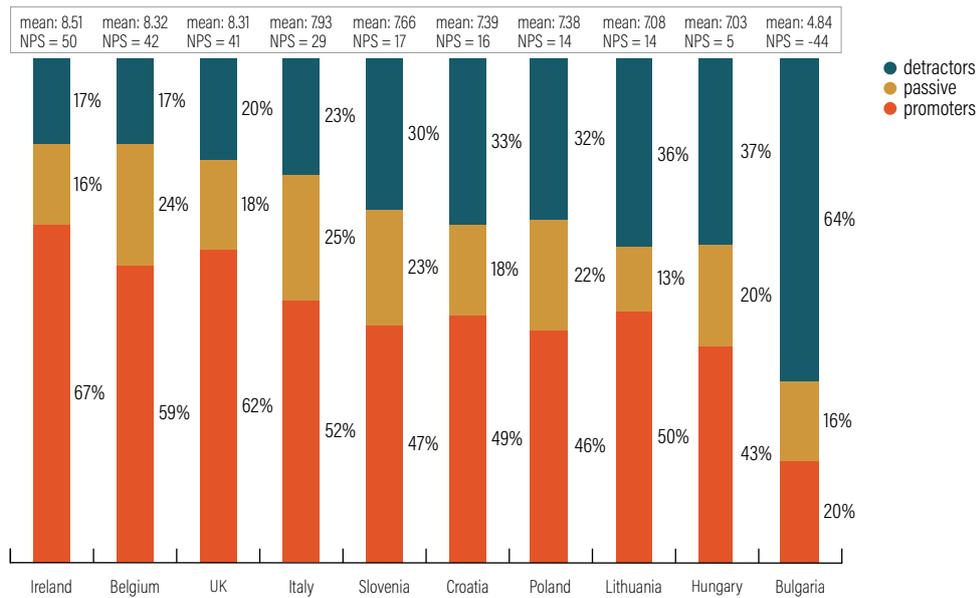
The Net Promoter Score (NPS) index, i.e., the difference between the share of promoters and detractors, shows the image of a particular group (lesbians, gay men, bisexual people or transgender people) in the society.

In addition, mean results were calculated.

¹⁶ See the explanations of these variables in the Annex.

¹⁷ See details of the methodology in the Annex.

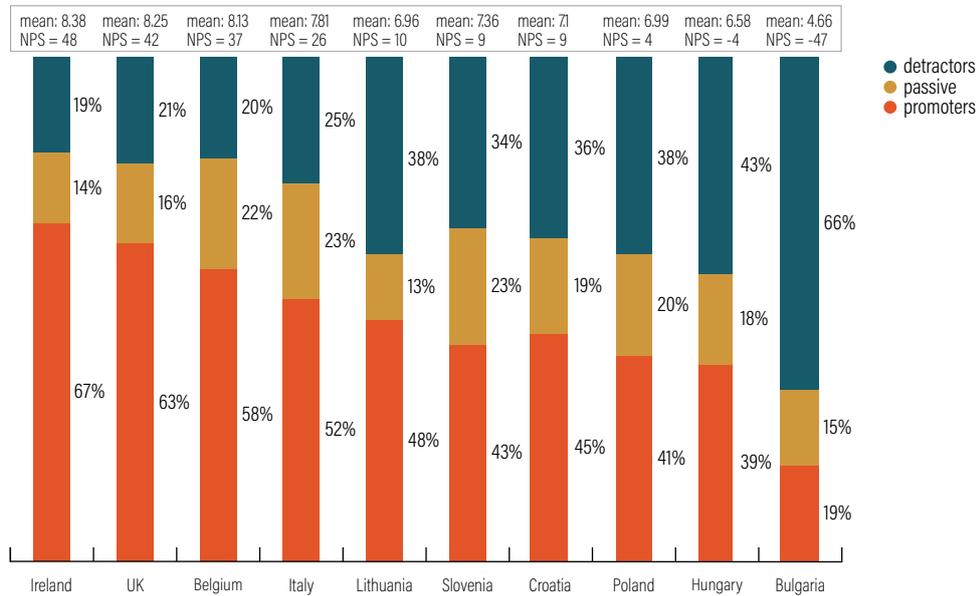
Figure 4 Social distance towards lesbians as potential neighbours.¹⁸



A3_2. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

The survey found significant mean differences in the levels of social distance towards lesbians between the respondents coming from different countries.¹⁹

Figure 5 Social distance towards gay men as potential neighbours.²⁰



A3_1. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

¹⁸ Belgium n = 984; Bulgaria n = 971; Croatia n = 1101; Hungary n = 978; Ireland n = 1371; Italy n = 989; Lithuania n = 990; Poland n = 962; Slovenia n = 599; UK n = 1589.

¹⁹ F (9, 10,522) = 146.929; p < 0.001; hp2 = 0.11.

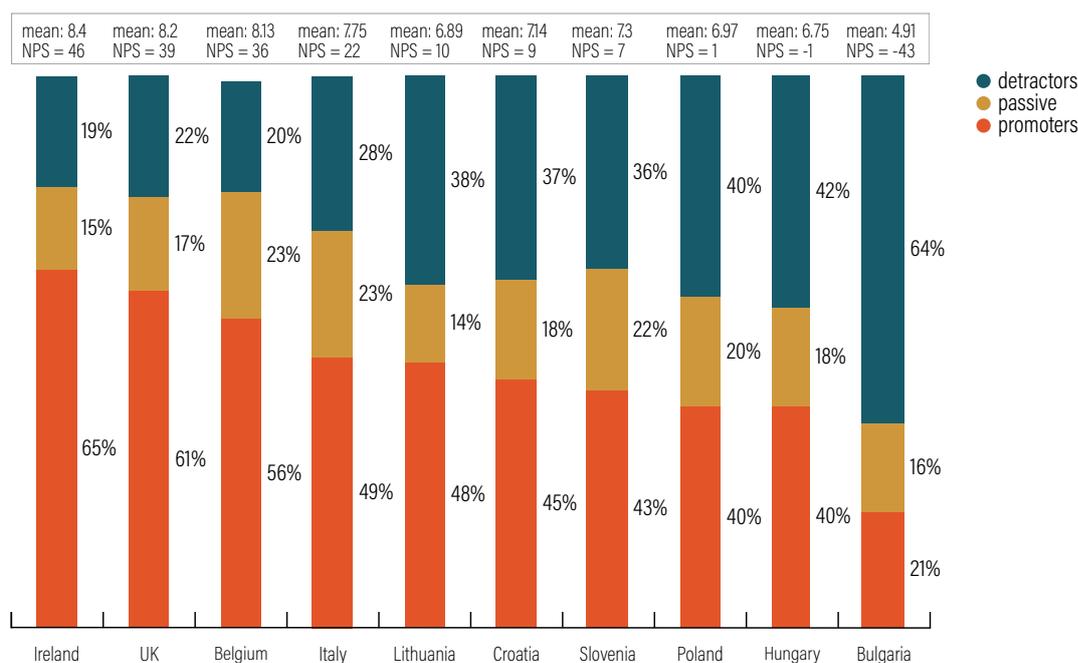
²⁰ Belgium n = 982; Bulgaria n = 974; Croatia n = 1,103; Hungary n = 980; Ireland n = 1,377; Italy n = 988; Lithuania n = 989; Poland n = 958; Slovenia n = 599; UK n = 1,586.

The distribution of the NPS score (promoters-detractors) shows that lesbians as neighbours have a positive or moderately positive image in most countries (from two-thirds of the population in Ireland to half of the population in Lithuania). In Hungary, they have a rather neutral image (5), while in Bulgaria, lesbians as neighbours have a negative image (-44).

A similar distribution among countries was found for gay men.²¹ The analysis reveals that the largest share of promoters is recorded for Ireland (67 per cent) and the United Kingdom (63 per cent). On the other end of the scale, promoters make up only 19 per cent of society in Bulgaria.

The distribution of the NPS score shows that Western European states recorded scores between 49 (Ireland) and 26 (Italy), which suggest a positive image of gay men as neighbours there. Lithuania, Slovenia and Croatia are slightly less positive. The results around 0 in Poland (3) and Hungary (-4) suggest that gay men as neighbours have a neutral image in those countries. Gay men have a clearly negative image as neighbours in Bulgaria (-47).

Figure 6 Social distance towards bisexual people as potential neighbours.²²



A3_3. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

Attitudes towards bisexual people as neighbours also turned out to be diverse.²³ Ireland and the UK continue to top the scale, with respectively 65 per cent and 61 per cent of the populations counting as promoters. Bulgaria continues

²¹ F (9, 10,526) = 144.756; p < 0.001; hp2 = 0.11.

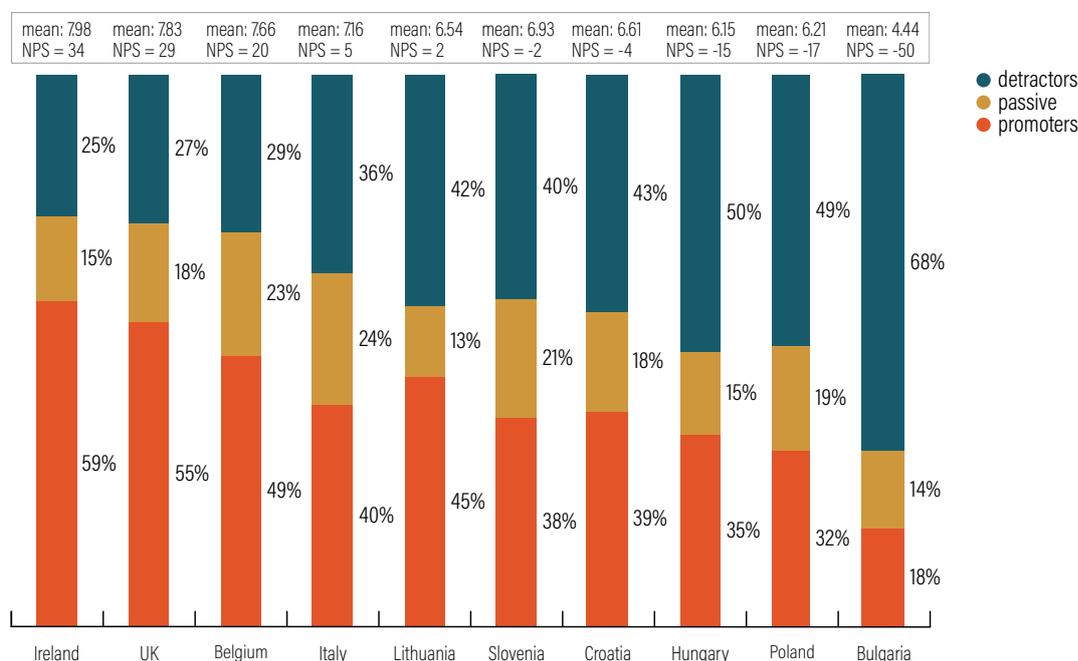
²² Belgium n = 980; Bulgaria n = 948; Croatia n = 1,101; Hungary n = 981; Ireland n = 1,371; Italy n = 988; Lithuania n = 987; Poland n = 957; Slovenia n = 599; UK n = 1,581.

²³ F (9, 10,488) = 128.503; p < 0.001; hp2 = 0.10.

to form a lone island, with a mere one-fifth of the population (21 per cent) counting as promoters for bisexual people in the neighbourhood and the NPS score at the level of -43, 42 points lower than the next country, Hungary (-1).

Regarding the social distance towards transgender people, all countries recorded lower results than for other identity groups, and there are significant differences between countries.²⁴ While Ireland and Bulgaria remain at the two ends of the scale, Italy fell out of the group of countries with the highest share of promoters and scored a similar result to Croatia and Slovenia. Considering the NPS score, transgender people have a positive image in Ireland, the UK and Belgium, a neutral image in Italy, Lithuania, Slovenia and Croatia, a moderately negative image in Hungary and Poland and a negative image in Bulgaria.

Figure 7 Social distance towards transgender people as potential neighbours.²⁵



A3_4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

Considering the above data, we can observe that there are differences in the social distance towards particular identity groups within the LGBT community on a country level. The differences are particularly high in Poland (NPS for lesbians = 14, gay men = 3 and transgender people = -17) and attitudes are most uniform in Bulgaria (NPS for lesbians = -44 and for transgender people = -50).

While it is not possible to say, based on this research, why the social distance in Bulgaria is so high compared with other countries in the sample, a possible

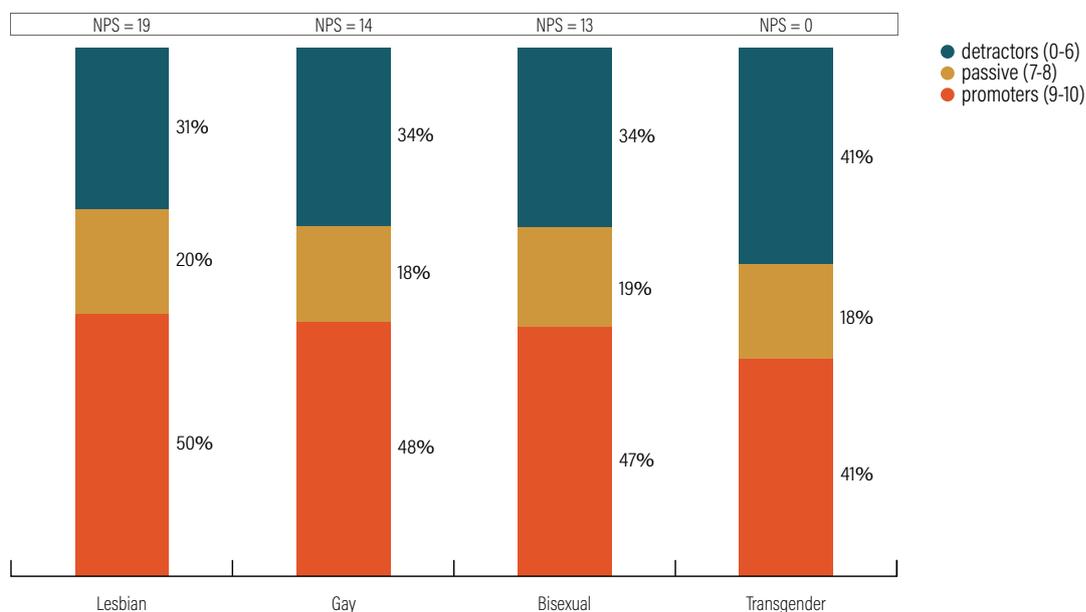
²⁴ F (9, 10,471) = 120.087; p < 0.001; hp2 = 0.09.

²⁵ Belgium n = 983; Bulgaria n = 951; Croatia n = 1,091; Hungary n = 975; Ireland n = 1,373; Italy n = 984; Lithuania n = 988; Poland n = 955; Slovenia n = 599; UK n = 1,585.

explanation, which should be treated as tentative for now, could be in the rise of the anti-gender movement in that country (Darakchi 2019; Paternotte and Kuhar 2018:10). The movement promotes self-defined “traditional values” over equality and vilifies LGBT rights as an “ideology” which threatens the structure and future of the society. While the anti-gender movement is present in other countries in the region, it is possible that its rhetoric has been particularly effective in Bulgaria because it suits current political needs (finding a common public enemy), while the local LGBT movement, relatively small and under-resourced, has been unable to offer an effective counter-narrative.

To further explore the differences between the levels of social distance towards specific identity groups comprising the LGBT community, the NPS analysis on the total numbers was conducted. The results are presented in figure 8 below.

Figure 8 Social distance towards LGBT people as potential neighbours.²⁶



A3_1- A3_4. Using a scale from 0 to 10, how would you feel about having someone from one of the following groups as your neighbour? 0 means that you would feel “totally uncomfortable” and 10 means that you would feel “totally comfortable”. Source: Call It Hate.

The analysis of totals reveals that the level of social distance is the lowest for lesbians and highest for transgender people. The share of promoters is highest for lesbians, where it makes up exactly half of respondents, with slightly fewer promoters for gay men and bisexual people. Promoters make up 41 per cent of all respondents for transgender people. The conclusion is confirmed by the NPS score in which lesbians as neighbours have a moderately positive image, scoring slightly better than gay men and bisexual people, who are, nonetheless, still perceived positively. Transgender people have a neutral image as neighbours.

²⁶ Lesbian n = 10,533; Gay n = 10,536; Bisexual n = 10,498; Transgender n = 10,482.

Considering the characteristics of the respondents, socio-demographic variables affect the social distance to lesbians, gay men, bisexual people and transgender people, but this is not a significant relationship. The variables regarding human values are more useful. In particular the attachment to equal treatment²⁷ and readiness to listen to different people are correlated with lower social distance.²⁸

Levels of empathy for victims of hate crimes

The level of empathy for victims of crimes depends on the victims' sexual orientation. A heterosexual couple assaulted on the street for holding hands receives significantly more empathy from respondents than a same-sex couple in a comparable situation. Empathy is further influenced by gender and gender identity of the victim (lesbians receive more, and transgender victims receive less empathy than others), the type of offender (more empathy if the offender is stronger than the victim), as well as the context of the attack. Particularly, victims assaulted during Pride March events or when drunk near bars, as well as sex workers, generate less empathy than other victims.

The next block of questions related to empathy for victims of crimes. Respondents were divided into groups and each group was provided with several statements relating to gay men, lesbians or transgender people.²⁹ They were asked to say how much empathy they felt for the victim in the specific scenario using a scale where 0 meant “no empathy at all”, and 10 meant “complete empathy” for the victim(s). The scenarios probed for differing emotional reactions to crimes according to the sexual orientation or gender identity of the victim(s), according to the victims' behaviour at the time of the incident, and the characteristics of the perpetrator(s). The responses are presented in three parts below. The first part provides an overview of the results (figure 9). The second part analyses the results by looking at specific scenarios (figure 10). The third analysis (figure 11) considers the differences between victim categories. Together, they allow us to explore whether a hierarchy of victims exists in respect to LGBT identities and whether the respondents engaged in any forms of victim blaming.³⁰

²⁷ Kendall's tau coefficient for G = 0.229; L = 0.204; B = 0.216; T = 0.223; $p < 0.01$.

²⁸ Kendall's tau coefficient for G = 0.234; L = 0.205; B = 0.221; T = 0.223; $p < 0.01$.

²⁹ In most countries, the research team decided not to ask questions about bisexual people, expecting that the respondents would not differentiate between homosexual and bisexual people.

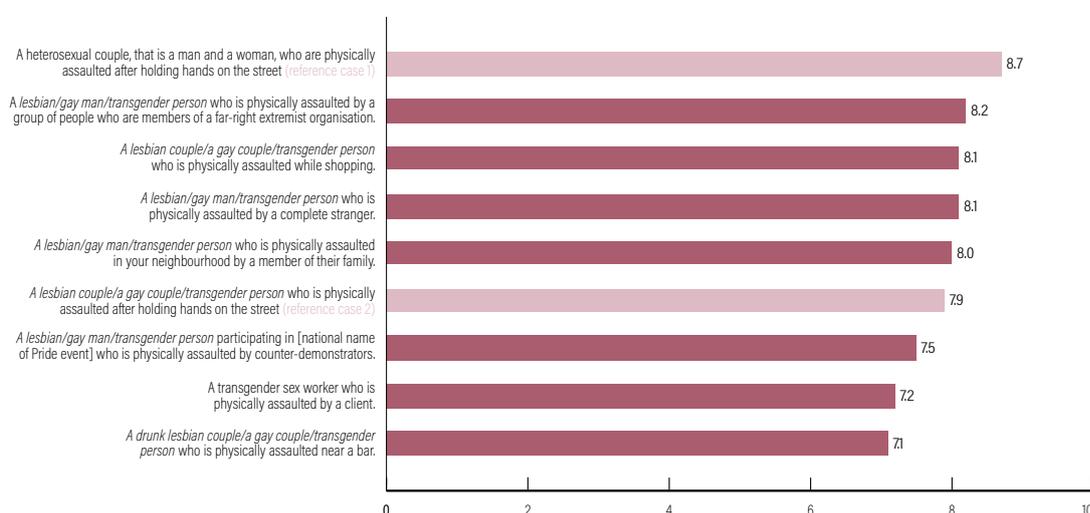
³⁰ See details of the methodology in the Annex.

Scenarios

The first analysis provides a general overview of the varying levels of empathy for victims of crimes, depending on the sexual orientation or gender identity of the victim(s), according to the victims' behaviour at the time of the incident, and the characteristics of the perpetrator(s). The results are presented in figure 9 below.

Figure 9 below shows that the levels of empathy for victims of crimes depend on the victims' and the offenders' personal characteristics, as well as the circumstances of the crime. The analysis provides evidence that a heterosexual couple physically assaulted after holding hands on the street (reference case 1) receives the highest level of empathy (8.7). The greatest empathy for LGBT victims – when they are physically assaulted by far-right extremists – is lower by 0.5 point.

Figure 9 Empathy for victims of crimes. Mean results.³¹



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

The analysis confirms that the level of empathy for LGBT victims of crimes is influenced by the context of the crime, particularly the behaviour of victims, but also the type of offender(s). Considering the victim's behaviour, there is a clear indication that victims who are attacked when attending Pride March events, drunk near bars or transgender victims who engage in sex work are more readily blamed for the assaults, compared with reference case 2.³² On the other hand, the victim's involvement in a neutral activity, such as shopping, seems to raise the level of empathy.³³ Considering the relationship with the offender, when the victim is considered weaker than the offender, particularly where the

³¹ Regarding heterosexual couple: n = 6,063. Regarding LGT people: n = 9,014.

³² Cronbach's alpha = 0.903.

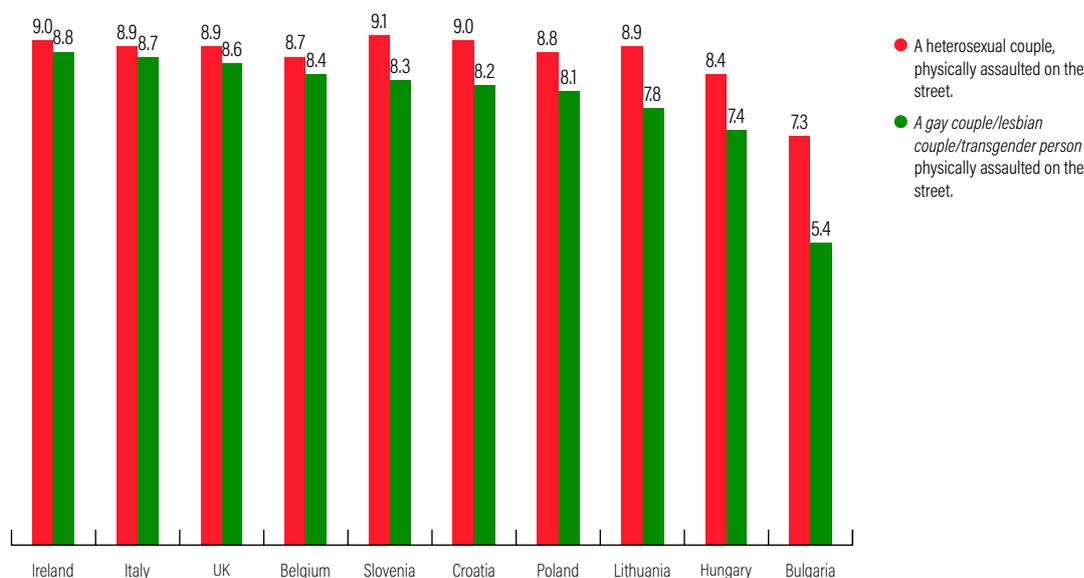
³³ We did not ask about an engagement in a respectable project, such as a charity event.

latter is “big and bad”, the empathy is stronger. This is the case in the assault by an extremist group (0.3-point difference compared with reference case 2). However, the statements about physical assault by a complete stranger and about domestic violence (reverted) did not form a coherent indicator.³⁴ The mean for the scenario of a physical assault by a complete stranger was significantly different from the mean for the reference case (8.1 vs. 7.9), but the scenario of domestic violence was not (8.0 vs. 7.9).

Victim categories

One of the key points of this research was to explore to what extent the empathy for victims depends on their sexual orientation, gender, or gender identity. To check that, we analysed the results for a comparable situation, in which a couple – a man and a woman (reference 1), two women, and two men – are assaulted physically for holding hands on the street. In addition, we asked about a physical assault on a transgender person on the street. The results (jointly for LGBT people) are presented in figure 10 below.

Figure 10 Empathy for LGBT victims of crimes vs. control group. Mean results.³⁵



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

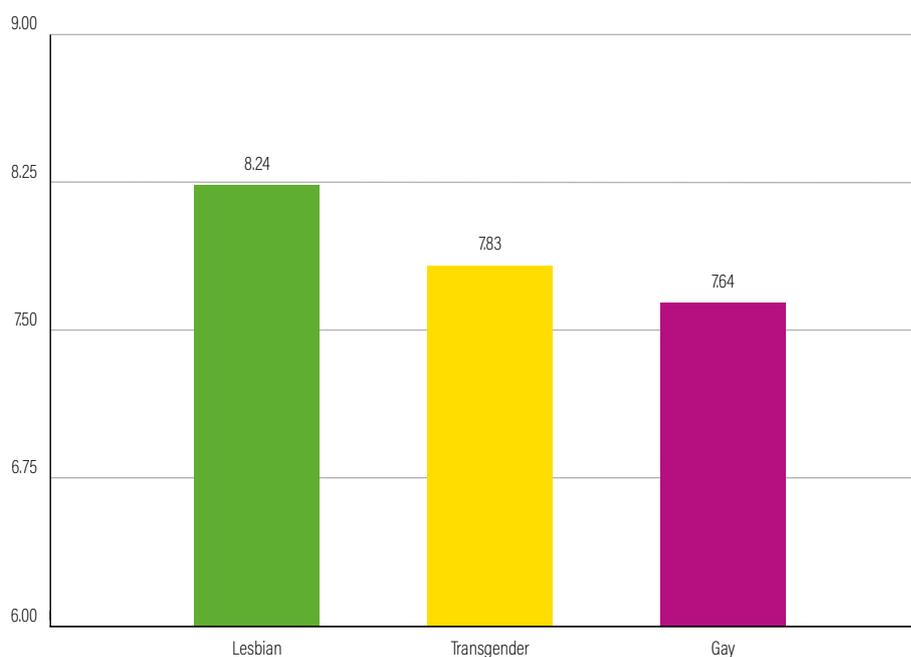
³⁴ No possibility to perform reliability analysis due to negative average covariance.

³⁵ Regarding heterosexual couple: Belgium n = 650; Bulgaria n = 667; Croatia n = 740; Hungary n = 645; Ireland n = 492; Italy n = 662; Lithuania n = 674; Poland n = 650; Slovenia n = 399; UK n = 482. Regarding LGT people: Belgium n = 972; Bulgaria n = 957; Croatia n = 1,110; Hungary n = 980; Ireland n = 735; Italy n = 985; Lithuania n = 975; Poland n = 971; Slovenia n = 599; UK n = 729.

As the chart in figure 10 above shows, respondents in all countries feel more empathy for a heterosexual couple physically assaulted on the street than for a gay or lesbian couple or a transgender person in a comparable situation. The greatest empathy for LGBT victims assaulted on the street was recorded for Western European countries, where the differences between the straight couple and LGBT victims were also the smallest (e.g., 9.0 vs. 8.8 in Ireland). The greatest gaps were recorded in Bulgaria (1.9), Lithuania (1.1) and Hungary (1.0). Bulgaria and Hungary are also the countries with the lowest empathy for LGBT victims assaulted on the street (7.4). It is worth noting that these are also the countries with the highest level of social distance towards LGBT people (see section 8 above). The differentiation of empathy for a straight couple between countries is much smaller³⁶ than the differentiation of empathy for LGBT victims.³⁷ We can therefore say that countries are not so different in terms of empathy for victims of crimes as such (although the differences are significant), but they differ a lot in the level of empathy for LGBT people as victims of crime.

The last analysis considered the differences in the levels of empathy for three identity groups – lesbians, gay men and transgender people.³⁸ The results of the comparison are presented in figure 11.

Figure 11 Empathy for lesbians, gay men and transgender people as victims of crimes. Mean results.³⁹



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

³⁶ $F(9, 6052) = 36.654$; $p < 0.001$; $hp2 = 0.05$.

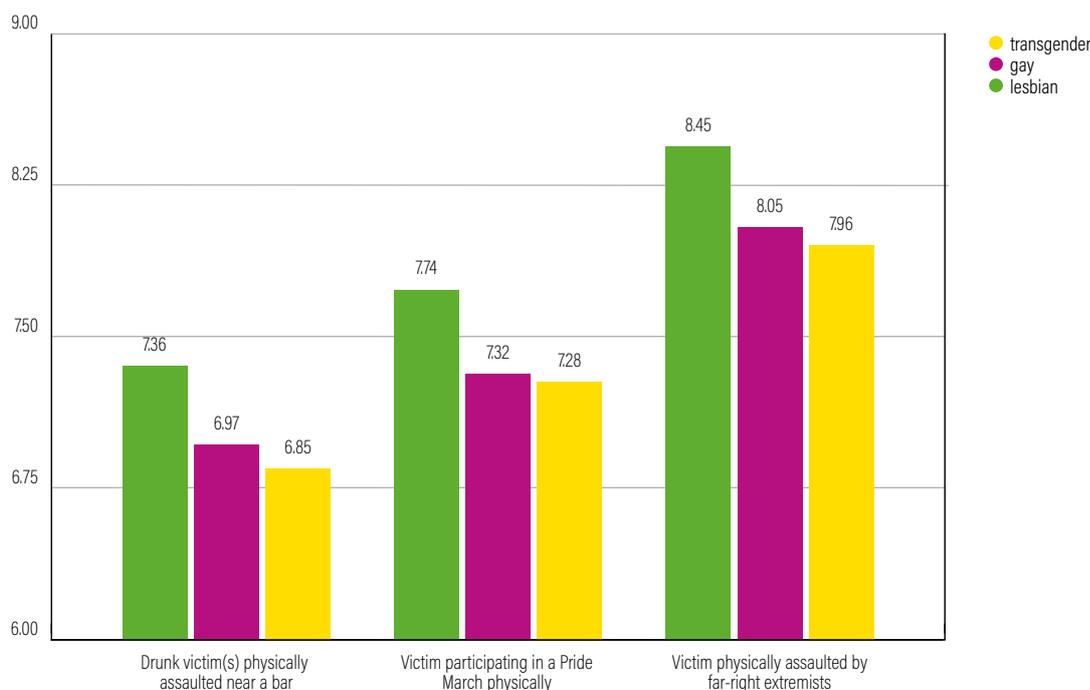
³⁷ $F(9, 9003) = 123.404$; $p < 0.001$; $hp2 = 0.11$.

³⁸ The questions about bisexual people were only asked in Ireland and the UK. See the respective chapters for analysis.

³⁹ G n = 3,065; L n = 2,979; T n = 2,970.

Considering the case in which a lesbian/gay couple or a transgender person is physically assaulted on the street, we can observe a much higher mean for lesbians, especially in reference to gay men. This confirms the assumption that victims perceived to be weaker in relation to the offender (due to their gender) receive more empathy. This pattern, in which lesbians (as women) received more empathy than other identity groups, was reproduced in other scenarios (see figure 12 below).

Figure 12 Empathy for hate crime victims. Mean results.⁴⁰



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

For the scenarios presented in the chart above (figure 12) there were no significant differences between results for gay men and transgender persons, while for lesbians, significantly higher results were recorded.

Reactions to hate crimes

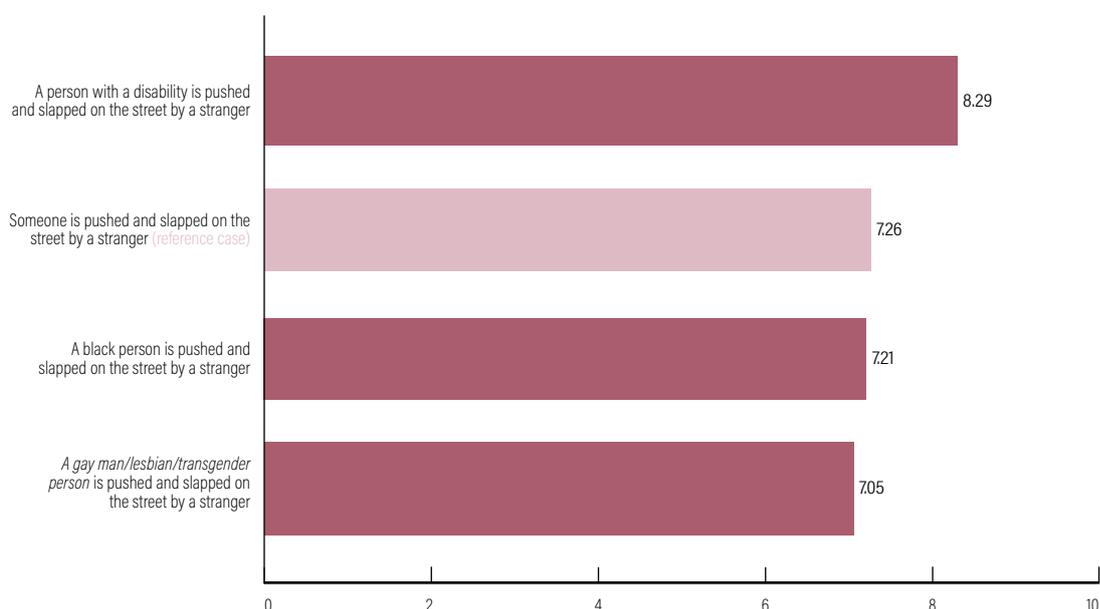
The characteristics of the victim impact the probability of witnesses reacting to crimes in an active manner (e.g., by calling the police). *En bloc*, lesbians, gay men and transgender people are less likely to

⁴⁰ Drunk victim: Gay n = 3,048; Lesbian n = 2,956; Transgender n = 2,951. Pride: Gay n = 3,044; Lesbian n = 2,958; Transgender n = 2,934. Far-right extremists: Gay n = 3,041; Lesbian n = 2,956; Transgender n = 2,950.

receive help than an undescribed “someone” (reference case). When disaggregated, people are more willing to intervene on behalf of lesbians than gay men or transgender people. The probability of intervening on behalf of the victim is correlated with the level of empathy.

The next section of the survey concerned witnessing a crime. Respondents were divided into three groups. Each group was asked to evaluate, on a scale of 0-10, how likely they would be to intervene if they saw, respectively: a lesbian, a gay man or a trans person being pushed and slapped on the street by a stranger.⁴¹ In addition, all respondents were asked about the likelihood of intervention in cases of attacks on members of other selected groups that are vulnerable to hate crimes, such as a person with a disability or a black person. All questionnaires included a reference category “someone”. Selected results are presented in figure 13 below.

Figure 13 Likelihood of intervention.⁴²



C1_1- C1_4. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example, by calling the police, or directly, by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. Source: Call It Hate.

As figure 13 above shows, respondents were most likely to intervene in the case of an assault on a person with a disability. This suggests that people are more likely to react if they perceive the victim as weak. The likelihood of intervention in the case of an assault against a black person is not significantly different than the likelihood of intervention in the reference case. This may mean that respondents do not see black people as particularly vulnerable. The combined score for crimes against lesbians, gay men and transgender people is significantly lower than the result for the reference case. This suggests

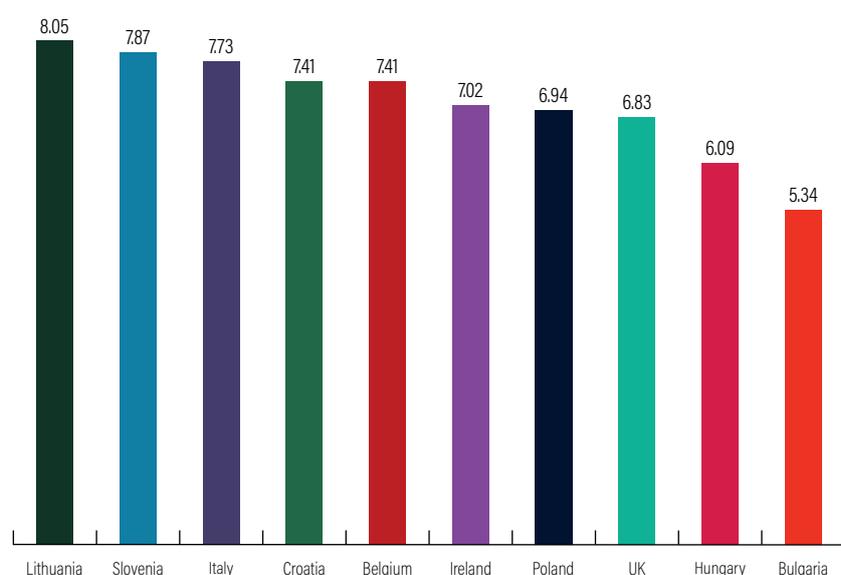
⁴¹ In Ireland and the UK, there was also a fourth route in which respondents were asked about bisexual people.

⁴² Person with disability n = 9,016; someone n = 8,939; black person n = 8,920; LGT n = 8,872.

that respondents may attach a degree of blame to the victims. Within this group, lesbians received a result that is similar to the reference case (7.38 vs 7.26 for reference case), but transgender persons (6.84) and gay men (6.93) scored significantly lower means. This suggests that in the case of lesbians, the negative attitude towards their sexual orientation may be countered by the perception of their gender-related vulnerability.

The next analysis considered the comparisons between countries. The results are presented in figure 14 below.

Figure 14 Likelihood of reaction to crime if the victim is lesbian, gay or transgender. Mean results.⁴³



C1_4. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example, by calling the police, or directly, by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. Source: Call It Hate.

While Bulgaria continues to close the gap as the country whose residents are least likely to respond to anti-LGBT violence (5.34), the distribution has changed significantly. Lithuania – whose population is characterised by rather negative attitudes towards LGBT people (see previous sections) – stands out as the country whose residents are most willing to react to violence against lesbians, gay men or transgender victims (mean 8.05). Future research should look into the specific factors that may explain why Lithuanians declare such a high level of readiness to react.

On the country level, the means for reaction to an assault on lesbians, gay men or transgender people are strongly correlated with the means for empathy towards lesbians, gay men or transgender people assaulted on the street.⁴⁴ Regarding the respondents' level (as opposed to the country level), there is

⁴³ Belgium n = 952; Bulgaria n = 983; Croatia n = 1,098; Hungary n = 967; Ireland n = 724; Italy n = 975; Lithuania n = 981; Poland n = 957; Slovenia n = 600; UK n = 697.

⁴⁴ Pearson's coefficient = 0.74, p < 0.001

a strong correlation between the likelihood of intervention in the case of an assault against lesbians, gay men or transgender people and the level of social distance⁴⁵ and empathy for the victim (reference case 2).⁴⁶ If, however, we control for the existing relationship between social distance and the level of empathy, then it turns out that, for the probability of reaction, the empathy for the victim is three times more important than the social distance.⁴⁷

— Segmentation

For the question about social distance and likelihood of intervention in cases of assaults on lesbians, gay men and transgender people, respondents were divided into four categories:

1. **Allies** (44 per cent of population),
2. **Haters** (20 per cent),
3. **Guardians** (16 per cent), and
4. **Bystanders** (20 per cent).

Allies' segment consists of promoters in low social distance (98 per cent regarding gay men and lesbians and 92 per cent regarding transgender people) and half of promoters in likelihood of intervention (50 per cent).

Haters are characterised by high share of detractors in social distance (lesbians = 91 per cent, gay men = 95 per cent; transgender people = 96 per cent). They are also detractors in likelihood of intervention.

Guardians are mainly people with a high level of social distance (share of detractors regarding lesbians = 69 per cent, gay men = 73 per cent and transgender people 79 per cent), who are, nonetheless, highly likely to intervene (share of promoters 67 per cent, and no detractors).

Bystanders are mostly passive (neither enthusiastic, nor sceptical) in social distance (share of passive for lesbians = 65 per cent, gay men = 69 per cent, transgender people = 61 per cent).

The likelihood of intervention varied between the four segments (see figure 15 below).⁴⁸ Somewhat surprisingly, the highest likelihood of intervention characterises not Allies, but Guardians. We can treat this segment as “pillars of the community” or members of the neighbourhood watch. It consists of people who do not accept anti-social behaviour, including violence, regardless of who the target is and why they are attacked.

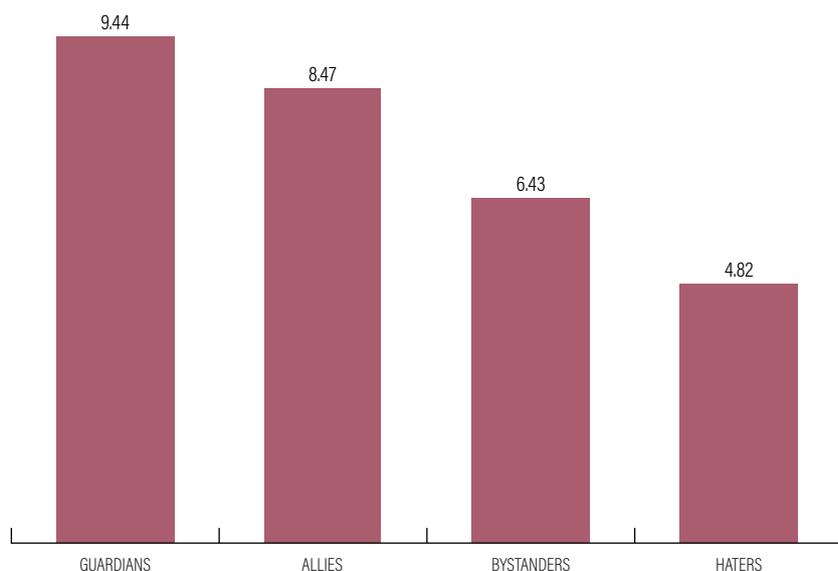
⁴⁵ Kendall's tau coefficient = 0.302; $p < 0.001$.

⁴⁶ Kendall's tau coefficient = 0.408; $p < 0.001$.

⁴⁷ Adjusted R squared = 0.267; $p < 0.001$; Beta for social distance = 0.136; Beta for empathy = 0.422.

⁴⁸ $F(3, 8151) = 2679.322$; $p < 0.001$; $hp2 = 0.5$.

Figure 15 Likelihood of intervention by segments.⁴⁹



C1_1- C1_4. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police, or directly, by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene: A gay man/lesbian/transgender person is pushed and slapped on the street by a stranger. Source: Call It Hate.

In order to examine which of the human values (Schwartz 1992) for each category – Ally, Hater, Guardians, or Bystander – had most correlation with, a correspondence analysis was developed. The analysis consists of checking how representatives of particular segments answered the questions about human values, and then placing this data on the coordinate system. Thanks to this, it is possible to interpret the distance between segments and between values, as well as interpret the chart axes and individual quadrants. Taking into account the positions of responses related to human values, the individual quadrants of the coordinate system and then the axes X and Y were named and interpreted. On this basis, the characteristic values for the segments were identified.

⁴⁹ Guardians n = 1,294; Allies n = 3,609; Bystanders n = 1,601; Haters n = 1,651.

Figure 16 Segments and human values.



Source: Call It Hate.

	Statements
1	Equal treatment and opportunities
2	Secure surroundings and avoiding threats
3	Listening to and understanding different people
4	Helping others
5	Strong government protecting against threats
6	Loyalty and devotion to friends
7	Environmental protection

Analysing the above coordinate system, we can see that Allies constitute the most open segment. They share values based on equal treatment and understanding different people. Their antagonists – Haters – are focused on security. Guardians are between understanding others and caring for nature, so we can state that they are responsible, caring and dutiful. Bystanders are between equal treatment, security, and loyalty. However, they are very low on the Y axis, which can be interpreted as a control versus care axis, so possibly they are reluctant to intervene because they interpret events involving violence as against their need of being in control.

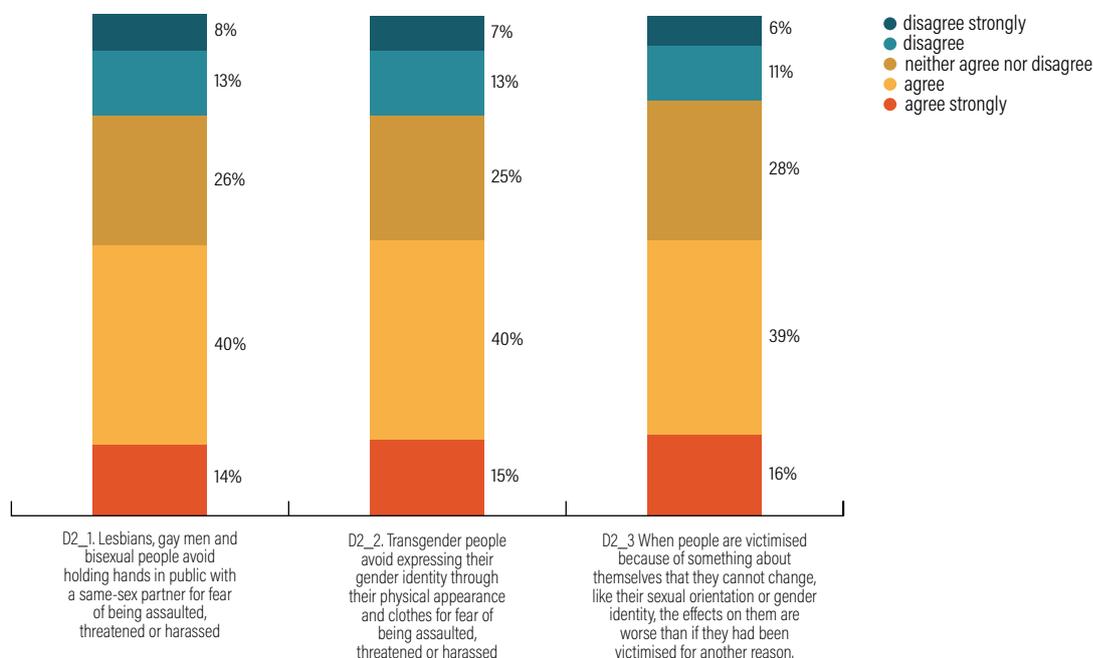
Opinions on hate crimes

Over half of the respondents believe that LGBT people change their behaviour or appearance in public for fear of being assaulted, threatened or harassed. One out of five respondents is of the opposite opinion. Fifty-five per cent of respondents believe that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.

The next section explored the respondents' beliefs about anti-LGBT hate crimes as a social phenomenon. Respondents were asked to say if they agree or disagree with three statements about the fear of hate crimes and consequences of hate crimes for LGBT people. The question used a 4-point scale (agree strongly, agree, disagree, disagree strongly) with a possibility to say, "neither agree nor disagree". The results are presented in figures 17, 18 and 19 below.

Two statements addressed the behavioural impacts of fear of hate crime that may cause LGBT people to change their behaviours. There were separate statements for people at risk of violence due to their sexual orientation and due to their transgender status.

Figure 17 Opinions about hate crimes against LGBT people.⁵⁰



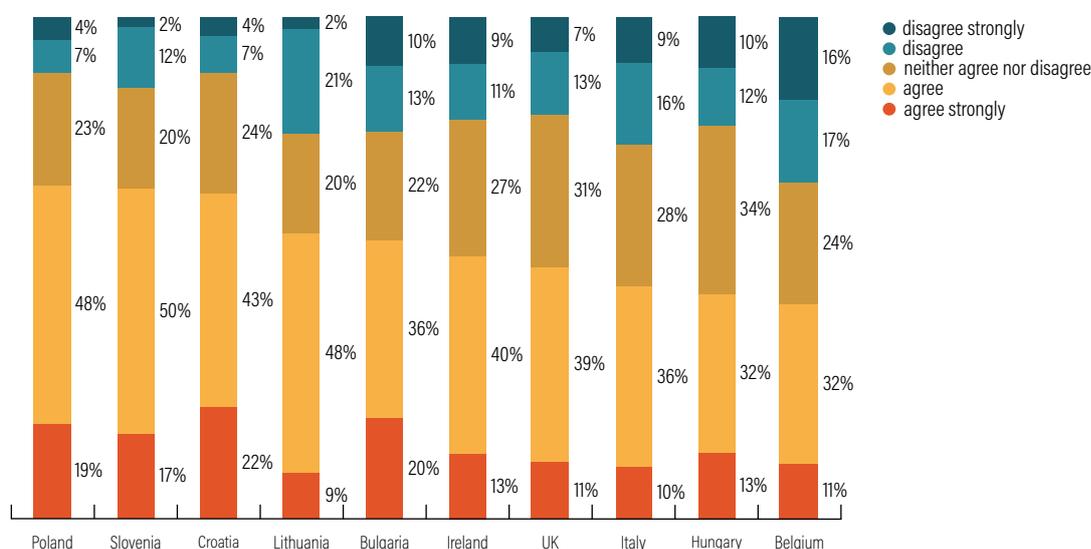
D2. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

⁵⁰ D2_1 n = 9,716; D2_2 n = 9,708; D2_3 n = 9,675.

In both statements about the fear of hate crime, slightly over half of respondents agreed that fear of victimisation may cause LGBT people to avoid expressing their gender identity or sexual orientation in public. A fifth of respondents disagreed. Similarly, slightly over half of respondents agreed that consequences of hate crimes are more severe for victims than consequences of non-bias crimes. The diversity of opinions on this subject among surveyed countries turned out to be small, but statistically significant.⁵¹

At the country level there is a visible diversity of opinions on all three statements.

Figure 18 Opinions on the statement “Lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed.”⁵²

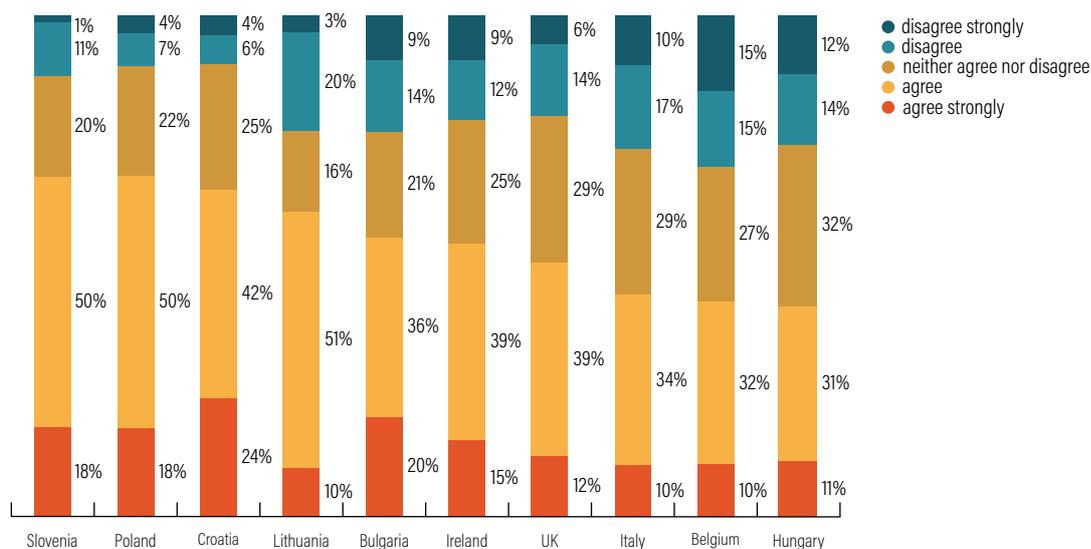


D2_1. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

⁵¹ Regarding sexual orientation $F(9, 9,707) = 38.067$; $p < 0.001$; $hp2 = 0.3$. Regarding gender identity $F(9, 9,696) = 45.250$; $p < 0.001$; $hp2 = 0.4$. Regarding more serious effects $F(9, 9,630) = 15.518$; $p < 0.001$; $hp2 = 0.01$

⁵² Belgium $n = 902$; Bulgaria $n = 844$; Croatia $n = 1,091$; Hungary $n = 924$; Ireland $n = 1,267$; Italy $n = 925$; Lithuania $n = 899$; Poland $n = 900$; Slovenia $n = 584$; UK $n = 1,380$.

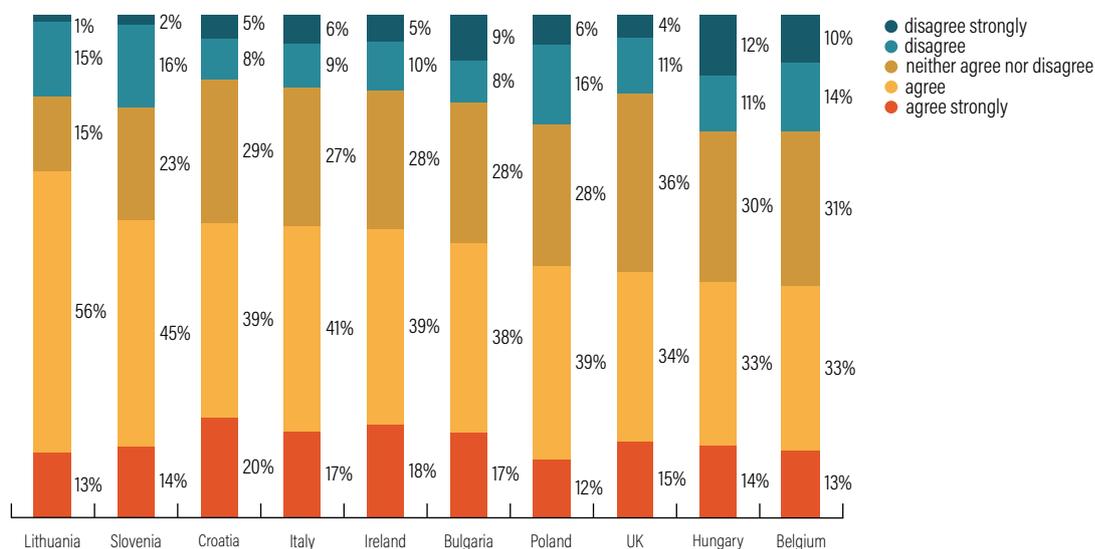
Figure 19 Opinions on the statement “Transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed.”⁵³



D2_2. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Considering the consequences of hate crimes, the respondents’ answers were also significantly different between countries but to a lesser extent than in the case of statements concerning fear of hate crime.⁵⁴

Figure 20 Opinions on the statement “When people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.”⁵⁵



D2_3. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

⁵³ Belgium n = 903; Bulgaria n = 847; Croatia n = 1,081; Hungary n = 926; Ireland n = 1,271; Italy n = 929; Lithuania n = 883; Poland n = 908; Slovenia n = 585; UK n = 1,375.

⁵⁴ F (9, 9,630) = 15.518; p < 0.001; hp2 = 0.01

⁵⁵ Belgium n = 903; Bulgaria n = 790; Croatia n = 1,079; Hungary n = 927; Ireland n = 1,276; Italy n = 943; Lithuania n = 838; Poland n = 910; Slovenia n = 579; UK n = 1,399.

There are no clear patterns as to which groups of countries are more likely to agree or disagree with the statements. In addition, in some cases there are high numbers of people who do not have opinions on the subject. The results suggest, however, that, despite campaigns and high levels of tolerance for LGBT people in some countries, the level of awareness of hate crime and its consequences remains low.

Sentencing hate crimes

The results show a general support for tougher sentencing. Most polled Europeans agree that hate crimes targeting people because of their disability should be punished more severely than other, comparable crimes without a bias motive. Six in ten respondents believe that crimes motivated by bias based on sexual orientation should be punished more severely.

In the last block of questions, we asked respondents if they agree or disagree that crimes motivated by prejudice against a person’s sexual orientation, transgender status, religious affiliation, race or colour, disability, national or ethnic origin, or gender should attract a higher sentence when the person is convicted. As a reference case, we asked about a common crime motivated by financial gain (e.g., robbery, pickpocketing). The results are presented in table 1 below.

Table 1 Opinions about the sentences that different grounds of crimes should attract.

	Disability	Financial gain	Race or colour	National or ethnic origin	Gender	Sexual orientation	Religion	Transgender status
Croatia	83.2%	80.7%	79.8%	78.1%	74.7%	74.8%	76.3%	72.4%
Italy	78.2%	68.8%	72.7%	70.1%	70.2%	71.3%	68.2%	69.7%
Slovenia	79.2%	68.3%	69.3%	64.3%	67.8%	65.8%	65.5%	61.5%
Belgium	72.2%	67.1%	67.0%	64.0%	67.0%	65.6%	62.6%	65.8%
Ireland	67.4%	61.6%	66.4%	65.4%	63.7%	64.4%	61.5%	62.9%
Poland	72.0%	67.1%	64.9%	64.9%	61.3%	59.7%	61.7%	56.8%
Bulgaria	72.4%	78.7%	58.6%	60.5%	57.8%	49.9%	57.9%	46.1%
Lithuania	68.0%	68.5%	56.5%	53.0%	53.6%	49.8%	51.3%	50.8%
UK	62.0%	52.4%	56.8%	55.3%	55.2%	55.0%	52.6%	53.1%
Hungary	65.7%	65.0%	53.4%	51.6%	55.5%	52.2%	49.8%	46.8%
All countries	71.3%	67.1%	64.3%	62.7%	62.4%	60.8%	60.5%	58.7%

D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

According to respondents, all types of crimes that we asked about should carry a higher sentence. In particular, at least half of the respondents believe that crimes motivated by financial gain should be sentenced more harshly. More

respondents (at least 62 per cent in the UK) think that crimes motivated by bias based on disability should carry a harsher punishment. With respect to all other hate crime strands, respondents expressed less support for elevated sentencing than in the reference case. In this group, the highest level of support for higher sentences was recorded for racist (between 53.4 per cent in Hungary and 79.8 per cent in Croatia) and xenophobic crimes (between 51.6 per cent in Hungary and 78.1 per cent in Croatia). Respondents agree with higher sentencing for crimes related to sexual orientation most frequently in Croatia (74.8 per cent) and least frequently in Hungary (52.2 per cent). Similar results were obtained for transgender status – we recorded the highest frequency again in Croatia (72.4 per cent) and the lowest in Hungary (46.8 per cent).

Considering the above, there is evidence that respondents think that crimes targeting people because of their disability should be punished more severely than other, comparable crimes without a bias motive. The same cannot be said about other strands of hate crime. While most respondents think that crimes motivated by prejudice against the victim's sexual orientation or gender identity should attract higher sentences, the number supporting such provisions is lower than the number of people who support higher sentences for common crimes. In line with the results on reactions, this suggests that respondents perceive people with disabilities as particularly vulnerable, but do not share this sentiment about victims of other strands of hate crime.

Conclusion

This report outlines the main findings of the *Call It Hate* survey, which provides insights into distinctive attitudes towards gay men, lesbians, bisexual people and transgender people as members of society and victims of crimes. Conducted in 10 EU member states, this is one of the largest international public opinion polls focusing on LGBT people and the largest one focusing on anti-LGBT violence as a social phenomenon. It is also one of the first large-scale public opinion surveys on hate crime in the world.

Considering countries, the results show the EU (or the 10 countries included in the survey, to be precise) as a diverse place, in which some member states appear as safe havens for LGBT people while others are quite hostile. The picture, however, is not simply black and white. While results on the level of acceptance and the level of empathy seem to support a theory that the support for LGBT people goes from west to east, the probability of intervention does not depend on the geographical location of the state at all.

Considering different identity groups, it is clear that the levels of acceptance, empathy and probability of bystander reaction to a crime depend on the victim's gender, gender identity and sexual orientation. Our data show that lesbians are more likely to be accepted and more likely to be helped by bystanders than gay men or transgender people. Similarly, people with disabilities are most likely to receive help from witnesses, and disability hate crime laws

receive the highest level of social support, compared with other strands of law. This is in line with the theory of an ideal victim, who should be blameless and weaker than the perpetrator (Christie 1986). Transgender people seem to be the most disadvantaged – not just in terms of social distance, but also in support for gender identity being treated as a protected characteristic in hate crime laws. Any future research looking into perceptions of, and opinions on, LGBT people and hate crimes based on sexual orientation and gender identity, should consider each identity category – lesbians, gay men, bisexual men and women, transgender people (possibly trans men and trans women) – separately.

Considering empathy, we find evidence of a hierarchy of victimhood wherein the “blameworthiness” of victims of crime is evaluated in determining their “deservedness”. The hierarchy of empathy for victims is built on the personal characteristics of the victims and the offenders, as well as the circumstances of the victimisation. In particular, people are ready to blame the victims if they fail to meet the standard of an ideal victim, e.g., if they can be seen as “provoking” violence. This is troubling considering that the lower levels of empathy are for participants of Pride March events and people near bars, which are typical hate crime scenarios.

Considering the level of awareness of anti-LGBT hate crime, the results show that respondents – regardless of the country – have relatively little knowledge about the consequences of hate crime for members of the targeted communities. Perhaps this explains why the support for higher penalties for anti-LGBT hate crime is lower (although still high) than for crimes motivated by financial gain.

Considering the probability of reaction to violence, there is a significant number of people who claim that they are willing to react. Nonetheless, the numbers of reported (FRA 2013) and recorded anti-LGBT hate crime cases (ODIHR n.d.) in most countries remain low. For this reason, there is a need to empower people who declare readiness to react and turn declarations into actions. This research suggests how this can be done. Possible campaigns should focus on reducing social distance and – most importantly – building understanding of hate crime and its consequences, thus increasing empathy for victims.

Recommendations

The member states should:

- Take all necessary steps to address bias violence, including through adoption of comprehensive hate crime legislation, ensuring that all types of hate crimes, including those based on sexual orientation and gender identity, attract higher sentences than comparable, non-bias crimes and that the investigation of such crimes is not dependent on the report or accusation made by victims.

- Implement a comprehensive legal and policy framework on the rights of victims of crimes, in line with the Victims' Rights Directive (European Parliament and Council of the European Union 2012), whose transposition period ended in 2015. Such a framework should take into account the personal characteristics of the victim, such as sexual orientation or gender identity, as well as the type or nature and the circumstances of the crime, such as whether it is a hate crime.
- Implement a strategy to counter anti-LGBT hate crimes.
- Conduct and fund social campaigns aimed at encouraging reporting of anti-LGBT hate crime and intervening on behalf of victims. The campaigns to witnesses should be aimed at building empathy for affected groups of victims through raising awareness of the negative consequences of hate crimes and lowering social distance.
- Initiate more research about discrimination and violence against LGBT people with a special focus on hate crimes. Such research should cover both LGBT people and their experiences of hate crime (including bystander intervention) and the general population.
- Recognise LGBT NGOs as partners in the process of raising awareness of LGBT issues and promoting tolerance and acceptance in society.

The European Commission should prioritise the closing of the gaps in anti-discrimination legislation at the EU level, facilitate the adoption of common rules on online and offline hate speech, and adopt a comprehensive LGBTI strategy to guide the work of the Commission. Furthermore, it should support member states in addressing the above recommendations, particularly through:

- The monitoring of the implementation of the Victims' Rights Directive (European Parliament and Council of the European Union 2012) and the Framework Decision on combatting racism (Council of the European Union 2008).
- Providing funds for research, policy, training and advocacy actions on anti-LGBT hate crime.

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BELGIUM AT A GLANCE





● Four in five Belgians agree that LGBT people should be free to live their own lives as they wish. One in ten are of the opposite opinion. There is a bigger trend of increasing acceptance for LGBT people.

● Belgians would more readily accept a lesbian as their neighbour than a gay man, bisexual or transgender person. The latter are least likely to be accepted. Men appear to be slightly less tolerant than women of the presence of LGBT people in the neighbourhood.

● Belgians feel more empathy for lesbian victims of crimes than gay or transgender victims. There is also less empathy when victims are participating in the Pride March or when they are drunk and assaulted near a bar. The level of empathy is the lowest for transgender sex workers who are assaulted by a client.

● The probability that Belgians would intervene in a case of a physical assault increases if the victim is a person with a disability or a lesbian. The likelihood of an intervention decreases when the victim is a gay man, black, transgender or Muslim.

● More than two in five Belgians are aware that some LGBT people change their behaviour or appearance to avoid victimisation. Almost half of the Belgian population agree that violence against LGBT people is a serious problem in Belgium and that the effects of hate crimes are worse than crimes committed for other reasons. About one in three respondents does not have an opinion on either of the issues.

● More than three in five Belgians agree that all crimes should be punished more severely. Thus, there is support for tougher sentencing in general but not specifically for hate crimes.

OPINIONS ON ANTI-LGBT HATE CRIMES IN BELGIUM

✍ Ans Oomen and Kenneth Mills

Introduction

— Legal and policy framework on anti-LGBT hate crime

_____ Laws on discrimination, hate speech and hate crime

There are three federal laws in Belgium that constitute the national antidiscrimination legislation: the Antiracism Act, the Antidiscrimination Act (Federaal Parlement 2007) and the Gender Act (Federaal Parlement 2014). Together, they identify several discrimination grounds or so-called 'protected criteria'. Discrimination on the grounds of any of these criteria is forbidden and punishable under these laws. Discrimination on the basis of sexual orientation is included in the Antidiscrimination law and sex, sex change, gender identity, and gender expression in the Gender law. These laws also introduced a form of hate speech law and criminalise public and intentional incitement to discrimination, hatred or violence towards a person or a group on mentioned grounds (Çavaria 2016).

The Belgian Penal Code (Kamer van Volksvertegenwoordigers 2018) does not include hate crimes but it does provide a specific aggravating circumstance to which penalty enhancements can or will apply when one of the motives for a crime is hatred, contempt or hostility towards a person because of one or more of the discrimination grounds. This is also referred to as the "reprehensible motive", and it is found in different sections of the Penal Code for specific types of criminal offences: physical (like manslaughter, assault and battery), sexual (like rape and indecent assault), material (like damage of property) and psychological (like stalking and slander). It is not applicable to all crimes, only where this is explicitly added in the Penal Code, so this does not include, for example, economic offences like theft.

Bias on the basis of sexual orientation and sex is considered an aggravated circumstance, but bias based on gender identity and gender expression is not. These discrimination grounds have been present in the Gender Act since 2014 but were not added to the Penal Code. Bias on the basis of sex change is only explicitly mentioned as an aggravated circumstance for manslaughter and intentional infliction of bodily harm. This does not include for example sexual offences. So apart from this last case, the Penal Code does not take into account transphobic motives.

_____ **Interfederal action plan against discrimination and violence towards LGBT**

After a series of mediatised incidents in 2011 and 2012, the government was called upon to draft a plan to combat homophobic and transphobic discrimination. *The Interfederal action plan against discrimination and violence towards LGBT* (Milquet 2013) was launched in 2013 and included measures from the federal and regional governments. In particular, it mentioned measures to close legal gaps related to hate crime, to improve registration and to create awareness among victim communities to report hate crime.

The plan ended in 2014 and in 2018 a new interfederal action plan against discrimination and violence towards LGBTI people was presented (Demir 2018). Not all measures of the first plan had yet been completed, in particular the ones related to the legal gaps. The new plan aims, among other things, to improve registration and follow-up of anti-LGBT hate crime and to research why so many cases are being dismissed.

_____ **Rainbow Index**

According to ILGA-Europe's Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe (ILGA-Europe 2018), Belgium holds the second position out of 49 countries with an overall score of 79 per cent. In 'Hate crime and hate speech' category Belgium only scores 63 per cent, because there is no hate crime law for gender identity and no policy tackling hatred on the basis of gender identity and intersex status.

___ Scale of anti-LGBT hate crime

_____ Victimisation surveys

In its LGBT survey, the European Union Agency for Fundamental Rights (FRA 2012) collected information on experiences of discrimination, hate-motivated violence and harassment from people who self-identify as lesbian, gay, bisexual or transgender. This online survey, which was conducted across the 27 member states of the European Union and Croatia, collected information from 93,079 persons aged 18 and over who identified as lesbian, gay, bisexual or transgender. Of the Belgian LGBT respondents:

- 33 per cent think assault and harassment against lesbian, gay, bisexual and/or transgender people are widespread in Belgium (EU LGBT average = 38 per cent);
- 27 per cent stated that they have been physically or sexually attacked or threatened with violence in the last five years (EU LGBT average = 26 per cent) and 46 per cent experienced harassment (EU LGBT average = 47 per cent);
- 55 per cent stated that the last incident of physical or sexual violence they had experienced in the last twelve months happened partly or entirely because they were perceived to be LGBT (EU LGBT average = 59 per cent) and
- 75 per cent stated that regarding the last incident of harassment they had experienced in the last twelve months happened partly or entirely because they were perceived to be LGBT (EU LGBT average = 75 per cent);
- 54 per cent avoid holding hands in public with their same-sex partner (EU LGBT average = 53 per cent) and 54 per cent avoid certain places or locations (EU LGBT average = 50 per cent) for fear of being assaulted, threatened or harassed;
- 27 per cent of transgender respondents avoid expressing their gender (or desired gender) through physical appearance and clothing for fear of being assaulted, threatened or harassed (EU LGBT average = 32 per cent).

_____ Reported cases

The equality body, Unia records inquiries and reports on homophobic discrimination and hate crimes, while the Institute for the Equality of Women and Men (IEWM) does this for transphobic discrimination and hate crimes. The number of reports of homophobic discrimination vary between 100 and 200 notifications per year (Unia 2018) and transphobic incidents are recorded at between 20 and 80 (Instituut voor de Gelijkheid van Vrouwen en Mannen 2018). The Federal Police publishes national statistics that include violations of the legislation regarding discrimination based on sexual orientation. Regarding hate crime, the Public Prosecution must register the base crime by its proper

code and register the objectionable motive by adding a secondary code. As discussed earlier, there are no statistics on discrimination or hate crime based on gender identity and gender expression.

Of course, these numbers do not reflect the reality of the incidence of LGBT-related hate crime because a lot of victims do not report these incidents, or report a crime without being aware of the homo- or transphobic motive, or choose not to disclose the motive.

Previous research on the topic

—— 2015 Eurobarometer on discrimination

The Eurobarometer is a series of public opinion surveys conducted regularly on behalf of the European Commission since 1973. These surveys address a wide variety of topics and in 2015 there was a special Eurobarometer on Discrimination (European Commission 2015). Part of this study focused on public perception of lesbian, gay, bisexual (LGB) and transgender people.

According to this report, four in five Belgians believe that LGB people should have the same rights as heterosexual people (81 per cent) and that there is nothing wrong in a sexual relationship between two persons of the same sex (82 per cent). Even more Belgians would feel comfortable if one of their colleagues at work were LGB (90 per cent) or transgender (83 per cent). When seeing a gay male couple showing affection in public, however, three in five would feel comfortable or indifferent (61 per cent) as compared to four in five in the case of heterosexual couples (80 per cent). Also, four in five would feel comfortable with sons or daughters in a relationship with a person of the same sex (79 per cent) but only slightly more than half would feel this way about a transgender person (55 per cent). This indicates a lower level of acceptance towards transgender people even though seven out of ten Belgians think that transgender people should be able to change their civil documents to match their inner gender identity (71 per cent). Finally, almost three in five think discrimination on the basis of sexual orientation (59 per cent) or gender identity (55 per cent) is widespread in Belgium.

—— Social-Cultural Movements survey

The Social-Cultural Movements Survey (Statistiek Vlaanderen 2018) is an annual survey that questions around 1,500 Dutch speaking citizens from Flanders and Brussels about their values, views and beliefs. The 2006, 2011,

2013, 2015 and 2017 surveys included various items about opinions on gay men and lesbian women. The majority agrees that gay men and women should be able to live their own lives as they wish (89 per cent) and would not mind having a gay couple living next-door (92 per cent). Three in ten think it is offensive when two men kiss in public (28 per cent) and one in five when two women kiss (21 per cent) compared to one in ten when it is a man and a woman (11 per cent). One in four says there is too much attention on sexual orientation (25 per cent) and almost one in three claims that LGB people shouldn't exaggerate so much (31 per cent). Only a small minority is explicitly negative about LGB people, but a large group is negative in a more implicit way.

Attitudes about transgender people were surveyed for the first time in 2015. The opinions about medical transition are relatively positive: two in three people think sex reassignment surgery is a good idea (66 per cent) and only one in ten would end a friendship if their friend decided to adjust their body (9 per cent). Opinions about gender ambivalence on the other hand provoke more resistance. Three in five think it is important to know whether someone is a man or a woman when they meet them (60 per cent) and one in four would not want to associate with them if their gender is not clear (23 per cent). Finally, almost one in three says there is something wrong with people who do not feel like a man or a woman (29 per cent).

Attitudes towards LGBT people

As part of the *Call It Hate* project (LGBT Hate Crime EU 2018), research was conducted to explore the attitudes and opinions of members of the public about LGBT people, as well as hate crimes against them. A survey was carried out on representative samples of respondents in the ten countries covered by the project. The results from the Belgian population are presented below.⁵⁶

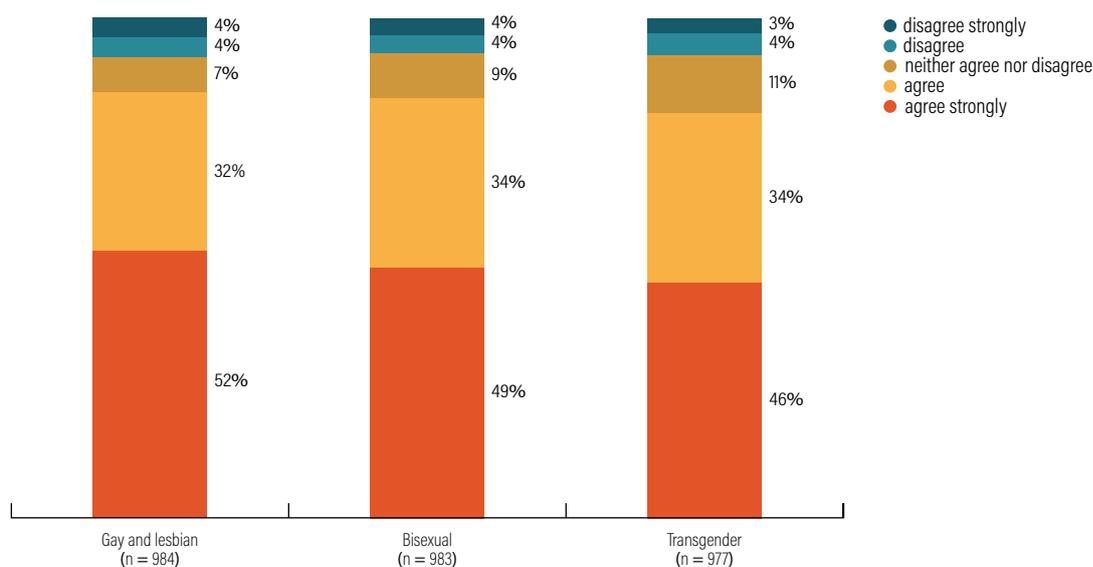
— LGBT people should be free to live their own lives as they wish

Four in five respondents agree that LGBT people should be free to live their own lives as they wish. One in ten are of the opposite opinion. There is a bigger trend of increasing acceptance for LGBT people.

Respondents were asked if lesbian and gay, bisexual and transgender people should be free to live their own lives as they wish. The question used a 5-point scale: agree strongly (5), agree (4), neither agree nor disagree (3), disagree (2) and disagree strongly (1). The results are presented in Figure 21 below.

⁵⁶ See Annex for details of the methodology.

Figure 21 Belgium: LGBT people should be free to live their own lives as they wish.



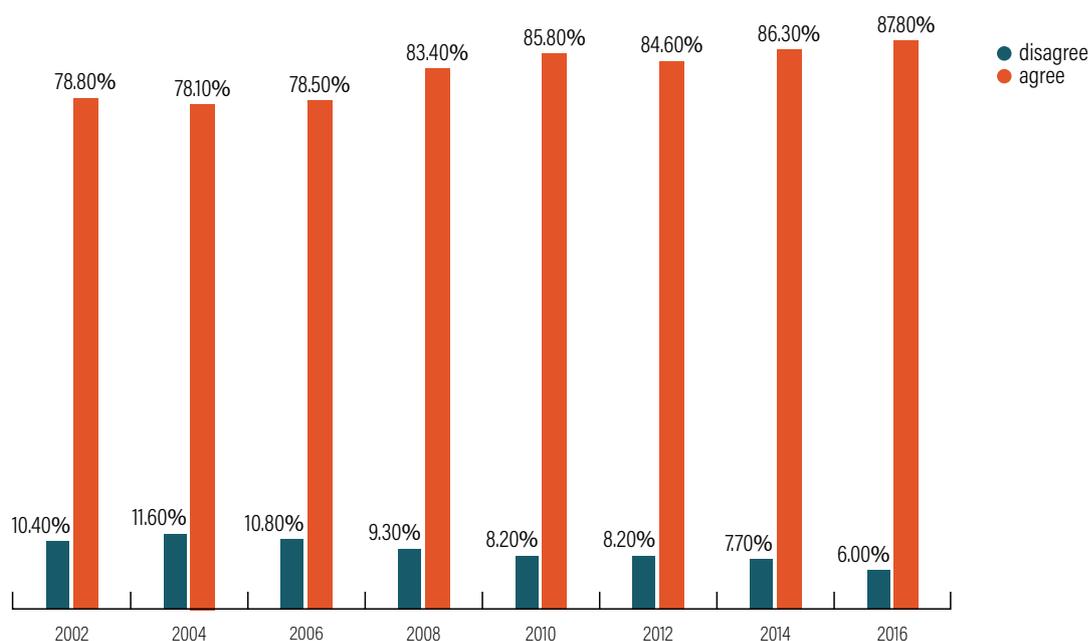
A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

More than four in five respondents agree or strongly agree that gay and lesbian (84 per cent), bisexual (83 per cent), and transgender people (81 per cent) should be free to live their own lives as they wish, and almost one in ten disagree.

The data from the survey were compared with the results for Belgium obtained within the European Social Survey (ESS) (Norwegian Centre for Research Data 2018) that has been conducted every two years since 2002. The ESS asks respondents if they agree or disagree that lesbians and gay men should be free to live their own lives as they wish.⁵⁷ The results are presented in Figure 22 below.

⁵⁷ Attitudes towards bisexual and transgender people are not covered in the survey.

Figure 22 Belgium: Lesbians and gay men should be free to live their own lives as they wish.



Source: European Social Survey

The majority of respondents in the European Social Survey agreed with the statement that gay men and lesbians should be free to live their own lives as they wish. This positive attitude is confirmed by our survey. Thus, in general there is a bigger trend of increasing acceptance for LGBT people, observed since 2002.

There is a significant gender-related difference in acceptance of transgender people: more women (84 per cent) than men (78 per cent) agree that transgender people should be free to live as they wish. There is no significant difference in acceptance for lesbian, gay and bisexual people in general, but there is a difference in the level of acceptance (L&G: M agree strongly = 46 per cent, M agree = 36 per cent, F agree strongly = 58 per cent, F agree = 28 per cent; B: M agree strongly = 43 per cent, M agree = 38 per cent, F agree strongly = 54 per cent, F agree = 30 per cent).

How you would feel about having an LGBT person as your neighbour?

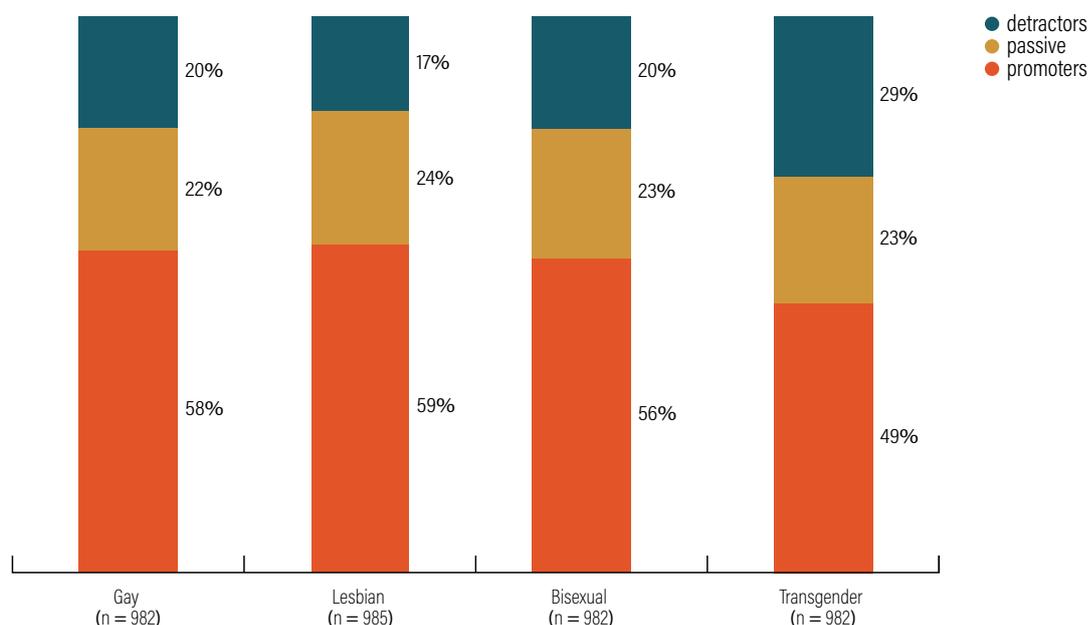
Respondents would more readily accept a lesbian as their neighbour than a gay man, a bisexual person or a transgender person. The latter are least likely to be accepted. Men appear to be slightly less tolerant than women of the presence of LGBT people in their neighbourhood.

The survey included a question about social distance. Respondents were asked to rate on a scale of zero to ten their degree of comfort in having a gay,

lesbian, bisexual or transgender person as a neighbour with zero meaning “totally uncomfortable” and ten “totally comfortable”. The results are presented in Figure 23 below. Depending on the answers given, respondents were divided into three groups:

- **Promoters** (9-10): enthusiasts who can promote desirable attitudes in their environment
- **Passive** (7-8): satisfied but unenthusiastic respondents who are vulnerable to changing their minds
- **Detractors** (1-6): respondents who are vulnerable to negative word-of-mouth

Figure 23 Belgium: Social distance towards LGBT people.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel ‘totally uncomfortable’ and 10 means that you would feel ‘totally comfortable’. Source: Call It Hate.

Four in five respondents were comfortable or neutral (score 7-10) about having gay (80 per cent), lesbian (83 per cent) or bisexual people (79 per cent) as neighbours and more than three in five were comfortable or neutral about having a transgender person (72 per cent) living next to them. The largest share of promoters was recorded for lesbians (59 per cent), then for gay men (58 per cent) and bisexual people (56 per cent). Compared with these groups, a lower share of promoters was recorded for transgender persons (49 per cent). The distribution of the detractors was similar to the distribution of the promoters. The highest share of detractors was recorded for transgender people (29 per cent), then gay men (20 per cent) and bisexual people (20 per cent), and the lowest share of detractors was recorded for lesbians (17 per cent).

Table 2 Belgium: Social distance towards LGBT people. NPS index.

	Gay	Lesbian	Bisexual	Transgender
NPS index	37	42	36	20

A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

For all these groups the NPS index (promoters - detractors) was calculated.⁵⁸ The results are presented in Table 2 above. The results suggest that all: gay (37 per cent), lesbian (42 per cent), bisexual (36 per cent) and transgender people (20 per cent) have a moderately positive image as a neighbour, with bisexual people the most and transgender people the least positive.

Considering demographic variables, respondents' gender turns out to be significant. Men are much less likely to be comfortable with having a gay, lesbian, bisexual or transgender person as their neighbour than women. The difference is the biggest for gay men (promoters: M = 45 per cent, F = 69 per cent) and the smallest for lesbians (promoters: M = 53 per cent, F = 65 per cent). The male NPS index for transgender people is 3 per cent (for women it is 36 per cent) which means they have a neutral instead of a positive image of having a transgender person as a neighbour.

Levels of empathy for victims of hate crimes

Respondents feel more empathy for lesbian victims of crimes than gay or transgender victims. There is also less empathy when victims are participating in the Pride March or when they are drunk and assaulted near a bar. The level of empathy is the lowest for transgender sex workers who are assaulted by a client.

The next set of questions aimed at measuring the level of empathy of respondents towards people who experience crime in different scenarios. Respondents were divided in three groups (routes) and each group was provided with several scenarios relating to gay men, lesbians or transgender people.⁵⁹ Respondents were asked to say how much empathy they felt for the victim in the specific scenario using a scale of zero to ten where zero meant "no empathy at all", and ten meant "complete empathy" for the victim. Following scenarios were included:

⁵⁸ See details of the methodology in the Annex.

⁵⁹ In this and the next question, the research team decided not to ask about bisexual persons, assuming that the respondents would not differentiate between homosexual and bisexual people.

- A [gay couple/lesbian couple/transgender person] physically assaulted on the street
- A [gay couple/lesbian couple/transgender person] physically assaulted while shopping
- A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar
- A [gay/lesbian/transgender person] participating in the Belgian Pride March physically assaulted by counter-demonstrators
- A [gay man/lesbian/transgender person] physically assaulted by a complete stranger
- A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family
- A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation.

Respondents in the transgender route were provided with an additional scenario of a transgender sex worker physically assaulted by a client. In addition, respondents in the lesbian and gay route were asked a question about a heterosexual couple who was physically assaulted after holding hands on the street. The latter was used as a reference for all the other questions. The results are presented in Table 3 below.

Table 3 Belgium: Levels of empathy for victims of hate crimes.

	Total	Gay	Lesbian	Transgender
A straight couple physically assaulted on the street	8.74	8.70	8.78	-
A [gay couple/lesbian couple/transgender person] physically assaulted while shopping	8.47	8.64	8.70	8.05
A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation.	8.74	8.55	8.83	8.03
A [gay man/lesbian/transgender person] physically assaulted by a complete stranger	8.44	8.56	8.75	8.00
A [gay couple/lesbian couple/transgender person] physically assaulted on the street	8.40	8.49	8.70	8.00
A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family	8.40	8.56	8.69	7.94
A [gay man/lesbian/transgender person] participating in the Belgian Pride Parade physically assaulted by counter-demonstrators	8.28	8.35	8.57	7.92
A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar	7.76	8.02	8.16	7.10
A transgender sex worker physically assaulted by a client	7.57	-	-	7.57

B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

The reference case (heterosexual couple assaulted on the street) received the highest average empathy (mean = 8.74). A comparable statement about a couple of gay men, lesbians or a transgender person assaulted on the street received less empathy (mean: total = 8.40; G = 8.49, L = 8.70, T = 8.00). When comparing differences among LGT people, there is significantly more empathy for lesbian couples and individuals and less for transgender people in all scenarios.

In various scenarios, respondents feel significantly less empathy for gay, lesbian and transgender people when they are drunk and assaulted near a bar (total mean = 7.76) in comparison to almost every other scenario for every route. Within the transgender route, a transgender sex worker who is physically assaulted by a client also gets significantly less empathy (total mean = 7.57) than all the other scenarios. Finally, there is a significant difference in the level of empathy between a gay man participating in the Pride March (mean gay route = 8.35) and the reference case of a heterosexual couple holding hands in the street (mean gay route = 8.70).

Women seem to be more empathetic than men for every scenario and with every route. The difference in percentages in the top two boxes (score 9-10) ranges from minimum 12 per cent (e.g., top two boxes for „A gay man physically assaulted by a complete stranger”: M = 58 per cent, F = 70 per cent) to maximum 26 per cent (e.g., top two boxes for ‘A lesbian couple physically assaulted while shopping’: M = 53 per cent, F = 79 per cent).

Reactions to hate crimes

The probability that respondents would intervene in case of a physical assault increases if the victim is a person with a disability or a lesbian. The likelihood of an intervention decreases when the victim is a gay man, black, transgender or Muslim.

The next section of questions concerned witnessing a crime. Respondents were divided in three groups and asked to evaluate on a scale of zero to ten (zero means “highly unlikely to intervene” and ten means “highly likely to intervene”) how likely they would be to intervene if they saw a lesbian, a gay man or a trans person being pushed and slapped on the street by a stranger. In addition, all respondents were asked about the likelihood of an intervention in cases of attacks on members of other groups that are vulnerable to hate crimes, i.e., a person with a disability, a black person and a person from an ethnic minority, which in the case of Belgium was specified as Muslim. All questionnaires included a reference category: “someone”. The results are presented in Table 4 below.

Table 4 Belgium: Reactions to violence.

	Total	Gay	Lesbian	Transgender
A person with a disability	7.93	7.83	8.19	7.76
A [gay/lesbian/transgender] person	7.41	7.28	7.83	7.09
Someone	7.39	7.24	7.63	7.28
A black person	7.22	7.13	7.48	7.04
A person from an ethnic minority (Muslim)	6.69	6.38	7.08	6.57

C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

In the case of the reference category, almost two in five of the respondents were likely to intervene if someone was pushed and slapped on the street by a stranger (top two boxes = 38 per cent, total mean = 7.39). People were significantly more likely to intervene if the victim was a person with a disability (top two boxes = 50 per cent, mean = 7.93) and less likely in case of a person from an ethnic minority (top two boxes = 32 per cent, mean = 6.69). In regard to reactions to crimes against LGBT, people were more likely to intervene in case of lesbians (top two boxes = 44 per cent, mean = 7.83) than if the victim was a gay man (top two boxes = 36 per cent, mean = 7.28) or a transgender person (top two boxes = 36 per cent, mean = 7.09).

Opinions on hate crimes

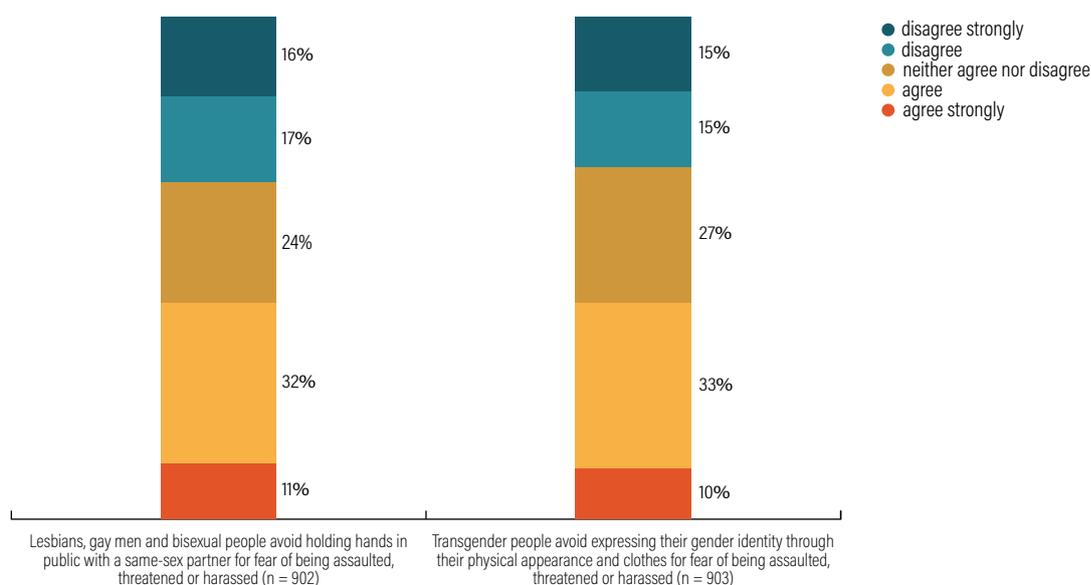
More than two in five respondents are aware that some LGBT people change their behaviour or appearance to avoid victimisation. Almost half of the respondents agree that violence against LGBT people is a serious problem in Belgium and that the effects of hate crimes are worse than crimes committed for another reason. Finally, about one in three does not have an opinion on either of the issues. More than three in five respondents agree that all crimes should be punished more severely. Thus, there is support for tougher sentencing in general but not specifically for hate crimes.

Another block of questions concerned perceptions of the impacts of hate crime on victims. All respondents were asked if they agree or disagree with four statements. The questions used a 5-point scale: agree strongly (5), agree (4), neither agree nor disagree (3), disagree (2) and disagree strongly (1).

Two questions referred to fear of hate crime, which may cause LGBT people to change their behaviours. Considering sexual orientation, respondents were

asked if they agree that lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed. For gender identity, respondents were asked if they agree that transgender people avoid expressing their gender identity through physical appearance and clothes for fear of being assaulted, threatened or harassed. The results are presented in Figure 24 below.

Figure 24 Belgium: Opinions about the fear of hate crimes for LGBT people.

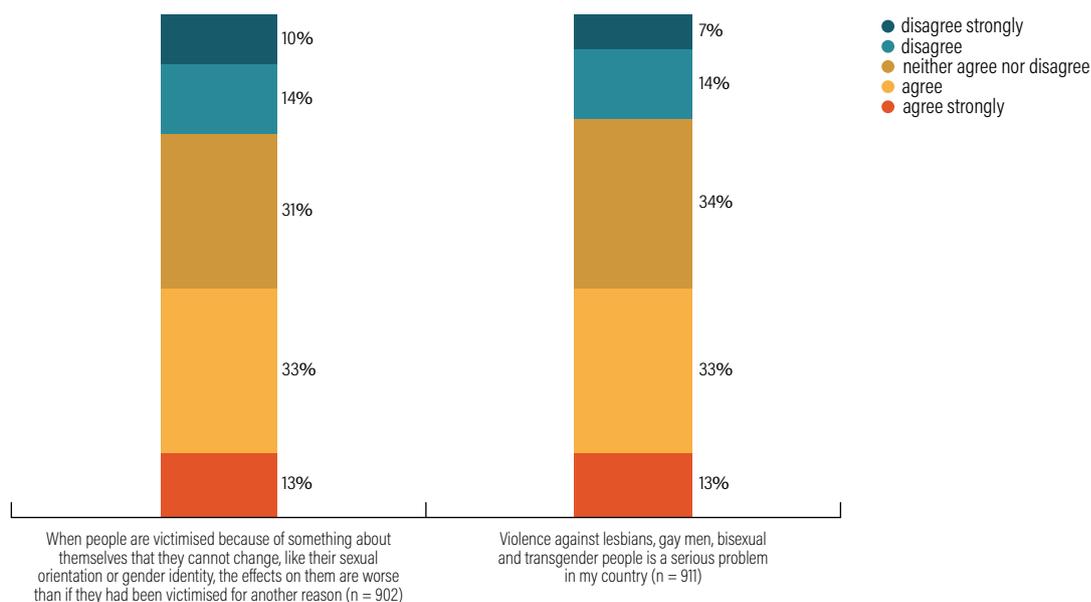


D2_1-2. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

More than four in ten respondents agreed with these statements (top two boxes: LGB = 43 per cent, T = 43 per cent) and about three in ten did not (bottom two boxes: LGB = 33 per cent, T = 30 per cent). These results show that some Belgians, especially in big cities such as Brussels, are aware that fear of hate crimes makes some LGBT people change their gender expression or display of affection in public. It is also interesting to note that one in four neither agrees nor disagrees which indicates that they haven't thought about these issues.

Respondents were also asked if they agree or disagree that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason. The last question in this group concerned the extent of anti-LGBT hate crimes. Respondents were asked if they agree with the statement that violence against lesbians, gay men, bisexual and transgender people is a serious problem in Belgium. The results are presented in Figure 25 below.

Figure 25 Belgium: Opinions about the consequences of hate crimes for LGBT people.



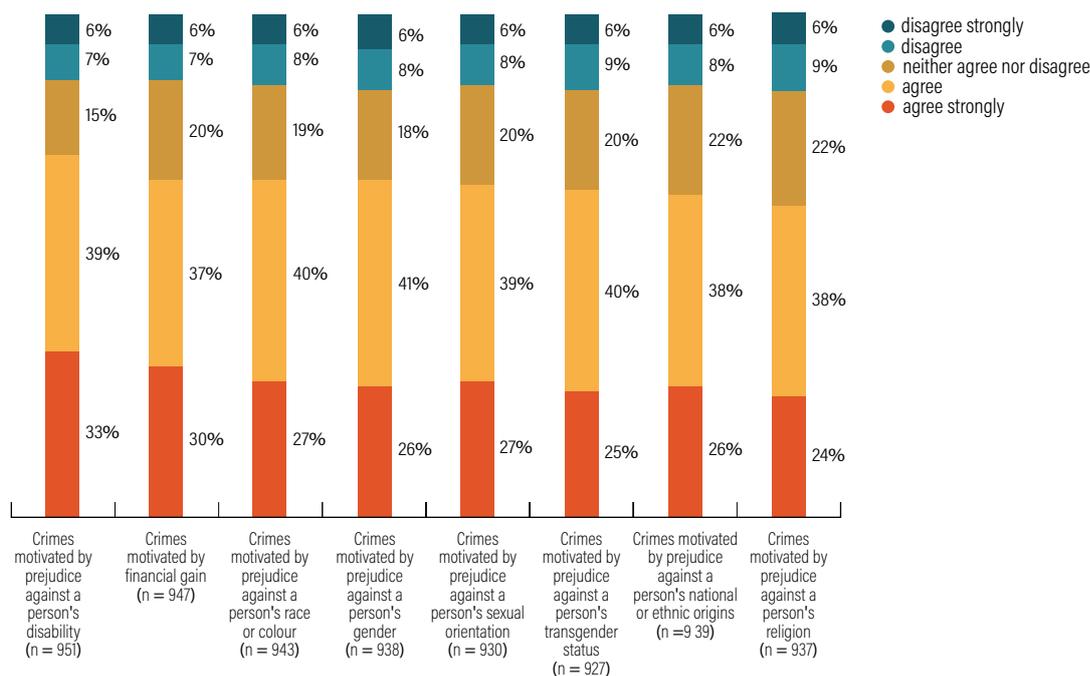
D2.3-4. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Almost half of the respondents agree that the effects of hate crimes are worse than the effects of crimes for another reason (top two boxes = 46 per cent) and one in four did not agree (bottom two boxes = 24 per cent). Almost one in two respondents agreed that violence against lesbians, gay men, bisexual and transgender people is a serious problem in Belgium (top two box = 46 per cent) and one in five is of the opposite opinion (bottom two boxes = 21 per cent). Additionally, one in three respondents neither agrees nor disagrees, which is in line with the previous statements and confirms that a big group of the respondents is not aware of these problems.

There is only a significant gender difference in the opinion about whether or not violence against LGBT people is a serious problem in Belgium where men disagree significantly more than women (bottom two boxes: M = 25 per cent, F = 16 per cent) so women recognise the scale of the problem more.

In the last block of questions, respondents were asked if they agree or disagree that some crimes may be punished more severely, depending on the motivation for the crime, that is, whether a person that is convicted should attract a higher sentence when the crime is motivated by prejudice against a person’s sexual orientation, transgender status, religion, race or colour, disability, national or ethnic origin or gender. A common crime, motivated by financial gain (e.g., robbery, pickpocketing), was used as a reference case. The results are presented in Figure 26 below.

Figure 26 Belgium: Opinions on whether different types of crime should attract a higher sentence.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

More than three in five respondents agree that all crime types should carry a higher sentence, including the reference case of a crime motivated by financial gain (top two boxes = 67 per cent). This shows support for harsher sentencing in general, rather than specific support for harsher sentencing for hate crime. Slightly more respondents agreed that crimes motivated by prejudice against a person's disability (top two boxes = 72 per cent) should be punished more severely than financial crimes, but the differences were not significant in relation to other hate crimes. The least support was found for crimes motivated by prejudice against a person's religion (top two boxes = 63 per cent).

There's a gender difference for crimes motivated by prejudice against a person's religion (top two boxes: M = 58 per cent, F = 67 per cent). Men also tend to agree less that crimes motivated by prejudice against a person's transgender status should get a higher sentence (top two boxes: M = 62 per cent).

Discussion

Regarding the attitudes towards LGBT people, the results of the *Call It Hate* survey are in line with other research. There is a positive trend of agreement that LGBT people should be free to live their own lives as they wish, but the results are slightly less positive when people are asked how comfortable they would feel about having an LGBT person as a neighbour. This supports the presupposition that many people say and think that they are accepting but still

have implicit prejudices that make them less tolerant about sexual and gender diversity than they believe themselves to be.

According to the FRA LGBT survey (2012) one in two lesbians and gay men in Belgium avoid holding hands in public and one in four transgender people avoid expressing their gender identity for fear of being assaulted, threatened or harassed. In the *Call It Hate* survey, almost half of the respondents are aware of this problem and believe that some LGBT people act differently in public for fear of hate crimes but it is striking that one in three does not have an opinion about this statement (answer “neither agree nor disagree”). This implies that they may have not even thought about these issues. The results are almost the same with regard to the question of whether violence against LGBT people is a serious problem in Belgium. Relating to this, it is relevant to add that according to the Social-Cultural Movements survey (Statistiek Vlaanderen 2018), one in four Belgians says there is too much attention on sexual orientation and almost one in three claims that LGB people should not exaggerate the problems they are confronted with. So, there are clear differences in acknowledging that violence against LGBT people is still a problem in Belgium.

Looking into empathy for victims of hate crimes, there is a notable hierarchy depending on the context that is being examined. The levels of empathy are significantly lower when LGBT people are assaulted while participating in the Pride March or when they are drunk and near a bar. The scores are the lowest in case of a transgender sex worker who is assaulted by a client. This indicates a form of victim blaming, resulting in less support for victims when they are being perceived as provocative or (partially) responsible.

When asked about sentencing, there is no significant support among respondents for harsher sentencing for hate crimes specifically compared to crimes that are being committed for another motive, even though almost one in two respondents state that when people are victimised because of something about themselves that they cannot change, the effects on them are worse. Thus, this understanding of the consequences of hate crimes does not result in support for harsher sentencing.

Concluding, a recurrent finding of the *Call It Hate* survey is the importance of gender, for both - respondents and responses. Across almost all items, women score significantly higher than men.⁶⁰ This implies that women are more accepting and empathic towards LGBT people and are more aware of problems related to hate crimes. Besides being accepting, there is also a clear gender difference in levels of being accepted. Whenever the distinction is made within possible responses, lesbians get the highest scores, followed by gay men and finally transgender people. The gender-difference in level of empathy and reaction to hate crimes for female victims could also be caused by a gender bias that women are less able to defend themselves but this needs further research. It would also be interesting to know whether there is a

⁶⁰ There were only five respondents who identified as “other” or “non-binary” so no statistically relevant conclusions can be made.

difference between the acceptance of bisexual men and bisexual women and transgender men and transgender women but this division wasn't included in the survey.

Conclusions

Belgium is a pioneer when it comes to LGBT-rights, even though there are still some legal gaps, but this does not mean that there is no more violence and discrimination against LGBT people. For people who are not confronted with these issues themselves, this legal situation can create the illusion that LGBT people do not face these problems anymore.

First of all, there are significant differences in acknowledging that violence against LGBT people is still a serious problem in Belgium and that LGBT people sometimes change their behaviour in public for fear of being assaulted, threatened or harassed. Also, a large group agrees nor disagrees with these statements because they do not even think about these matters. It is, therefore, important that people are correctly informed about the prevalence and the impact of violence and discrimination against LGBT people. This means we need more information, which can be gathered by encouraging victims and police to report LGBT-related discrimination and violence to get an idea of the true extent. We also need more scientific research to get a better understanding of these problems, and all this information needs to be accessible and broadly communicated.

Secondly, attitudes towards LGBT people keep improving, though there are still prejudices that have an impact on the level of acceptance. A small minority of Belgians is explicitly negative about LGBT people but a big group is negative in a more implicit way. The same can be seen regarding the level of empathy towards victims of hate crimes which depends on the context. There is significantly less support for LGBT victims of violence when they are drunk and near a bar, while participating in the Pride March, or when the victim is a transgender sex worker who is assaulted by a client. This is related to the phenomenon of victim blaming where the victim is perceived as provocative or (partially) responsible. Thus, besides gathering and spreading correct information, we need to raise awareness on the acceptance of gender- and sexual diversity and the phenomenon of victim blaming.

Finally, there is a discrepancy between believing that hate crimes have a worse impact on victims than crimes committed for another reason, and the consequent implementation of harsher sentencing for hate crimes. Of course, the legal framework needs to address this by including gender identity and gender expression in the hate crime provisions of the Penal Code and expanding the applicability of the reprehensible motive to other crimes. But we also need specific information and awareness-raising about this particular issue that LGBT people are confronted with, not only as potential victims but as a community as a whole.

Recommendations

While progress has been made over the past few decades, there is still much that can be done to improve the situation of victims of anti-LGBT hate crimes:

- Include gender identity and gender expression in the hate crime provisions of the Penal Code and expand the applicability of the reprehensible motive to other crimes.
- Reinforce the efforts to promote and implement the Interfederal Action plan against discrimination and violence towards LGBT people.
- Initiate more research about discrimination and violence against LGBT people with a special focus on hate crimes.
- Develop awareness campaigns towards the general population regarding discrimination, violence and hate crimes.
- Develop awareness campaigns directed to the LGBT community about reporting discrimination, violence and hate crimes.
- Develop and implement training for professionals working with victims of anti-LGBT hate crime.

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BULGARIA

AT A GLANCE



After four years of increasing tolerance, attitudes towards LGBT people in Bulgaria have undergone a regression in the past six years. Between 2012 and 2018, the number of opponents of the right of LGBT people to live their lives as they wish increased from 18 to 25 per cent, especially among citizens of the two biggest cities in Bulgaria who demonstrate the most unfavourable attitudes.

There is significant social distance between the general population and LGBT communities. Most people feel slightly to strongly uncomfortable having LGBT neighbours: 63 per cent if the persons are bisexual; 65 per cent if they are lesbians; 66 per cent if they are gay men; and 68 per cent if they are transgender.

Women and younger people demonstrate less unfavourable attitudes.

The levels of empathy for victims of crimes who are lesbian, gay or transgender are lower in comparison with empathy to heterosexual victims. There is a hierarchy of victimisation in which the lowest level of empathy for LGT victims is when they are attacked drunk near a bar.

The general social empathy in Bulgaria is not high, as the mean probability for respondents to intervene when they witness an act of assault on somebody in the street is only 6.62 on a 11-degree scale. This probability substantially increases when the victim is a person with disability (mean 7.74) and substantially decreases if the victim belongs to any other minority or vulnerable group. When victimised, LGBT people encounter the lowest levels of empathy: mean 5.38 for gay men; 5.77 for lesbians; and 4.82 for transgender people. The low levels of empathy towards transgender victims of assault means they are at greater risk of hate crimes.



More than half of the respondents agree with statements saying that LGBT people avoid showing their sexual orientation or gender identity publicly because of fear of being assaulted; and that the effects of victimisation on the grounds of unchangeable characteristics like sexual orientation or gender identity are worse than those of victimisation on other grounds.



Simultaneously, the supporters of higher sentences for biased crimes based on sexual orientation and transgender status reach only about 50 per cent and 47 per cent, respectively, and represent the smallest shares in comparison with supporters of higher sentences for other types of crimes.

SHRINKING SPACE FOR LGBT PEOPLE IN BULGARIA

✍ Slavyanka Ivanova, Liliya Dragoeva and Dimitar Bogdanov

Introduction

___ Legal and policy framework on anti-LGBT hate crime

The legal and policy situation on LGBT issues in Bulgaria in general is unfavourable, compared with other EU countries. On the Rainbow Map (ILGA-Europe 2018), which compares national legal regulations and human rights of LGBT people across Europe, Bulgaria is ranked 24 out of 28 EU member states, scoring only 24.15 per cent. One of the main reasons for the low score is the Hate Speech & Hate Crime category, where Bulgaria scores 0 per cent. This means that even though Bulgarian law recognises some hate crimes, the list of motivations constituting aggravating circumstances does not include sexual orientation, gender identity or gender expression.

___ Scale of anti-LGBT hate crime

_____ Victimisation surveys

Victimisation surveys play an important role in understanding the scale of the phenomenon in Bulgaria in the absence of any official data or statistics gathered on the national or local level. According to the EU LGBT survey (2013), Bulgaria is one of three countries in the EU with a “very widespread” use of offensive language by politicians against LGBT people. Thirty-one per cent of respondents from Bulgaria declared they had been physically/sexually attacked or threatened with violence in the previous five years; however, only 14 per cent of Bulgarian LGBT respondents reported the most recent incident to the police.

According to a survey among 33 victims of anti-LGBT hate crimes (GLAS Foundation 2017), the most common place where hate crime incidents occur is school, with 60 per cent of the reported cases taking place at educational premises. Twenty-four out of the 33 reported hate crime incidents were threats

and 18 of the threats were received by gay men aged 15-24. Physical assault was reported by five people, all of whom identified as men (four as gay, one as bisexual). Three of the victims were aged 25 to 34 and the other two victims were 15 to 24. One case in each of the following four categories – sexual assault, domestic violence, refusal of public services and refusal of employment/firing from work – has been reported.

Another survey (Youth LGBT Organisation Deystvie 2018), conducted in 2017, gathered information about 25 reports on anti-LGBT hate crimes. Nine of the reports were submitted by witnesses and 16 were filed by the victims themselves. According to the data, the most frequent reason for the incident (19 cases) was the sexual orientation of the victim. Of the remaining six, five reported an attack due to gender identity, and one person reported that the attack was a consequence of gender expression. The highest percentage of incidents was reported by 16 gay men, followed by three reported incidents against women and six incidents against trans people. Denial of service accounted for the largest share of reported incidents – nine cases, where five of the cases involved a refusal of health service. Offensive words and hate speech are the second most often reported incidents. The remaining types of reported incidents are as follows: encroachment upon property, threat, persecution, physical violence and one attempt of murder.

Reported cases

There is no official data on the number of anti-LGBT cases reported to the police in Bulgaria.

Hate crimes against LGBT people in Bulgaria are rarely reported to the police. The LGBT community is hesitant to report incidents of violence because of fear of a homophobic reaction and/or secondary victimisation, and a general lack of trust in the public institutions (Filipova and Pisankaneva 2018). In addition, the fact that anti-LGBT hate crimes are not recognised by the law is well known in the LGBT communities. LGBT organisations are the only entities collecting data on anti-LGBT hate crimes, by means of an online platform that encourages reporting within the community and also via face-to-face meetings.

In 2015, GLAS Foundation created an online reporting service, tolerantni.com (initially named wearetolerant.com) for anti-LGBT hate crimes, accessible to people from all over the country. Tolerantni.com was the platform used for the 2017 GLAS Foundation victimisation survey. At the same time, Deystvie has collected the information for their victimisation survey by means of interviews with victims and witnesses.

None of the 33 victims who talked with GLAS, and only one in 25 victims who spoke to Deystvie, had reported the incident to the police. Reasons for not reporting to the police varied, but many victims said that they felt uncomfortable making reports, either because they did not believe the incident would be

taken seriously and effectively investigated, or because they feared they might experience additional harassment from police officers (Deystvie 2018).

In the absence of any official data on anti-LGBT hate crimes, the information collected by GLAS Foundation and Deystvie in 2017 can shed some light on the type and scale of the phenomenon. Although hate crimes against LGBT people appear to be common, with at least 78 cases reported, as a whole, they remain both under-reported and under-investigated.

While anti-LGBT hate crimes in Bulgaria remain unrecognised by the law, if recorded, they are usually treated as acts of hooliganism by the police. There has only been one case in which the court recognised the anti-gay motivation of a crime – the 2008 murder of Mihail Stoyanov. The well-publicised case was finally closed in 2017, following a seven-year trial (Filipova and Pisankaneva 2018).

There is currently no state-endorsed prevention, recording, classification or analysis of anti-LGBT hate crimes, nor support for victims. In the absence of official statistics, the only data about anti-LGBT hate crimes is collected by LGBT organisations and a small number of other human rights NGOs (Filipova and Pisankaneva 2018).

Previous research on the topic

According to data on social distance from the third wave of the European Values Survey (1999), 54 per cent of Bulgarian people would not like to have homosexual people as their neighbours. The data from the fourth wave of the same survey (European Values Survey 2008) reveals slightly better figures, with 51 per cent saying they would not want to have homosexual people as their neighbours.

Attitudes towards LGBT people

After four years of increasing tolerance for LGBT people between 2008 and 2012, the *Call It Hate* survey reveals a revival of disapproving attitudes in Bulgaria. The attitudes to bisexual persons and lesbians are relatively less unfavourable than those to gay men and transgender people. Male respondents, people aged 45 and over, and the citizens of the two biggest cities in Bulgaria, demonstrate the most unfavourable attitudes towards LGBT people.

___ Historical trends

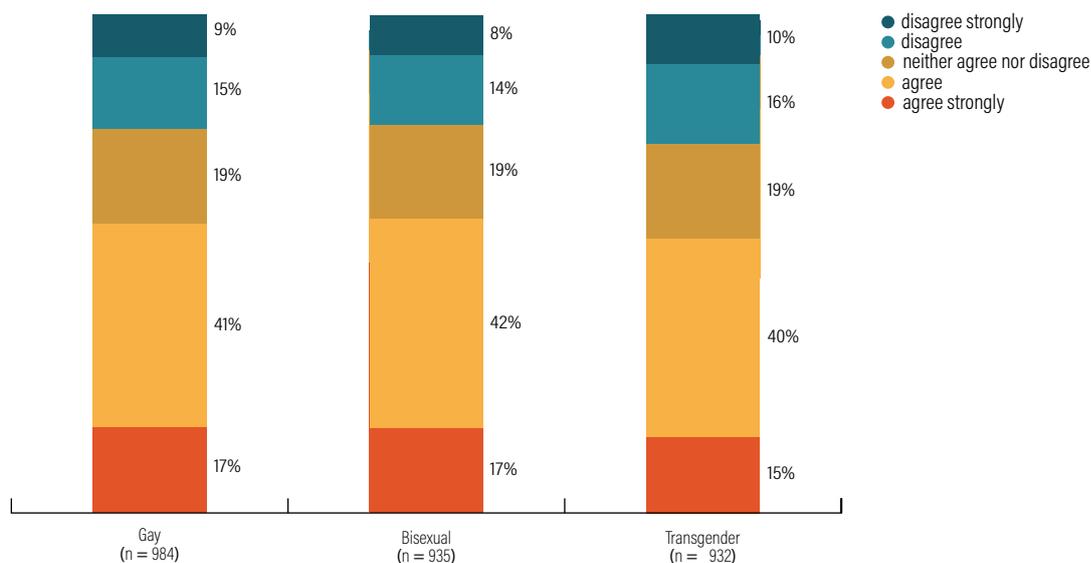
The general attitudes of Bulgarians towards gay men and lesbians have developed in contradictory directions in the last 13 years. According to ESS data, between 2006 and 2008 the rejection of gay people's right to live their lives as they wish reached its peak: 30 per cent of the general population (with 52 per cent who agreed with this right). In the next four years the shares of opponents decreased to 18 per cent (with 52 per cent who agreed); however, this trend appeared unstable.

The survey conducted in 2018 showed a new increase in which the proportion of opponents reached a quarter of the general population. A negative trend is also observed among those who agree that gay men and lesbians should be free to live their own lives as they wish. While in 2006, the share of those who strongly agreed with this statement exceeded the share of those who just agreed with by 7 per cent, 13 years later the ratio is the opposite: the share of those who agreed is 5.5 per cent bigger than the share of those who strongly agreed.

___ General attitudes

According to the *Call It Hate* survey, the attitudes to the right of bisexual people; of gay men and lesbians; and of transgender people are very similar and mainly positive. In a five-degree scale, the mean score measuring the attitudes to bisexual people is 3.46, compared to 3.42 mean score for gay men and lesbians and 3.35 for transgender people. The same regularity is observed through the top two boxes (T2B) and bottom two boxes (B2B) indicators – the ratio between people who agree and strongly agree, on the one hand, and those who disagree and strongly disagree, on the other. The ratio between those who agreed and those who disagreed in the case of bisexual people is 59 per cent: 22 per cent, while in the case of gay men and lesbians it is 57 per cent: 24 per cent and in the case of transgender people it is 55 per cent: 26 per cent.

Figure 27 Bulgaria: Respondents' opinions on whether LGBT people should be free to live their own lives as they wish.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

Female respondents appeared significantly more inclined than men to admit the right of LGBT people to live their lives as they wish. The difference between the shares of those who agreed and those who disagreed in the responses of women are 43 per cent, 45 per cent and 41 per cent towards G+L, B and T respectively, while the corresponding differences in the responses of men are 25 per cent, 28 per cent and 19 per cent respectively. The younger the respondents are, the more tolerant their views, with differences between the youngest and oldest age groups in the mean scores of 0.50 towards gay men and lesbians, 0.56 towards bisexual people and 0.51 towards transgender people.

The size of settlement is also connected with the views of the respondents. The residents of the biggest cities, with 500k+ inhabitants (Sofia and Plovdiv) seem less tolerant towards rights of LGBT people to live their lives as they wish. The mean scores in the two biggest cities in Bulgaria are lower than the total mean for the country with 0.20 (Sofia) and 0.26 (Plovdiv) towards gay men and lesbians; with 0.23 and 0.43 respectively towards bisexual people; and with 0.21 and 0.70 respectively towards transgender people.

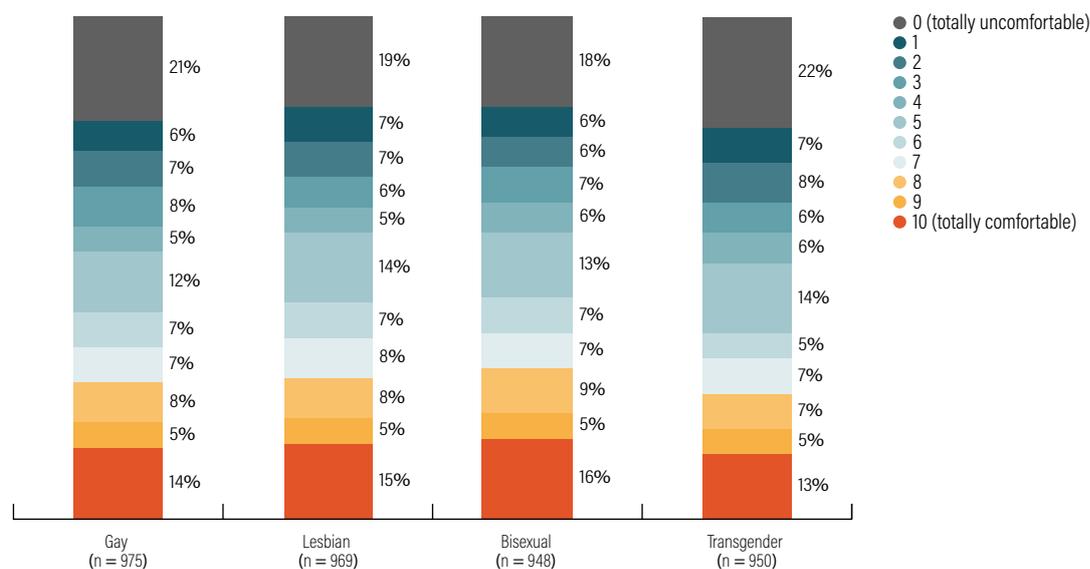
In order to better understand the reasons for the different attitudes towards LGBT people, the survey also asked several questions about the respondents' values. There is a link between the values of security and universalism and the opinions on the right of LGBT people to live their lives as they wish. People who strongly identify with security-related values (to live in secure environment and to be protected by a strong state) tend to agree with this right less frequently than others (with five to twelve points higher disagreement compared with those who strongly reject security values). Conversely, people who mildly or strongly

identify themselves with universalistic values (to understand the different, to give equal rights to everybody) tend to agree with this right far more frequently than those who do not (with 23 to 27 points higher agreement compared with those who strongly reject universalistic values).

Social distance

Unlike general attitudes towards various LGBT groups, where the shares of people accepting their right to live as they wish are significantly higher than the share of those who reject it, the ratio between people feeling comfortable and those feeling uncomfortable having LGBT neighbours is reversed. In the case of this indicator measuring social distance, the values of B2B are higher than those of T2B. Again, bisexual people and lesbians enjoy relatively less unfavourable attitudes with ratios between T2B and B2B 21 per cent: 24 per cent and 20 per cent: 25 per cent respectively. Regarding gay men, this ratio is 19 per cent: 27 per cent; and regarding transgender people it is 18 per cent: 29 per cent.

Figure 28 Bulgaria: Social distance from LGBT people as potential neighbours.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

Subsequently, the Net Promoter Scores (NPS), measuring the difference between the *promoters* (people feeling very and totally comfortable – ranges 9 and 10 in the scale from 0 to 10) and the *detractors* (people feeling slightly to strongly uncomfortable – ranges 6 to 0), are also negative towards all LGBT groups and with highest negative values towards gay men and transgender people (-47 per cent and -50 per cent respectively).

Relatively less unfavourable attitudes to bisexual people are also demonstrated by the shorter social distance to them, in comparison to other LGBT groups. In an 11-degree scale measuring the level of comfort having somebody as a neighbour, the mean score of the opinions of the Bulgarian respondents towards bisexual people is 4.91 compared to 4.85 towards lesbians; 4.66 towards gay men; and 4.44 towards transgender people.

The connection of this social distance indicator with socio-demographic indicators is similar to those commented on regarding the general attitudes to LGBT people. Men demonstrate more distant attitudes than women (with differences in mean scores of 0.25 to 0.95), as well as the residents of the two biggest cities in the country in comparison with respondents living in other settlements. Also, the older respondents are, the more uncomfortable they feel having an LGBT person as a neighbour (with differences in mean scores between the youngest and the oldest group of 1.09 to 1.88).

Self-identification with strong universalistic values is in close relation with sense of comfort in having LGBT neighbours; however, the attitude to security values is not clearly connected with this indicator for social distance.

It is worth noting that the level of education is not directly connected with the acceptance of and level of tolerance towards LGBT people. If respondents are divided only in two educational groups: lower level (up to secondary) and higher level (semi-higher/college and higher education – BA, MA or PhD), the average NPS for the first group shows significantly higher negative values than the respective NPS in the second group:

- 52 per cent vs -35 per cent towards gay men;
- 48 per cent vs -32 per cent towards lesbians;
- 47 per cent vs -31 per cent towards bisexual people;
- 53 per cent vs -44 per cent towards transgender people.

However, when analysing educational level in detail, it was observed that people with vocational education feel uncomfortable having an LGBT neighbor far more frequently than all other educational groups, including people with primary education. The NPS for the group of respondents with vocational education compared with NPS for people with primary education is respectively:

- 72 per cent vs -56 per cent towards gay men;
- 78 per cent vs -54 per cent towards lesbians;
- 69 per cent vs -51 per cent towards bisexual people;
- 76 per cent vs -54 per cent towards transgender people.

Levels of empathy

The levels of empathy towards a heterosexual couple who experienced a physical assault are significantly higher than the levels of empathy towards LGT victims. Lesbians receive relatively higher levels of empathy in all situations of physical assault than gay men or trans people, although about a half of the respondents do not show empathy. Gay men, lesbians and transgender persons receive the lowest levels of empathy in the situations of assault while drunk near a bar and assault by counterdemonstrators at Pride March.

___ Empathy towards LGT people

The respondents were asked about their levels of empathy for LGT people⁶¹ experiencing physical violence in different scenarios: whilst holding hands on the street; shopping; drunk near a bar; at Pride March; by a complete stranger; by a member of their family; and by members of a far-right extremist organisation. Among all respondents, 347 were asked about their levels of empathy for gay men; 314 – for lesbians; and 296 – for transgender people. The respondents who answered for gay men and lesbians were also asked about their level of empathy for a heterosexual couple physically assaulted on the street (a reference case).

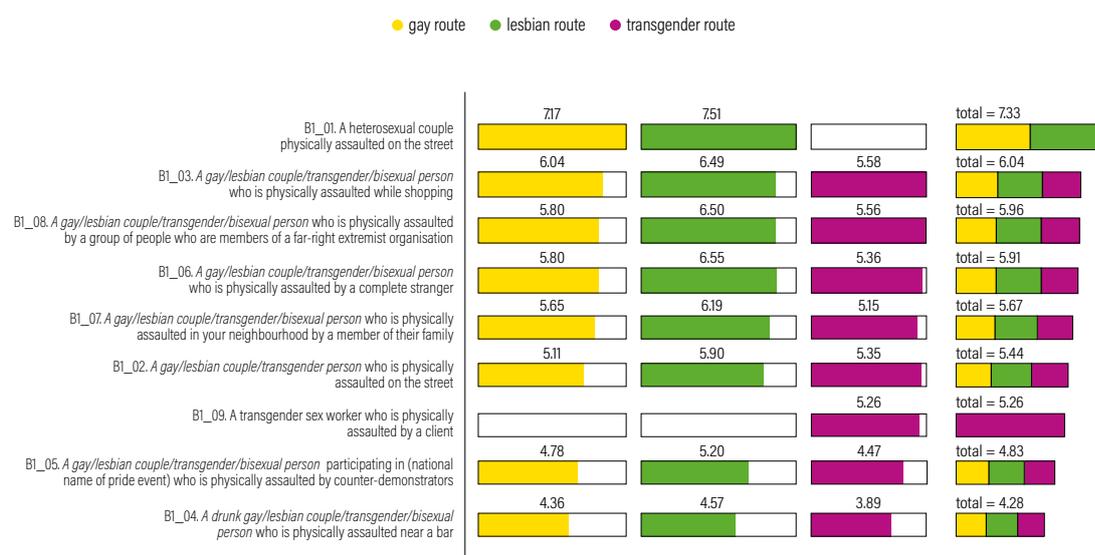
The mean score of empathy for a heterosexual couple given by the respondents who were asked for gay men is 7.17 in an 11-degree scale, where 0 means “no empathy at all” and 10 means “complete empathy”. The mean score received for gay men in a similar situation is significantly lower: 5.11. Similar is the mean score received for transgender people, although slightly higher: 5.35. For a heterosexual couple, the T2B (48 per cent) is about five times bigger than B2B (9 per cent); while for gay men and transgender people, T2B and B2B have approximately equal values (21 per cent: 21 per cent and 21 per cent: 17 per cent respectively). The level of empathy for a lesbian couple assaulted on the street is higher than those for a gay couple and transgender person, but still significantly lower than for a heterosexual couple. The mean score of empathy for a heterosexual couple received by the respondents, who were asked about lesbians, is 7.51 and a ratio between T2B and B2B 51 per cent: 7 per cent compared to 5.90 mean score for a lesbian couple and ratio between T2B and B2B 28 per cent: 14 per cent.

⁶¹ In Bulgaria, the question did not include bisexual people.

Empathy in different situations

In all types of situations, lesbians receive considerably higher levels of empathy with mean scores higher with 0.20 - 1.19 points compared to gay men and transgender people; and transgender people receive the lowest levels.

Figure 29 Bulgaria: Empathy towards LGT people.



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

The situation in which all three groups receive lowest levels of empathy, with lowest values of means and B2B, is when they are physically assaulted near a bar while drunk (G = 4.36, 26 per cent; L = 4.57, 25 per cent; T = 3.89, 30 per cent), followed by when assaulted by counter-demonstrators at the Pride March (G = 4.78, 22 per cent; L = 5.20, 21 per cent; T = 4.47, 27 per cent). These two are also the situations with the smaller differences of empathy levels between the three groups. In three types of situations, the three groups receive similar and highest levels of empathy, with highest values of means and T2B. The situation when assaulted while shopping evokes the highest levels of empathy for gay men and transgender persons (G = 6.04, 27 per cent; L = 6.49, 33 per cent; T = 5.58, 23 per cent). The situations when assaulted by a complete stranger (G = 5.80, 24 per cent; L = 6.55, 31 per cent; T = 5.36, 20 per cent) and by a member of a far-right extremist organisation (G = 5.80, 27 per cent; L = 6.50, 32 per cent; T = 5.56, 22 per cent) are those in which lesbians receive the highest levels of empathy.

Generally, women tend to express higher levels of empathy than men and it is demonstrated in their answers to the question on a heterosexual couple assaulted on the street: the value of NPS among women (the difference between share of respondents with high levels of empathy – T2B, and of those with no empathy – scores 0-6) is 21 per cent, compared to 9 per cent among men, for those respondents who answered about gay men; and 26 per cent, compared to 13 per cent, for those who answered about lesbians. Although with negative values, the ratio of NPS towards lesbian couples among women and men is very similar: -19 per cent: -33 per cent. The difference between women and men, however, significantly deepens regarding their empathy levels for transgender people and gay couples (NPS ratios: -29 per cent; -51 per cent; -20 per cent and -64 per cent, respectively).

Unlike the general attitudes towards LGBT people, the levels of empathy are not in a linear correlation with the age of the respondents. Heterosexual and gay couples enjoy highest levels of empathy, although dramatically different, among people aged 24-35 (with respective values of NPS of 22 per cent and -22 per cent); lesbian couples – among people aged 45-54 (NPS = 1 per cent); and transgender people – among those aged 35-44 (NPS = -35 per cent).

Reactions to hate crimes

In order to measure the social empathy towards LGBT people who are victimised, respondents were asked how likely they would be to intervene in hypothetical situations involving anti-LGBT hate crimes. All respondents demonstrate highest levels of social solidarity when the victims are people with disabilities: if witnessing physical assault to a person with disability, they state higher probability to intervene than in a situation where the profile of victims is not specified. The lowest probability for intervention is observed when the victims are transgender people. The highest levels of social solidarity, including towards LGT people, are observed in the small to middle-sized towns, as well as among people with the highest educational level.

— Reactions by profile of victims

The respondents were asked to estimate how likely they would be to intervene if witnessing an incident in which a person was pushed and slapped on the street. The highest levels of probability for intervention were observed in the case of victims with disabilities: 7.64 total mean score (in an 11-degree scale where 0 means “highly unlikely” and 10 means “highly likely”) and total ratio between T2B and B2B 54 per cent: 6 per cent. For comparison, in the situation when the profile of the victim is not specified (“Someone is pushed and slapped on the street by a stranger”), the total mean probability for intervention is 6.62 and the ratio between T2B and B2B is 34 per cent: 9 per cent. In all other types of situations, when the victims are black, LGT or come from an ethnic minority,⁶² the probability for intervention is very similar, with values of T2B varying between a fifth and a quarter of the respondents. Still, intervention when the victims are LGT persons is less probable (for gay men, mean = 5.38, T2B:B2B = 22 per cent: 18 per cent; for lesbians, mean = 5.77, T2B:B2B = 24 per cent: 12 per cent; and for transgender people, mean = 4.82, T2B:B2B = 17 per cent: 21 per cent).

— Reactions by demographic variables and human values variables

Inhabitants of small to middle-sized towns (up to 100,000 inhabitants) demonstrate the highest levels of social solidarity with the victims of physical assaults, regardless of their profile, while inhabitants of the two biggest cities in the country show the lowest levels of solidarity. The rejection of benevolence values (statements supporting understanding and helping others) also correlates with lower probabilities for intervention, in all types of situations.

Men tend to state more frequently than women that they would intervene in the cases when the profile of the victim is not specified, as well as in the cases when the victim is a person with disabilities. Female respondents, in turn, declare more frequently than their male counterparts that they would intervene in the cases where the victims belong to sexual or ethnic minorities. When the victims belong to an ethnic minority, there is no clear difference by gender.

Opinions on hate crimes

More than half of the respondents agree with the statements that lesbians, gay men and bisexual people avoid holding hands in public

⁶² In Bulgaria, the question did not ask about a specific ethnic group but generally about a member of an ethnic minority.

with a same-sex partner, and that transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed. Practically the same level of agreement is observed regarding the statement that the effects of victimisation on the grounds of unchangeable characteristics like sexual orientation or gender identity are worse than those of victimisation on other grounds. Nonetheless, people who agree with higher sentences for the crimes based on sexual orientation and transgender status hardly reach 50 per cent of the respondents. For the crimes based on these two grounds, higher sentences are less frequently demanded than for other bias-motivated crimes.

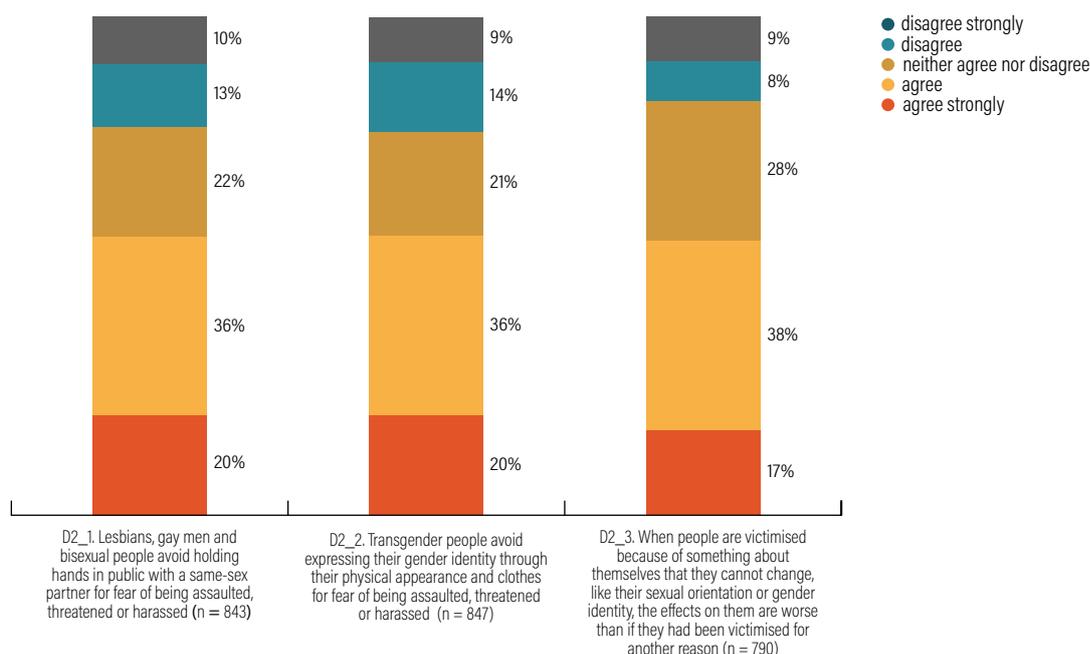
Opinions on the consequences of hate crimes

Three statements were offered to the interviewees to express their opinion on:

- Lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed.
- Transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed.
- When people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.

All statements receive the agreement of more than half of the respondents. The first and the second statements are supported by 56 per cent (by 36 per cent agree and 20 per cent agree strongly). The results for the third statement are very close: 55 per cent supported the statement (38 per cent agree and 17 per cent agree strongly). For this statement, however, the share of the hesitant respondents who neither agree nor disagree is relatively higher in comparison with the first two statements (28 per cent, compared to 22 per cent in the first statement and 21 per cent in the second).

Figure 30 Bulgaria: Opinions about the consequences of crime threats for LGBT people.



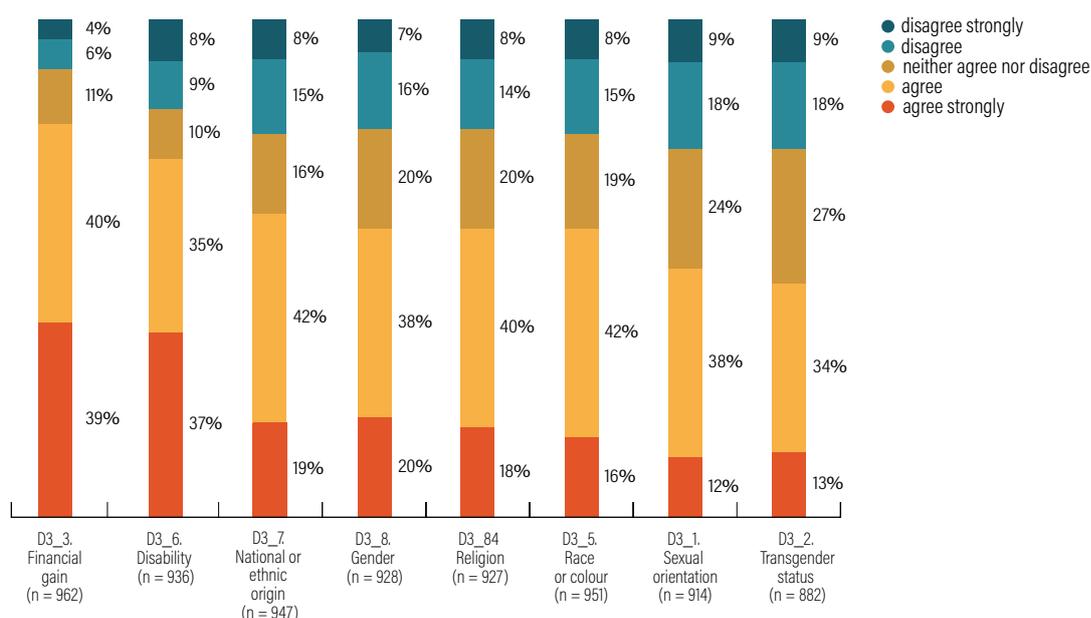
D2. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

The first two statements which state that LGBT people avoid showing their sexual orientation or gender identity publicly because of fear of being assaulted, are slightly more frequently supported by people with lower levels of education: elementary to secondary, than people with semi-higher or higher education, and by women, compared to men. The citizens of the two biggest cities in the country - Sofia and Plovdiv, support these statements less frequently than the inhabitants of every other type of settlement. People who strongly reject or strongly identify themselves with benevolence or universalistic views tend to disagree with the first two statements more frequently.

Opinions on the sentences for hate crimes

According to Bulgarian respondents, both hate crimes and offences without a bias motive should attract higher penalties. The highest number of people (79 per cent), think that crimes motivated by financial gain (a reference case) should be sentenced more severely. Around half of respondents think that there is a need for harsher sentences for crimes based on sexual orientation and gender identity.

Figure 31 Bulgaria: Opinions about the sentences that different grounds of crimes should attract.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

Crimes could be divided into three groups based on respondents' opinions. First – with highest level of support: the non-hate motivated baseline crime (financial gain through robbery or pickpocketing), and one specific bias motivated crime: motivated by prejudice against a person's disability. Almost four of five respondents support higher sentences for the baseline crimes and almost three of four respondents support the same for the hate crimes based on disability.

In the second group there are the hate crimes based on national or ethnic origin, gender, religion and race or colour which should attract higher sentences according to about 60 per cent of the respondents (61 per cent in the case of national or ethnic origin and by 58 per cent for the other grounds). Finally, in the third group, with lowest levels of support for higher sentences are the hate crimes based on sexual orientation and transgender status: 50 per cent and 47 per cent respectively.

As can be seen in Figure 31, the relatively lower levels of support for higher sentences for hate crimes based on sexual orientation and transgender status are due to the higher shares of people without definite opinion: those who neither agree nor disagree. This means that there is a clear need for more discussion in the society about the specific vulnerabilities of LGBT people.

Women support higher sentences more frequently than men, with the exception of the baseline crimes, crimes on the grounds of disability and crimes on the grounds of national or ethnic minority; and men more frequently than women disagree with higher sentences for hate crimes based on gender, sexual orientation and transgender status.

People living in the capital city are those who most frequently, in comparison to the residents of all other types of settlements, disagree with higher sentences for all hate crimes.

Discussion

The attitudes to LGBT people in Bulgaria have undergone a regression in the last six years. The share of opponents of the right of gay men and lesbians to live their lives as they wish increased up to a quarter of the population; and the confidence of those who support this right decreased, as the ratio between those who strongly agree with it and those who just agreed reversed in favour of the latter.

LGBT people encounter the lowest levels of empathy, in comparison with other vulnerable groups, as ethnic and racial minorities and people with disabilities. The same goes for the readiness to intervene when witnessing assault against different vulnerable groups. The low levels of empathy towards transgender victims of assault mean they are at greater risk of hate crimes.

The relatively high levels of agreement with the statements that lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner, and transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, indirectly reflect the serious incidence of hate crimes based on sexual orientation and transgender status in Bulgaria.

The attitudes to bisexual people and lesbians are relatively less unfavourable in comparison with gay men and transgender people.

Women and the younger people demonstrate more favourable attitudes to all LGBT groups. The most unfavourable attitudes and opinions are observed in the two biggest cities in the country - Sofia and Plovdiv, as well as among people with secondary vocational education. This trend needs to be researched further as there is only anecdotal evidence on why the attitudes in the two biggest cities are most unfavourable.

Conclusions

The survey data reveals high social distance and low levels of social solidarity towards LGBT people in Bulgaria that indicate, in turn, low levels of knowledge about the situation of different LGBT groups and poor understanding of the problems and hardship they face. More education for the general public is needed about the human nature and the experiences of LGBT people.

As the trends of the public attitudes are unstable, more detailed research is needed on a regular basis in order to explore in depth the causes of negative attitudes and to track trends. Survey findings will also feed activists' policy and advocacy work. More campaigning is also needed, based on research data and findings.

Recommendations

- Introduce gender identity and gender expression as protected grounds in the Protection against Discrimination Act.
- Introduce hate crime legislation covering sexual orientation, gender identity and gender expression in the list of motivations constituting aggravating circumstances in the Bulgarian Penal Code.
- Start collecting data on anti-LGBT hate crimes.
- Provide first-line police officers and other public servants with sensitising training aimed at raising awareness of anti-LGBT hate crimes and how to support victims.
- Take the initiative for conducting annual research on LGBT topics, including anti-LGBT hate crimes, in order to track trends.
- Recognise LGBT NGOs as partners in the process of raising awareness on LGBT issues and promoting tolerance and acceptance in society.
- Enhance society's understanding on LGBT issues and counter anti-LGBT negative attitudes in a systematic way.

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HUNGARY

AT A GLANCE



● Only one third of Hungarians think that violence against LGBT people is a serious problem in Hungary.

● Almost half of the respondents recognise that LGBT people live in fear and cannot express their love or their gender identity as much as other people do for fear of being targets of hate crimes.

Women and younger people demonstrate less unfavourable attitudes.

● Forty-seven per cent recognise that being victimised because of someone's sexual orientation or gender identity causes worse effects than being victimised for another reason. About fifty per cent of respondents also think that bias-motivated crimes based on sexual orientation and/or gender identity should entail more serious punishment.

● Six out of ten respondents agree that lesbians, gay men and bisexual people should be free to live their own lives as they wish. Somewhat fewer respondents but still the majority (58 per cent) agree that transgender people should be free to love their own lives as they wish.

● Thirty-nine per cent would feel totally comfortable having a gay neighbour, slightly more would feel the same about bisexual or lesbian neighbours (40 per cent and 43 per cent respectively) and somewhat fewer people (35 per cent) would feel totally comfortable having transgender neighbours.

● While 61 per cent of respondents would empathise strongly with a heterosexual couple attacked in the street, only 47 per cent would feel the same level of empathy toward a same-sex couple or a transgender person attacked in the street.

● Significantly fewer people than those who would feel strong empathy towards LGBT people attacked in general would feel the same level of empathy towards Pride March participants attacked by counter-demonstrators, that is, extremist groups and individuals (39 per cent).

● The average of 12 per cent who feel no empathy towards LGBT persons attacked during a Pride March is even higher among younger respondents (20 per cent among respondents aged 18-24).

● Almost half of the respondents would help a disabled person attacked by a stranger; lesbians would be supported more than gay men and transgender people; however, only 18 per cent of people claim that they would in any way intervene if they were witnessing physical assault against a Roma person.

A COUNTRY WHERE SILENCE NEEDS TO BE BROKEN: WHAT PEOPLE THINK ABOUT ANTI-LGBT HATE CRIMES IN HUNGARY

 Bea Sándor and Szelim Simándi

Introduction

___ Legal and policy framework on anti-LGBT hate crime

Hungary's existing laws and policies position it towards the middle of the Rainbow Europe country ranking – but that only reveals part of the experience for LGBT people living in the country. The rhetoric around human rights and LGBT equality as well as the number of LGBT people coming out and reporting hate crimes must be examined alongside what exists in the legislation.⁶³

The country has legislation on hate crimes and hate speech explicitly covering sexual orientation and gender identity, but these provisions are not always enforced; criminal justice agencies often disregard bias motivation.

Hungary has a relatively developed victim support system with victim support and legal aid services offered as a public service, but there is only one civil society organisation offering services tailored specifically to the needs of victims of anti-LGBT hate crimes. Cooperation between civil society organisations working on hate crimes and the public victim support service is non-existent; cooperation with the police is intensive at the national level, but largely missing at the local level, posing a barrier to efficient referral mechanisms. Training of criminal justice agencies about hate crimes and LGBT people is sporadic, and such training is not available at all to victim support services.

⁶³ Information about Hungary at <https://rainbow-europe.org>.

There have been no public campaigns to encourage reporting or efforts to make reporting easier for victims of anti-LGBT hate crimes; some civil society organisations have developed online reporting interfaces and conducted small-scale awareness raising campaigns (Dombos, Kárpáti, Sándor 2018:143).

The rights of victims enshrined in the Victims' Directive have been largely transposed into legislation (Kárpáti 2016), but their enforcement is often limited due to lack of human capacity, financial or technical reasons, or restrictive interpretation by public authorities or courts.

— Scale of anti-LGBT hate crime

According to the results of the large-sample LGBT Survey 2010, conducted by Háttér Society and the Institute of Sociology of the Hungarian Academy of Sciences, 16 per cent of respondents have been victims of homophobic or transphobic violence. The majority of the attacks took place in public places (63 per cent). However, only 15 per cent of the victims said they have filed an official report. In 23 per cent of the cases, the police were unwilling to do anything; in 48 per cent, an investigation was launched, but yielded no results. Perpetrators were convicted in only 13 per cent of the cases. Fifty-one per cent of the victims chose not to report the incident because they thought the authorities would not have done anything. Forty-three per cent cited distrust in the authorities. Twenty-five per cent said they were scared of being outed and 23 per cent were afraid of repercussions. Thirty-five per cent were worried their situation would worsen and 22 per cent were ashamed to talk about the attack. Seventeen per cent did not know who to turn to (Dombos, Takács, P. Tóth, Mocsonaki 2015:13-16).

Twenty-six per cent of trans respondents in the LGBT Survey 2010 (Dombos et al. 2015:6) had been victims of crimes (as opposed to 16 per cent of cisgender respondents). The most common forms were verbal abuse/harassment (93 per cent) and threatening with violence (69 per cent). Violence most often happened at public venues (70 per cent). When attacked, trans victims of hate crimes usually suffered more serious harms than non-trans LGB people: three quarters suffered from psychological trauma (78 per cent) and almost half of them were also harmed physically, too (45 per cent). Reporting rates were extremely low: only 11 per cent in the case of violent crimes. Most victims did not trust authorities and were afraid of consequences if they reported.

The European Union Agency for Fundamental Rights (FRA) published the results of its LGBT Survey in May 2013 (FRA 2013). The survey was completed by 93,079 LGBT persons from all over Europe, among them 2,267 persons from Hungary. The research found that 28 per cent of Hungarian respondents had been physically or sexually attacked or threatened with violence in the past five years, while 50 per cent were personally harassed. Fifty-nine per cent of the last physical attack and 75 per cent of the last harassment happened partly or completely because the respondent belonged to the LGBT community. The FRA

survey also documents the serious impact of such attacks on LGBT people's sense of security: 65 per cent reported avoiding holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed; and 68 per cent (the highest proportion in the whole of the European Union) avoided certain places or locations for fear of being assaulted, threatened or harassed because of being lesbian, gay, bisexual and/or transgender.

Despite recent legal progress on this issue, research from 2016, covering 10 European countries (348 LGBT respondents in Hungary), found that only 10 per cent of Hungarian respondents experiencing or witnessing homophobic or transphobic hate crimes or online hate speech reported it to the authorities (Háttér Society 2017:3), even though 46 per cent of respondents to the online survey had witnessed or experienced hate crimes or hate speech.

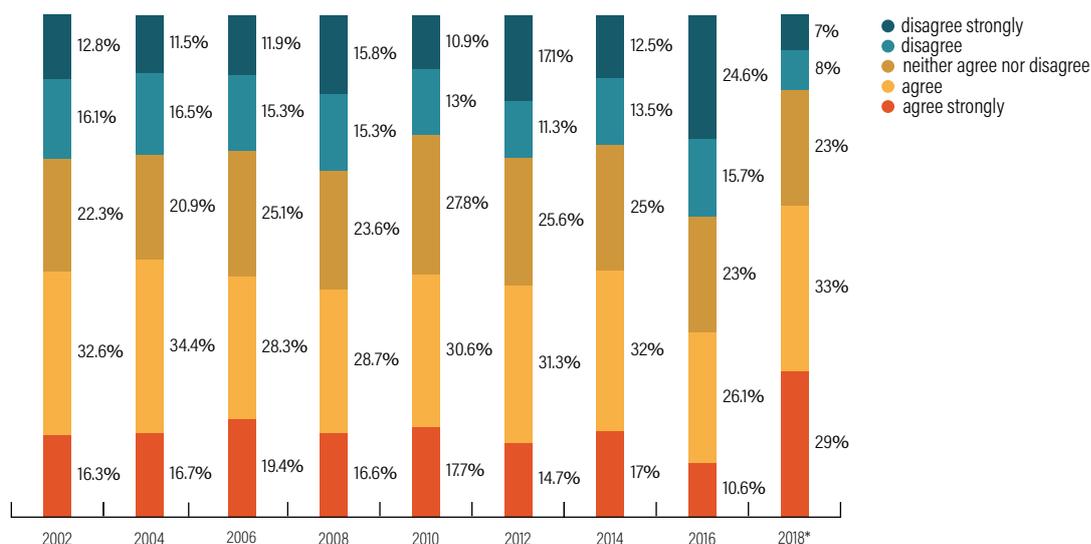
Attitudes towards LGBT people

The acceptance of LGBT people has been growing since 2002. While the opinions of age groups do not differ remarkably, geographical location within Hungary counts a lot, and so does the gender of respondents. Fewer people think that transgender people should be free to live their own lives as they wish than that lesbians and gay men are entitled to the same (58 vs 62 per cent) and also fewer people would accept them as neighbours than LGB people (40-41 per cent vs 35 per cent).

— “Gay men and lesbians should be free to live their own lives as they wish”

According to the results of European Social Survey, conducted regularly every two years, in 2002, 49 per cent of Hungarians agreed or agreed strongly with the statement “Gay men and lesbians should be free to live their own lives as they wish,” and 29 per cent disagreed or disagreed strongly. In 2014, the rate of those who agreed or strongly agreed was still 49 per cent. By 2016, the ratio of those who agreed showed a sharp decrease (37 per cent) and the ratio of those who disagreed a sharp increase (40 per cent). According to a research conducted by the Hungarian Equal Treatment Authority in 2011, exactly the same proportion of respondents (35 per cent) thought that homosexuality was an illness as those who thought that choosing a same-sex partner is a fundamental right (ETA 2011).

Figure 32 Hungary: ESS and CIH survey results on how people think about the statement “Gay men and lesbians should be free to live their own lives as they wish.”



Source: European Social Survey (2004-2016) and Call It Hate (2018).

In the *Call It Hate* survey (conducted in September 2018), the ratio of those who agreed with the above statement regarding gay men and lesbians (the statement that they should be free to live their own lives as they wish) is higher than what was previously measured: 62 per cent. Male respondents in this survey were less accepting than women (58 per cent vs 66 per cent). Fifteen per cent did not agree with the statement. Again, men seem to be more negatively disposed than women (18 per cent vs 11 per cent). Somewhat fewer people (58 per cent) agreed with the statement that transgender people should be free to live their own life as they wish (52 per cent of men and 63 per cent of women). Results show that there is a significant difference between men and women in their attitudes toward the equality of LGBT people, with women being more supportive of equality. (Approximately one in four respondents answered they “did not know.”)

Compared to lesbians and gay men, fewer people think that transgender people should be free to live their own lives as they wish (58 vs 62 per cent).

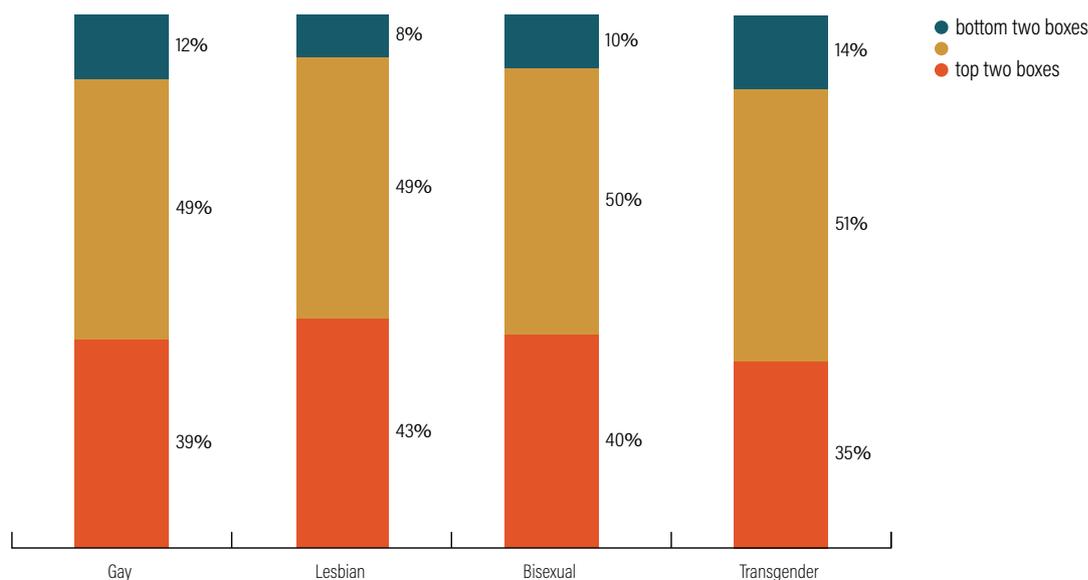
While the opinions of age groups do not differ remarkably, geographical location within Hungary counts a lot: those who agree with the statement that “Gay men and lesbians should be free to live their own lives as they wish” make up 70 per cent of respondents in Budapest, in some counties only 51 per cent provided the same answer. As for transgender people, 58 per cent of respondents told that they should be free to live their own life as they wish; 65 per cent answered similarly in Budapest (where only 16 per cent said that they neither agree nor disagree), in several counties the number of supporters does

not reach or hardly exceeds 50 per cent (and also 30-40 per cent neither agree nor disagree). Respondents who scored highest regarding the generalised indicator of security (that is, who value security the most) are less likely to agree (53 per cent vs 60 per cent in the entire population), while respondents who reached the highest score of the generalised indicator of universalism are more likely to agree (73 per cent vs 60 per cent in the entire population).

“How would you feel about having an LGBT person as your neighbour?”

While the question referring to the right to live one’s own life as they wish is somewhat theoretical, and can only measure what people think about the equality of LGBT people in general, what their convictions are, when asked about their reactions to having a lesbian, gay, bisexual or transgender person as their neighbour, their answers probably reflect more personal attitudes. Respondents to the Call It Hate survey were asked to mark their acceptance on an 11-grade scale (0-10). With reference to lesbian or gay neighbours, 43 per cent marked the top two grades regarding lesbians and 39 per cent regarding gay men (that is, would easily accept a lesbian or gay neighbour) and 10 per cent the lowest two grades. Bisexual people would be accepted as neighbours to a similar degree to gay men and lesbian women: 40 per cent would easily accept a bisexual neighbour and 10 per cent would completely refuse one. When the question referred to transgender people, the top two grades were marked by 35 per cent and the bottom two grades by 14 per cent.

Figure 33 Hungary: Reactions to the idea of having a gay, lesbian, bisexual or transgender neighbour.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel ‘totally uncomfortable’ and 10 means that you would feel ‘totally comfortable’. Source: Call It Hate.

Research conducted by the Action and Protection Foundation in 2016 found that 55 per cent of respondents would not agree with a “homosexual person” moving into their immediate neighbourhood. Of course, this statement is much more negative than the one we used in the *Call It Hate* survey, and also uses the outdated and more alienating term “homosexual” (Hann and Róna 2017). Differences in survey results show that in the case of minority groups framing and terminology might lead to very different results. If questions refer to old negative stereotypes and people are asked about several different minority groups at the same time, results are more negative than when respondents are asked only about LGBT people using words that correspond to the self-definition of most LGBT people.

Differences between male and female respondents are again significant: 30 per cent of men and 47 per cent of women would be quite comfortable with having a gay neighbour; lesbians are perceived as more socially acceptable for male respondents: 39 per cent of men and 47 per cent of women would accept lesbian women as neighbours, while responses to transgender neighbours drop sharply among men: 26 per cent would be accepting vs 43 per cent of women.

Another factor that seems to determine people’s attitudes is geographical location. While the proportion of people who would easily accept an LGBT neighbour almost reached or exceeded 50 per cent in Budapest (reaching 46 per cent regarding gay men, 52 per cent regarding lesbians, 51 per cent regarding bisexual and 42 per cent regarding transgender persons), their values vary widely in different counties outside the capital, but are often significantly lower (sometimes by 18-20 per cent).

When asked about their feelings about LGBT neighbours, respondents replied on a scale of 0-10 with 10 signifying complete comfort. Based on the answers they gave, respondents were divided into three groups for the purpose of analysis:

- **Promoters** (marking 9-10: enthusiasts who can promote the attitude of acceptance and support in their environment);
- **Passive** (marking 7-8: respondents who are not really supportive but not very hostile either; they are vulnerable to changing their mind); and
- **Detractors** (marking 0-6: respondents who are most vulnerable to negative stereotypical opinions).

The largest ratio of promoters was recorded for lesbians (43 per cent), and then for bisexual people (40 per cent) and gay men (39 per cent). Compared with these groups, a lower ratio of promoters was recorded for transgender persons (35 per cent). The highest ratio of detractors was recorded for transgender people (50 per cent), while it was 43 per cent in the case of gay men, 42 per cent regarding bisexual people, and the lowest ratio of detractors was recorded for lesbians (37 per cent).

The ratio of those who can promote the attitude of acceptance and support in their environment is somewhat lower when people are asked about their attitude to transgender neighbours; the ratio of those who are most vulnerable to negative stereotypical opinions is significantly higher regarding transgender people than regarding LGB people.

Levels of empathy

While six out of ten respondents would empathise strongly with a heterosexual couple attacked in the street, less than half would feel the same level of empathy toward a same-sex couple or a transgender person attacked in the street. Significantly fewer people than the average would feel empathy and more respondents would not feel any empathy towards Pride March participants attacked by counter-demonstrators). Significantly more women than men feel empathy toward people who are attacked because of their sexual orientation and/or gender identity.

In the *Call It Hate* survey, people were asked about how much empathy they would feel toward victims of physical attacks in different circumstances. The data thus gained make it possible to compare people's level of empathy toward a heterosexual couple and LGBT people who are attacked by strangers or by family members, in public places or at home.

While 60 per cent of respondents would empathise strongly with a heterosexual couple attacked in the street (marking 9 or 10 on a 11-grade scale), only 47 per cent would feel the same level of empathy toward LGBT people attacked in the street, with significant differences between sub-groups: e.g., 54 per cent in the case of a lesbian couple and 42 per cent in the case of a trans person. Forty-nine per cent of people would feel strong empathy towards an LGBT person who is physically assaulted by a stranger (57 per cent of respondents if the victim of the assault is a lesbian woman, 42 per cent if it is a transgender person).

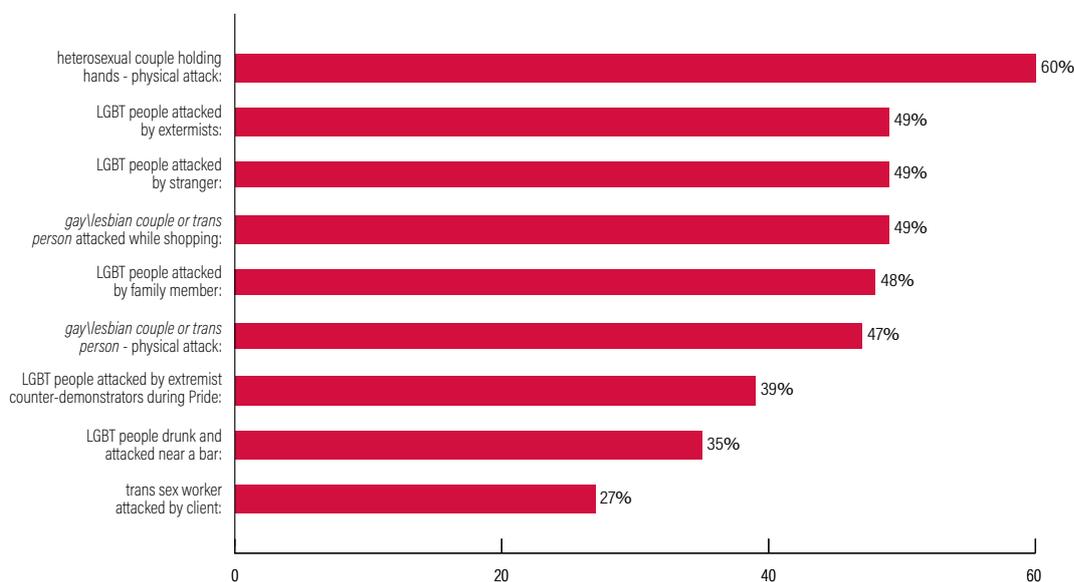
Levels of empathy would be similar if respondents saw that LGBT people were attacked while shopping (49 per cent would feel strong empathy toward a gay couple attacked when shopping), or attacked by strangers (48 per cent in the case of gay male victims) or members of an extremist group (also 48 per cent in the case of gay male victims). However, the level of empathy drops down significantly if the LGBT people attacked are participants of a Pride March (39 per cent; 45 per cent of respondents would feel strong empathy in a case where the Pride March participant who is attacked is a lesbian woman, 39 per cent in a case where it is a gay man, and 35 per cent in a case where it is a trans person, again with a significant difference between male and female

respondents: 28 and 51 per cent respectively), are drunk and next to a bar (35 per cent would feel strong empathy, again with huge differences between sub-groups: 43 per cent would empathise with a lesbian couple but only 28 per cent with a trans person), or if the trans person is a sex worker who is attacked by a client (27 per cent).

While only six per cent of respondents would feel no empathy with victims when witnessing a physical attack against an LGBT couple, twelve per cent said the same about LGBT people attending a Pride March and being attacked by counter-demonstrators.

The significant drop in empathy and rise in the number of respondents who feel no empathy at all regarding participants attacked by counter-demonstrators during a Pride March shows that quite a few respondents share the view often voiced over Hungarian media and social media sites: that being LGBT is a private issue and people should not “take this out into the streets.” The number of respondents who would feel no empathy towards LGBT persons attacked during a Pride March is even higher among younger respondents (20 per cent among respondents aged 18-24).

Figure 34 Hungary: Respondents' levels of empathy toward heterosexual and lesbian, gay, bisexual and/or transgender people attacked.



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

Figure 34 shows the number of respondents who would feel strong empathy with victims of violent attacks in different situations and among various circumstances.

Research by Budapest Pride on people's judgement of marriage equality in Hungarian society also shows that the visibility of LGBT people and same-sex couples is much less accepted by society than visible heterosexual couples (Budapest Pride 2017). When asked about whether they are bothered by heterosexual couples expressing their emotions in public, one third of respondents agreed; this rose to 56 per cent when people were asked about same-sex couples.

Forty-eight per cent of respondents would feel strong empathy towards an LGBT person who is physically assaulted by a family member in their neighbourhood. No one who is LGBT can evoke the same level of empathy as the imaginary heterosexual couple used as a point of reference (60 per cent).

People feel more empathy toward heterosexual and cisgender people if they are victims of violence. Of the LGBT groups, it is lesbians who evoke the most positive feelings when they are attacked, which shows that gender stereotypes strongly define the way people think and feel.

Again, results of the survey show that women are more empathetic to those who are victimised. If the questions refer to homophobic and transphobic attacks committed by members of far-right extremist organisations, promoters make up 48 per cent of respondents; while 60 per cent of women count as promoters, only 37 per cent of men count as such.

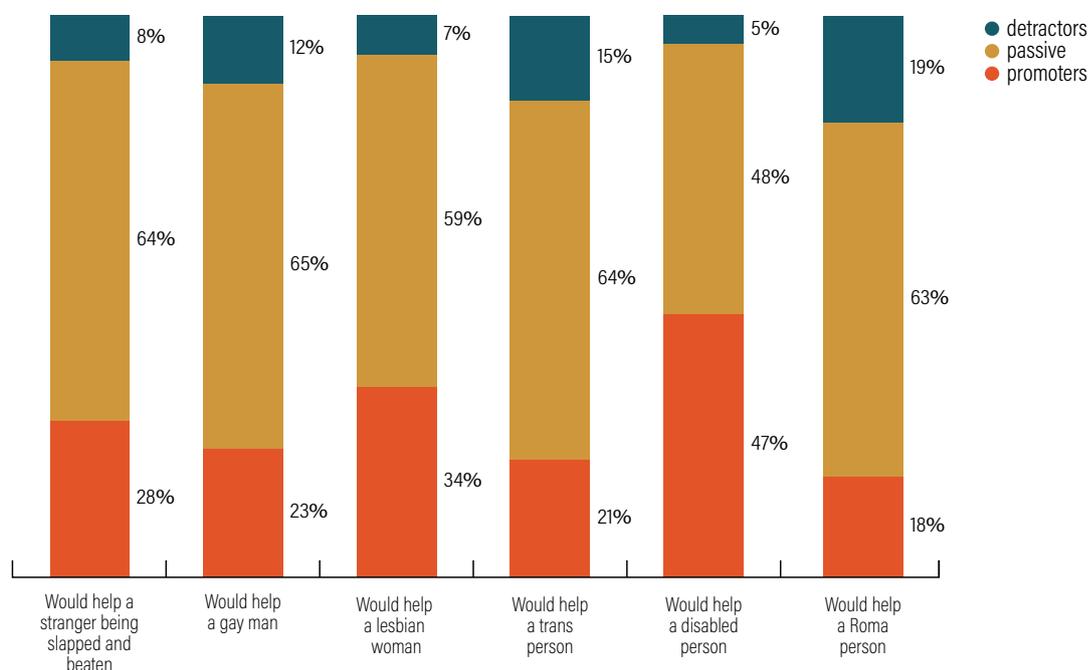
Reactions to hate crimes

Twenty-seven per cent of respondents would intervene if they witnessed a violent attack against a gay man or a lesbian woman who is slapped and beaten by a stranger in the street. One in five people (21 per cent) would help a trans person in a similar situation. While a significantly higher number of people (46 per cent) would help a disabled person who is attacked, only 18 per cent would help someone who is visibly Roma.

The next set of questions in the survey asked people whether they would intervene (either indirectly, for example by calling the police or directly, personally) if they witnessed a violent attack against people belonging to selected minority groups.

Twenty-eight per cent of respondents, that is, less than one third of those asked, claimed that they would definitely or most probably help someone being slapped and beaten in the street. Every fifth man and every third woman would intervene. Somewhat fewer people (23-24 per cent) would also help if they witnessed a lesbian or a gay man being slapped and beaten. Significantly more people, almost half of the respondents (46 per cent) would help a disabled person in such a situation. Fewer people would help a trans person being beaten by a stranger than a lesbian or a gay man, and more people (15 per cent) would definitely refuse helping a trans person. Even fewer people (18 per cent of all respondents) would help a Roma person who was slapped and beaten, and more would also definitely refuse helping a Roma person (19 per cent). Figure 35 shows the willingness of people to help those attacked.

Figure 35 Hungary: People's willingness to intervene when witnessing that someone is being attacked in a public space.



C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

A few questions in the survey were intended to help analyse what kind of values are linked to attitudes towards LGBT people: who tends to be more empathetic and likely to intervene when witnessing homo-, bi- or transphobic offenses. General attitudes affect people's behaviours significantly; e.g., while altogether 28 per cent would help someone who is being beaten, of those who value security higher than most others only 18 per cent would help, while the proportion of those who would definitely help is significantly higher (37 per cent) among those who ranked high on the benevolence scale.

Opinions on hate crimes

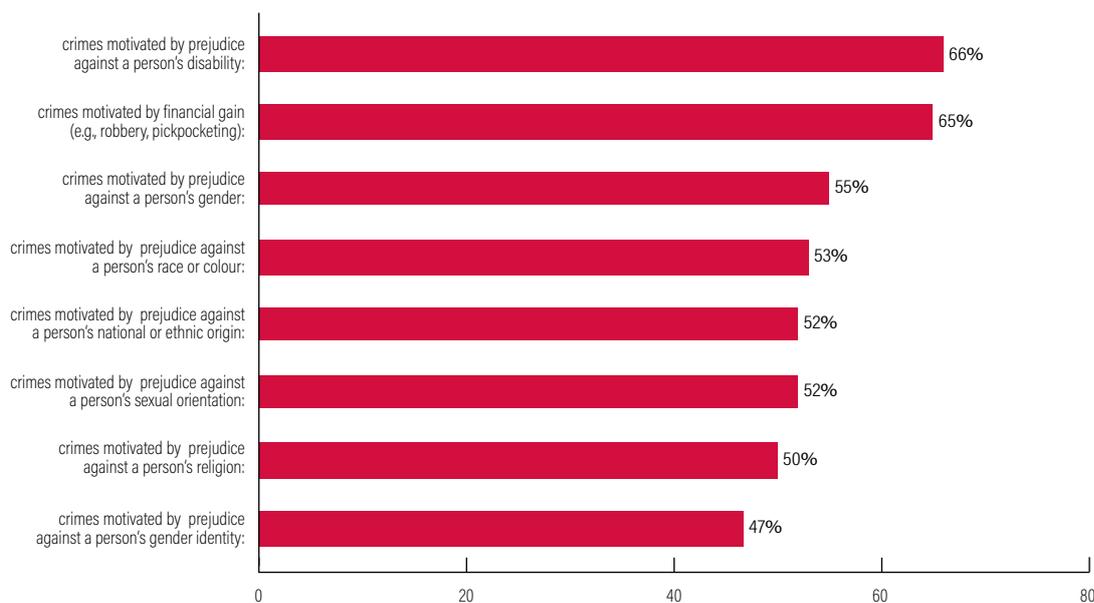
Almost half of the respondents (46 per cent) think that LGBT people live in fear and cannot express their love or their gender identity as much as other people do, for fear of being targets of hate crimes. They also think that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason. Thirty-six per cent of people think that violence against LGBT people is a serious problem in Hungary. Fifty-two per cent agree that bias-motivated homophobic crimes should lead to higher sentences.

The last segment of the survey focused on how people view hate crimes. Forty-five per cent of people agree or agree strongly with the statement that same-sex couples avoid holding hands in public for fear of being harassed, threatened or attacked, and only 22 per cent think that this is not true. Most people also seem to recognise that transgender people often avoid expressing their gender identity for fear of the same: 42 per cent of respondents think that this is true.

Almost half (47 per cent) of people (the majority of women and 43 per cent of men) recognise that if people become victims of harassment or attacks because of something about themselves that they cannot change, e.g., their sexual orientation or gender identity, this has a more dire effect upon them than other crimes. Twenty-three per cent disagree or disagree strongly, and almost one in three (30 per cent) respondents neither agree nor disagree.

Thirty-six per cent of people (42 per cent of women and 29 per cent of men) think that violence against LGBT people is a serious problem in Hungary.

Figure 36 Hungary: People's opinion on the idea of more severe punishment for bias-motivated and other crime: supporters and strong supporters.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

More than half (52 per cent) of people agree that bias-motivated crimes based on someone's sexual orientation should be punished more severely, and 47 per cent agree with this when asked about bias-motivated crimes based on someone's transgender status. Significantly more people agree with more severe punishment for bias-motivated crimes committed against people living with disability (66 per cent). At the same time, the same number of respondents (66 per cent) think that crimes motivated by financial gain (e.g., robbery or pickpocketing) should be punished more severely. That is, many do not think that hate crimes are more reprehensible than crimes motivated by the desire to obtain financial or other material benefits.

Issues to think more about

Social consciousness and empathy. Hate crimes are meant to convey the message that perpetrators want to see a group of people as outcasts, and those who get this message regularly are afraid of social exclusion and becoming victims. However, as our survey shows, only 36 per cent of people think that violence against LGBT people is a serious problem in Hungary, and even less, only 27 per cent would feel empathetic (and empowered) enough to help a victim of a homo- or transphobic hate crime.

Visibility and social equality. At the same time, the number of those who think that LGBT people should be free to live their own lives as they wish has been steadily increasing since 2002 (although with a downturn in 2016 as

shown by the European Social Survey results). According to the results of ESS surveys, in 2002 forty-six per cent of Hungarians agreed or agreed strongly with the statement “Gay men and lesbians should be free to live their own lives as they wish,” and 30 per cent disagreed or disagreed strongly. By 2012, the rate of those who agreed or strongly agreed exceeded 50 per cent; in 2014 it was 51 per cent. In the *Call It Hate Survey*, the ratio of those who agree with the above statement regarding gay men and lesbians is particularly high: 62 per cent (58 per cent of men and 66 per cent of women). There are also fewer of those respondents who do not agree: 15 per cent (18 per cent of men and 11 per cent of women). The ratio of those who agree with the statement that transgender people should be free to live their own lives as they wish is somewhat less: 57 per cent. Since hardly more than 20 per cent of Hungarian respondents who know LGBT people personally (Budapest Pride 2018) and this is the result of a steady growth (in 2006, it was only 7 per cent), which counts as remarkably low in Europe, visibility is still a central issue for LGBT people in the country.

Differences between the attitudes of women and men. In many areas explored by the present research, as also elucidated above, there are significant differences between the attitudes of men and women. Overall 64 per cent of people agree that everyone should be treated equally, 59 per cent of men and 70 per cent of women; also 47 per cent of male and 58 per cent of female respondents find it important to listen to people who are different from them.

Trans people. People feel more socially distant from trans than from lesbian, gay or bisexual people. Sixty-two per cent of respondents agree or strongly agree that “gay men and lesbians should be free to live their own lives as they wish,” and somewhat fewer respondents but still the majority (58 per cent) agree or agree strongly that “transgender people should be free to live their own lives as they wish.” Thirty-nine per cent would feel totally comfortable having a gay neighbour, slightly more would feel the same about bisexual or lesbian neighbours (40 per cent and 43 per cent respectively) and somewhat fewer people (35 per cent) would feel totally comfortable having transgender neighbours. Twenty-seven per cent of respondents would intervene (either indirectly, for example by calling the police or directly, personally) if they witnessed a violent attack against a gay man or a lesbian woman who is slapped and beaten by a stranger in the street, but only 21 per cent would help a trans person in a similar situation. Thus, it is important to direct special attention to the visibility of and social attitudes towards trans people.

Young people. In many areas explored by the present research, there are significant differences between the attitudes of young people aged 18-24 and the rest of the sample. Overall, 64 per cent of people agree that everyone should be treated equally, however, this value is only 53 per cent in the case of the youngest respondents (aged 18 to 24). While only 6 per cent of respondents would feel no empathy with victims when witnessing a physical attack against an LGBT couple, 12 per cent said the same about LGBT people attending a Pride March and being attacked by counter-demonstrators, and the number of respondents who would feel no empathy towards LGBT persons attacked during a Pride March is even higher among younger respondents (20 per cent

among respondents aged 18-24). Thus, younger people seem to be more easily influenced by homo- and transphobic propaganda, and they seem to have less awareness of the social problems caused by homo- and transphobia. There should be more education programmes that convey information about LGBT people, hate crimes, as well as the prevalence and impacts of hate crimes.

Reluctance in Hungary to support social movements and actions. When asked about their empathy towards different groups of hate crime victims, significantly fewer people said that they would feel empathy and more respondents would not feel any empathy towards Pride March participants attacked by counter-demonstrators (that is, extremist groups and individuals) than the number of people who would feel empathy towards LGBT people who are attacked in general. This means that many think that those who are visibly LGBT “are looking for trouble”, and deserve less empathy than “invisible” LGBT people. The impact of this attitude (also internalised by victims of hate crimes and authorities) makes reporting even more difficult for victims.

Future research should explore more factors defining people’s attitudes, e.g., what motivates people’s decisions about how despicable they find a crime, what reasons they have for not reacting to crimes, and how witnesses could be made more active. When designing campaigns to raise awareness among the general public and potential hate crime victims and raise legal consciousness, it is of basic importance to bear in mind people’s thought patterns, and know more about how people see hate crimes and their own attitude to vulnerable groups and (potential) victims.

Recommendations based on the Call It Hate research:

The government should

- adopt and implement a strategy to counter hate crimes, including crimes based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC);
- ensure that all victims of hate crimes have unrestricted access to victim support services, and victim support service providers are specifically trained to work with hate crime victims, including victims of crimes based on SOGIESC;
- ensure that all police officers and professionals working in the prosecution service and judiciary who deal with hate crimes receive basic training on hate crimes, victims’ rights and LGBT issues;

- implement training programs on hate crimes (including crimes based in SOGIESC) in educational institutions.

The police should

- provide or commission training about LGBT victims of hate crimes;
- provide training for its staff on identifying and recording hate crimes for investigative and statistical purposes;
- communicate to the public about its work to prevent and respond to hate crimes.

Civil society organisations should

- participate in training about hate crimes based on SOGIESC and integrate initiatives for supporting LGBT victims into their existing services.

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IRELAND AT A GLANCE



● A large majority of respondents agreed or strongly agreed that gay men and lesbians (88 per cent), bisexual people (87 per cent) and transgender people (85 per cent) “should be free to live their own lives as they wish”.

● Women were significantly more likely than men to agree with the above statement in respect to every identity group. People aged 25-34 years were significantly more likely than the general population to disagree with the statement.

● On average, respondents were comfortable having people with a minority sexual orientation or gender identity as neighbours. Responses were significantly more positive towards having lesbians (M = 8.51), bisexual people (M = 8.40) and gay men (M = 8.38) as neighbours compared to transgender people (M = 7.98).

● High levels of empathy were expressed with crime victims across all identity categories. Respondents were similarly empathetic towards heterosexual couples (M = 9.01), lesbian couples (M = 9.05) and transgender persons (M = 8.86) who are physically assaulted on the street. However, gay couples (M = 8.55) attracted significantly less empathy than lesbian couples in similar circumstances.

● Respondents were significantly more likely to intervene on behalf of a victim with a disability (M = 7.86), than on behalf of an LGBT victim (M = 6.96), but significantly more likely to intervene on behalf of an LGBT victim than an Irish Traveller (M = 5.82).

● Respondents reported similar willingness to intervene on behalf of a lesbian pushed and slapped on the street by a stranger (M = 7.38) and a transgender person (M = 7.03) in the same situation. Respondents were significantly more unlikely to intervene on behalf of a gay man (M = 6.63) or bisexual person (M = 6.89) compared to a lesbian.



A third of respondents (33 per cent) disagreed that violence against lesbians, gay men, bisexual and transgender people is a “serious problem in my country”, but more than half (58 per cent) agreed that hate crimes hurt more than equivalent, non-bias, crimes.

PERCEPTIONS OF THE LGBT COMMUNITY IN IRELAND POST-MARRIAGE EQUALITY

✍ Amanda Haynes and Jennifer Scheppe

Introduction

The last twenty years of Ireland's history have been marked by significant and successful activism on the part of LGBT people to secure their rights. The first Bill proposing civil partnership was introduced by David Norris in 2004, followed by the publication of the Labour Party Civil Unions Bill (2006) (Norris 2017). The Government published the Options Paper Presented by the Working Group on Domestic Partnership (also known as "the Colley Report") in 2006 (Department of Justice 2006) and ultimately, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 was passed granting civil partnership to same sex couples. In 2015, following a historic constitutional referendum, the Marriage Act 2015 was passed recognising marriage equality (Irish Human Rights and Equality Commission 2015). The introduction of the Gender Recognition Act 2015, which provides for a self-declarative gender recognition process (Higgins et al. 2016), has contributed to Ireland's international reputation as a forerunner in promoting LGBT rights.

More recently, 2018 marked the publication of the country's first LGBTI+ Youth Strategy, making Ireland the first country in the world to produce a national strategy addressing the specific needs of young members of the LGBTI+ community (Department of Children and Youth Affairs 2018). On the 19th of June 2018, on the twenty-fifth anniversary of decriminalisation, the Minister for Justice formally extended an apology to members of the LGBT community who had suffered as a result of the criminalisation of homosexuality, and An Taoiseach (the Prime Minister), himself a gay man, gave a moving speech regarding the impacts of criminalisation on the community (Houses of the Oireachtas 2018).

Despite these positive developments, there remain legislative and policy gaps in an Irish context. ILGA-Europe, for example, has recommended further measures to improve the legal and policy framework, including:

- Automatic co-parent recognition regardless of the partners' sexual orientation and/or gender identity;

- Updating the existing legal framework for legal gender recognition, to ensure the process is free from age limits, and explicitly includes intersex and non-binary people; and
- Adopting a comprehensive national action plan on LGBTI equality that expressly addresses sexual orientation, gender identity and sex characteristics.⁶⁴

___ Legal and policy framework on anti-LGBT hate crime

There is no hate crime legislation of any kind in Ireland. Thus, there is currently no legislation in Ireland which requires a court to take a hate element into account when determining the appropriate sentence to impose in a given case. The Prohibition of Incitement to Hatred Act 1989 criminalises incitement to hatred, but it is purposefully narrow in its scope and not appropriate for addressing hate crime. An Garda Síochána, the national police service, nonetheless record what they refer to as “discriminatory motives” in relation to standard offences. In November 2015, in anticipation of the Victims’ Directive, An Garda Síochána added a recording category for transphobic motives to the pre-existing category of homophobic motives (Haynes and Scheppe 2017b).

A comprehensive consultation with the LGBT community in Ireland conducted by the National LGBT Federation (NXF), highlighted the need for the introduction of best practice hate crime legislation and the mainstreaming of LGBT equality in criminal justice and policing as priorities for the community (National LGBT Federation 2016).

___ Scale of anti-LGBT hate crime

_____ EU FRA: LGBT Survey

In its 2012 LGBT survey, the European Union Agency for Fundamental Rights (FRA) collected information on experiences of discrimination, hate-motivated violence, and harassment from persons who self-identified as lesbian, gay, bisexual, or transgender across Europe. Fifty-nine per cent of Irish LGBT participants stated that the last incident of violence they had experienced in the twelve months prior to the survey being conducted, happened partly or entirely because they were perceived to be LGBT (FRA 2013).

⁶⁴ Consultations have taken place for a national strategy, though the strategy itself has not yet been published.

_____ **EU FRA: Being Trans in the European Union**

Drawing on the same dataset, the FRA report *Being Trans in the European Union* found that 13 per cent of trans respondents from Ireland reported having experienced hate-motivated violence, and 31 per cent had experienced hate motivated harassment in the twelve months prior to the survey being conducted. Two-thirds (66 per cent) of trans respondents stated that they avoided certain places, and 43 per cent stated that they avoided expressing their gender, due to fear of assault, threat, or harassment (European Union Agency for Fundamental Rights 2014).

_____ **TENI, GLEN and BeLonG to**

Transgender Equality Network Ireland's (TENI) third-party reporting mechanism, STAD, recorded 74 transphobic incidents in Ireland during the period 2014-2016. Of those reports, 32 related experiences of non-crime hostile actions including discrimination, harmful digital communications and everyday microaggressions. The remaining 46 incidents detailed a total of 57 anti-transgender criminal offences occurring in Ireland between 2014 and 2016 (Haynes and Scheppe 2017a).⁶⁵

Research conducted by GLEN and BeLonG To with LGBTI persons in Ireland also reported a high per centage of participants having experienced harassment and violence over their lifetime: 33.6 per cent of respondents had been threatened with physical violence, 21.1 per cent had been physically assaulted, 14.9 per cent had been sexually assaulted and 6.3 per cent had been attacked with a weapon because they were LGBTI. Gay men were most likely to report they had been physically assaulted, however, transgender and intersex participants were most likely to report having been attacked with a weapon. Transgender and intersex participants were most likely to report having been sexually assaulted. Many LGBT people struggle to openly express their identity: 53 per cent of LGBT couples said they felt unsafe showing affection for one another in public, and 47.1 per cent said they felt unsafe holding hands with their partner of the same sex in public. Gay men and transgender people were more likely to report feeling unsafe holding hands in comparison to lesbians and bisexual people (Higgins et al. 2016).

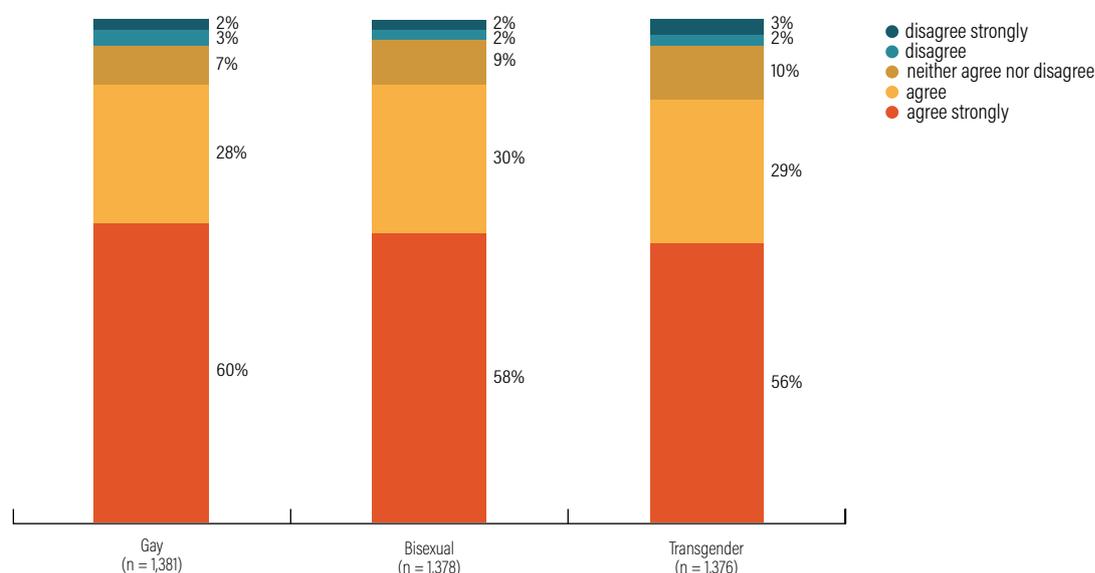
⁶⁵ GLEN also ran a third-party monitoring system for a number of months and recorded 11 hate crimes as occurring in 2015. See Scheppe and Haynes (2015).

Attitudes towards LGBT people

— LGBT people should be free to live their own lives as they wish

More than four out of five Call It Hate survey respondents in Ireland agreed or strongly agreed that lesbians and gay men (88 per cent), bisexual people (87 per cent) and transgender people (85 per cent) should be free to live their own lives as they wish.

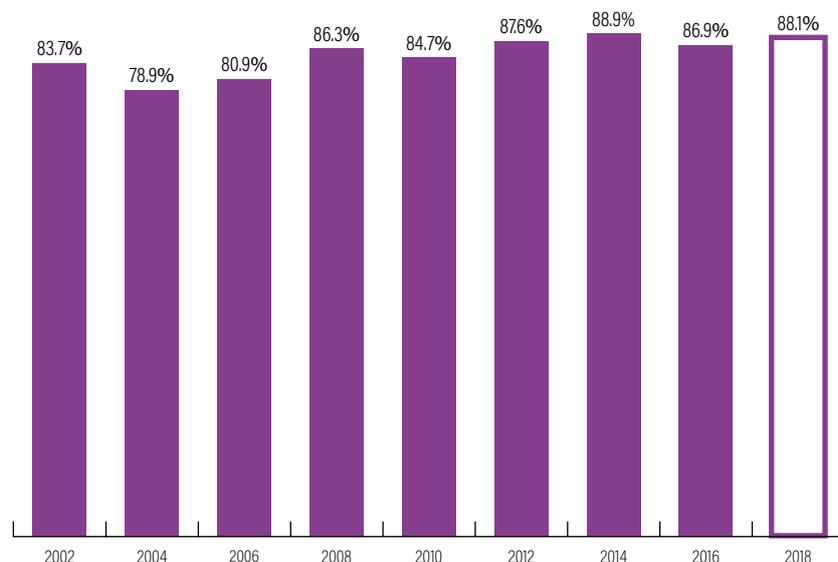
Figure 37 Ireland: Responses to the statement “LGBT persons should be free to live their own life as they wish”.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

Comparing responses to the European Social Survey in Ireland for the years 2002 to 2016, to those of the respondents participating in the *Call It Hate* survey conducted in 2018, the chart below depicts an upward trajectory in support for the freedom of gay men and lesbians to live their lives as they wish.

Figure 38 Ireland: Responses to the statement “Gay men and lesbians should be free to live their own lives as they wish” 2002-2018.



Source: European Social Survey (2004-2016) and Call It Hate (2018).

The proportion of respondents who strongly agreed or agreed with the statement increased from 83.7 per cent in 2002 to 88 per cent in 2018. This sixteen-year period has been characterised by campaigns for legal rights on the grounds of sexual orientation, which has lent a higher profile to Ireland’s gay and lesbian community.

The *Call It Hate* Survey further developed the European Social Survey question, “Gay men and lesbians should be free to live their own lives as they wish” to explore attitudes towards bisexual and transgender people, and this provides an opportunity to examine whether Irish respondents’ attitudes towards LGBT persons are heterogeneous with respect to the different identities which comprise the wider community.

When asked whether bisexual people should be free to live their own lives as they wish, 87 per cent of *Call It Hate* respondents in Ireland agreed or strongly agreed with the statement. Eighty-five per cent of respondents in Ireland agreed or strongly agreed that transgender people should be free to live their own lives as they wish. Respondents were significantly more likely to agree that gay men and lesbians should be free to live their own lives as they wish compared to transgender people.

Respondents were significantly more likely to agree that gay men and lesbians should be free to live their own lives as they wish compared to transgender people.

The *Call It Hate* survey for Ireland examined patterns in attitudes regarding whether LGBT people should be free to live life as they wish with respect to gender, age and education. Women were significantly more likely to agree with the statement in respect to every identity group. In respect to gay men and lesbians, 91 per cent of women and 85 per cent of men agreed that they should be free to live life as they wish. An equal per centage of women agreed that bisexual people should be free to live their lives as they wish (91 per cent), while 83 per cent of men espoused these views. Eighty-nine per cent of women agreed that transgender people should be free to live their own lives as they wish, while 82 per cent of men agreed with this statement.

People aged 25-34 years were significantly more likely than the general population to disagree with the statement across every identity group. Almost one in ten participants aged 25-34 (9 per cent) disagreed with the statement in respect to gay men, lesbians, and transgender people, and 7 per cent disagreed with the statement in respect to bisexual people.

Level of education was not found to be significant in relation to whether LGBT individuals should be free to live their own lives as they wish.

Data for Ireland indicate some tentative but interesting differences in attitudes towards the statement that LGBT people should be free to live life as they wish according to the value orientations of participants.⁶⁶

People who place least importance on security, i.e., living in secure surroundings under a strong government that ensures safety, were significantly more likely to agree with the statements that gay men and lesbians (93 per cent), and bisexuals (91 per cent), should be free to live their own lives as they wish compared to the general population. However, the same result was not evident in relation to transgender people.

People who place most importance on equal treatment, listening to those who are different from them and caring for the environment, are significantly more likely to agree with the statements that gay men and lesbians (93 per cent), bisexuals (91 per cent), and transgender people (90 per cent) should be free to live their own lives as they wish compared to the general population. Conversely, people who place least importance on such values are significantly less likely to agree with these statements than the general population (85 per cent, 83 per cent and 79 per cent respectively).

People who place most importance on equal treatment, listening to those who are different from them and caring for the environment, are significantly more likely to agree with the statements that gay men and lesbians, bisexuals, and transgender people should be free to live their own lives as they wish compared to the general population.

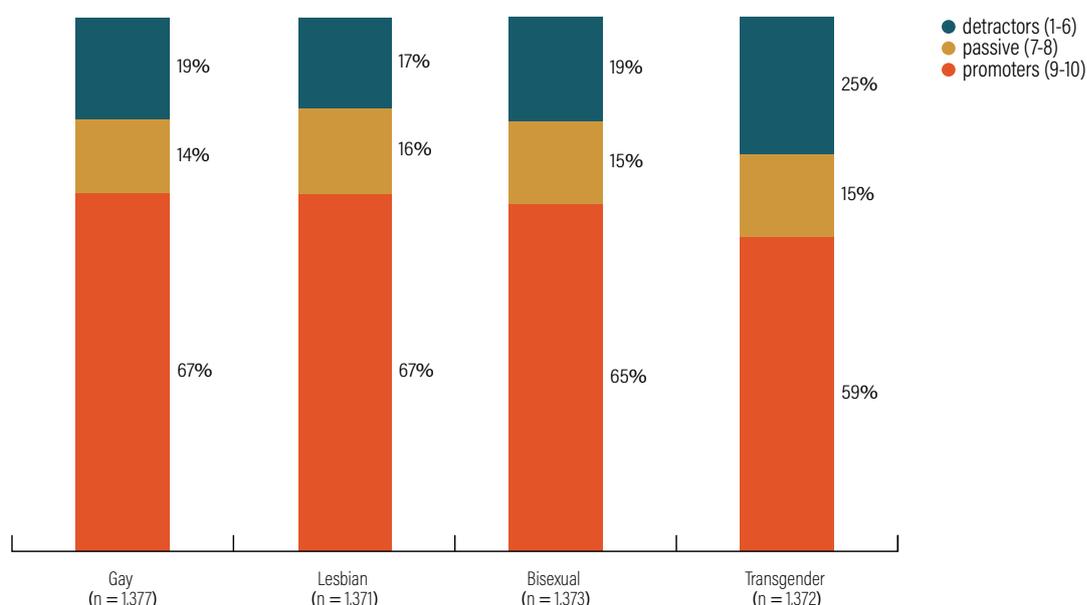
⁶⁶ See explanations of these variables in the Annex.

How would you feel about having an LGBT+ person as your neighbour?

The *Call It Hate* Survey measured social distance, asking respondents how comfortable they would feel about having a neighbour from each of three identity categories. Respondents were invited to provide responses on a scale of 0 to 10, where 0 denotes total discomfort and 10 denotes total comfort.

On average, respondents were comfortable having people with a minority sexual orientation or gender identity as neighbours. Responses were significantly more positive towards having lesbians ($M = 8.51$), bisexual people ($M = 8.40$) and gay men ($M = 8.38$) as neighbours compared to transgender people ($M = 7.98$).

Figure 39 Ireland: Social distance from LGBT people as potential neighbours.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: *Call It Hate*.

Responses were recoded into three categories – detractors (expressing discomfort), passive and promoters (expressing comfort).⁶⁷ With respect to having gay men as neighbours, 67 per cent of responses were coded as promoters and 19 per cent as detractors. In regard to lesbians, 67 per cent of responses were coded as promoters and 17 per cent as detractors. Sixty-five per cent of responses in respect to bisexual people were coded as promoters and 19 per cent as detractors. In comparison, 59 per cent of responses regarding comfort with transgender people as neighbours were coded as promoters and 25 per cent as detractors.

⁶⁷ See the methodology section of the Annex for a full explanation of these three categories.

Using the categories of promoter and detractor, an NPS index was calculated, where 0 denotes a neutral image, -100 denotes a wholly negative image and 100 denotes a wholly positive image. All identity groups score positively on the NPS index signifying a positive image, however the degree of positivity varies. Lesbians have a score of 50 on the NPS index, gay men have a score of 49, bisexual people have a score of 46 and transgender people have a score of 34.

Women are significantly more likely than the general population to be promoters, and men are more likely to be detractors in respect to all identity categories. In respect to gay men 79 per cent of women are classified as promoters, compared to 55 per cent of men.

People aged 25-34 years are significantly more likely to be detractors than the general population with respect to having transgender people as neighbours (31 per cent compared to 25 per cent). The oldest age cohort (55-65 years) are significantly less likely to be detractors than the general population in respect to gay men (12 per cent), lesbians (11 per cent) and transgender people (19 per cent) as neighbours.

Education is statistically significant with respect to bisexual people; people with high education are significantly less likely to be classified as detractors (17 per cent) than the general population.

On average respondents were comfortable having people with a minority sexual orientation or gender identity as neighbours. Responses were significantly more positive towards having lesbians, bisexual people and gay men as neighbours compared to transgender people.

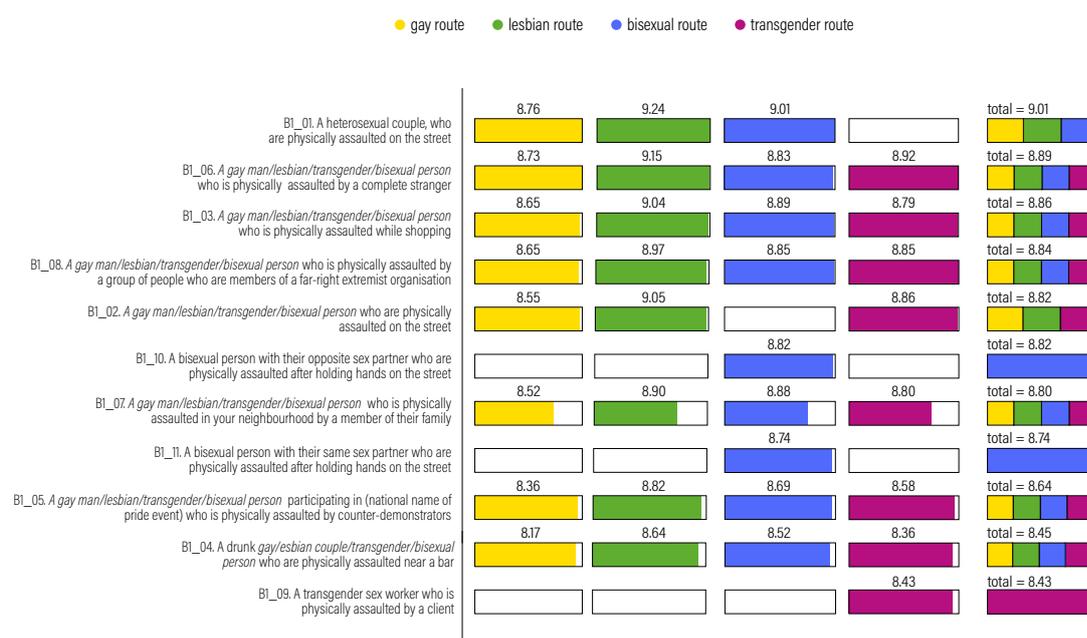
Levels of empathy

- **High levels of empathy were expressed across identity categories and behaviours.**
- **Gay men attract significantly less empathy than lesbians across a number of scenarios.**

Respondents were asked to rate their empathy on a scale of 0 to 10 (with 0 denoting a complete lack of empathy and 10 denoting complete empathy) in response to a set of statements probing for differing reactions to victims of crimes according to their sexual orientation or gender identity, according to the victims' behaviour at the time of the incident, and the type of the perpetrator(s). These statements allow us to explore the question of whether a hierarchy of victims exists in respect to LGBT victims of crime and whether the respondents engaged in any forms of victim blaming.

Among respondents to the *Call It Hate* survey in Ireland, high levels of empathy were expressed across identity categories and behaviours, however, there were degrees of variation. Respondents reported similar levels of empathy towards– “A heterosexual couple who are physically assaulted on the street” ($M = 9.01$), “A lesbian couple who are physically assaulted on the street” ($M = 9.05$) and “A transgender person who is physically assaulted on the street” ($M = 8.86$). However, “A gay couple who are physically assaulted on the street” ($M = 8.55$) attracted significantly less empathy than a lesbian couple in similar circumstances.

Figure 40 Ireland: Responses to the question “To what degree do you feel empathy for people who experience crime in each of the following situations?”



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: *Call It Hate*.

Figure 40 describes average empathy expressed in response to various scenarios. Drunk LGBT persons who are assaulted near a bar (mean empathy of 8.45) attract significantly less empathy than those assaulted on the street, whilst shopping, by a stranger, or by an extremist group.

Across the four routes there are some interesting differences in terms of how the behaviours of different LGBT identities categories are evaluated. In particular, gay men attract significantly less empathy across a number of scenarios. For example, lesbians and bisexual people are significantly more likely to attract high levels of empathy compared to gay men where they are assaulted by counter-demonstrators while participating in Pride. Lesbians are significantly more likely than gay men to attract high levels of empathy when physically assaulted by a stranger. Lesbians are also significantly more likely

than gay men to attract high levels of empathy when assaulted by a group of people who are members of a far-right extremist organisation.

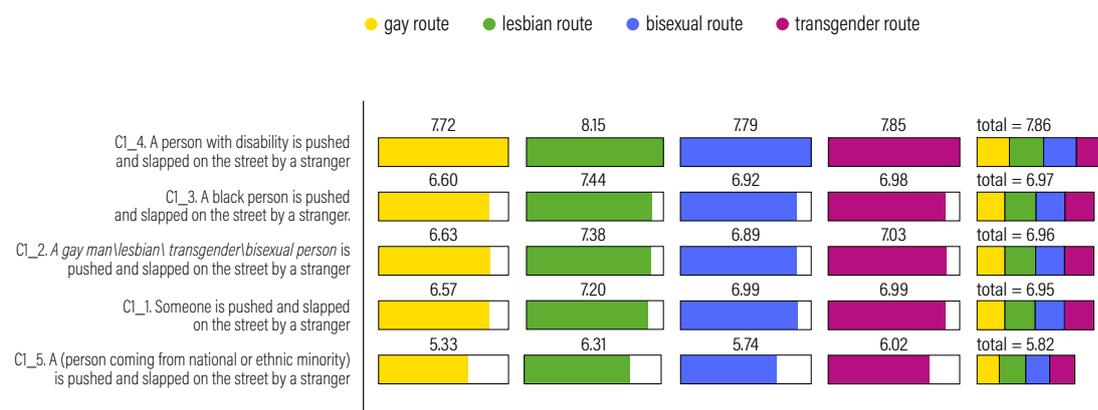
High levels of empathy were expressed across identity categories and behaviours, however, there were degrees of variation. Gay couples who are physically assaulted on the street attract significantly less empathy than lesbian couples in similar circumstances. Drunk LGBT persons who are assaulted near a bar attract significantly less empathy than those assaulted on the street, whilst shopping, by a stranger, or by an extremist group.

Reactions to crimes against LGBT persons

- Respondents were significantly more willing to intervene on behalf of a victim with a disability compared to all other groups, including LGBT people.
- Respondents were significantly more unlikely to intervene on behalf of a gay man or bisexual person compared to a lesbian.

In addressing the question of whether respondents would be willing to intervene on behalf of an LGBT victim of crime, respondents were divided into four separate routes. Respondents in each route were asked to assess their willingness to intervene for the same set of incidents and victim behaviours, but with each route addressing these experiences in respect to different identity groups. Respondents were asked to score their willingness to intervene on a scale of 0 to 10, where 0 denotes that the respondent considers it highly unlikely that they would intervene and 10 denotes that the respondent considers it highly likely that they would intervene.

Figure 41 Ireland: Reactions to crimes according to the identity of the victim.



C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

Figure 41 provides a useful comparison of responses for different victim identities, where in every case the victim is described as being pushed and slapped by a stranger. Respondents were significantly more willing to intervene on behalf of a victim with a disability ($M = 7.86$) compared to all other groups. Respondents reported similar willingness to help victims described as black ($M = 6.97$), LGBT victims ($M = 6.96$), and victims whose identity is undisclosed ($M = 6.95$). Respondents were significantly less willing to intervene on behalf of victims from an indigenous ethnic minority ($M = 5.82$) - which, in the case of Ireland, was specified as an Irish Traveller, i.e., a member of an indigenous traditionally nomadic ethnic group compared to all other groups.

With specific reference to LGBT identities, respondents reported similar willingness to intervene on behalf of a lesbian pushed and slapped on the street by a stranger ($M = 7.38$) and a transgender person ($M = 7.03$) in the same situation. Respondents were significantly more unlikely to intervene on behalf of a gay man ($M = 6.63$) or bisexual person ($M = 6.89$) compared to a lesbian.

Opinions on hate crimes

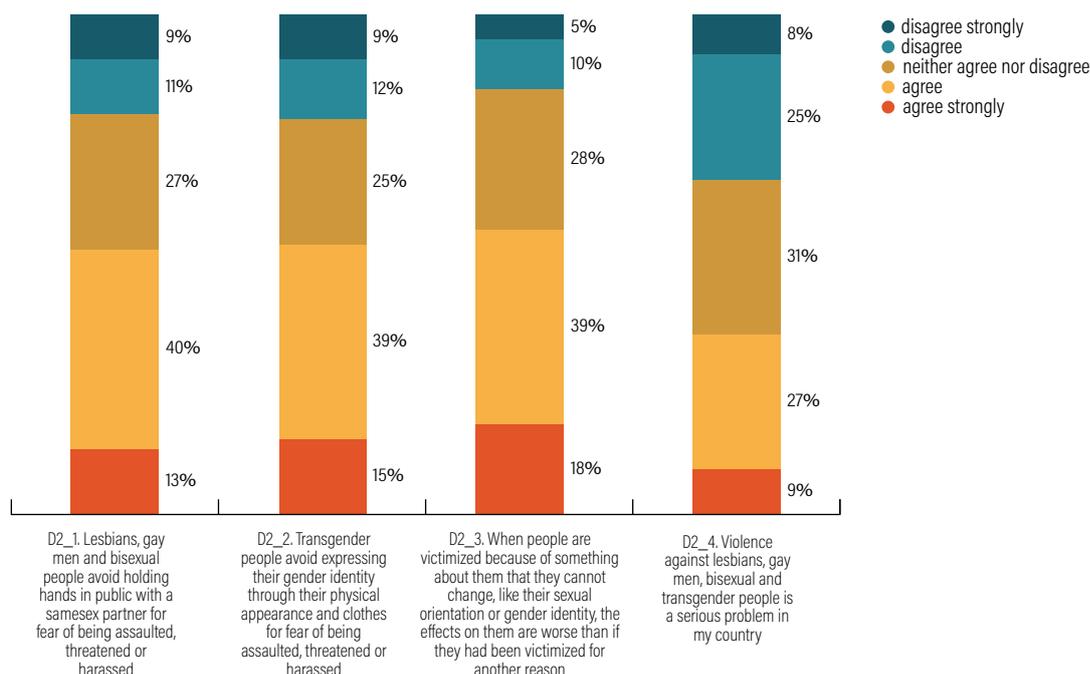
- **Just over 1 in 2 people agreed that hate crimes are associated with additional harms in comparison to non-bias motivated victimisation.**
- **Only 1 in 3 people agreed that violence against lesbians, gay men, bisexual and transgender people is a “serious problem in my country”.**

Respondents to the *Call It Hate* survey evidenced an awareness of the additional harms associated with hate crimes, but were divided on whether people in Ireland are significantly impacted by anti-LGBT hostility.

Opinions on the extent and impacts of hostility

Respondents to the *Call It Hate* survey were asked both for their perceptions of the national environment, with respect to LGBT inclusivity or anti-LGBT hostility, and their perception of the impacts of hate crime on victims.

Figure 42 Ireland: Opinions on the extent and impacts of hostility.



D2_1-4. Please state to what extent you agree or disagree with each of the following statements. Source: *Call It Hate*.

In Ireland, 20 per cent of respondents disagreed/disagreed strongly that lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed, and a further 27 per cent were unsure as to whether they avoided this behaviour. Twenty-one per cent disagreed/disagreed strongly with the statement that transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed, and a further 25 per cent were unsure. Thirty-three per cent disagreed/disagreed strongly that violence against lesbians, gay men, bisexual and transgender people is a “serious problem in my country”, and a further 31 per cent were unsure.

Fifty-seven per cent agreed/agreed strongly that, where people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason. It is of concern that 15 per cent of respondents disagreed/disagreed strongly that hate crime has additional harms and a further 28 per cent were unsure.

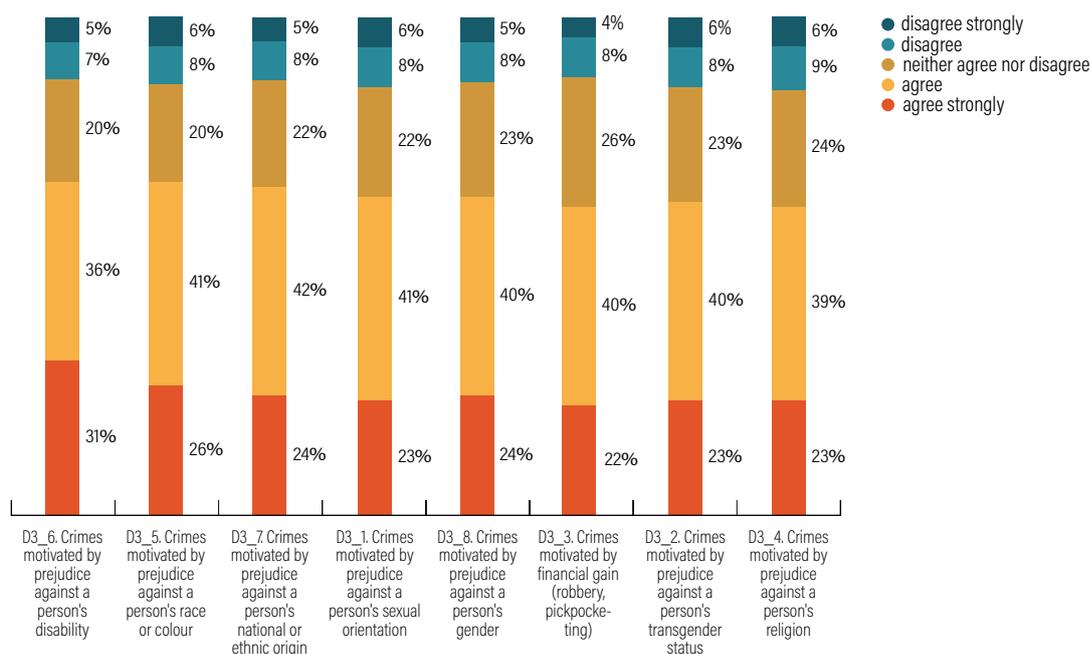
Men were significantly more likely than the general population to disagree with all of these statements.

A small majority (57 per cent) agreed/agreed strongly that, where people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.

— Sentencing hate crimes

Figure 43 describes respondents' attitudes towards penalties for hate crimes.

Figure 43 Ireland: Opinions on penalties.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

Disablist crimes were considered significantly more deserving of additional penalties (67 per cent agree/strongly agree) than crimes targeting a person's gender (64 per cent agree/strongly agree) or transgender identity (63 per cent agree/strongly agree). Racist and xenophobic crimes were also considered significantly more deserving of additional penalties than crimes motivated by financial gain or targeting a person's religion (62 per cent agree/strongly agree).

Men were significantly more likely than the general population to disagree with additional penalties for all crimes except those motivated by financial gain.

Discussion

Respondents in Ireland, in the majority, expressed liberal attitudes towards sexual orientation and gender diversity and comparisons to ESS data indicate a pattern of increasing acceptance of gay men and lesbians between 2002 and 2018. As a whole, this period was marked by increased activism, which prompted public discussion of lesbian and gay rights and issues, and may have contributed to greater awareness among the general public.

However, closer examination of the data suggests that the 16-year period is also marked by an increased polarisation of attitudes, with larger proportions of respondents occupying both supportive and oppositional positions, expressing strong views. Evidence from European and national reports outlined in this chapter suggests that the LGBT community in Ireland continues to experience verbal, physical, and sexual harassment (European Union Fundamental Rights Agency, 2014; European Union Fundamental Rights Agency 2013; Higgins et al. 2016). It also appears that gay men and transgender people are most often targeted, while transgender people experience more sexual harassment, and are more likely to feel unsafe in public (Higgins et al. 2016). While there have been significant advancements in LGBT rights in Ireland as exemplified by the Marriage Act 2015 and the Gender Recognition Act 2015, violence towards Ireland's LGBT community is still a pressing social issue, and the number one "burning issue" the LGBT community believes needs to be addressed (National LGBT Federation 2016).

Certainly, the *Call It Hate* survey for Ireland finds that amid liberal attitudes towards the LGBT community, differences exist in the degree of agreement with progressive positions. When we ask whether LGBT people should have the freedom to live their lives as they wish, a question in which attitudes towards gay men and lesbians are conflated, *Call It Hate* survey respondents in Ireland were less accepting of gender diversity than of non-heterosexual orientations.

Where lesbian and gay men's identities are disentangled, we find differences in attitudes to each which speak to gay men's greater risk of violence (Higgins et al. 2016). Measures of empathy for victims of crime found that a gay couple who are physically assaulted on the street attracted significantly less empathy than a lesbian couple in similar circumstances. Indeed, gay men attracted significantly less empathy across a number of scenarios. Equally, measures of bystanders' likelihood to intervene on behalf of LGBT victims of crime, found that respondents were significantly more unlikely to intervene on behalf of a gay man or bisexual person compared to a lesbian. These findings speak to gendered notions of the ideal victim (Carlson 2018:95). Gender relations are also foregrounded by differences in the attitudes of male and female respondents, including to gay men.

The portrait of attitudes towards transgender persons painted by the data is complex. Transgender people's freedoms attract less support from respondents, and respondents express the highest levels of social distance from this identity group: respondents to the *Call It Hate* survey were significantly more positive towards having lesbians, bisexual people and gay men as neighbours compared to transgender people. Internationally, Lewis et al. (2017) suggest that such findings can be explained by lower levels of personal contact with transgender people, compared to gay men and lesbians, highlighting the importance of trans visibility and of connecting trans activism to the wider movement for LGBT rights. In the *Call It Hate* survey, transgender victims of crime (excluding transgender sex workers) fare better with respect to empathy and likelihood of intervention than might be anticipated given their relative ranking with respect to social distance. One possibility is that although respondents were arguably less accepting of gender non-conformity than non-heterosexual orientations, they perceive transgender people to be more vulnerable than, for example, gay men, and therefore more deserving of empathy and intervention. O'Brien (2013) points to the articulation of gender and vulnerability in the social construction of victimhood. Worthen (2013) makes a strong case for asking about public attitudes towards transgender men and women separately. As we have seen in respect to gay men and lesbians, the conflation of identities can hide important variations in public attitudes.

Among respondents to the *Call It Hate* survey, bisexual people were sometimes perceived similarly to gay men (e.g., in respect to intervention), but in other cases similarly to lesbians (e.g., in respect to empathy). In other research, Eliason (1997) found that a large minority of their respondents agreed that bisexual people were more likely to have "flexible attitudes to sex" than gay men or lesbians (36 per cent agreed/42 per cent disagreed) and more likely to have one partner at a time than gay men or lesbians (27 per cent agreed/33 per cent disagreed). Mohr and Rochlen (1997) underscore the range of specific stereotypes that can underlie negative attitudes towards bisexuality in particular. It is therefore worth emphasising that biphobia may impact the willingness of bystanders to intervene in ways that are distinct from homophobia. However, given evidence of the gendered character of attitudes towards bisexual people (Eliason 1997; Mohr and Rochlen 1999), the inability to distinguish between attitudes towards bisexual woman and men must be recognised as a significant limitation in interpreting the findings of the *Call It Hate* survey with respect to bisexual people.

Findings regarding willingness to intervene indicate that respondents may perceive hierarchies of victimhood not only among LGBT identities, but also among minority identities more generally. Respondents were less willing to intervene on behalf of LGBT people than people with a disability, but more likely to intervene for LGBT persons than on behalf of members of Ireland's indigenous ethnic minority, Irish Travellers. Moving from identities to behaviours, the data suggests cultural criteria for the assessment of blameworthiness, which impact respondents' evaluations of crime victims' deservedness. Drunken LGBT persons who are assaulted near a bar attract significantly less empathy than those assaulted on the street, whilst shopping, by a stranger, or by an extremist group. Thus, the public performance of queerness is arguably interpreted

within a broader framework of cultural values, which, as Christie (1986) might put it, define “virtuous behaviour” as required of “deserving” victims.

Steffens and Wagner’s (2004:137) research, conducted in a German context, found that attitudes towards homosexuality and LGB rights are influenced by gender, age and education, with women, younger people, and more highly educated people being more positively disposed. The *Call It Hate* survey enabled us to investigate these patterns with respect to Ireland. Education was found to have little impact on attitudes to LGBT persons. However, gender proved to be significant. Across every category of identity, women were more likely to be positively disposed towards LGBT freedoms than men.

We were surprised to find no clear correlation between youth and more liberal attitudes to LGBT persons in Ireland given young people’s mobilisation in response to the Marriage Equality referendum of 2015 where 27,633 young people registered to vote in the lead up to the referendum (Healy 2015). In fact, people aged 25-34 were most likely to disagree with freedoms across all LGBT identity groups and were most likely to express discomfort with having a transgender person as a neighbour. This is a disconcerting finding and perhaps reflects young Irish LGBT people’s own continued experiences of homophobic, biphobic and transphobic bullying within their peer groups (Department of Children and Youth Affairs 2018). It is worth noting that positive developments with respect to the introduction of programmes to address homophobia and transphobia within the school curriculum (Department of Children and Youth Affairs 2018) have arguably been introduced too recently to have had an effect on the youngest cohorts participating in the *Call It Hate* Survey.

Tackling homophobic hate crime is a stated priority of the LGBT community in Ireland (National LGBT Federation 2016). It is of concern therefore that the findings of the *Call It Hate* survey for Ireland suggest that a sizable proportion of the general population perceive that Ireland is a relatively safe and inclusive environment for LGBT people. Equally, and given that the particular harms of hate crime are now well established in international research (Brown, Walters, Paterson and Fearn 2017; Williams and Tregidga 2013), it is of additional concern that only a small majority of respondents to the *Call It Hate* survey understood that where LGBT people are targeted for their identity this has particularly detrimental impacts on their wellbeing. We reiterate that 15 per cent of respondents disagreed that hate crime has additional harms and a further 28 per cent were unsure. Nonetheless, gaps in public awareness of hate crime and its impacts must be understood in the context of the jurisdiction’s lack of hate crime legislation. As the authors point out in previous research (Haynes and Schweppe 2017b) on the treatment of hate crime in the Irish criminal justice system, to all effects and purposes, hate crime does not exist as a legal construct in Ireland. These points aside, the majority of respondents did favour stronger penalties for hate crimes.

Conclusions

In line with ESS data, *Call It Hate* survey data for Ireland portrays an increasingly progressive and open society with respect to LGBT rights and freedoms generally. We reiterate Steffens and Wagner's (2004) cautionary note however that respondents are increasingly averse to expressing what they may perceive will be evaluated as less socially acceptable attitudes. As such, questions probing more intimate levels of engagement with LGBT persons might reveal additional layers to or limitations upon Irish respondents' inclusivity. Certainly, ESS data suggests increasing polarisation of attitudes towards gay men and lesbians. The *Call It Hate* survey for Ireland provides additional insights into distinctive attitudes towards gay men, lesbians and transgender persons as separate identity groups. We find that gay men are often perceived as less deserving of empathy and intervention. Transgender people attract greater empathy, but their freedoms are less well supported and they experience the greatest degree of social distance. Following Eliason (1997), the *Call It Hate* survey recognises the existence of biphobia as a distinct category of prejudice within Irish society. We find evidence of a hierarchy of victimhood wherein the "blameworthiness" of victims of crime is evaluated in determining their "deservedness". We note that most respondents are positively disposed towards penalising hate motivations, including with respect to sexual orientation and transgender status, but the data demonstrate important gaps in the general population's knowledge of the harms of hate crime. As significantly, the *Call It Hate* survey provides empirical evidence of a gap between a widely held public perception of Ireland as a relatively safe and inclusive country for LGBT people, and documented evidence of ongoing experiences of homophobic and transphobic hate crimes.

Recommendations

- Develop a public awareness-raising campaign to highlight the realities of anti-LGBT hate crime in Ireland, taking account of differences in empathy for different identity categories.
- Develop a public awareness-raising campaign to inform people regarding the additional harms of hate crime and counter victim-blaming discourses.
- Argue for the continued development of curricular interventions at all levels of education to address homophobia, biphobia and transphobia.
- Introduce legislative provisions to address homophobic, biphobic and transphobic hate crime, as well as other manifestations of hate crime.
- Explore the potential for a campaign to raise awareness of hate crime as a cross-community issue, including with people with disabilities and those who are subjected to racist hate crime.
- Argue for state funding to support the regular repetition (at least every 5 years) of the LGBT Ireland report, which addresses both majority attitudes to LGBT identities and LGBT experiences.

- Argue for the regular collection of data on LGBT experiences of hate crime and their experiences of bystander intervention.
- Make representations to the ESS for the disaggregation of measures of attitudes towards lesbians and gay men, as well as to include specific questions with respect to attitudes to transgender and bisexual persons.
- Argue for the funding of campaigns, such as TENI's 2014 "Positive Visibility Matters" campaign, which have the potential to address social distance with respect to LGBT identity groups.
- Argue for the funding of additional research to achieve a deeper understanding of the age and gender related dynamics of attitudes towards LGBT persons.

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ITALY AT A GLANCE





- More than eight out of ten respondents agree that LGB people should be free to live their own lives as they wish (85 per cent for gay men and lesbians and 83 per cent for bisexual people). The degree of acceptance slightly decreases for transgender people (79 per cent).

- Around half of respondents feel comfortable having an LGB person as their neighbour (G&L = 52 per cent-B = 49 per cent). Transgender people are least likely to be accepted as neighbours (T = 40 per cent).

- Italians feel more empathetic towards victims of homophobic or transphobic violence when the victims are assaulted by members of a far-right extremist organisation or by a family member; conversely, they feel less empathetic when a drunk lesbian, gay man or a trans person is assaulted near a bar or during a Pride March.

- Most Italians think that LGBT people often do not feel free to express themselves out of fear of being attacked because of their sexual orientation and/or gender identity.

- More than half of the respondents agree that violence against LGBT people is a serious problem in Italy and that the consequences for individuals victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, are particularly painful.

- Italians are strongly supportive of harsher penalties regardless of the types of crime; in fact, more than two-thirds of respondents are in favour of more severe punishing both hate and non-hate crimes.

ITALIAN ATTITUDES TOWARDS LGBT PEOPLE: A LONG AND WINDING ROAD

 Laura Bugatti and Elena Togni⁶⁸

Introduction

___ Legal and policy framework on anti-LGBT hate crime

In Italy, a few steps towards LGBT equality have recently been undertaken (same-sex couple unions; a change in courts' attitude in favour of larger protection of the fundamental rights of LGBT people), even if a lot of work remains to be done (same-sex marriage, adoption, medical interventions). This is confirmed by the fact that according to ILGA-Europe's Rainbow Map 2019 reflecting the legal and policy human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe, Italy achieved a rating of only 22 per cent in its protection of equal rights for LGBTI.

One of the most critical aspects already underlined by the ILGA Review 2018 relates to the "Hate crime and hate speech" category, where Italy scored 0 per cent due to the fact that the existing legal provisions against hate crimes and hate speech do not include SOGI (sexual orientation and gender identity) as a protected category. Indeed, in Italy the law does not provide for proper protection in the case of crimes motivated by prejudice against the victims' sexual orientation or gender identity either as a specific type of offence, or as an aggravating circumstance. The legislative decree n. 21/2018⁶⁹ recently introduced a new section into the Italian Criminal Code named "Crimes Against Equality" (Section I-bis), but sexual orientation and gender identity were not included as protected grounds.

⁶⁸ The paper is the product of a shared reflection and elaboration. However, sections 1, 2, 3 and Recommendations were drafted by Elena Togni; sections 4, 5, 6, Discussion and Conclusion were drafted by Laura Bugatti.

⁶⁹ The legislative provisions of Law no. 205/1993 (the so-called Mancino Law) have been substantially transposed into the Italian Criminal Code by the legislative decree n. 21/2018.

In fact, the protected characteristics expressly named by Italian criminal provisions concerning the most serious forms of hate speech and hate crime are limited to race, ethnic origin, nationality and/or religion. Therefore, the lack of hate crime legislation specifically including sexual orientation and/or gender identity means that there is no special protection for victims of hate crimes based on SOGI (i.e., these cases are treated as common offences).

The failure to provide *ad hoc* hate crime legislation covering sexual orientation and/or gender identity also has a significant impact on the effective application of EU Directive 2012/29.⁷⁰ As is well known, this Directive aims at “establishing minimum standards on the rights, support and protection of victims of crime” and Italy implemented it, albeit partially, in its legal system through the Legislative Decree n. 212/2015.⁷¹ According to the above-mentioned Directive, member states have to provide all available data to the Commission every three years showing how victims have accessed the rights set out in the Directive itself including the number and type of the reported crimes. However, the lack of criminal provisions on SOGI hate crimes will negatively affect the reporting activity and will prevent the ability to distinguish between anti-LGBT hate crimes and other hate crimes.

Scale of anti-LGBT hate crime

Victimisation surveys

There are no regular surveys concerning anti-LGBT hate crimes in Italy. Available evidence, such as studies conducted by NGOs, suggests, however, that the problem does exist in the country.

In 2006, the Italian NGO Arcigay carried out a statistical work concerning the health and sexuality of LGBT people (Lelleri 2006). According to this study 18.4 per cent of lesbians and 19.4 per cent of gay men interviewed declared that they have been harassed or insulted because of their sexual orientation.

Findings from research by NGO Arcigay, suggesting that anti-LGBT hate crime remains a problem in Italy, are corroborated by two regional studies. The first one, a cross-sectional study conducted in 2011 in Napoli (Pelullo, Di Giuseppe and Angelillo 2011), reveals that among a random sample of 1000 LGB individuals, 28.3 per cent self-reported at least one episode of victimisation due to sexual orientation in their lifetime (11.9 per cent in the last year before the study). The most common types of violence were verbal harassment, discrimination, and physical or sexual violence. The second study concerned crimes and incidents motivated by sexual orientation and gender

⁷⁰ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

⁷¹ Legislative Decree n. 212/2015, in GU n. 3 of 5 January 2016.

identity bias committed from January to October 2013 in two Italian regions (Veneto, in north-east Italy, and Campania, in the south (Centro Risorse LGBTI 2013). The report documents 12 acts of extreme physical violence (8.3 per cent), 12 assaults (8.3 per cent), two cases of property damage (1.4 per cent), 42 threats or instances of psychological violence (29 per cent), and 76 other incidents with a bias motivation (53 per cent).

Reported cases

The exclusion of SOGI as grounds for special legislative protection precludes the possibility of collecting reliable statistical data about crimes which are motivated by the perpetrator's prejudice or hostility toward the victim's (perceived) sexual orientation or gender identity.

In the silence of the law, two equality institutions have assumed the responsibility of recording anti-LGBT hate crimes: the Observatory for Security Against Acts of Discrimination (OSCAD), and the National Office Against Racial Discrimination (UNAR). OSCAD runs a database in which unofficial complaints reported by individuals, institutions and NGOs on acts of discrimination are recorded. Data on hate crimes are regularly reported to the OSCE Office for Democratic Institutions and Human Rights. Moreover, in 2011, OSCAD and UNAR signed a memorandum of understanding that includes data exchange. Between September 2010 and December 2017, 2,030 cases were reported by OSCAD, 1,036 of which were classified as crimes. Among the former (i.e., all reported cases) 338 cases were classified as discrimination on grounds of SOGI (16.7 per cent), 13.5 per cent of which were crimes. Because of the absence of laws against homophobia and transphobia and because of the unofficial character of the complaints received by OSCAD, these data cannot be considered exhaustive. The lack of official data cannot be filled through information gathered by NGOs; indeed, they collect data in an informal and unsystematic way, without following any *ad hoc* protocols and without producing any anonymised reports (Parolari and Viggiani 2018).

Previous research on the topic

Based on a survey conducted in 2011 among a representative sample of the Italian population (7,725 individuals), in 2012 the National Statistical Institute (ISTAT) published a report concerning the situation of homosexual individuals in Italy (ISTAT 2012). The study reveals overall attitudes towards LGBT people: 61.3 per cent of the interviewed believe that homosexual people are discriminated against in Italy; the per centage rises to 80.3 per cent for transsexual people. In general, women, young people and residents in central Italy show greater openness towards LGBT people than other demographic categories. Nevertheless, significant shares of respondents believe that it is not

acceptable or hardly acceptable to have an LGBT individual as an elementary school teacher (41.4 per cent), doctor (28.1 per cent), politician (24.8 per cent), friend (22.8 per cent), boss (21.5 per cent) or colleague (20.1 per cent). Moreover, 30.5 per cent do not want a transgender person as a neighbour, and 17.2 per cent do not want a gay man or lesbian as a neighbour.

Attitudes towards LGBT people

Findings from the *Call It Hate* survey suggest that attitudes toward LGBT people in Italy have improved in recent years. Eight out of ten respondents agree that LGBT people should be free to live their own lives as they wish (LG = 85 per cent; B = 83 per cent and T = 79 per cent). Many respondents would also feel comfortable having people with a minority sexual orientation or gender identity as neighbours (totally comfortable/comfortable: G = 52 per cent; L = 52 per cent; B = 49 per cent; T = 49 per cent). Transgender people are the most stigmatised category among LGBT groups.

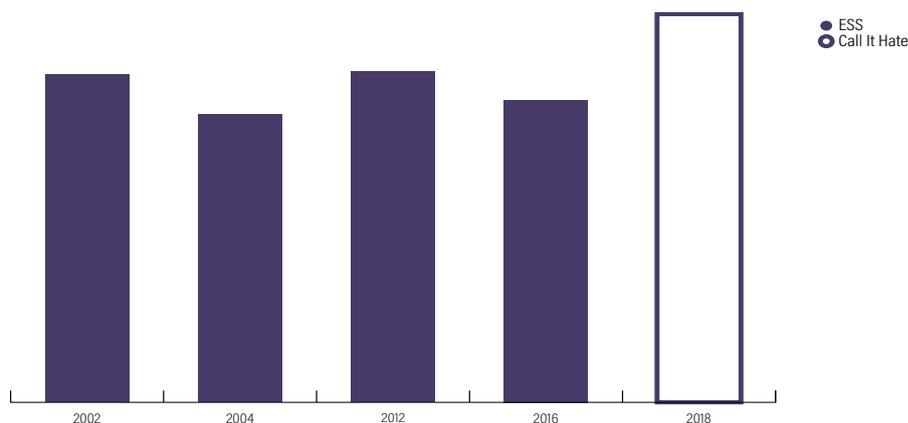
___ LGBT people should be free to live their own lives as they wish

This section reports on the respondents' attitudes towards LGBT people based on the *Call It Hate* survey, conducted in Italy between 9 August and 1 October 2018 by LightSpeed on behalf of the *Call It Hate* partnership on a representative sample of 1,000 people.

The majority of Italians agree or strongly agree that LGBT people should be free to live their own lives as they wish (LG = 85 per cent; B = 83 per cent and T = 79 per cent). Few of the respondents interviewed think that LGBT people should not be free to live their own lives as they wish (LG = 6 per cent; B = 6 per cent and T = 8 per cent). Compared with other identity groups, transgender people are the most stigmatised category.

The data obtained from the Italian *Call It Hate* Survey are compared with the results for Italy obtained within the European Social Survey (ESS). In the latter survey, respondents were asked to state if they agreed or disagreed that lesbian women and gay men (together) should be free to live their own lives as they wish. The results of this comparison are shown in Figure 44 below.

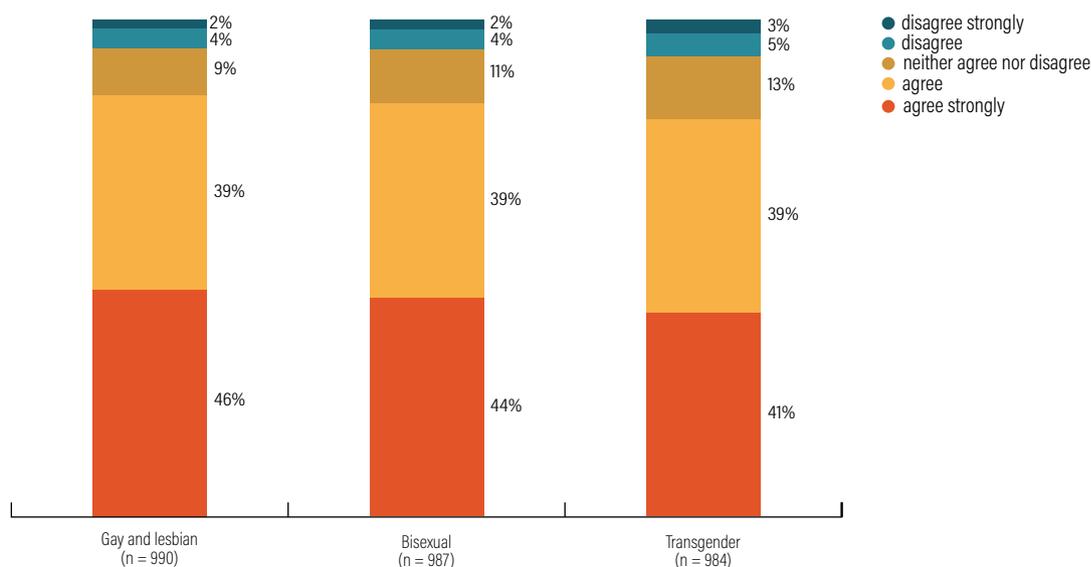
Figure 44 Italy: ESS – Call It Hate data comparison (gay men and lesbian women should be free to live their own lives as they wish).



Source: European Social Survey (2002-2016) and Call It Hate (2018).

In general, the majority of people interviewed in the European Social Survey agreed or strongly agreed with the statement that gay men and lesbian women should be free to live their own lives as they wish (2002 = 71.7 per cent; 2004 = 63.1 per cent; 2012 = 72.4 per cent; 2016 = 66.2 per cent). This favourable attitude is confirmed by the Italian *Call It Hate* survey, where even 85 per cent show support of this statement and only 6 per cent disagree or strongly disagree. This positive shift could have been influenced by the recognition in Italian law of same-sex union, the so-called “Legge Cirinnà” (Law 76/2016), both as an acknowledgment and as a promoter of cultural change in Italian society, which can lead to an improved social acceptance of LGBT-related issues.

Figure 45 Italy: Respondents’ opinions on whether LGBT people should be free to live their own lives as they wish.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

The survey finds that women are more likely than men to agree that LGBT people should be free to live their own lives as they wish. The lower levels of openness shown by men could be related to the social construction of gender and masculinity, and its relationship to both gender-based violence and LGBT-phobia.

There is no clear relationship between respondents' region and level of agreement, however, people from south Italy are more likely to disagree with the statement when transgender people are involved (south: 10 per cent; north-east: 6 per cent; centre: 6 per cent; north-west: 5 per cent). There is also no clear relationship between educational level and positive/negative attitudes towards LGBT people. The more value respondents place on security ("safety, harmony, and stability of society, of relationships, and of self" (Schwartz 2012)) the less likely they are to agree that LGBT people should be free to live their own life as they wish. This result appears to be quite consistent with the mobilisation, in the security discourse, of "difference" as a source of perceived danger. The reference to social stability and social cohesion, in the Italian context, places LGBT persons at the opposite pole with respect to one of the actors still perceived as more central in preserving it: the traditional family (Leung et al 2003; Haralambos and Holborn 2000; Parsons 1956).

Conversely, as far as universalism ("understanding, appreciation, tolerance, and protection for the welfare of *all* people and for nature" (Schwartz 2012)) is concerned, a higher degree placed on this value corresponds to a higher positive attitude towards LGBT people. No significant relationship between benevolence ("preserving and enhancing the welfare of those with whom one is in frequent personal contact" (Schwartz 2012)) and agreeing with the statement can be inferred.

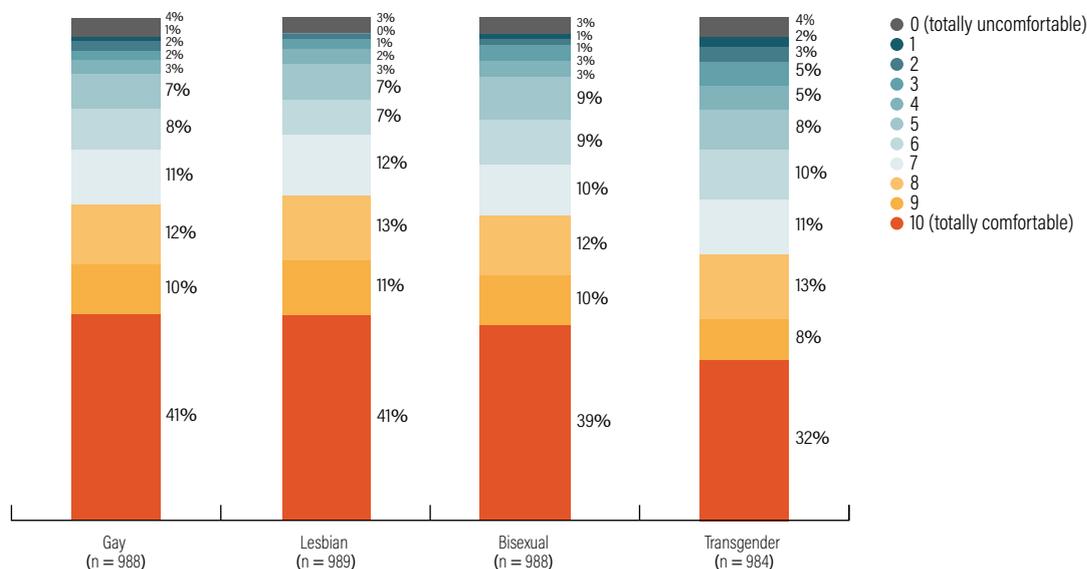
— How you would feel about having an LGBT person as your neighbour?

The *Call It Hate Survey* included a question about social distance towards LGBT people. Respondents were asked to rate on a scale of 0-10 their degree of comfort in having a gay man, a lesbian, a bisexual or a transgender person as neighbour.

Around half of respondents said that they would feel comfortable having a lesbian, gay man or a bisexual person as a neighbour (G = 51 per cent; L = 52 per cent; B = 49 per cent). The results are significantly worse with transgender neighbour (T = 40 per cent). On the other hand, the percentage of respondents who are totally uncomfortable/uncomfortable does not vary significantly in relation to the different LGBT categories (G = 4 per cent; L = 3 per cent; B = 3 per cent; T = 5 per cent). Results are shown in Figure 46 below. The less open and accepting attitudes towards transgender people as neighbours (Sabsay 2011), could be due to the strong stigma that tends to erroneously overlap

being transgender with engagement in sex work (Viggiani 2017; Citti 2017; Edelman 2011; Ruspini, Inghilleri 2011).

Figure 46 Italy: Social distance towards LGBT people.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

The survey finds that women are more comfortable than men with LGBT neighbours. More than two-thirds of female respondents feel more comfortable having a gay man as a neighbour (63 per cent). The degree of comfort decreases with regards to lesbians (56 per cent) and bisexual people (56 per cent), reaching the lowest level when the neighbour is transgender (48 per cent). A higher level of discomfort in having a transgender person as a neighbour is confirmed by male respondents (33 per cent); however, unlike women, men are also not positively disposed towards gay men (39 per cent). On the contrary, lesbians (48 per cent) and bisexual people (43 per cent) are the LGBT categories more accepted by men.

There is no clear link between age or level of education and the level of comfort with having an LGBT person as a neighbour.

Levels of empathy

This section of the *Call It Hate* survey measures the level of empathy of respondents for people who experience crime in different scenarios and by different kinds of perpetrators. Results demonstrate that there is no significant variation in the degree of empathy towards a heterosexual

couple compared with LGBT people when assaulted in the same situation. Again, it is confirmed that, among LGBT people, transgender people are the category toward which the level of empathy is the lowest.

Respondents were divided in groups and each group was provided with several scenarios relating to either gay men, lesbians or trans people. These scenarios epitomise some typical contexts of violence motivated by bias based on SOGI, including violence experienced by people while they are holding hands on the street, while shopping, drunk near a bar, at Pride March by a counter-demonstrator, by a complete stranger, by a client, in the respondent's neighbourhood, by a member of their family, and by members of a far-right extremist organisation. Respondents were asked about the level of empathy they feel for a victim in these specific scenarios using an 11-point scale where 0 meant "no empathy at all", and 10 meant "complete empathy" for the victim.

With regard to the various scenarios taken into account: respondents feel more empathy for LGBT people when assaulted by members of a far-right extremist organisation or by a family members; conversely, they feel less empathy when a gay/lesbian couple or a bisexual or transgender person is drunk and assaulted near a bar or in the event LGBT people are participating in a Pride March. The latter finding could be interpreted using the sociological concept of victim blaming/victim accountability (Wright 1993), the process by which victims are blamed for their attitudes, behaviours and practices, are socially perceived as a co-responsible for the violence they suffered, or, in other words, using the concept of "deserving victims" as developed by Richardson and May (1999).

The survey finds a relatively small difference in levels of empathy between heterosexual and lesbian, gay and transgender people assaulted on the street. Considering the LGBT community, the difference in average empathy is higher for lesbian women, followed by gay men and, finally, for transgender people: this ranking is confirmed in all the proposed scenarios.

Moreover, results from the Italian *Call It Hate* survey show differences in average empathy across various scenarios, depending on the behaviours the victims are associated with and the type of perpetrator. On one hand, respondents are more empathetic towards a gay man, lesbian woman, and transgender person physically assaulted by a group of people who are members of a far-right extremist organisation (in particular, gay men and transgender people obtain the highest average value with regard to this statement) and towards gay men, lesbians, and transgender people physically assaulted in the respondents' neighbourhood by a member of his/her family (in this case, lesbians obtain the highest average value).

On the other hand, drunk gay/lesbian couples, bisexual and transgender people who are physically assaulted near a bar, or LGBT individuals participating in a Pride March event who are physically assaulted by counter-demonstrators, attract the lowest level of empathy across all the LGBT categories. Respondents also express a lower level of empathy towards a transgender sex worker physically assaulted by a client. It should be underlined that sex work in general is still socially perceived as a "deviant behaviour" and highly

stigmatised (Benoit et al 2018; Weitzer 2009) and this should be connected with the previously cited victim blaming/deserving victim concept (Menaker and Franklin 2015). The results are shown in Figure 47 below.

Figure 47 Italy: Levels of empathy for victims of crimes.



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

More women than men feel empathy for LGBT people who experience a crime in all situations taken into account in the *Call It Hate* survey with the most significant per centage difference occurring when victims are transgender people.

Reactions to hate crimes

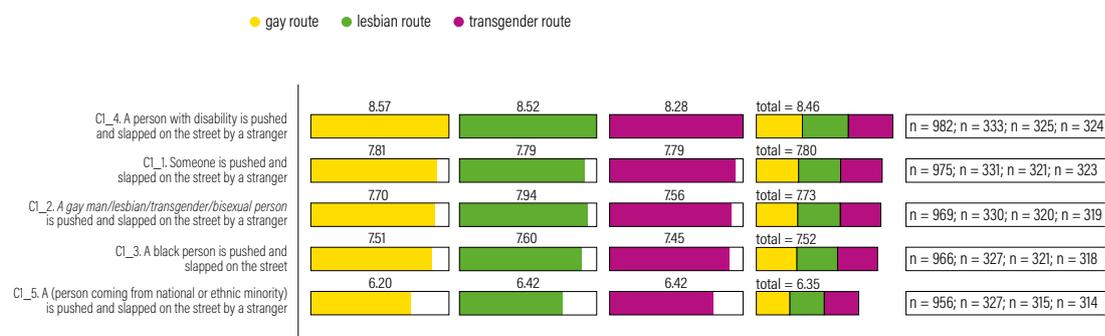
Respondents were asked how likely they would be to intervene if they saw different groups being pushed and slapped on the street by a stranger. Italian people are more likely to intervene if the victim is a person with a disability; conversely, in the case of violence towards Roma or black people, the per centage of people that would intervene decreases significantly. The survey finds a similar likelihood of intervention when the victim is an LGBT person compared with a person of unspecified identity.

Respondents were divided into three groups and asked to evaluate on a scale of 0-10 how likely they would be to intervene (either directly or indirectly) in a scenario where someone is pushed and slapped on the street by a stranger. The question was then replicated, taking into consideration the same situation

(physical attack committed by a stranger on the street), combined with different groups of vulnerable victims: an LGBT individual, a person with disability, a black person or a Roma.

The results are presented in Figure 48 below.

Figure 48 Italy: Reaction to violence.



CI1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

The most significant difference is that 62 per cent of respondents would intervene if they saw a disabled person being assaulted compared to 31 per cent of respondents, who would intervene on behalf of Roma victim. The difference could be explained, on the one hand, by the stigma around Roma people, and on the other with the perception of people with disabilities as vulnerable and helpless subjects, who are also less likely to be considered guilty for the violence suffered.

There is no notable difference in respondents' likelihood of intervention in the case of a general victim when compared to a victim belonging to the LGBT community ("someone": range 9-10 = 46 per cent; LGBT: range 9-10 = 47 per cent).

Within the LGBT community, a higher likelihood of intervention is recorded towards lesbian women (range 9-10 = 52 per cent), followed by gay men (range 9-10 = 47 per cent) and transgender persons (range 9-10 = 42 per cent).

Opinions on hate crimes

The survey finds a general belief that often LGBT people do not freely express themselves, for fear of experiencing violence because of their sexual orientation and/or gender identity. Accordingly, more than half of the respondents agree that violence against LGBT people is a serious

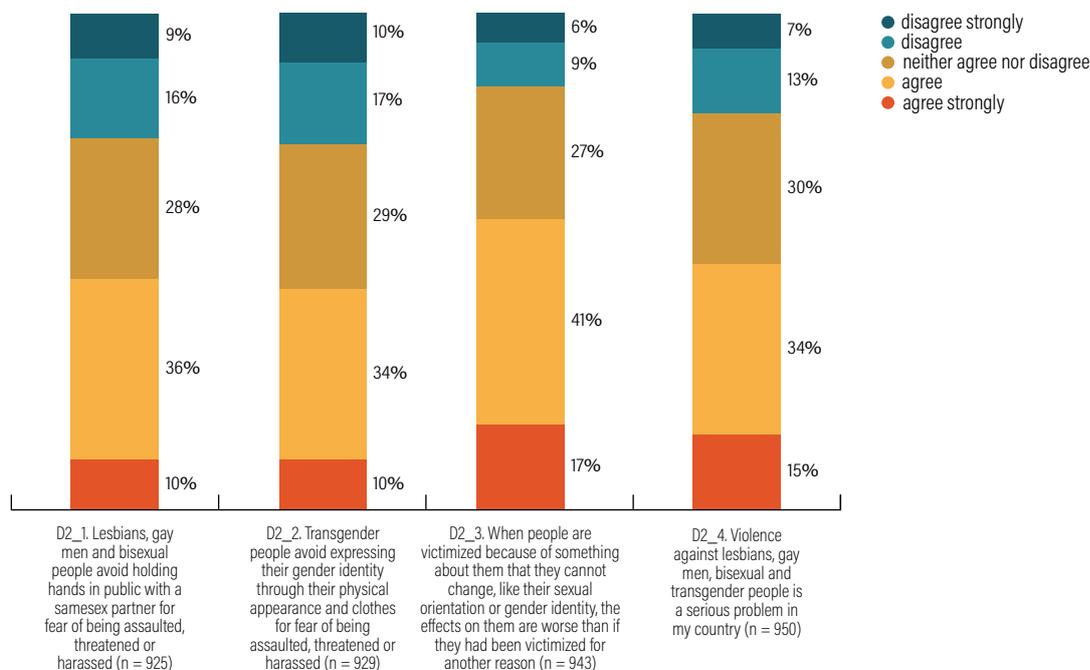
problem in Italy and that the consequences for individuals victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, are particularly painful. The need for harsher penalties is perceived towards all kinds of crime (including non-hate-motivated crimes) and victims.

___ Perception of hate crimes targeting LGBT people

Respondents were asked to say if they agree or disagree with a set of statements concerning hate crimes and their consequences (a scale 0-5 has been used).

Forty-six per cent of respondents agree that in general ‘Lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed’ (agree or strongly agree 46 per cent - disagree or strongly disagree 25 per cent). The agreement declines only by 2 per centage points when the respondents are asked to take into consideration the behaviour of transgender people: 44 per cent of respondents agree/strongly agree that “transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed” (agree or strongly agree: 44 per cent - disagree or strongly disagree: 27 per cent).

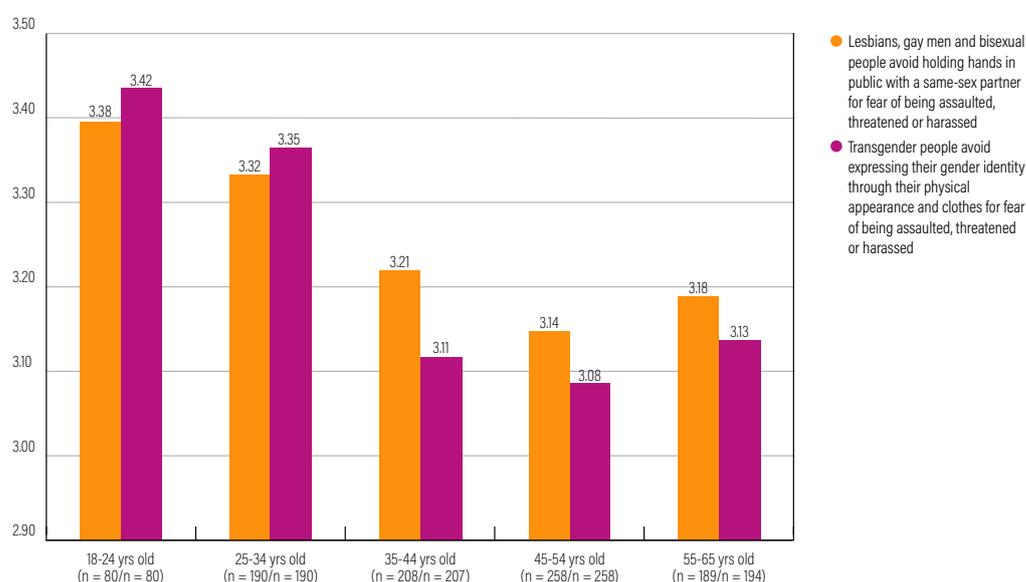
Figure 49 Italy: Opinions on hate crimes.



D2_1-4. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

LGBT people's limitation of self-expression is more likely to be perceived by the younger age groups of the population. In particular, half of respondents 18-34 years old agree/strongly agree that “lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed” (18-24 years old = 51 per cent; 25-34 years old = 51 per cent; 35-44 years old = 48 per cent, 45-54 years old = 43 per cent; 55-65 years old = 40 per cent). Moreover, one-fifth of respondents 18-34 years old agree/strongly agree that “Transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed” (18-24 years old = 19 per cent; 25-34 years old = 20 per cent; 35-44 years old = 28 per cent, 45-54 years old = 29 per cent; 55-65 years old = 31 per cent). The results, expressed by mean, are presented in the Figure 50 below.

Figure 50 Italy: Opinions on hate crimes – mean by age.



D2_1-2. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Half of respondents agree that “*violence against lesbians, gay men, bisexual and transgender people is a serious problem in Italy*” (agree or strongly agree = 49 per cent; disagree or strongly disagree = 21 per cent). More women (55 per cent) than man (44 per cent) perceive the seriousness of the issue. Accordingly with previous findings, the highest per centage of agreement is detected among the youngest age groups of the respondents (agree/strongly agree: 18-24 years old=56 per cent; 25-34 years old = 54 per cent compared to 35-44 years old = 48 per cent; 45-54 years old = 45 per cent; 55-65 years old = 49 per cent).

Finally, 58 per cent of respondents agree/strongly agree that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason; conversely, 15 per cent of respondents disagree or strongly disagree. Only 8 per cent of 18-24 year old respondents disagree/strongly disagree with the statement. The increase

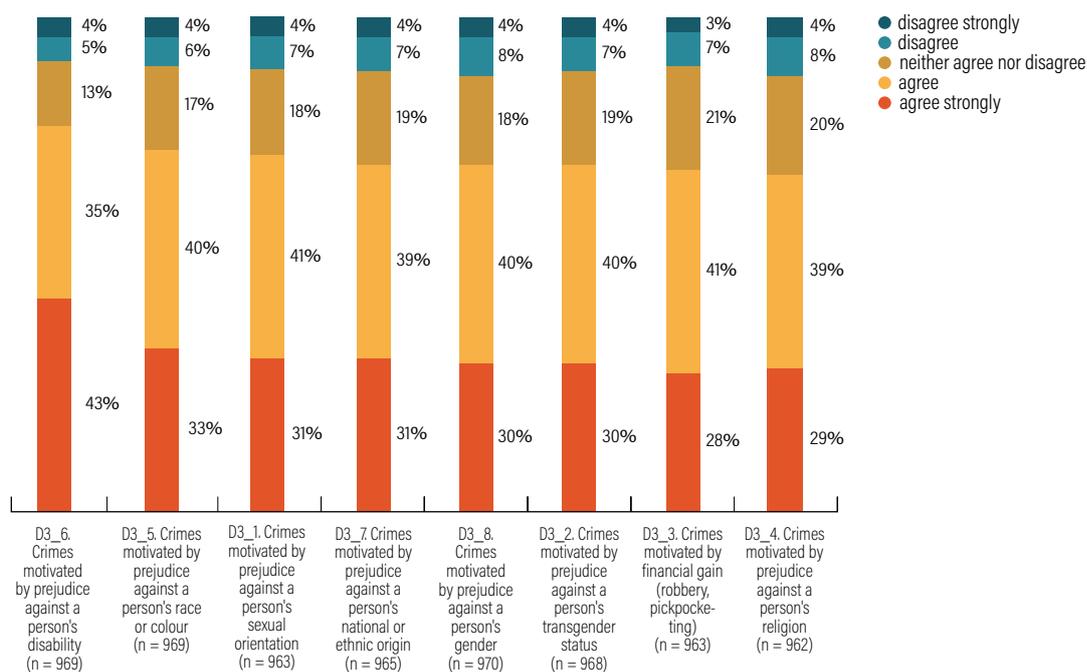
of disagreement is correlated with increasing age (25-34 years old = 13 per cent; 35-44 years old = 15 per cent, 45-54 years old = 15 per cent; 55-65 per cent years old = 17 per cent). The majority of respondents who agree/strongly agree with the latter statement are women (women = 60 per cent, men = 56 per cent). The fact that harms of crimes motivated by LGBT bias are often more severe than those inflicted by non-bias crimes is less perceived by respondents located in north-east of Italy (agree/agree strongly: north-east = 55 per cent, south = 58 per cent; north-west = 59 per cent; centre = 60 per cent). The most significant disagreement has been recorded in Umbria (disagree/strongly disagree = 46 per cent; agree/strongly agree = 27 per cent).

— Opinions on sentencing

The last block of questions aims to investigate the need for harsher penalties perceived by Italians, both in cases of bias and non-bias crimes.

The survey finds that respondents are strongly supportive of harsher penalties regardless of the types of crime: in fact, more than two thirds of respondents are in favour of more severe punishing of all kinds of crime, including hate crimes as well as non-hate-motivated crimes, such as financial gain. Therefore, this trend cannot be interpreted as a specific attitude towards victims of anti-LGBT crimes. The highest support for introducing harsher penalties is recorded when crime is targeted a person with a disability (78 per cent), followed by racist crimes (73 per cent). Slightly fewer respondents agree that religion and financial crimes should be punished more severely (religion = 68 per cent; financial = 69 per cent), but differences are not significant in relation to other crimes, including crimes based on SOGI prejudice (transgender = 70 per cent; gender = 70 per cent; sexual orientation = 71 per cent) and national or ethnic origin hate crimes (national or ethnic origin = 70 per cent).

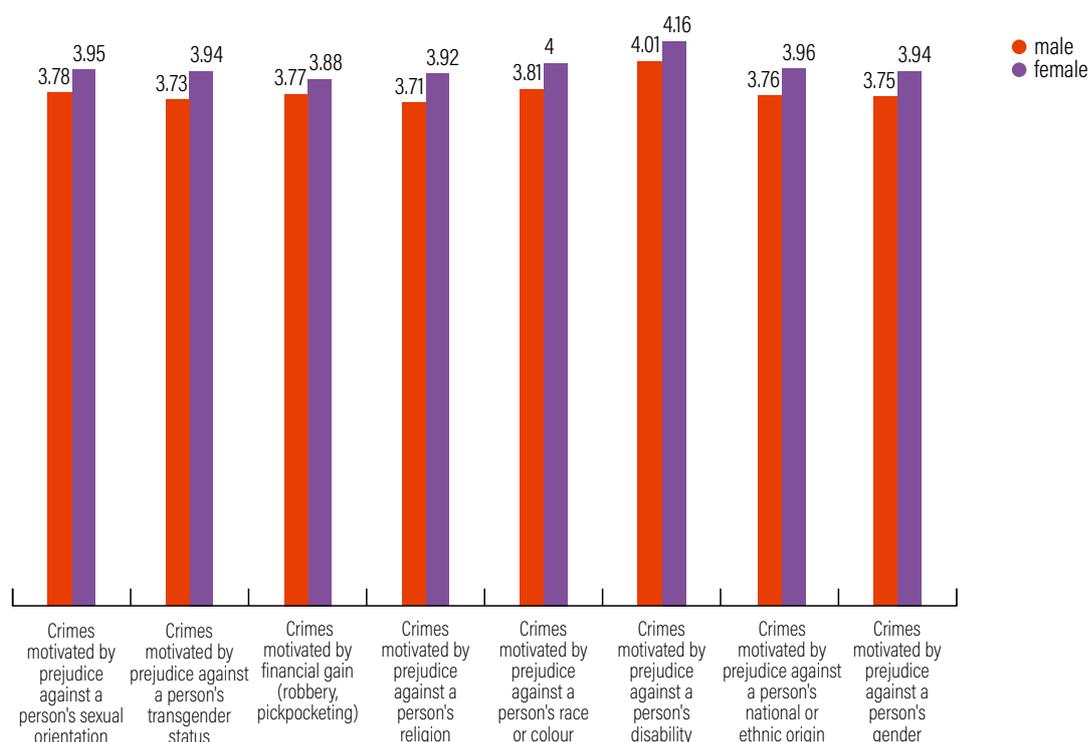
Figure 51 Italy: Opinions on sentencing



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

Compared to men, a larger per centage of female respondents is in favour of a higher sentence for all kinds of crime mentioned in the survey. The distance between male and female opinion is particularly significant with regard to crimes motivated by prejudice against a person's religion: 15 per cent of men disagree/strongly disagree with the need to introduce a higher sentence compared to 9 per cent of women; on the other hand, 63 per cent of men agree/strongly agree with the statement, compared to 73 per cent of women.

Figure 52 Italy: Opinions on sentencing -mean by gender. Means.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

Finally, it is notable that 55-65 year old respondents are most likely to support additional penalties with respect to crimes motivated by financial gain (76 per cent) compared to 18-24 year olds who are less interested (50 per cent).

There is no clear relationship between educational level, region and size of place of respondents and level of support for the statement.

Discussion

The *Call It Hate* Survey findings suggest that in Italy violence against LGBT people is perceived as a serious problem and there is a general awareness, in particular among the younger people, about the fact that often LGBT people modify their behaviour in order not to become a victim of violence. Moreover, the survey finds a general belief that the consequences for individuals victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, are particularly painful.

Accordingly, the majority of respondents agree that these crimes deserve stronger punishment. However, the need for harsher penalties is perceived, especially by women, not only with regards to hate-crimes grounded on SOGI, but it is an overall attitude towards all kinds of crime taken into consideration

in the survey (hate-crimes non-SOGI and also financial crimes). Moreover, the highest support for introducing harsher penalties is recorded when the crimes target a person with disability, followed by racist crimes, instead of hate crimes towards LGBT people.

There is no significant difference in the likelihood of intervention by respondents who witness a crime involving an LGBT person when compared to a crime targeted at someone with an unspecified identity. Again, respondents are more likely to intervene if the victim is a person with a disability; conversely, in the case of violence towards Roma or black people the percentage of people that would intervene on behalf of the victim decreases significantly.

Furthermore, even taking into consideration exclusively an LGBT victim who is pushed and slapped on the street by a stranger, the degree of empathy of respondents varies according to the given scenario and the type of perpetrator: for instance, respondents feel more empathetic towards LGBT people when assaulted by members of a far-right extremist organisation or by a family member while they feel less empathetic when a gay/lesbian couple or a bisexual or transgender person is drunk and assaulted near a bar, where victim blaming for alcohol abuse comes into account (Richardson and Campbell 1980, 1982; Hammock and Richardson 1993; Chavanu 2017) .

The current survey results show that the positive attitude towards LGBT people declared by Italian respondents is quite high and growing compared to the last European Social Survey (ESS: 2002 = 71.7 per cent; 2004 = 63.1 per cent; 2012 = 72.4 per cent; 2016 = 66.2 per cent // *Call It Hate*: 2018 = 85 per cent). Nevertheless, the social distance persists, with a reduction in the level of empathy, when a gay man, lesbian or transgender person is supposed to be the respondent's neighbour (general level of empathy toward LGBT: G = 85 per cent; L = 85 per cent; B = 83 per cent; T = 79 per cent; LGBT person as neighbour: G = 51 per cent; L = 52 per cent; B = 49 per cent; T = 40 per cent).

Finally, the *Call It Hate* Survey confirms that among various LGBT identities, transgender people are the most stigmatised.

Conclusions

The general results show an improvement in social perception towards LGBT subjects, with greater awareness of the effects of social control on these subjects (i.e., LGBT people do not express themselves freely in public because they are afraid of violence – in general on social control and sexuality, see DeLamater 1989); however, specific items, such as those on neighbourhood integration, still betray the presence of a certain degree of stigmatisation. In particular, transgender people continue to be relegated to the margins of social acceptability, achieving less empathic and open responses. This finding is probably affected by the general stereotype existing in Italy of the transgender person as sex worker.

The process of victim blaming still persists in respondents' attitudes toward specific categories and scenarios of assault: this is attested by the results demonstrating that when the victim of violence is a transgender sex worker, a drunk LGBT couple outside a bar or an LGBT person participating in a Pride March, the level of empathy decreases. Conversely, when the victim of a crime is perceived as particularly vulnerable (such as in the case of person with a disability) or the perpetrator is regarded as overpowered (such as in the case of a member of far-right extremist organisation), respondents are more empathetic.

The findings reflect a general need for harsher penalties towards all kinds of crime (both hate crimes and non-hate-motivated crimes) and victims. However, the more the victim is perceived as vulnerable - as in the case of a person with a disability, the higher the request for harsher sentencing as well as the likelihood of intervention by the respondents.

Gender identity appears to be a variable that influences the results, with a generally more open and empathic attitude toward LGBT issues in respondents who are women. This data, as well as many of the other results, suggests that traditional processes of social construction of genders and gender orders still play a central role, with hierarchical dynamics that come into play not only between genders but within the same gender.

Recommendations

- Introduce the protected grounds of gender identity and sexual orientation into Italian criminal provisions. *Ad hoc* legislation will also improve the recording of hate crimes towards LGBT people.
- Provide for protocols and best practices for NGOs and police on how to investigate hate crimes based on SOGI and how to record possible SOGI bias effectively.
- Increase the visibility within the community of existing violence against LGBT people and raise awareness of the seriousness of the problem (e.g., through campaigns).
- Promote education in society about LGBT people and about crime based on SOGI bias.
- Build the public's understanding of gender identity with particular regard to transgender people in order to advocate for full inclusion and equality and to promote the "culture of respect": respect for human beings, rights and differences.
- Plan research on this topic on a regular basis, in order to constantly measure attitudes towards LGBT people.

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POLAND AT A GLANCE





- Seven out of ten respondents (70 per cent) agree that lesbians, gay men and bisexual people should be free to live their own lives as they wish. Attitudes towards transgender people are slightly less favourable.

- There is a significant level of social distance between respondents and LGBT people. Poles would more readily accept a lesbian as a neighbour than other members of the LGBT community. Transgender neighbours are least likely to be accepted.

- Respondents feel less empathy for victims of crimes who are lesbian, gay or transgender than for other victims. The highest level of empathy for LGT victims was when they were attacked by members of a far-right extremist organisation. Among LGT groups, lesbians received more empathy than trans and gay victims.

- The probability that people would react to a physical assault increases if the victim is a person with a disability, black, Ukrainian or lesbian. The probability that people would react to violence targeting transgender people and gay men is similar cases without a discriminatory motive.

- About two-third of Poles are aware that some LGBT people change their behaviour or appearance in order to avoid being assaulted, threatened or harassed.

- Half of respondents agree that hate crimes hurt more than other, non-bias crimes. A similar number (52 per cent) agree that violence against LGBT people is a serious problem in Poland.

● A large majority of Poles agree that hate crimes targeting people because of their disability should be punished more severely than other, comparable crimes without a bias motive. Otherwise, data show general support for tougher sentencing. Still, six in ten respondents believe that crimes motivated by bias based on sexual orientation should be punished more severely.

● Young people's attitudes towards LGBT people were often more negative and their awareness of anti-LGBT hate crime lower than among the other age groups.

DIVIDED OR UNAWARE: OPINIONS ON ANTI-LGBT HATE CRIMES IN POLAND

✍ Jacek Mazurczak and Piotr Godzisz

Introduction

___ Legal and policy framework on anti-LGBT hate crime

The Polish Criminal Code (Sejm 1997) stipulates higher penalties for some crimes if they are bias-motivated crimes committed on the basis of the so-called 'race', national and ethnic origin, religion and political affiliation. A motivation based on sexual orientation and gender identity (along with disability, age, sex or gender) is not considered an aggravating circumstance. It is also rarely taken into consideration by the courts in the determination of the penalty. In some instances, the mode of prosecution is also less favourable. For example, minor physical assaults motivated by race are prosecuted *ex officio* (without the need to make a private complaint), while a similar offence involving bias based on sexual orientation is prosecuted upon a private complaint. Reporting such a case requires resources such as legal knowledge, time and emotional strength.

There is no comprehensive policy on hate crime, and inter-agency cooperation is limited. There are no guidelines for prosecutors on dealing with anti-LGBT hate crimes. The police record cases using a working definition of hate crime that features an open catalogue of protected grounds. Thus, the system allows the recording of crimes motivated by biases currently not included in the Criminal Code, such as sexual orientation and gender identity. The working definition is not, however, implemented in other agencies (Godzisz and Rawłuszko 2018).

___ Prevalence, characteristics and consequences of anti-LGBT hate crime

Violence against LGBT people in Poland is widespread. The study *Social situation of LGBT people in Poland 2015-2016*, was conducted by the University of Warsaw for the Campaign Against Homophobia, Lambda Warsaw

and the Trans-Fuzja foundation among over 10,700 lesbians, gay men, bisexual, asexual and transgender people from across Poland. It found that 69.2 per cent of respondents identifying as lesbians, 68.7 per cent of gay men, 66.2 per cent of bisexual women, 63 per cent of bisexual men and 78.6 per cent of respondents identifying as trans experienced bias-motivated violence in the two years before the survey (Świder and Winiewski 2017:73). Other studies also confirm high rates of self-reported bias-motivated violence. For example, in the EU LGBT survey (FRA 2014:58), six out of ten respondents (62 per cent) said that the last incident of violence in the previous 12 months happened partly or entirely because they were perceived to be LGBT.

Most commonly, victims in the *Social situation* study were attacked in a place characteristic of the LGBT community (e.g., club or a bar) or during an LGBT event (22.64 per cent) and in outdoor public spaces, e.g., streets (16.32 per cent). Slightly more than one in 10 victims was attacked at school/university or at work. Between 6.02 per cent and 7.28 per cent of attacks happened on the Internet, at someone's house or in an indoor public space, such as a coffee shop, restaurant or a sports club (Świder and Winiewski 2017:79).

There is a big gap between levels of anti-LGBT violence reported in victimisation surveys (above) and levels of reporting to authorities. All data sources, from surveys to police statistics, confirm that almost no one reports anti-LGBT bias-motivated crimes in Poland. In the *Social Situation* study, only 104 incidents were reported to the authorities, which is not even 4 per cent of all cases (Świder and Winiewski 2017:81). Police statistics show even fewer cases of crimes motivated by bias based on SOGI. For example, according to ODIHR's Hate Crime Reporting Website, Poland reported 12 such cases in 2016 and five in 2017. In the same two-year period, NGOs reported a total of 57 hate crime cases to ODIHR.

Attitudes towards LGBT people

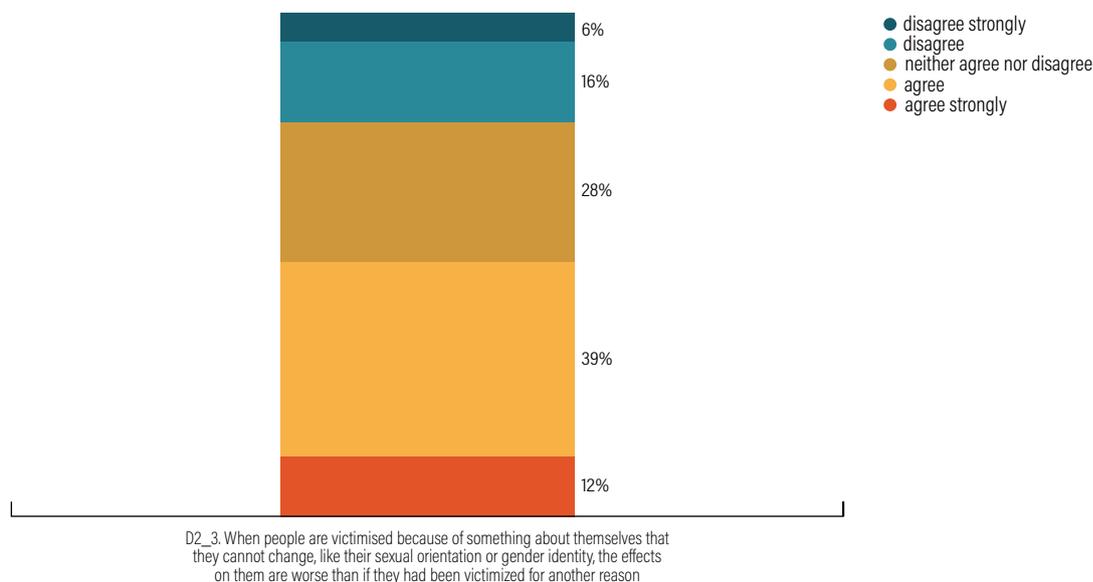
___ LGBT people should be free to live their own lives as they wish

According to a poll by Kantar Millward Brown on behalf of the *Call It Hate* consortium, almost seven out of ten respondents in Poland agree that LGB people should be free to live their own lives as they wish. Just over one in ten people is of the opposite opinion. Attitudes towards transgender people are slightly less favourable. While some two-thirds of Poles agree that trans people should be free to live their own lives as they wish, 15 per cent think otherwise.

Respondents in the *Call It Hate* survey, conducted by Kantar Millward Brown among a representative sample of 1,000 people, were asked to provide an

opinion on the statement that lesbians and gay men (jointly)/bisexual people/transgender people should be free to live their own lives as they wish. The question used a 5-point scale (agree strongly, agree, neither agree nor disagree, disagree, and disagree strongly). Results are presented in Figure 53 below.

Figure 53 Poland: Respondents' opinions on whether LGBT people should be free to live their own lives as they wish.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

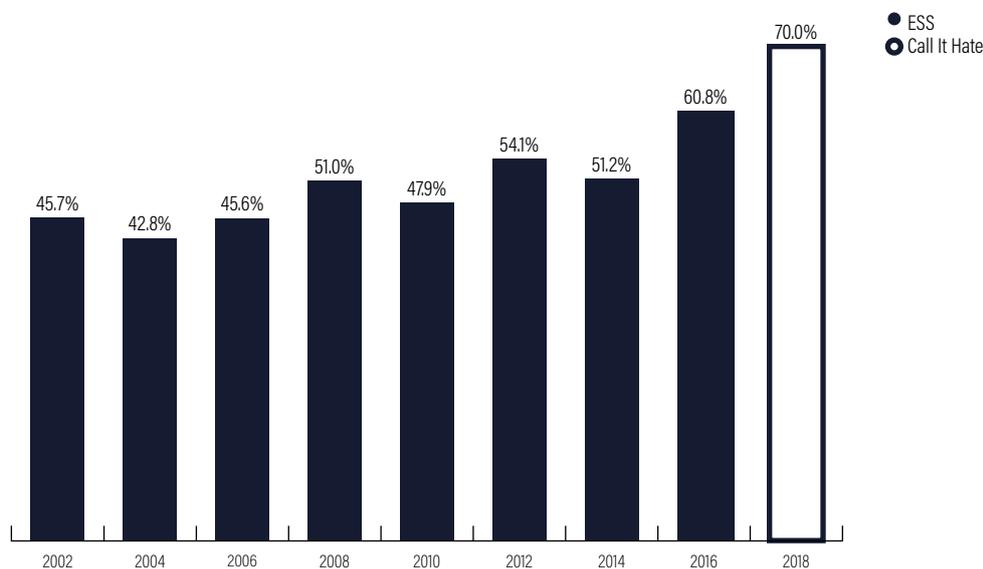
The majority of Poles agree or strongly agree that LGBT people should be free to live their own lives as they wish (LG = 70 per cent; B = 69 per cent and T = 67 per cent; the differences are not significant). Relatively few Poles think that LGBT people should not be free to live their own lives as they wish (LG = 14 per cent; B = 12 per cent and T = 15 per cent).

Attitudes towards trans people are slightly worse than towards lesbians and gay men. Twenty-six per cent of respondents strongly agree that lesbians and gay men should be free to live their own lives as they wish, compared with 21 per cent who said the same for trans people.

The data obtained from the poll were compared with the results for Poland generated by the multiannual European Social Survey (ESS). The ESS asks respondents to state if they agree or disagree that lesbians and gay men (jointly) should be free to live their own lives as they wish (attitudes towards

bisexual and trans people are not addressed in the survey).⁷² The results of the comparison are presented in Figure 54 below.

Figure 54 Poland: Changes to the share of people who agree that people that lesbians and gay men should be free to live their own lives as they wish between 2002 and 2018.



Source: European Social Survey (2002-2016) and Call It Hate Survey (2018).

Results of the *Call It Hate* survey suggest that attitudes towards lesbians and gay men in Poland have improved since the previous edition of the ESS in 2016. In 2018, 70 per cent of respondents to the *Call It Hate* survey agreed or agreed strongly that lesbians and gay men should be free to live their own lives as they wish, compared with 60.8 per cent of respondents to the ESS in 2016. This forms part of a bigger trend of increasing acceptance for homosexual people, observed since 2004. The beginning of the trend may be linked to the increased visibility of lesbian and gay issues in the public space, connected with Poland's accession to the European Union and the first legislative initiatives to recognise lesbian and gay rights (Graff 2006).

Demographic variables seem to play little role in determining attitudes towards LGBT people. Considering gender, men seem less accepting of bisexual and trans people than women are (18 per cent disagree with the statement vs 12 per cent among women in the case of transgender people). Considering the place of residence, respondents from Warsaw are more likely to say that they strongly agree with the given statement (41 per cent vs 26 per cent in the entire population in the case of lesbians and gay men and 41 per cent vs 23 per cent in the entire population in the case of bisexual people).

⁷² A methodological difference between these surveys should be noted. Our survey was conducted as web interviews (CAWI), while the ESS is conducted as face-to-face interviews. Details of our methodology may be found in the Annex. Details of the methodology in ESS may be found on the ESS website at http://www.europeansocialsurvey.org/methodology/ess_methodology/data_collection.html.

Variables related to human values are strongly differentiating.⁷³ A negative relationship with the given statements was observed for the generalised indicator of security and benevolence, while a positive one appeared for the generalised indicator of universalism. Respondents with the highest score of the generalised indicator of the security are less likely to agree (regarding gay men and lesbians – 62 per cent vs 70 per cent in the entire population), while respondents with the highest score of the generalised indicator of universalism are more likely to agree (82 per cent vs 70 per cent) with the statements.

How you would feel about having an LGBT+ person as your neighbour?

There is a significant level of social distance between the respondents and all analysed groups, but the attitudes towards each of the groups differ. Among LGBT people, lesbians are most likely, and transgender people least likely, to be accepted as neighbours. Men appear to be slightly less tolerant than women of the presence of LGBT people in the neighbourhood.

To further understand the social situation of LGBT people, respondents of the *Call It Hate* survey were asked about their sense of comfort if a gay man, a lesbian, a bisexual person or a transgender person was to become the respondent's neighbour. The respondents replied on a scale of 0-10 with 10 signifying complete comfort.

The results show that there is a significant level of social distance between the respondents and all analysed groups, but the levels of distance to each group differ. On average, respondents showed the greatest sense of comfort primarily for lesbians (mean 7.38). Gay men and bisexual people were in the middle, with respective means of 6.99 and 6.97. Respondents showed the lowest comfort with transgender people (mean 6.21).

To count the Net Promoter Score (NPS), respondents were divided into three groups.⁷⁴ The groups were:

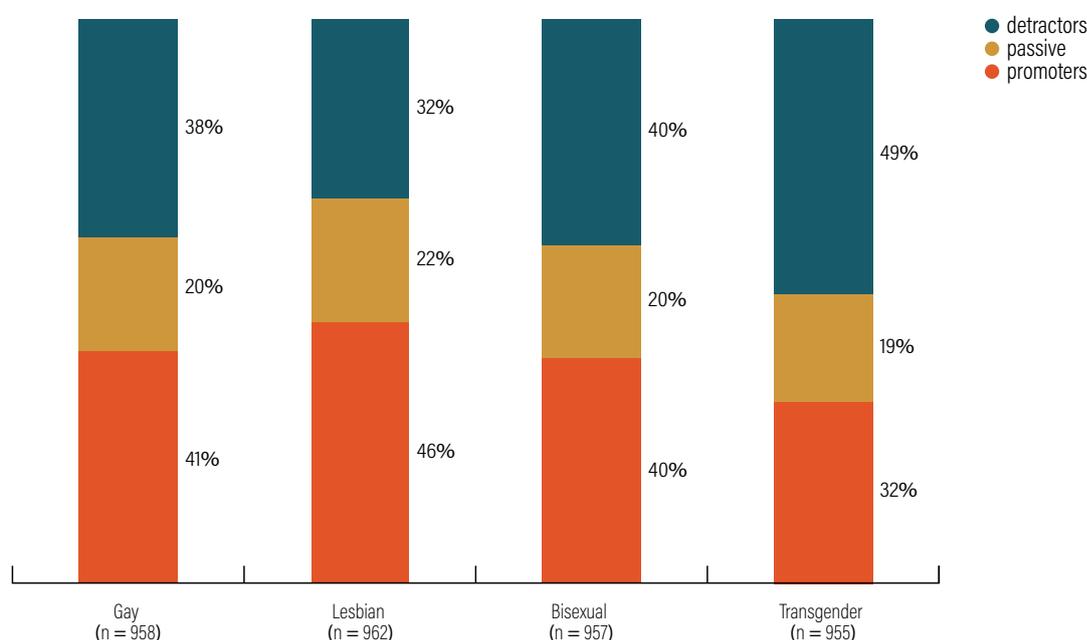
- **Promoters** (9-10; enthusiasts who can promote desirable attitudes in their environment);
- **Passive** (7-8; satisfied but unenthusiastic respondents who are vulnerable to changing their minds); and
- **Detractors** (0-6; respondents who are vulnerable to negative word-of-mouth).

⁷³ See the explanations of these variables in the Annex.

⁷⁴ See the Annex for details of methodology.

The largest share of promoters was recorded for lesbians (46 per cent), and then for gay men (41 per cent) and bisexual people (40 per cent). Compared with these groups, a significantly lower share of promoters was recorded for transgender persons (32 per cent). Conversely, the highest share of detractors was recorded for transgender people (49 per cent), then similar in case of gay men (38 per cent) and bisexual people (40 per cent), and the lowest for lesbians (32 per cent). For all these groups the NPS index (promoters-detractors) was calculated.⁷⁵ Results of the analysis suggest that lesbians as neighbours have a moderately positive image (NPS 14 per cent). Gay men (NPS 3 per cent) and bisexual people (NPS 1 per cent) have a more neutral image, while transgender people as neighbours have a negative image (NPS -17 per cent). The results are presented in Figure 55 below.

Figure 55 Poland: Social distance from LGBT people as potential neighbours.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

Considering socio-demographic variables, the respondents' gender and age turn out to be significant. Men are much less likely to be among promoters for gay men, bisexual people and transgender people. For example, while there are 41 per cent of promoters for gay men in the entire population, among men there are only 34 per cent of them (compared to 49 per cent among women). Men are also represented significantly more often among detractors. Considering age, young people (aged 18-24) are significantly less likely to be in the group of promoters for all groups studied (regarding transgender people share of promoters among young respondents is 17 per cent vs 32 per cent in the entire population). However, this does not cause a significant increase in the share among the group of detractors – the distribution in which the youngest are significantly less present among promoters and more often

⁷⁵ See details of the methodology in the Annex.

among detractors was observed only in relation to transgender persons. This suggests that if young people are indifferent about people with non-heterosexual sexual orientation, they have a transphobic attitude.

Young people are significantly less likely to accept LGBT neighbours than other age groups.

Education and place of residence also play a role. For all studied groups, there are more often people with master's degrees and PhDs among promoters, and more respondents from Warsaw were promoters in relation to gay men and bisexual people.

With regard to human values, people who place a high value on universalism and low value on security are more likely to be promoters.

To some extent, the results of the study validate previous research. Similarly to the current survey, previous studies (Antosz 2012; Stefaniak, Malinowska, and Witkowska 2017) found a significant level of social distance expressed with respect to LGBT people. For example, in the study by Stefaniak, Malinowska, and Witkowska (2017:14), almost one in three respondents (31.6 per cent) said that they would not accept a homosexual neighbour (13.7 per cent among them decidedly so).

Levels of empathy for victims of hate crimes

Respondents in the *Call It Hate* survey were asked about their levels of empathy for lesbians, gay men and trans people experiencing physical violence in different scenarios. Results show that there seems to be a hierarchy of victimisation. In particular, the results show that people in Poland feel less empathy for victims of crimes who are lesbian, gay or trans than for a heterosexual couple.

In the next section of the survey, respondents were divided into groups and each group was provided with several scenarios relating to either gay men, lesbians or trans people.⁷⁶ Respondents were asked to say how much empathy they felt for the victim in the specific scenario using a scale where 0 meant

⁷⁶ The research team decided not to ask these questions about a bisexual person, expecting that the respondents would not differentiate between homosexual and bisexual people. The results of the questions about attitudes and social distance confirm this supposition.

“no empathy at all”, and 10 meant “complete empathy” for the victim. These scenarios were designed to resemble some typical contexts of violence motivated by bias based on sexual orientation or gender identity (see Introduction) and to probe whether a hierarchy of victims exists or whether the respondents engaged in any forms of victim blaming. In addition, respondents in the lesbian and gay routes were asked about a heterosexual couple that was physically assaulted after holding hands on the street.⁷⁷ The latter was used as a reference for all the above questions. Results are presented in Figure 56 below.

Figure 56 Poland: Empathy for lesbians, gay men and transgender people as victims of crimes.



B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

The reference case (heterosexual couple assaulted on the street) received the highest average score for empathy (8.8 on the scale 0-10). A comparable statement about a couple of gay men or lesbians attracted less empathy (total mean 8.1; mean for lesbians 8.35; gay men 7.72). The mean result for a transgender person assaulted on the street was 8.22.

Straight couples physically assaulted on the street have 145 per cent chance of complete empathy (10 out of 10) compared with a couple of gay men.

⁷⁷ The question did not specify that the couple is cisgender.

As Figure 56 above shows, people were most likely to feel empathy in the case where LGT victims were attacked by members of a right-wing extremist organisation (mean 8.42), by a member of their family (mean 8.39), during shopping (total mean 8.36), or by complete strangers (mean 8.33). Scoring levels of empathy closer to the middle of the range were LGT victims who were physically assaulted on the street (mean 8.1) and victims who were participating in the Pride March and were physically assaulted by counter-demonstrators (mean 7.66). Respondents felt least empathy for drunk LGT victims physically assaulted near a bar (mean 7.16) and for a trans sex worker physically assaulted by a client (mean 7.11).

The results in Figure 56 above also suggest that the personal characteristics (in this case – gender or gender identity) of the victim influence the level of empathy they receive. For example, in the scenario of domestic violence, the mean result for lesbians is 8.73, for trans victims 8.32 and for gay men 8.1. Combined, the analysis of scenarios and victims' characteristics suggests that Poles feel most empathy for victims who “did nothing wrong” and who they perceive as overpowered, vulnerable or weaker than the offender.

Four out of ten respondents would feel complete empathy (10 out of 10) if a transgender person or a gay man participating in Pride March was physically assaulted by counter-demonstrators.

Considering the demographics, women seem to be more empathetic than men. In the case of assault by members of a far-right extremist organisation, women make up 75 per cent of promoters for gay men and lesbians. Other demographic variables or sets of personal values do not seem to play a strong role in determining the level of empathy.

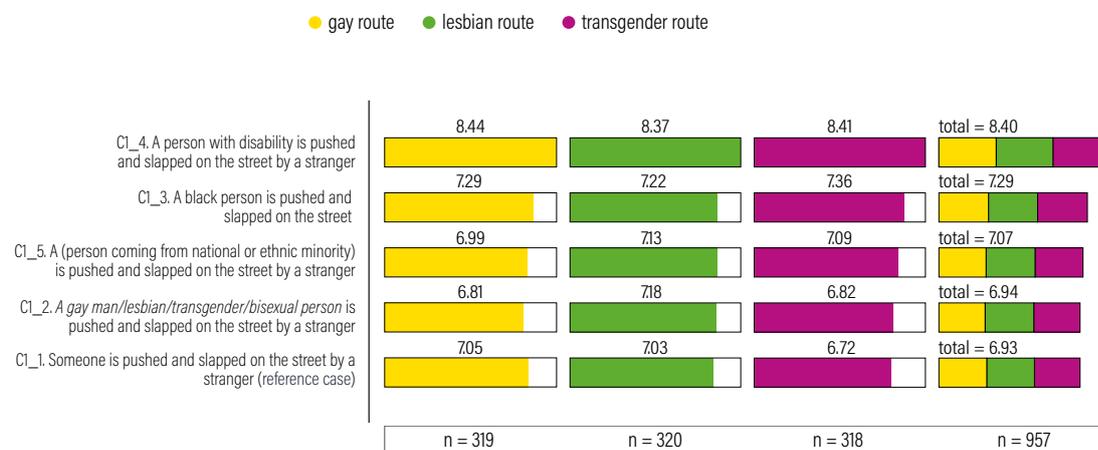
Reactions to hate crimes

Respondents were asked how likely they would be to intervene if they saw various people being physically assaulted by a stranger. The probability that people would react to a physical assault increases if the victim is a person with a disability, black, Ukrainian or lesbian. The probability that people would react to violence targeting transgender people and gay men is similar to the likelihood of their intervening where a person with an unspecified identity was targeted.

Respondents were divided into three groups and asked to evaluate on the scale 0-10 how likely they would be to intervene (either directly or indirectly, such as by calling the police) if they saw a lesbian, a gay man or a trans person being pushed and slapped on the street by a stranger. In addition, all respondents

were asked about the likelihood of intervention in cases of attacks on members of selected other groups vulnerable to hate crimes in Poland, i.e., a person with a disability, a Ukrainian, and a black person. All questionnaires also included the reference category “someone”. The results are presented in Figure 57 below.

Figure 57 Poland: Likelihood of witnesses' reactions to incidents of violence on the street.



C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

Depending on the answers given, respondents were divided into three groups (promoters, passive and detractors) to carry out the NPS analysis.⁷⁸ In the case of the reference category, 35 per cent of respondents were among promoters (9-10), i.e., they were likely to intervene (total mean = 6.93). The likelihood of reaction if the victim was a gay man (35 per cent; mean 6.81) or a trans person (33 per cent; mean 6.82) was similar to the reference case. People were more likely to intervene in the case of lesbians (40 per cent; mean = 7.18).

One in:

- three respondents in the case of anti-lesbian attack
- four respondents in the case of anti-gay attack
- five respondents in the case of anti-transgender attack is highly likely (10 out of 10) to intervene.

Compared with the reference case, significantly more people said that they would be likely to intervene if the victim was a person with a disability (61 per cent; total mean 8.4;), a black person (41 per cent; total mean 7.29) or a person of Ukrainian origin (38 per cent; total mean 7.07). This suggests

⁷⁸ See figure 57 above for details.

that respondents see female victims and victims of some hate crimes (racist, xenophobic and disablist violence) as more vulnerable than other victims.⁷⁹

The probability of reaction to hate crime depends to a lesser extent on the respondents' demographic characteristics than on the values they share. Particularly significant were the statements included in the generalised indicators of universalism and security. People who share these values comprised nearly half of promoters responding to anti-gay assault. In the case of the transphobic assault, the variables included in the generalised index of universalism turned out to be statistically significant as well, while the variables contained in the generalised indicator of security proved to be less important. Considering the above, it seems that people attached to universal values, as well as people for whom security is important, are most likely to intervene in cases of hate crimes. This is even though sharing values related to security is not always associated with a positive attitude towards LGBT people, a fact that has been underlined in earlier sections.

Opinions on hate crimes

About two-thirds of respondents are aware that some LGBT people change their behaviour or appearance to avoid being assaulted, threatened or harassed. Around half of respondents agree that violence against LGBT people is a serious problem in Poland and that crimes hurt more if people are victimised because of sexual orientation or gender identity. A large group of respondents does not have an opinion on either of the issues.

Another block of questions concerned opinions about hate crimes and their consequences. All respondents were asked to say if they agree or disagree with a set of statements. The question used a 5-point scale (agree strongly, agree, disagree, disagree strongly) with a possibility to say 'neither agree nor disagree'. The results are presented in Figures 58, 59 and 60 below.

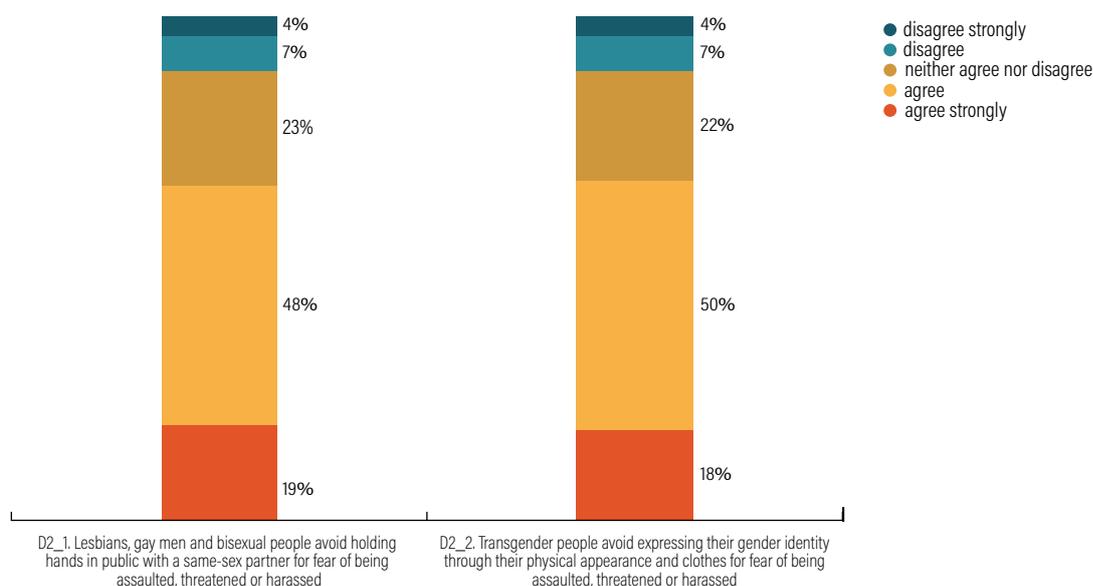
___ Fear of hate crime

Two questions considered fear of hate crime. Considering sexual orientation, respondents were asked if they agree that lesbians, gay men and bisexual

⁷⁹ The reaction to a situation of violence against a person with disability may be analysed in the context of previous research. In 2015 r., a poll commissioned by the Ministry of Labour and Social Policy found that only a few people who said that they observed violence targeting a person with a disability outside of their family reacted to the incident in some way. Among them, 10.9 per cent reacted personally; 9.2 per cent informed someone else, e.g., family members or neighbours. Just 0.9 per cent reported the incident to the police. Seventy-nine per cent of respondents did not react at all (Korzeniowski and Radkiewicz 2015:93).

people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed. Two-thirds of respondents (67 per cent) agreed with this statement, while 11 per cent of respondents were of the opposite opinion. A sizable per centage (23 per cent) of respondents did not have an opinion on the matter. Considering gender identity, respondents were asked if they agree that transgender people avoid expressing their gender identity through physical appearance and clothes for fear of being assaulted, threatened or harassed. 68 per cent agreed with this statement, while 11 per cent disagreed. More than a fifth of respondents (22 per cent) were not sure.

Figure 58 Poland: Opinions about the consequences of crime threats for LGBT people.



D2_1-2. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

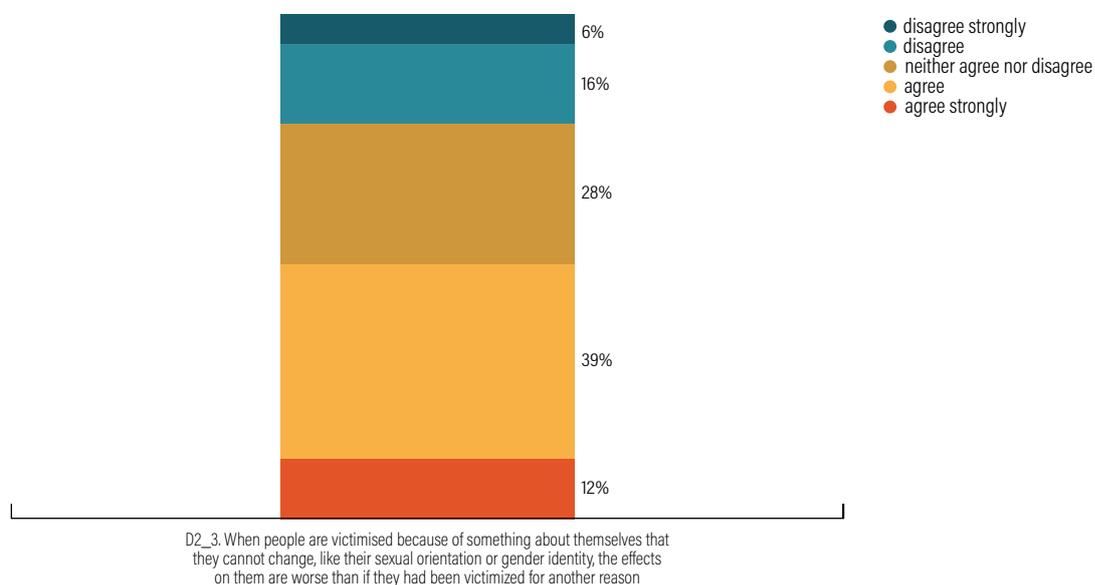
Most Poles are aware that some LGBT people change their behaviour or physical appearance and clothes for fear of being assaulted, threatened or harassed.

Consequences of hate crime

One question considered consequences of hate crimes. Respondents were asked if they agree or disagree that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason. Half of respondents (51 per cent) agreed

with this statement, while just over one in five of respondents (22 per cent) did not agree. Twenty-eight per cent were not sure about the answer.

Figure 59 Poland: Opinions about the consequences of hate crimes for LGBT people.

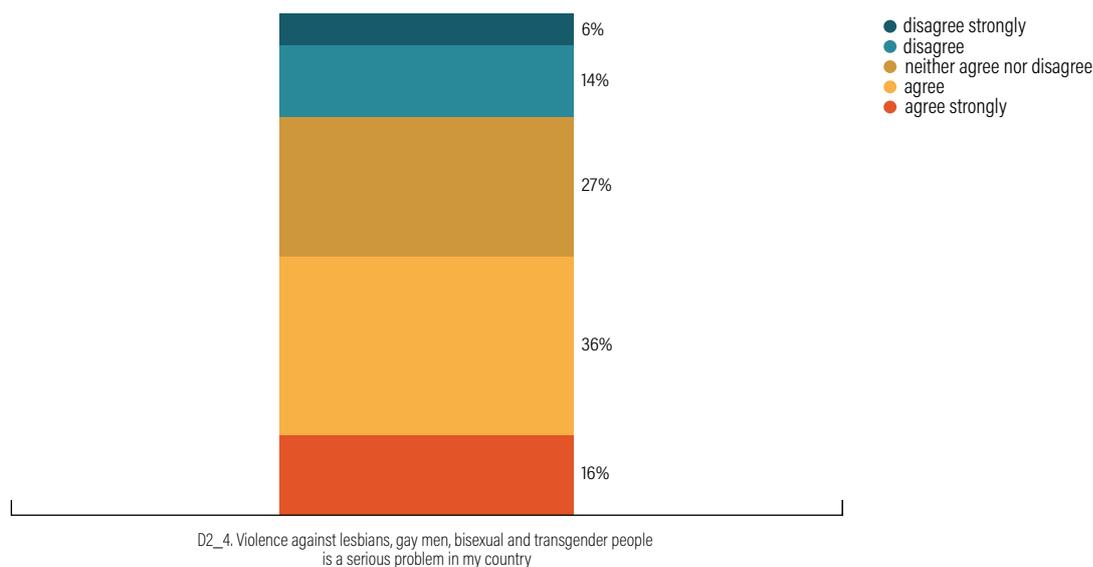


D2.3. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Extent of anti-LGBT hate crimes in Poland

The last question in this group concerned the extent of anti-LGBT hate crimes. People were asked if they think that violence against lesbians, gay men, bisexual people and transgender people is a serious problem in Poland. The results are presented in Figure 60 below.

Figure 60 Opinions about the extent of anti-LGBT hate crime in Poland.



D2.4. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Slightly more than half of respondents (52 per cent) agreed that violence against lesbians, gay men, bisexual and transgender people is a serious problem in Poland. One in five respondents (20 per cent) were of the opposite opinion, while 27 per cent neither agreed nor disagreed with the statement.

Respondents’ demographics

Among the socio-demographic variables, the respondents’ gender and age are statistically significant in shaping opinions on hate crime. The youngest respondents (aged 18-24) were less likely to agree that transgender people avoid expressing their gender in fear of being attacked (53 per cent vs 68 per cent in the entire population) and that anti-LGBT violence is a serious problem in Poland (38 per cent vs 52 per cent). Referring to the gender of respondents, in the case of statements about the extent of hate crime in Poland, women significantly more often believed that hate crimes are a serious problem (59 per cent vs 45 per cent in the case of men).

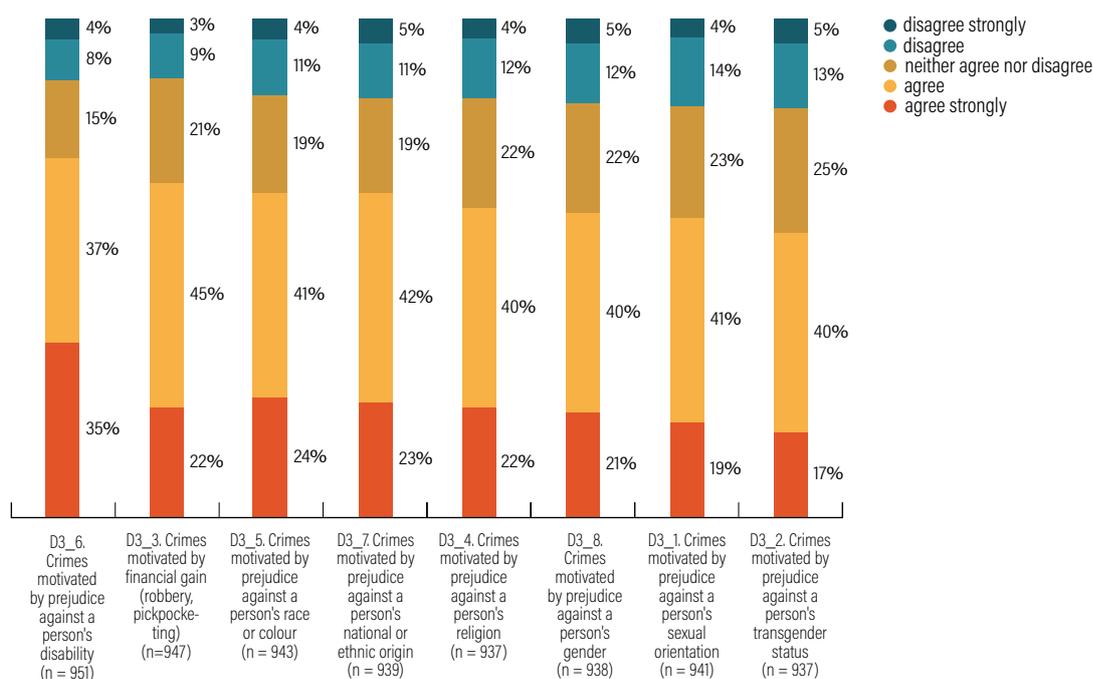
Among variables related to human values, respondents who most highly valued safety agreed with the statement regarding the extent of hate crimes less frequently than others (45 per cent vs 52 per cent in the entire population). People who most highly valued universalism more often agreed with this statement (60 per cent), as well as the statement on avoiding gender expression by transgender persons (73 per cent vs 68 per cent in the entire population).

Sentencing hate crimes

Most respondents agree that crimes targeting people because of their disability should be punished more severely than other, comparable crimes without a bias motive. Six in ten respondents believe that crimes motivated by bias based on sexual orientation should be punished more severely. The results show general support for tougher sentencing.

In the last block of questions, the *Call It Hate* survey asked respondents if they agree or disagree that crimes motivated by prejudice against a person’s sexual orientation, transgender status, religious affiliation, race or colour, disability, national or ethnic origin or gender should attract a higher sentence when the person is convicted. As a reference case, we asked about a common crime – one motivated by financial gain (e.g., robbery, pickpocketing). Results are presented in Figure 61 below.

Figure 61 Poland: Opinions about the sentences that different grounds of crimes should attract.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: *Call It Hate*.

According to respondents, all types of crimes that we asked about should carry a higher sentence. In particular, two-thirds of Poles (67 per cent) believe that crimes motivated by financial gain (reference case) should be sentenced more harshly. Above that line were only crimes motivated by the prejudice against the victim’s disability (72 per cent). With respect to all other hate crime strands, respondents expressed similar or lower support for elevated sentencing than in the reference case. Still, six in ten respondents (60 per cent) believe that

crimes motivated by bias based on sexual orientation should be punished more severely, while 57 per cent said the same for transgender status.

Poles support tougher sentencing, particularly for crimes motivated by disability.

Considering demographics, men are usually less likely to agree with higher penalties (e.g., 54 per cent of men vs 65 per cent of women in the case of sexual orientation). Considering age, the youngest respondents (aged 18-24) are usually less likely to support higher sentences in cases of hate crimes (e.g., 44 per cent vs 57 per cent in the case of transgender status).

The variables related to human values prove to be strongly differentiating. Persons with the highest generalised safety index more frequently agreed with higher penalties (e.g., 66 per cent vs 60 per cent in the case of entire population with regards to sexual orientation).

While there is no previous research on opinions on penalty top-ups for hate crimes in Poland, the results of this study are contextualised by the findings from research on the attitudes towards hate speech. In the study conducted by Winiewski and his collaborators (2016), a significant number of respondents (although less than half) supported banning hate speech targeting LGT people, Muslims and refugees. The prohibition of hate speech targeting lesbians had significantly more supporters than banning anti-gay and anti-transgender hate speech.

Discussion

Hierarchy of victimisation: The results of the research suggest that there is a certain hierarchy of victimisation, built around the circumstances of the crime (including the characteristics of the perpetrator(s)) and the victims' personal characteristics. LGBT victims assaulted on the street receive less empathy than a straight (and presumably cisgender) couple attacked in the same way. The level of empathy for LGBT people victimised in various circumstances seems to depend on how much of a moral judgement can be attached to them: those attacked in the context of Pride Parades, drunk around bars or in the context of sex work receive less empathy than those victimised in more "neutral" situations, such as in the case of domestic violence, or when shopping. Among hate crime strands, people are more likely to react to disablist violence, than to racist or xenophobic or anti-lesbian violence, than to anti-gay violence, with anti-transgender violence being least likely to provoke reaction from witnesses. This order is reflected in the support for higher penalties, with bias based on

disability being most often, and bias based on transgender status least often, seen as a reason for a crime to be sentenced more severely.

Considering the victims' gender and gender identity, there is a clear pattern in which lesbians – perceived primarily as women, garner more trust as neighbours and empathy and support as victims than other groups. On the other hand, the results regarding trans people are more ambiguous. As potential neighbours, they have a negative image and would be significantly less likely to be accepted than LGB people. Nonetheless, transgender victims usually receive more empathy than gay men when they are victimised. This suggests that, similarly to lesbians, they are perceived as more vulnerable and less able to defend themselves than gay men. The above results suggest that stereotypical, socially constructed gender characteristics continue to be reproduced in the society.

Young people: The picture of young Poles emerging from this study is worrying. Young respondents' attitudes were often more negative (particularly towards transgender people) and their awareness of homophobia and transphobia, including their consequences and extent, lower than among the entire sample. Finally, young people are also less likely to support higher sentences in the case of hate crimes targeting LGBT people. A tentative explanation for this situation could be that young people lack diversity training and may be prone to anti-LGBT propaganda. On the other hand, low awareness of the consequences of hate crime could also suggest that some of them do not consider being LGBT something that needs hiding.

Conclusions

The situation of victims of anti-LGBT hate crimes in Poland is difficult. The results of this research show that, while attitudes towards LGBT people have improved over the years, there is still a significant level of intolerance and distance towards members of this group.

There is a contrast between opinions on hate crimes on the one hand, and the attitudes towards victims and laws aimed at protecting them on the other. Violence against LGBT people (the extent, as well as the social and personal consequences) is acknowledged, which could suggest that victims will receive more empathy and support from witnesses. This, however, is not the case, and the situation for LGBT victims is generally worse than for other groups. Particularly worrying is the drop in the level of empathy for victims attacked in the context of asserting their rights (Pride March), which is potentially one of the most common hate crime contexts. There is also a disconnect between the number of people who acknowledge the problem of anti-LGBT violence and those who think that the motivation of a crime based on someone's sexual orientation or gender identity is more reprehensible than a motivation based on financial gain.

Future surveys will need to look more closely at some of the issues observed here. In particular, it might be useful to distinguish between trans men and women. It is also necessary to specify what we mean by harsher penalties (i.e., that hate crimes should attract more penalties than comparable crimes without bias motivation). It would also be good to ask why people think that some crimes are particularly reprehensible. Finally, it would be good to find out what the causes of non-reaction to crimes are and what could prompt witnesses to take action.

Recommendations

Based on the results of this research, and in light of previous research, the following recommendations are made:

- There is a need to educate the public, particularly young people, about LGBT people and about hate crime. Transgender inclusion should be made a priority. Authorities responsible for education and equal treatment, as well as for policing, should address this issue by organising social campaigns and through other means.
- There is a need to address the high level of victimisation among LGBT people and the greater harms caused by hate crimes by legal and policy means. In particular, the parliament should reform hate crime laws, ensuring that all victims are equally and adequately protected.

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SLOVENIA

AT A GLANCE



- Slovenia decriminalised homosexuality in 1977.
- Discrimination on the basis of sexual orientation has been explicitly prohibited since 1994.
- Discrimination on the basis of gender identity and gender expression has been explicitly prohibited since 2016.
- Civil partnership legislation was first introduced in 2005 and significantly improved in 2016.

● In the *Call It Hate* survey over 80 per cent of Slovenian respondents agreed that LGBT people should be free to live their lives as they wish. However, there is a slight reservation when it comes to transgender people.

● On average, the respondents reported higher levels of empathy towards heterosexual people compared to LGBT people. The least empathy is expressed towards LGBT people who were physically assaulted when drunk.

● Readiness to intervene when people are attacked by strangers on the street is high, particularly if the victim is a person with a disability.

● More than 60 per cent of respondents believe that all types of crime should carry a higher sentence; respondents do not necessarily differentiate between hate crimes and other crimes.

ACCEPTANCE WITH RESERVATIONS: LGBT PEOPLE IN SLOVENIA

✍ Jasna Podreka, Rok Smrdelj and Roman Kuhar

Introduction

Slovenia saw the beginnings of an organised gay and lesbian movement in the early eighties, a decade before such movements emerged in the rest of the Eastern European countries. It came into being as part of the new social movements (e.g., the peace, ecological, and feminist movements), which represented a democratic opposition to the communist regime at the time and eventually contributed to the change of the political system in the early nineties.

The first attempts by the new social movements to adopt anti-discrimination laws on the basis of sexual orientation were made in 1986, and the first initiative for marriage equality came in 1989, two years before the disintegration of Yugoslavia in 1991. While neither of these initiatives were implemented at the time, they paved the way for changes that emerged later in the nineties (Kuhar and Mencin 2016).

Slovenia is a unique case also in the context of marriage equality debates. In 2005 it was the first country in the world where national legislation dealing with same-sex partners was adopted by the conservative right-wing government, rather than progressive liberal government as elsewhere in Europe. However, the Civil Partnership Registration Act (Parliament 2005) gave very limited rights to cohabiting same-sex couples (Kuhar 2011). In the subsequent years the Slovenian parliament proposed marriage equality legislation twice, both times rejected in subsequent referenda, primarily due to opposition initiated by the Roman Catholic Church and its satellite organisations. These actors started to promote the idea that so-called “gender theory” was destroying “proper family”, masculinity, femininity, our children and the future of our nation (Kuhar and Paternotte 2017).

Although both referenda represented legal defeat for the LGBT community in Slovenia, the public debate around equality nevertheless contributed to the shortening of the social distance towards gays and lesbians: while in the nineties around 60 per cent of Slovenian citizens would not want a homosexual to be their neighbour, this dropped to 28 per cent in 2016 (Toš 2018). Eventually it also led to the adoption of a new law in 2016 – the Civil Union Act (Parliament

2016a) – which puts homosexual and heterosexual couples on nearly equal legal footing: registered or cohabiting same-sex couples have the same rights as married or cohabiting opposite-sex couples, except for the right to joint adoption (second parent adoption is allowed) and artificial insemination. However, the symbolic distinction remains: marriage is an institution reserved only for heterosexuals, while civil partnership is open only to same-sex couples.

Legal and policy framework on anti-LGBT hate crime

“Unnatural fornication” among men in Slovenia was decriminalised in 1977, several years before the gay and lesbian movement emerged (Takács, Kuhar and Tóth 2017). Most of the anti-discrimination legislation was adopted in the mid-nineties. The first piece of Slovenian legislation that explicitly refers to the prohibition of discrimination on the basis of sexual orientation is the Penal Code (Parliament 2008) from 1994. However, none of these anti-discrimination laws from the nineties and early 2000s explicitly mention “gender identity” or “gender expression”. In 2016, the Protection Against Discrimination Act (Parliament 2016b) was adopted, which is the first Slovenian anti-discrimination law that explicitly refers to gender identity and gender expression along with sexual orientation as the grounds on the basis of which discrimination is prohibited. Also, Article 27 of the International Protection Act (Parliament 2016c) from 2016 recognises both gender identity and sexual orientation as grounds on which people can be persecuted and therefore seek asylum in Slovenia.

There is no law in Slovenia that specifically refers to the terms “hate crime” or “hate speech”. Instead the Slovenian legislation refers to the concept of “incitement to hatred”. The Criminal Code, for example, prohibits public incitement to hatred (article 297), which has been rarely used by courts, except in the Café Open case (see below).

According to the Rainbow Europe Index (ILGA-Europe 2018a), Slovenia ranks 17th among 49 European countries with 48 per cent of respect for human rights of LGBTI people. It lags behind primarily in the fields of hate crime and hate speech, legal gender recognition and bodily integrity, and asylum with 13 per cent, 22 per cent and 33 per cent of legislation in place respectively (ILGA-Europe 2018b:119).

Scale of anti-LGBT hate crime

— Victimisation surveys

There are no official statistics gathered by police in relation to anti-LGBT hate crime. The police only record crimes initiated by hate, but do not differentiate between different grounds on which the hatred is based.

On the other hand, there is a longitudinal research study on the everyday lives of gay and lesbian people in Slovenia (conducted in 2004 on a sample of 443 self-identified gay and lesbian people (Švab and Kuhar 2005) and subsequently in 2014 on a sample of 1,145 self-identified gay and lesbian people (Kuhar and Švab 2014]), which provides some information on experiences of homophobic violence. Consistently with other community based small-scale research (Velikonja and Greif 2001, Maljevac and Magić 2016), these two studies show that every second respondent (53 per cent in 2004 and 50 per cent in 2014) reported at least one experience with homophobic violence due to their sexual orientation in their lifetime. In most cases (around 90 per cent) they experienced verbal violence, such as insults, 25 per cent reported physical violence and 6 per cent sexual violence. The perpetrators of these acts are mostly strangers (in a bar, on the street etc.), but an alarming increase in violence was recorded in schools: in 2004 about 20 per cent of those, who have experienced homophobic violence, reported that they were victimised in school by their schoolmates. The percentage doubled in 2014 when 40 per cent reported having experience of homophobic violence in schools.

A study by *Transakcija* on the experiences of discrimination of transgender people in Slovenia (Transakcija 2016) on a sample of 65 transgender respondents showed that 69 per cent of them claimed to have experienced discrimination due to their gender identity or gender expression, mostly in public institutions, in schools or at home.

The latest community-based study on a sample of 751 self-identified young LGBTIQ+ people by the Pride March organisation (2017) confirms rather high levels of homophobic and transphobic experiences among young people: 40 per cent of these respondents reported having experienced violence, with 29 per cent of them experiencing violence or discrimination in education (Perger 2018).

— Reported cases

According to the available studies (Kuhar and Švab 2014; Perger 2018) most cases of homophobic and/or transphobic violence are not reported. Ninety-one per cent of gay and lesbian people surveyed in 2014 did not report the violence to the police – most of them minimised it, claiming there was no point

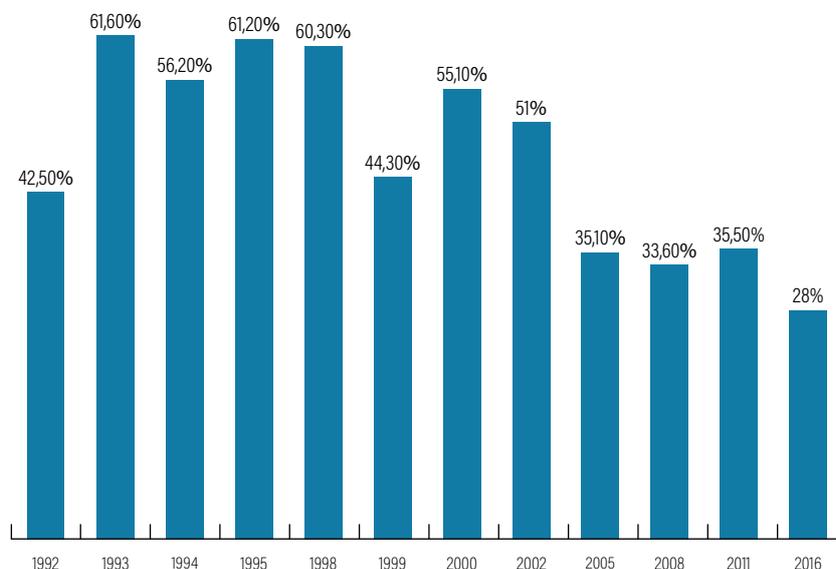
in reporting it as the violence was not “so harsh”, and almost 26 per cent claimed that they would not achieve anything by reporting this type of violence to the police (Kuhar and Švab 2019).

However, there were some notable cases of homophobic violence, including several reports about violence occurring after the Pride Marches in the 2000s, a homophobic attack on a British citizen who was visiting Slovenia in 2011 (Ma. 2011), and the attack by neo-Nazi group on LGBT Café Open in the week leading up to the ninth Pride March in Ljubljana in 2009. The group threw a lit torch and stones into the bar and seriously injured gay activist Mitja Blažič. This homophobic attack became the leading story in the Slovenian media and was seen as an effect of the increasing use of hate speech in the parliament and elsewhere in Slovenian society. Three men – aged 18–22 – were arrested soon after, charged with hate crime, and sentenced to between 5- and 8-month imprisonments in 2011. However, due to a procedural error (police kept the DNA of the accused, on the basis of which the attackers were found, beyond the legally allowed time period) the court decision was later annulled and the three men were set free (TK, STA 2014).

Previous research on the topic

The Slovenian public opinion poll (Toš 2018), conducted by one of the research centres of the University of Ljubljana, records social distance towards different social groups, including “homosexuals”, since the early nineties. The most recent data, available for 2016, show that the share of those who would not like a homosexual to be their neighbour is now 28 per cent, which is half less than it was in the 1990s. In other words, the social distance towards gay men and lesbians in Slovenia has significantly shortened in the new millennium.

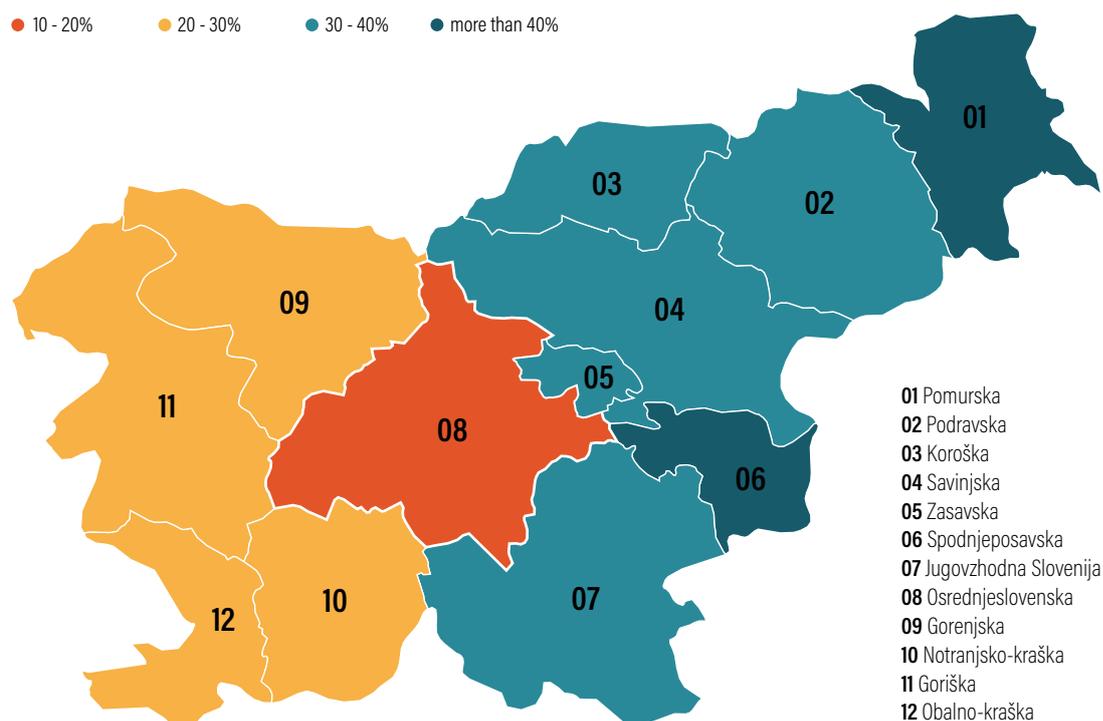
Figure 62 Percentage of respondents agreeing with the statement “I don't want a homosexual to be my neighbour”.



Source: Slovenian Public Opinion Poll (Toš et al. 2018).

By regions, the biggest social distance exists in the Posavska region (58 per cent) and the smallest in the Osrednjeslovenska region (15.5 per cent). These differences correspond with the urban/rural division and particularly the economic development of the Slovenian regions: the more economically developed the region is, the shorter the social distance towards homosexual people.

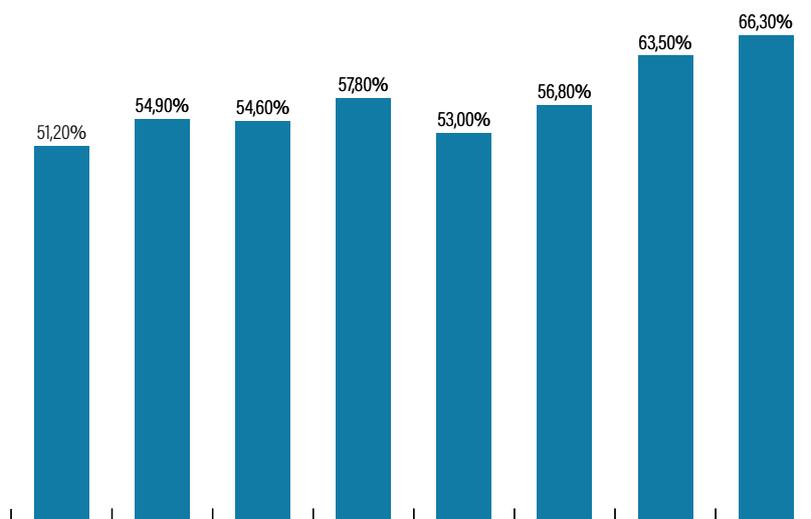
Figure 63 I would not wish to have a homosexual as a neighbour.



Source: Based on the Slovenian Public Opinion Poll 2016 (Toš 2018).

The European Social Survey also shows a steady increase in acceptance of LGBT people, with over 66 per cent of Slovenians agreeing or strongly agreeing in 2016 (compared to 51 per cent in 2002) with the statement that gays and lesbians should be free to live their lives as they wish.

Figure 64 Percentage of respondents who agree or strongly agree with the statement "gays and lesbians should be free to live their lives as they wish" (2002-2016).



Source: European Social Survey.

As part of the DARE project (Kuhar 2017) a public opinion poll on LGBT issues was conducted in 2017 on a representative sample of 607 respondents. The social distance was measured with a question about renting an apartment to different groups of people. A little more than a quarter of respondents asserted that they would rent their apartment to all the groups listed. Among the least desirable tenants are Roma (52.9 per cent), followed by migrants from the Middle East (47.1 per cent), homosexuals (16.7 per cent), families with five or more children (15.9 per cent), immigrants from the former Yugoslav republics (15 per cent) and single mothers (12.6 per cent). The "most desirable" tenants among the "undesirable groups", listed in the questionnaire, are disabled persons (7.8 per cent).

The next set of questions dealt with expressions of intimacy in public. The majority of respondents (90.6 per cent) do not mind if men and women hold hands in public. Similarly, although in a smaller proportion, this also applies to kissing: 76 per cent of respondents are not bothered if a man and a woman kiss in public. Acceptance of expressing intimacy in public is significantly lower when it comes to same-sex couples: just over 63 per cent of respondents do not mind if same-sex couples hold hands, and 47 per cent of respondents do not mind kissing between two men or two women in public.

In the context of education, almost 30 per cent of the respondents would mind if their child's teacher was gay and would not hide that fact in a school. A similar proportion (27 per cent) of the respondents would also have been disturbed if their child's kindergarten teacher were an openly lesbian woman.

The respondents were also asked whether they consider it appropriate for Slovenia to have a president who would be publicly out as a gay person. Forty-four per cent of the respondents considered that appropriate, 33 per cent considered this to be inappropriate and 23 per cent did not know. A gay-identified person as the president is significantly more acceptable to women,

younger and schooling groups, those who never attend religious rituals and those who voted for left-wing parties at the last elections (Kuhar 2017).

Finally, according to the latest available results on discrimination from Eurobarometer research (2015), around 55 per cent of Slovenians fully agree that gay, lesbian and bisexual people should have the same rights as heterosexuals, that there is nothing wrong with sexual relationships between two persons of the same sex, and that same-sex marriage should be allowed throughout Europe. The 55 per cent agreement with these statements is beyond the EU average (Eurobarometer, 2015).

Attitudes and social distance towards LGBT people

Over 80 per cent of Slovenian respondents agree that LGBT people should be free to live their lives as they wish. However, there is a slight reservation when it comes to transgender people. Similarly, 40 per cent of respondents would feel comfortable if they had an LGBT person as their neighbour. Again, with transgender people the level of comfort is slightly lower. Female respondents, younger and more educated people express higher levels of agreement and comfort.

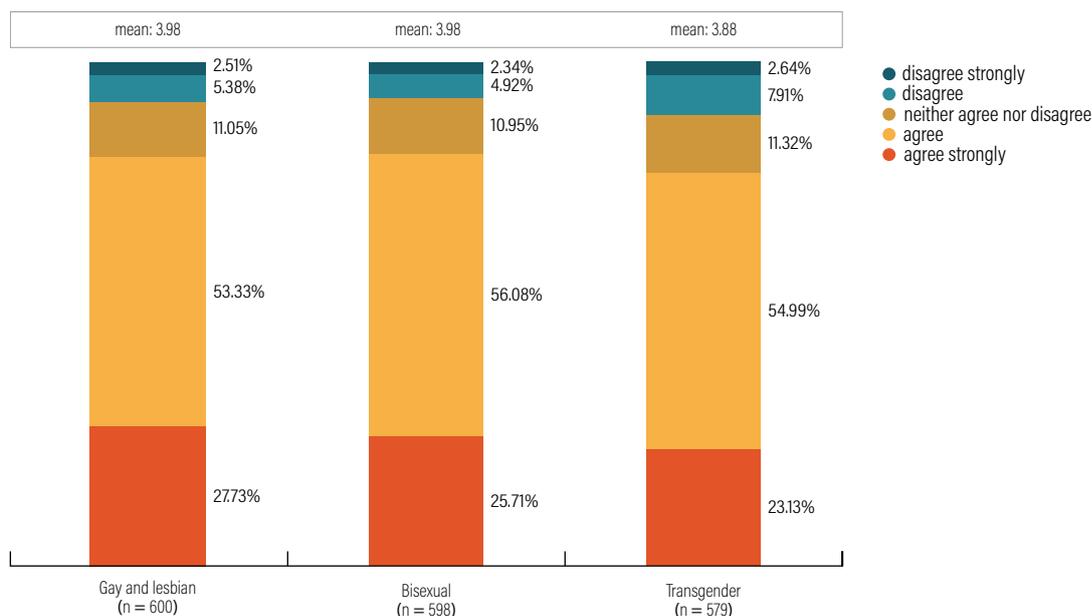
In August 2018 a public survey on a sample of 602 citizens of Slovenia was conducted as part of the *Call It Hate* (CIH) project. In the remainder of this chapter the results for the survey are presented and analysed. The first part of the study explored attitudes towards LGBT people. The second part tackled issues related to social distance, which – according to previous research in Slovenia – has significantly shortened in the past few years.

— Attitudes

The respondents were asked to explain to what extent (on a Linkert scale from 1 to 5) they agree or disagree that lesbians and gay men (jointly), bisexual people and transgender people should be free to live their own lives as they wish. Furthermore, they were also asked about how they would feel about having an LGBT person as their neighbour.

A bit more than 80 per cent of respondents agree or strongly agree that gay men, lesbians and bisexual people should be free to live their own lives as they wish. However, the level of agreement regarding transgender people is slightly lower than 80 per cent, resulting in more people disagreeing with their right to live their lives as they wish.

Figure 65 Slovenia: LGBT people should be free to live their own lives as they wish.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

In terms of gender, female respondents expressed higher levels of agreement with this statement: around 85 per cent of women agree or strongly agree with it compared to around 75 per cent of men who also fully agree with it. Interestingly enough, men seem to have most reservations about transgender people: 72 per cent of them believe that transgender people should be free to live their own lives as they wish.

The results from our study show that, generally, the level of acceptance with the statement that LGBT people should be free to live their own lives as they wish decreases with age. Similarly, the agreement with the statement changes with the level of education: the higher the education level of the respondents, the higher the level of agreement with the statement. Around 90 per cent of respondents who have obtained higher education agree or fully agree with the statement that LGBT people should be free to live their own life as they wish. On the other hand, the lowest levels of agreement with this statement were recorded among people without education or with just an elementary education.

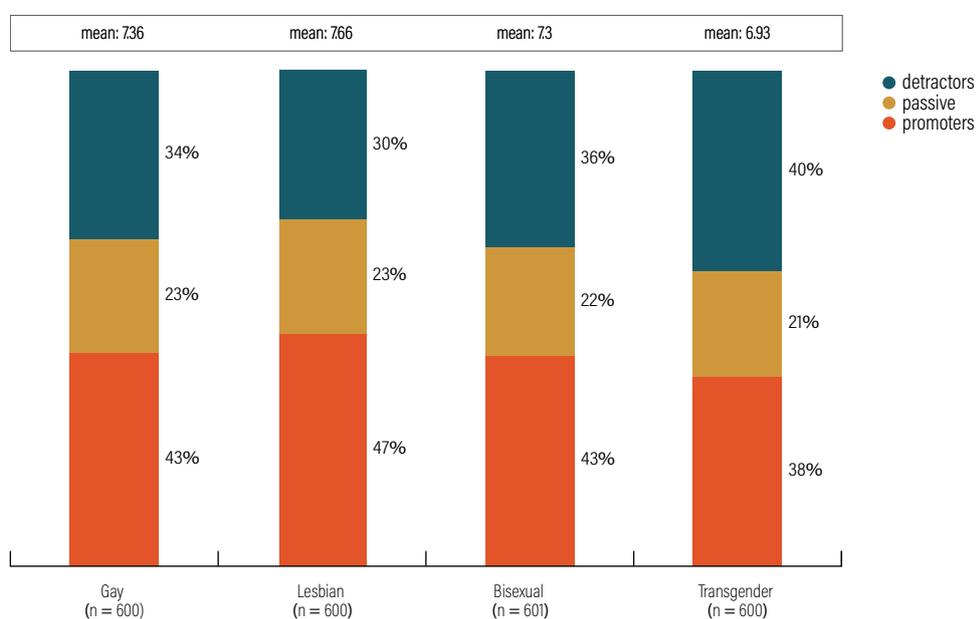
According to human values (security, benevolence and universalism), there are two important connections that are relevant for all LGBT people. First, the respondents who attribute a high level of importance to security expressed a low level of agreement with the statement that LGBT people should be free to live their own lives as they wish. Secondly, the respondents who attribute a high level of importance to universalism also expressed a high level of agreement with this statement.

Social distance

The second section of this survey dealt with social distance and was dedicated to the question of how the respondents would feel about having an LGBT person as their neighbour on a scale from 0 (totally uncomfortable) to 10 (totally comfortable).

As is evident from the Figure 66 below, the results show that slightly more than 40 per cent of all respondents would feel comfortable or totally comfortable if they had an LGBT person as their neighbour. Again, with transgender people the level of comfort is slightly lower: a bit less than 40 per cent of all respondents would feel comfortable with a transgender person as their neighbour. Additionally, the data on the so-called detractors (answers from 0 to 6 on the scale) show that transgender people got the highest percentage of the first six levels of discomfort. In other words: there is still a high stigmatisation and public invisibility of transgender people in Slovenia. The invisibility creates the discomfort in the first place: it is the fear of the unknown. The highest percentage of discomfort regarding transgender people is also noticeable if only the results of the bottom two boxes are taken into consideration: nearly 9 per cent for a transgender person, 6 per cent for a gay and bisexual man, and 5 per cent for lesbians.

Figure 66 Slovenian respondents' opinions on how they would feel about having someone from an LGBT group as their neighbour.



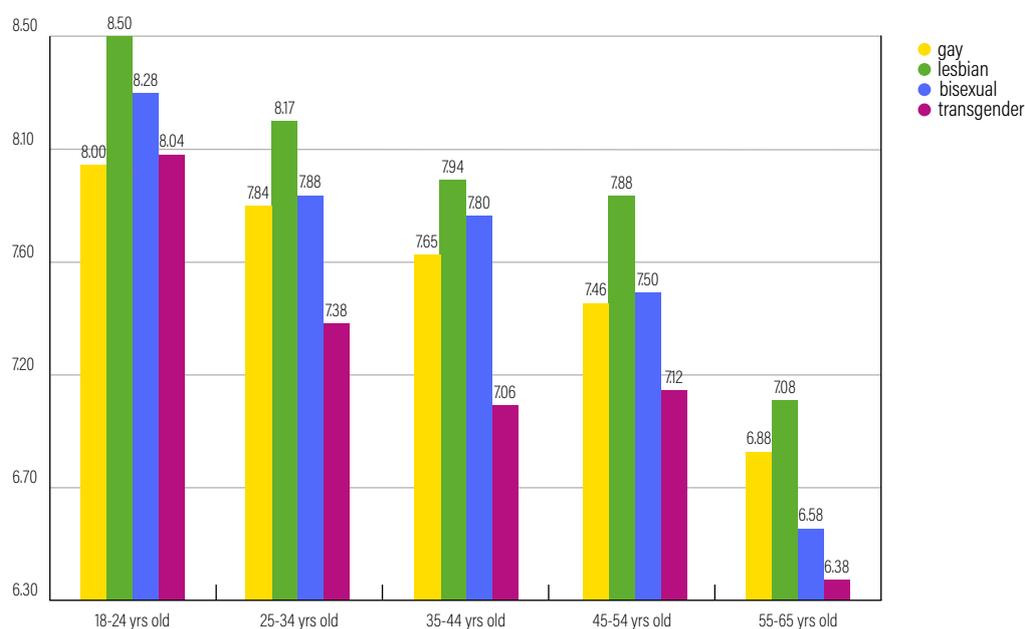
A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

As with the previous statement, female respondents were more comfortable with having an LGBT person as their neighbour than male respondents. The results show noticeable statistical differences: a bit less than 55 per cent of

female respondents, compared to 32 per cent of male respondents would feel comfortable or totally comfortable if they had an LGBT person as their neighbour (statistically significant differences at the level of 95 per cent).

Age and education turned out to be equally significant as with the previous statement. The level of comfort decreased with age (see Figure 67) and increases with the level of education: around 55 per cent of people with higher education would feel comfortable or totally comfortable with an LGB person as their neighbour. Again, the social distance towards transgender people is higher: 47 per cent of people with highest education level would feel comfortable around them.

Figure 67 Slovenia: Having an LGBT person as my neighbour (by age groups).



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

According to human values (security, benevolence and universalism) as variables, the results showed the same two noteworthy connections that have already been noticed in the first part of this section for all considered groups. The respondents who attribute a high level of importance to security expressed a low level of comfort with having an LGBT person as their neighbour. On the other hand, respondents who attribute a high level of importance to universalism also expressed a high level of comfort with having an LGBT person as their neighbour.

Levels of empathy

On average, the respondents reported higher levels of empathy towards heterosexual people compared to LGBT people. When comparing all the hypothetical situations used in the survey, lesbians or lesbian couples score the highest levels of empathy compared to all other non-heterosexual or non-cis groups. The least empathy is expressed towards LGBT people who were physically assaulted when drunk.

The next part of the study dealt with the intensity of empathy our respondents would feel if LGBT people or couples were victims of physical violence in the eight hypothetical situations. A scale was used (0 meaning no empathy; 10 meaning full empathy) and the respondents drew one of three routes: gay, lesbian or transgender. They were asked to evaluate to what extent they would feel compassion for people who have experienced violence in the below-mentioned situations.

Table 5 Slovenia: intensity of empathy in the eight hypothetical situations.

	Total	Gay	Lesbian	Transgender
A straight couple physically assaulted on the street	9.09	8.98	9.21	-
A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation	8.79	8.76	8.87	8.75
A [gay couple/lesbian couple/transgender person] physically assaulted by a complete stranger	8.67	8.68	8.88	8.45
A [gay man/lesbian/transgender person] physically assaulted while shopping	8.65	8.65	8.74	8.55
A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family	8.59	8.40	8.76	8.62
A [gay couple/lesbian couple/transgender person] physically assaulted on the street	8.34	8.10	8.68	8.26
A transgender sex worker physically assaulted by a client	8.23	-	-	8.23
A [gay man/lesbian/transgender person] participating in the Belgian Pride Parade physically assaulted by counter-demonstrators	8.17	8.15	8.22	8.13
A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar	7.35	7.11	7.44	7.51

B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

On average the respondents scored level 9 (out of 10) of empathy when it comes to a heterosexual couple, and a bit more than level 8 for an LGBT couple, with a transgender person scoring a bit higher level (8.3) than a gay couple (8.1). The difference in intensity of empathy between heterosexual and

gay couples is statistically significant at the level of 95 per cent. However, the difference between heterosexual couples and lesbian couples is not statistically significant: the respondents felt just a slightly higher level of empathy towards a heterosexual couple than towards lesbian couple.

When comparing all the hypothetical situations used in the survey, lesbians or lesbian couples score the highest levels of empathy compared to all other non-heterosexual or non-cis groups. Over 70 per cent of our respondents feel empathy or complete empathy in most situations, except in a situation where a lesbian woman is physically assaulted by counter-demonstrators (66 per cent), in a situation where a transgender sex worker is physically assaulted by a client (63 per cent) and in a situation where a drunk lesbian couple is physically assaulted near a bar (49 per cent).

Furthermore, in the situation where an LGBT person is physically assaulted by a group of people who are members of a far-right extremist organisation, the highest percentage of empathy is recorded towards gay men (72 per cent) and transgender persons (75 per cent). In no other of the eight hypothetical situations in this section was the empathy as high as in this particular situation for these two groups.

Reactions to and opinions on hate crimes

Readiness to intervene when people are attacked by strangers on the street is high, but most likely for persons with disability. More than 60 per cent of respondents believe that all types of crime should carry a higher sentence and do not necessarily differentiate between hate crimes and other crimes. The youngest respondents, however, believe that crimes motivated by someone's personality traits should carry a higher sentence, while respondents from the oldest age group show the lowest level of empathy for hate crimes. They believe that financial crimes are far more serious than crimes motivated by someone's personality traits, except crimes motivated by one's disability.

— Reactions

This section followed similar situations as the previous one, except that this time the willingness to intervene (either directly or indirectly, such as by calling the police) was measured on a scale from 0 (highly unlikely to intervene) to 10 (highly likely to intervene). Among all the groups persons with disability are most likely to see intervention from people when attacked on the street by strangers (average 8.17/10). All other groups are less likely

to experience intervention, but nonetheless the average is a bit less than 8 out of 10 (see Table 6).

Table 6 Slovenia: Likeliness to intervene when violence happens on a street.

	Total	Gay route	Lesbian route	Transgender route
A person with disability is pushed and slapped on a street by stranger	8.17	8.30	8.20	8.02
A person from a national or ethnic minority is pushed and slapped on the street by a stranger	7.90	8.02	7.71	7.97
A [gay man/lesbian/transgender person] is pushed and slapped on the street by a stranger	7.87	7.89	7.97	7.74
Someone is pushed and slapped on the street by a stranger	7.64	7.82	7.55	7.54

C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

Opinions

The final section of our research looked into the opinions of our respondents on hate crimes. We used a Linkert type scale to record to what extent our respondents agree or disagree with the following three statements: (1) Lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed; (2) Transgender people avoid expressing gender through physical appearance and clothes for fear of being assaulted; (3) Psychological consequences of bias-motivated violence are more serious than consequences of violence without bias motivation.

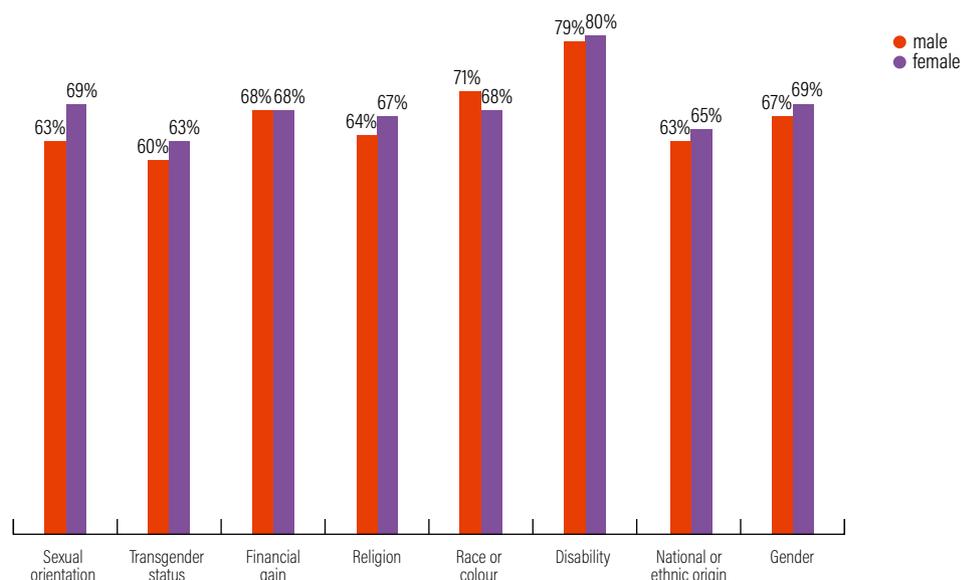
The second part of this section dealt with the question of how severely hate crimes should be punished in order to measure the level of empathy towards LGBT people. Respondents were asked to estimate whether some crimes should be punished more severely than other crimes because they were motivated by hate of certain minority groups in society.

According to our survey more than two-thirds of the respondents (68 per cent) agree or strongly agree that in general, transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed. Similarly, two-thirds of respondents (66 per cent) agree or strongly agree that in general, lesbians, gay men and bisexual people avoid holding hands in public with their same-sex partners for the same reasons. A slightly lower, but still high, level of agreement was also recorded for the third statement: 59 per cent of respondents agree or

strongly agree, that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.

Finally, we asked our respondents to what extent they agree or disagree that some types of violence should or should not attract higher penalties, depending on what motivated the violent act. More than 60 per cent of respondents believe that all types of crime should carry a higher sentence, including non-hate motivated baseline crimes. This shows general support for tougher sentencing, rather than specific support for harsher sentences for hate crime. Nevertheless, the data show that around 80 per cent of respondents agreed that crimes motivated by prejudice against a person’s disability should be punished more severely than other types of crimes. The data also show that respondents expressed the lowest level of empathy or sensitivity towards transgender people, and that they believe that crimes with a financial motive are more serious than crimes motivated by someone’s transgender status, national or ethnic origin, religion or sexual orientation (see Figure 68).

Figure 68 Slovenia: Types of crimes that should attract higher penalties, according to respondents' opinions.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

In terms of age, the highest levels of empathy for hate crimes motivated by someone’s personality traits were found among the first (18-24 years) and second youngest groups of respondents (25-35 years). These are the only two groups of respondents who think that crimes motivated by bias against someone’s personality traits should carry a higher sentence in comparison with crimes motivated by financial gains. In all other age groups respondents believe that financial crimes are equally or even more problematic than the other crimes mentioned above. Respondents from the oldest age group (55-65) show the lowest level of empathy for hate crimes. They believe that financial

crimes are far more serious than crimes motivated by someone's personality traits, with the only exception of disability. Data also show that 79 per cent of respondents from this age group agree or strongly agree that crimes motivated by financial gain should carry a higher sentence in comparison with hate crimes. The group most sensitive about discrimination on the basis of gender is the group of youngest respondents, aged 18-24. Eighty-six per cent of them agree or strongly agree that crimes motivated by prejudice against a person's gender should carry a higher sentence in comparison with other crimes. This group also scored the highest level of empathy in connection to hate crimes committed on the basis of other personal traits, except for disability, whereas older respondents more strongly believed that such crimes should be punished more severely (see Table 7).

Table 7 Slovenia: Types of crimes that should attract higher penalties, according to respondents' opinions and age groups.

	18-24 yrs. old	25-34 yrs. old	35-44 yrs. old	45-54 yrs. old	55-65 yrs. old
Sexual orientation	75%	68%	62%	60%	67%
Transgender status	68%	62%	66%	53%	62%
Financial gain	58%	56%	65%	62%	79%
Religion	71%	70%	62%	61%	66%
Race or colour	80%	68%	64%	68%	70%
Disability	78%	80%	78%	80%	80%
National or ethnic origin	70%	69%	64%	53%	66%
Gender	86%	67%	66%	64%	66%

D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

In terms of educational level, people with higher education tend to express lower levels of agreement with harsher punishments for hate-motivated crimes. The only exception are sentences for crimes motivated by prejudice against a person's disability, where they show significantly more empathy in comparison with other hate crimes. The most empathetic group for hate crimes because of a person's sexual orientation, transgender status and gender, seems to be the groups of respondents with secondary education. The share of respondents who agree or strongly agree that these types of hate crimes should carry a higher sentence is highest among this cohort.

Conclusion

The social distance towards LGBT people in Slovenia has been visibly shortening in the last decade and the majority of Slovenian respondents in this survey recognise the unacceptability of discrimination, hate crimes and exclusion of LGBT people. However, there seems to be a slight reservation

when it comes to transgender people – in all items surveyed, transgender people scored lower levels of support, empathy and understanding compared to LGB people. It is clear from this survey that the next “battle ground” in Slovenia in terms of securing human rights and social acceptance will be for transgender people, while the activities to shorten the social distance towards LGB people should continue.

When compared to heterosexual people and particularly the expressions of heterosexuality in public spaces, the acceptance of non-heterosexual visibility is lower. What also stands out is the distinction between older and younger generations: the former express higher levels of empathy and are better at recognising the devastating consequences of hate crimes. The only exception are disabled people, who seem to enjoy rather high levels of empathy and support among the older groups of our respondents. In all other aspects the results are not surprising and are in line with other studies: women and people with higher education tend to be more inclusive than other categories of people.

Readiness to intervene when people are attacked by strangers on the street is high, but most likely for persons with disability. Disability is also the only “personal circumstance” which is recognised as being an unjust ground for discrimination and violence, while all other forms of violence – hate motivated and non-hate motivated – seem to be the same for the majority of our respondents. Quite interestingly, the survey also showed that lesbians or lesbian couples score the highest levels of empathy compared to all other non-heterosexual or non-cis groups, when faced with physical assault or similar situations in public spaces.

The youngest respondents, however, believe that crimes motivated by bias against someone’s personality traits should carry a higher sentence, while respondents from the oldest age group show the lowest level of empathy for such crimes. Older respondents believe that financial crimes are far more serious than crimes motivated by someone’s personality traits, except crimes motivated by one’s disability. It seems that there is still some kind of hierarchisation among personal traits, with disability being at the top of this list.

On the basis of our research, we suggest that future studies look particularly at the situation of transgender people in Slovenia and analyse how and why disability generally attracts more empathy and understanding than any other personal circumstance.

Recommendations

- Introduce measures to promote tolerance and non-discrimination for all personal circumstances in schools.
- Develop and adopt suitable legislative and administrative measures to combat hate crime and hate speech.
- Conduct specific awareness-raising campaigns which can help to sensitise the general public regarding hate crimes and hate speech.

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UNITED KINGDOM AT A GLANCE



- More than four in five people agreed that gay and lesbian, bisexual, and trans people should be free to live their lives as they wish, with only one in twenty in disagreement.
- Around three in five respondents were comfortable having LGBT+ people as neighbours. One in five were uncomfortable with LGB neighbours, and more than one in four were uncomfortable with trans neighbours.
- Nearly one in five people said being gay, lesbian, bisexual or transgender was immoral or against their beliefs. This increased to more than one in four among 18-24 year olds.
- One in ten people said that being LGBT+ could be cured.
- One in ten people thought that LGBT+ people were dangerous to other people
- Three in five respondents said that they were comfortable with transgender people using the public toilets that they use.
- There were no significant differences in levels of empathy toward heterosexual people and LGBT+ people experiencing violence.
- Nearly one in two people said they would intervene if they saw a disabled person being attacked, compared to only around one in three people if the person was White British & heterosexual, LGBT+, Muslim or black.
- One in two agreed that hate crime has a higher impact than other types of crime, and that LGBT+ people modify their behaviour in public to avoid being targeted. However, only four in ten thought that violence against LGBT+ people is a problem in the UK.

ATTITUDES TO LGBT+ PEOPLE IN THE UK

 **Melanie Stray**

Introduction

The United Kingdom is at a pivotal point in our history; in recent years we have seen a rise in ethno-nationalism, anti-rights sentiment and right-wing extremism. In the wake of the EU referendum, we saw an increase in hate crime across all strands (Home Office 2018:7), a trend which has continued as we prepare to leave the EU. Transphobic abuse in particular has escalated, with organised groups campaigning against trans rights and targeting trans individuals. Criminal justice and community-based responses are struggling to cope with these emerging trends in hate crime in the UK, leaving all minority groups vulnerable. The results presented below demonstrate the need to be vigilant against the tide of progress turning, and hard-won rights slipping away.

___ Legal and policy framework on anti-LGBT+ hate crime

The last 50 years have seen remarkable progress in the advancement of LGBT+ rights in the United Kingdom. Starting with the partial decriminalisation of homosexuality in 1967 (Sexual Offences Act 1967), LGBT+ people now have the right to a family (The Adoption and Children Act 2002; Human Fertilisation and Embryology Act 2008), right to marry (England & Wales: Marriage (Same Sex Couples) Act 2013; Scotland: Marriage and Civil Partnership (Scotland) Act 2014), legal gender recognition (Gender Recognition Act 2004), and freedom from discrimination based on sexual orientation and gender identity (Equality Act 2010). Policy and legislation around hate crime and hate speech is advanced compared with international norms. In 2017 we saw an increased mainstream awareness of trans and intersex issues, leading to a public consultation on the Gender Recognition Act in 2018. In October 2018, the Law Commission announced a review into hate crime laws.

However, the fight is far from over. LGBT+ people in Northern Ireland are not afforded the same rights and protection as in the rest of the UK. In England & Wales, LGBT+ and disability hate crime do not have legal parity with race and faith hate crime, carrying lower maximum sentences and no way to identify

anti-LGBT+ or anti-disability motivated offenders, making it impossible for probation services to properly manage risk and work to counter underlying prejudice.

The “hostile environment” policy regarding migration has negatively impacted the rights of LGBT+ asylum seekers in the UK; Home Office figures show that two-thirds of asylum applications on the basis of sexual orientation are rejected (Home Office 2017:8), leaving LGBT+ people at risk of hate crime, state violence and sometimes even the death penalty in their countries of origin. The rights of intersex people are not yet protected in legislation; unnecessary surgeries on intersex infants are still legal, and though Scottish hate crime provisions explicitly cover intersex people, the law in the rest of the UK does not include them. Trans people still require a mental health diagnosis to receive access to services, and non-binary people are not legally recognised.

___ Scale of anti-LGBT+ hate crime

_____ Victimisation surveys

Hate crime unfortunately remains a common experience in the lives of LGBT+ people in the UK. The *Crime Survey for England and Wales* estimated that there were 30,000 sexual orientation hate crimes in 2017/18. Due to small numbers, no reliable estimate for gender-identity could be provided (Home Office 2018:26).

The *National LGBT Survey 2018* found that 40 per cent of LGBT+ people had experienced a hate crime incident in the last 12 months (Government Equalities Office 2018:33). Trans people were significantly more likely to report having experienced at least one incident (53 per cent) than cisgender LGBT+ people (38 per cent). Queer trans people in particular were more likely to have experienced an incident: 66 per cent compared to 46 per cent of heterosexual trans respondents. Two per cent of LGBT+ people had undergone conversion therapy in an attempt to “cure” them of being LGBT, and a further 5 per cent had been offered it. Over the course of a lifetime, Galop research suggests as many as four in five LGBT+ people experience hate crime (Antjoule 2016:4).

Stonewall reports that factors such as being trans and/or non-binary, young, black, Asian or minority ethnic, disabled, or from a non-Christian faith (Judaism, Hinduism, Islam, Sikhism, Buddhism, or other) all increase the risk of experiencing hate crime (Bachmann and Gooch 2017: 8) A recent analysis of Metropolitan Police Service data found that one in five homophobic hate crimes were also racially motivated (Walters and Krasodonski-Jones 2018:12). LGBT+ people placed in detention centres are particularly vulnerable to hate crime. LGBT+ asylum seekers face discrimination and harassment in detention centres from other detainees that detention staff fail to protect them from, and sometimes from the staff themselves. Trans asylum seekers are at particular risk of violence (Bachmann 2016:8).

The analysis of MPS data also found that homophobic or biphobic hate crimes result in more serious injuries than other types of hate crime; 6 per cent of victims of sexual orientation hate crime experienced moderate-serious injuries, compared to only 1 per cent of religious hate crime victims and 2 per cent of race hate crime victims (Walters and Krasodomski-Jones 2018:43). This finding echoes an earlier research by the Equality and Human Rights Commission (Botcherby *et al.* 2011). Trans people also faced elevated risk of serious injury, but the number of reported cases was too small to be statistically significant. However, other research suggests that anti-trans violence is, on average, the most brutal (Walters *et al.* 2017). Trans people are also more likely to face repeated victimisation than cis LGB+ people (Paterson *et al.* 2018).

Unsurprisingly, given the prevalence of LGBT+ hate crime and increased risk of injury, many LGBT+ people take steps to decrease their visibility in certain scenarios in order to avoid being targeted. In the *National LGBT Survey*, 68 per cent of LGB+ people said they avoided holding hands with a same-sex partner in public. Seventy per cent said they avoided being open about their sexual orientation for fear of a negative reaction from others, most commonly on public transport and in the workplace. Sixty-seven per cent of trans people said they avoided being open about their gender identity for fear of a negative reaction from others. Non-binary people were particularly likely to avoid being open (76 per cent) (Government Equalities Office 2018: 33).

———— **Reported cases**

In 2017/18, the police recorded 11,638 sexual orientation hate crimes (up 27 per cent from 2016/17), and 1,651 transgender identity hate crimes (up 32 per cent). Recorded hate crime has risen significantly every year since 2013/14, in which 4,588 sexual orientation hate crimes and 559 trans hate crimes were recorded (Home Office 2018: 12). *Crime Survey for England & Wales* estimations indicate that the proportion of cases that are reported to police has remained quite constant over the last ten years, at around 50 per cent (Home Office 2018: 25). Whilst some of the increase is due to improvements in recording, the size of the increase suggests that hate crime itself is on the rise.

Despite research above suggesting that LGBT+ hate crime on average involves more serious injury than other types of hate crime, it has very poor outcomes in terms of charging. The percentage of offences resulting in charge or summons for LGBT+ hate crime is between a quarter and half of the percentage for other hate crime strands, across violence against the person, public order offences, and criminal damage and arson (Home Office 2018: 20).

People who experience hate crime are more than twice as likely to experience serious emotional impacts such as difficulty sleeping, anxiety, panic attacks or depression, compared with people who experience crime in general (Home Office 2018:28).

Previous research on the topic

The 2017 *ILGA-RIWI Global Attitudes Survey on Sexual, Gender and Sex Minorities* found that in the UK, 17 per cent of people agreed that people who engage in romantic or sexual relationships with people of the same sex should be charged as criminals, and a further 20 per cent neither agreed nor disagreed. Thirty-three per cent of people said they would affirm and support a trans neighbour, compared to only 12 per cent for a lesbian neighbour and 8 per cent for a gay neighbour. Seven per cent of people would try to change a trans neighbour or a gay neighbour, and 9 per cent would try to change a lesbian neighbour (ILGA 2017).⁸⁰

The 2016 results of the *ILGA-RIWI Global attitudes the survey* were similar regarding criminalisation, but slightly more positive regarding neighbours. In this survey, 22 per cent of people agreed that being LGBTI should be a crime, and a further 16 per cent neither agreed nor disagreed. Views on having a gay or lesbian neighbour were more positive: 73 per cent said they had no concerns, 12 per cent said they would be somewhat uncomfortable, and 14 per cent said they would be very uncomfortable (ILGA 2016). The World/European Values Survey reported that in 2008, 17 per cent of people in Great Britain objected to gay people as neighbours, compared to 22 per cent in 1998 (Smith, Son and Kim 2014:37).

The International Social Survey Programme (ISSP) shows that belief that sex between two adults of the same sex is wrong, decreased dramatically between 1991 and 2008; in 1991 fifty-two per cent of people in Great Britain said it was always wrong, compared to only 27 per cent in 2008 (Smith, Son and Kim 2014:18).

⁸⁰ Total UK respondents = 6,483. People who engage in romantic or sexual relationships with people of the same sex should be charged as criminals: Strongly agree = 11per cent, Somewhat agree = 6 per cent, Neither = 20 per cent, Somewhat disagree = 9 per cent, Strongly disagree = 54 per cent, n = 2,266.

If you had a female neighbour who you know had romantic and sexual relationships with other women, you would: Affirm and support them = 12 per cent, accept them = 54 per cent, spend less time with them = 13 per cent, publicly distance yourself = 12 per cent, try to change them = 9 per cent, n = 1038.

If you had a male neighbour who you know had romantic and sexual relationships with other men, you would: Affirm and support them = 8 per cent, accept them = 51 per cent, spend less time with them = 19 per cent, publicly distance yourself = 15 per cent, try to change them = 7 per cent, n = 1081.

If you believe your neighbour is one sex, but they dress, act or identify as another, you would: Affirm and support them = 33 per cent, accept them = 50 per cent, spend less time with them = 6 per cent, publicly distance yourself = 4 per cent, try to change them = 7 per cent, n = 1117.

Beliefs and attitudes towards LGBT+ people

In this study, a representative sample of 1,617 people from across the UK were surveyed on their beliefs and attitudes towards LGBT+ people, including whether LGBT+ people should be free to live their lives as they wish; how they would feel about having an LGBT+ neighbour; if being LGBT+ is against their morals and beliefs; if LGBT+ people are dangerous to other people; if being LGBT+ can be cured; and if they are comfortable using the same public toilets as trans people.⁸¹

More than four in five people agreed that gay and lesbian, bisexual, and trans people should be free to live their own life as they wish, with only one in twenty in disagreement. Around three in five respondents were comfortable having LGBT+ people as neighbours. One in five were uncomfortable with LGB neighbours, and more than one in four were uncomfortable with trans neighbours. Nearly one in five people said being gay, lesbian, bisexual or transgender was immoral or against their beliefs. This increased to one in four among 18-24 year olds. One in ten people said that being LGBT+ could be cured. One in ten people thought that LGBT+ people were dangerous to other people. Three in five respondents said that they were comfortable with transgender people using the public toilets that they use; fewer than one in five said that they were uncomfortable.

___ LGBT+ people should be free to live their own lives as they wish

The vast majority of survey respondents were in support of LGBT+ people being free to live life as they wish, and this support was fairly consistent across identities. Eighty-six per cent agreed that gay & lesbian people should be free to live their own lives as they wish. Eighty-six per cent also agreed in relation to bisexual people. Three per cent⁸² fewer people agreed with the statement in relation to trans people (Agree: L&G = 86 per cent, B = 86 per cent, T = 83 per cent*. Disagree: L&G = five per cent, B = five per cent, T = six per cent. Mean (out of five) L&G = 4.31, B = 4.29, T = 4.23).

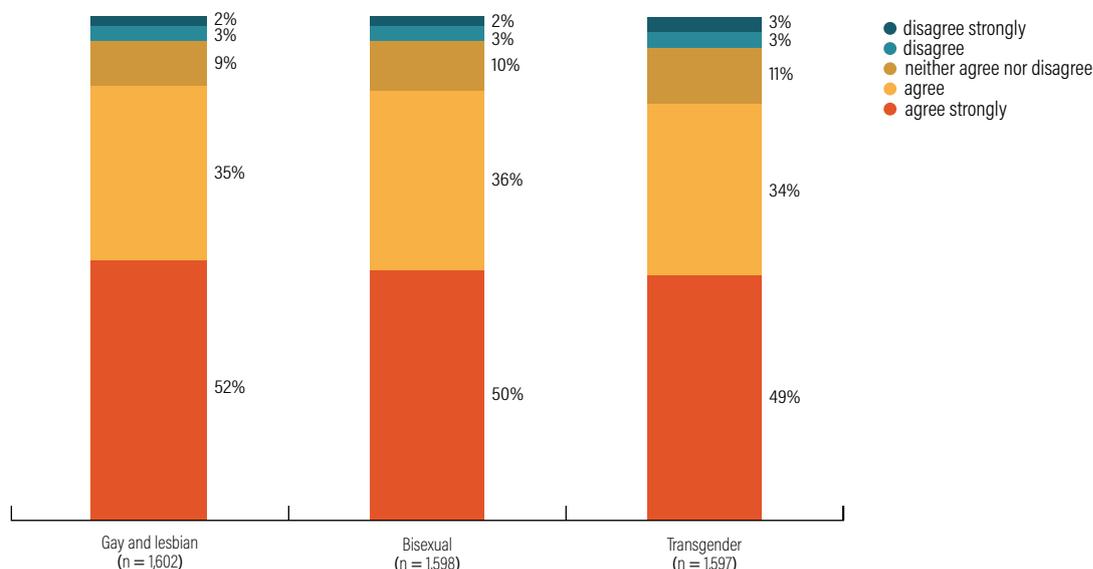
The level of support for this statement is comparable to 2016 European Social Survey findings; in the UK 88 per cent agreed and five per cent disagreed

⁸¹ These variables were measured on a 5-point scale, with 1 = disagree strongly, and 5 = agree strongly.

⁸² Statistically significant differences at the 95 per cent level are marked with an asterisk (*) throughout this paper.

that lesbian and gay people should be free to live their own lives as they wish (European Social Survey 2016).

Figure 69 United Kingdom: LGBT+ people should be free to live their own lives as they wish.



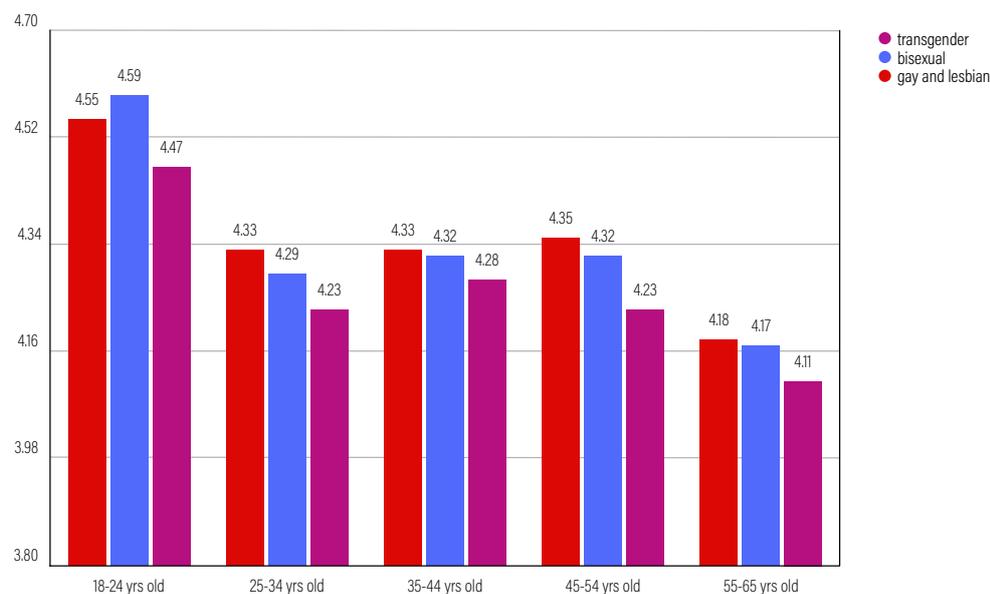
A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

Demographic differences

For all surveyed questions, women had more LGBT+ inclusive views than men. Eighty-seven per cent* of women agreed that trans people should be free to live as they wish, compared to just 78 per cent* of men (L&G: M = 83 per cent* F = 90 per cent*, B: M = 83 per cent* F = 89 per cent*).

Belief that LGBT+ people *should be free to live their own lives as they wish* decreased with age. The 18-24 year olds were more likely than other age groups to *strongly agree* that LGBT+ people should be able to live as they wish (L&G = 71 per cent*, B = 71 per cent*, T = 66 per cent*). The 55-65 year olds were the least likely to *strongly agree* (L&G = 41 per cent*, B = 39 per cent*, T = 39 per cent*).

Figure 70 United Kingdom: LGBT+ people should be free to live their own lives as they wish: mean by age group.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

There was no clear relationship between educational attainment and level of support for the statement.

Location

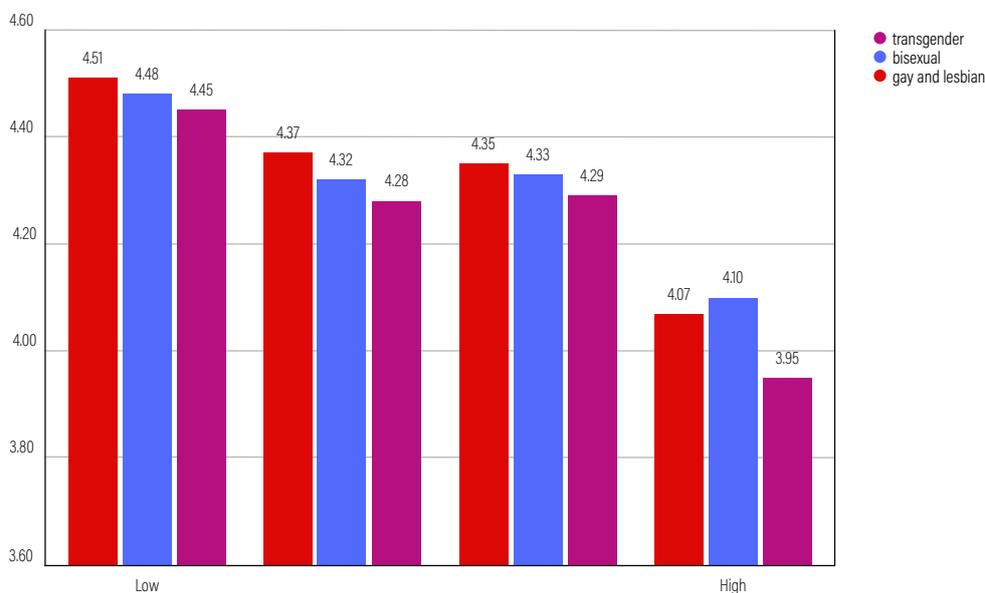
There were a few regional differences in level of agreement that LGBT+ people *should be free to live their own lives as they wish*. People in the south west of England were more likely to *strongly agree* with this statement compared to the rest of the UK (L&G = 62 per cent*, B = 61 per cent*, T = 58 per cent*. Other regions L&G = 45 per cent- 53 per cent, B = 43 per cent- 54 per cent, T = 43 per cent- 53 per cent.) People in the north east of England were most likely to show overall support for trans people; 91 per cent* *strongly agreed* or *agreed* with the statement, compared to 78 per cent -86 per cent in other regions. There was no clear relationship between size of settlement of residence and level of support for the statement.

Values

The degree to which each respondent valued security (desire to be free from danger or threat), universalism (belief that all people are equal) and benevolence (good will to others) was measured through identification with statements relating to these values (see Methodology chapter). The more value a respondent placed

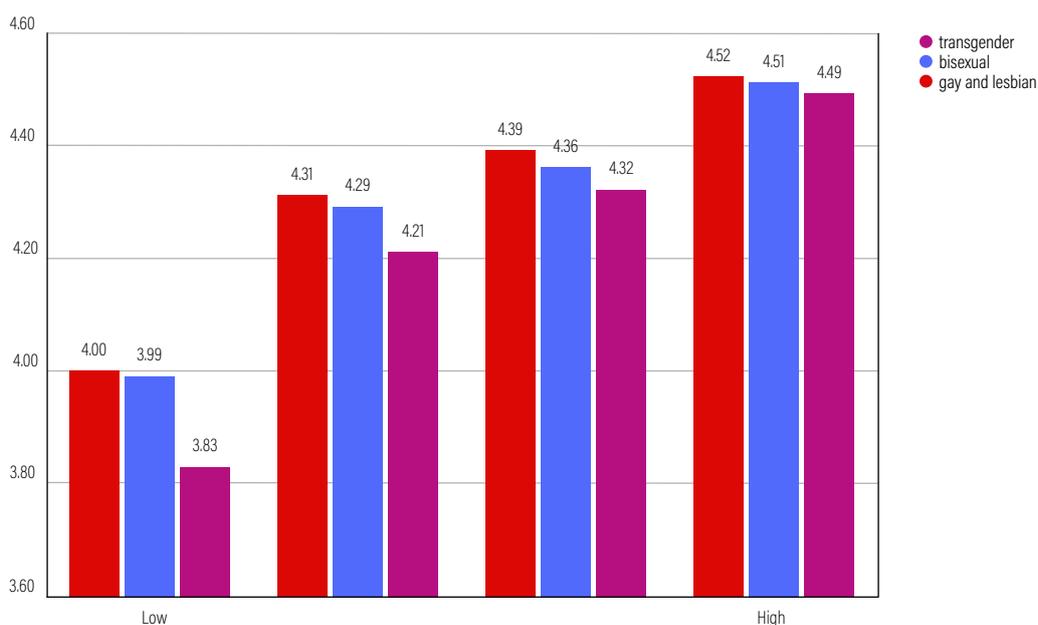
on security, the less likely they were to agree that LGBT+ people should be free to live their lives as they wish. Conversely, valuing universalism was positively correlated with agreement for the statement. There was no clear relationship between agreeing with the statement and benevolence.

Figure 71 United Kingdom: LGBT+ people should be free to live their own lives as they wish: mean by belief in universalism



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

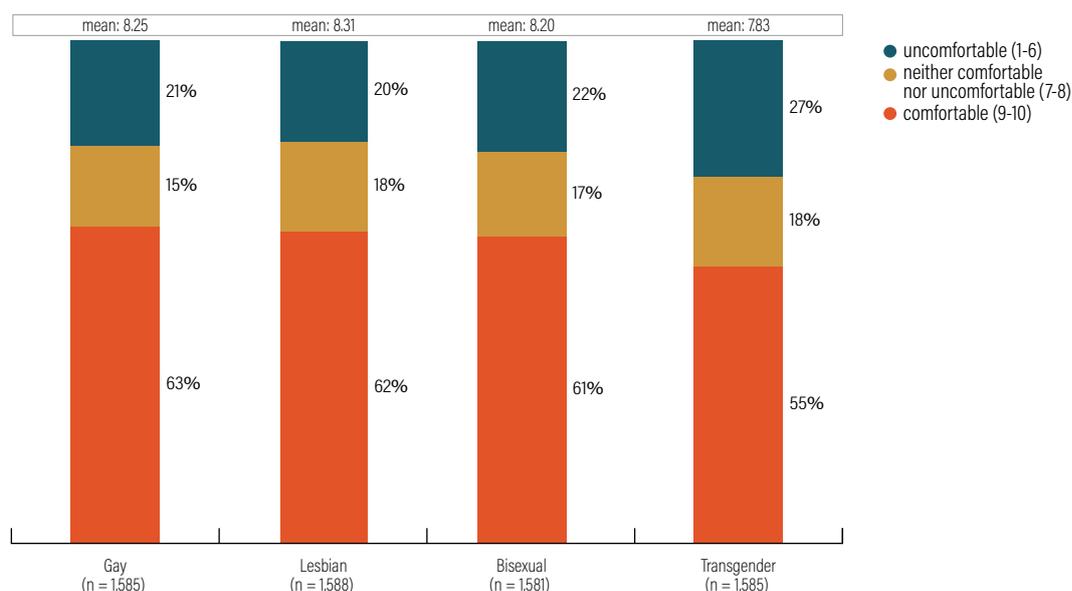
Figure 72 United Kingdom: How you would feel about having someone from one of the following groups as your neighbour?



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

Three in five respondents were comfortable having LGB+ people as neighbours (G = 63 per cent, L = 62 per cent, B = 61 per cent). Somewhat fewer were comfortable having a trans neighbour (55 per cent*). One in five were uncomfortable with an LGB+ neighbour, and one in four with a trans neighbour.⁸³

Figure 73 United Kingdom: How you would feel about having someone from one of the following groups as your neighbour?



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

Demographic differences

Women were more comfortable having LGBT+ neighbours than men. More than six in ten women felt *totally comfortable*⁸⁴ with having an LGB+ person as a neighbour compared to fewer than five in ten men (G: F = 65 per cent*, M = 48 per cent*; L: F = 61 per cent*, M = 48 per cent*; B: F = 61 per cent*, M = 47 per cent*). More than five in ten women felt *totally comfortable* with trans neighbours, compared to only four in ten men (T: F = 54 per cent* M = 41 per cent*).

The 18-24 year olds were the most likely to feel *totally comfortable* with having an LGBT+ person as a neighbour than other age groups, and 55-65 year olds

⁸³ Scale 0-10, "Totally uncomfortable" = 0, "Totally comfortable" = 10, "Comfortable" = 9-10, "Uncomfortable" = 1-6

⁸⁴ Totally comfortable = 10/10.

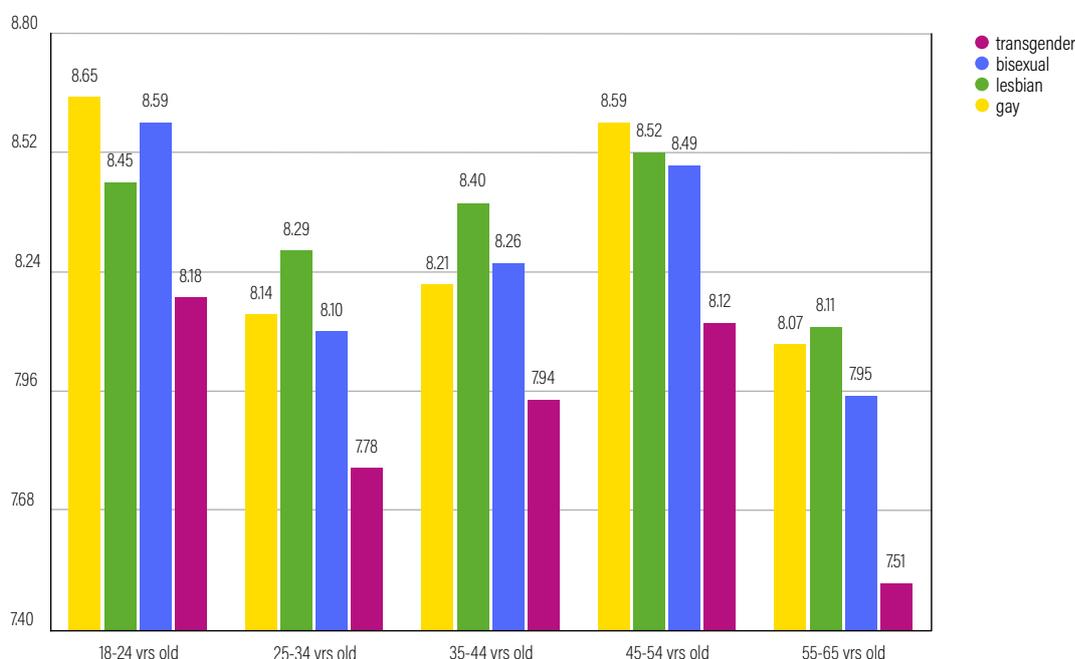
the least likely.⁸⁵ However, the mean comfort level for each age group displayed in the graph below shows that increasing age did not correlate with decreased comfort levels overall.

There was no clear relationship between educational attainment and level of support for the statement.

There were regional differences in how comfortable people were with an LGBT+ neighbour. People in the East Midlands were most likely to feel comfortable (G = 71 per cent*, 8.68; L = 68 per cent, 8.74; B = 69 per cent*, 8.65; T = 66 per cent*, 8.39). Around one in three people living in a large city (of more than 1 million people) were uncomfortable with LGBT+ neighbours (G = 29 per cent*, L = 29 per cent*, B = 31 per cent*, T = 35 per cent*), which was higher than for people living in all other sizes of settlement. People living in villages were comparatively less likely to be uncomfortable (G = 16 per cent*, L = 17 per cent, B = 18 per cent T = 21 per cent*).

The relationship to values was very similar as for believing LGBT+ people should be free to live as they wish. The more value a respondent placed on security, the less likely they were to feel comfortable with an LGBT+ neighbour. Conversely, valuing universalism was positively correlated with agreement for the statement. There was no clear relationship between agreeing with the statement and benevolence.

Figure 74 United Kingdom: How you would feel about having someone from one of the following groups as your neighbour: mean by age group.



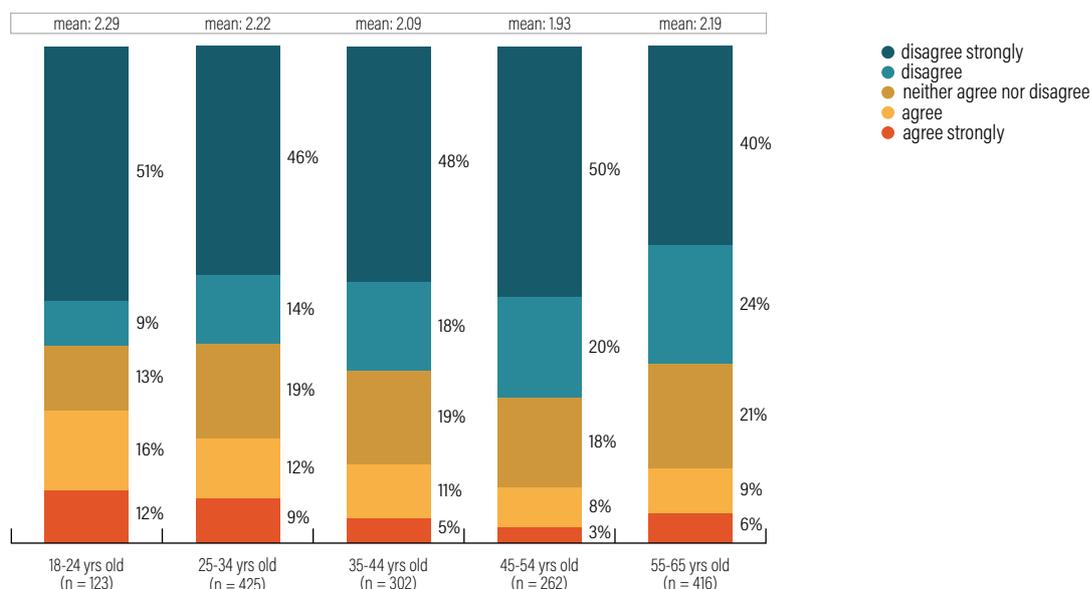
A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel 'totally uncomfortable' and 10 means that you would feel 'totally comfortable'. Source: Call It Hate.

⁸⁵ G: 18-24 = 65 per cent*, 55-65 = 52 per cent*; L: 18-24 = 62 per cent, 55-65 = 50 per cent*; B: 18-24 = 63 per cent*, 55-65 = 49 per cent*; T: 18-24 = 55 per cent, 55-65 = 44 per cent*.

___ Being LGBT+ is immoral or against my beliefs

Fewer than one in five people said being gay, lesbian, bisexual or transgender was immoral or against their beliefs, compared to more than three in five who said that it was not (Agree strongly = 7 per cent, Agree = 10 per cent, Neither = 19 per cent, Disagree = 18 per cent, Disagree strongly = 46 per cent, mean = 2.14, n = 1528). The most surprising findings in relation to this statement were by age group. In contrast to the previous two statements, young people had less positive views of LGBT+ people than their older counterparts, with more than one in four of 18-24 year olds saying that being LGBT+ was immoral or against their beliefs (18-24 = 27 per cent*, 25-34 = 20 per cent, 35-44 = 16 per cent, 45-54 = 11 per cent*, 55-65 = 15 per cent).

Figure 75 United Kingdom: being LGBT+ is immoral or against my beliefs: agreement by age group.



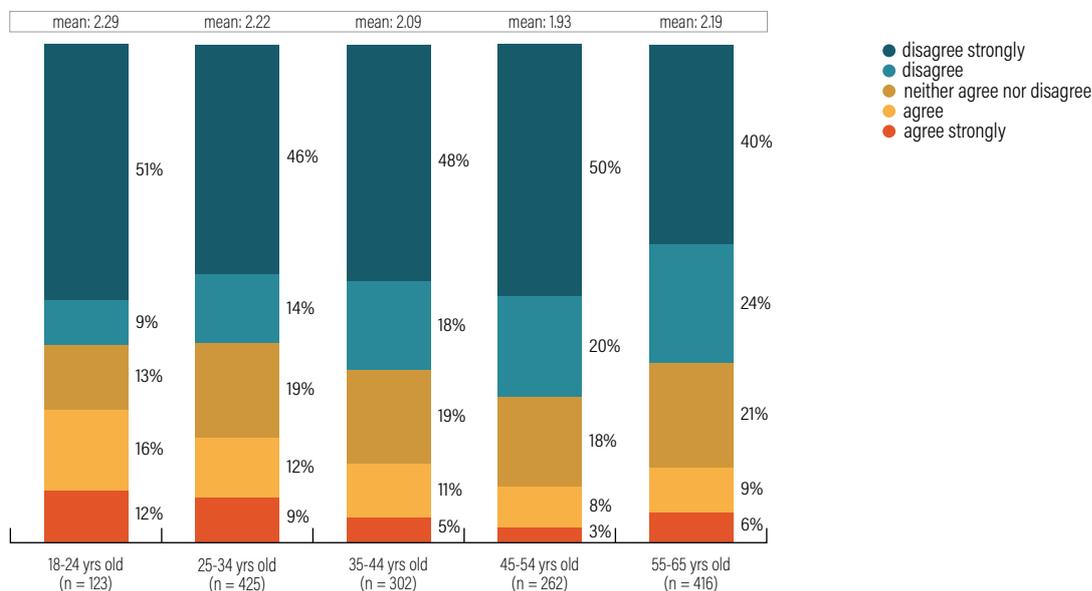
D2.5. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

___ LGBT+ people are dangerous to other people

One in ten people agreed that LGBT+ people are dangerous to other people (Agree strongly= three per cent, Agree = six per cent, Neither = 15 per cent, Disagree = 19 per cent, Disagree strongly = 56 per cent, mean = 1.81, n = 1540).

The 18-24 year olds had the most polarised views about this statement, with 76 per cent disagreeing and 15 per cent* agreeing. Only 8 per cent* did not have an opinion either way. People aged 45+ were least likely to think LGBT+ people are dangerous.

Figure 76 United Kingdom: LGBT+ people are dangerous to other people: agreement by age group

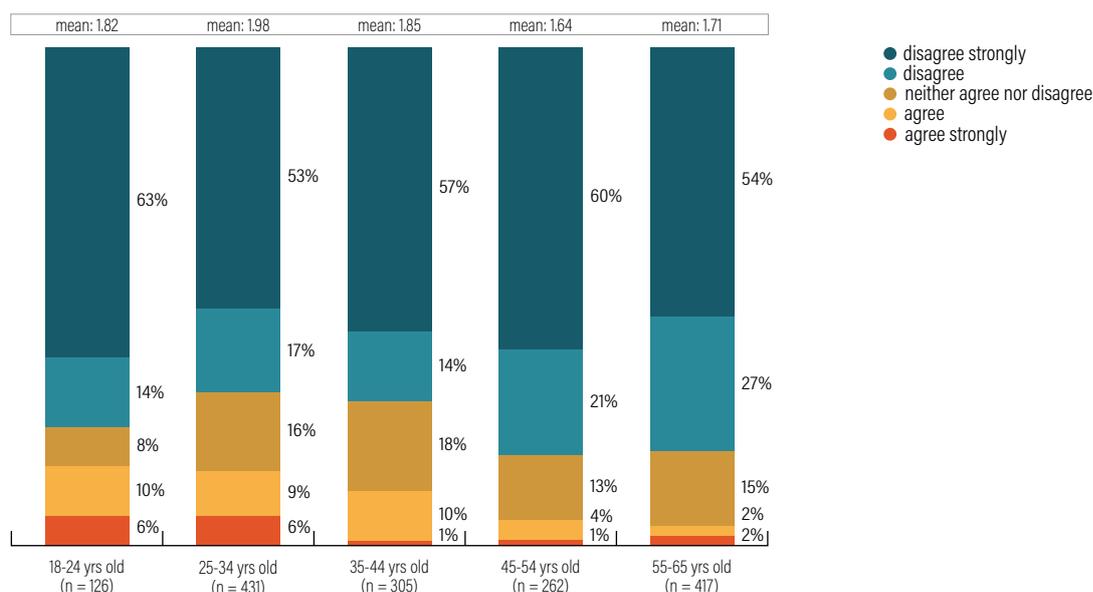


D2.6. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Being gay, lesbian, bisexual or transgender can be cured

One in ten people agreed that LGBT+ people can be cured (Agree strongly = 4 per cent, Agree = 6 per cent, Neither = 18 per cent, Disagree = 17 per cent, Disagree strongly = 56 per cent, mean = 1.85, n = 1500). Again, young people had very polarised views about this statement. Seventeen per cent* of 18-24 year olds agreed that being LGBT+ can be cured, which was higher than for all other age groups, but conversely this age group also had the largest proportion of respondents (61 per cent*) that *strongly disagreed* that being LGBT+ could be cured.

Figure 77 United Kingdom: Being LGBT+ can be cured: agreement by age group.



D2.7. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

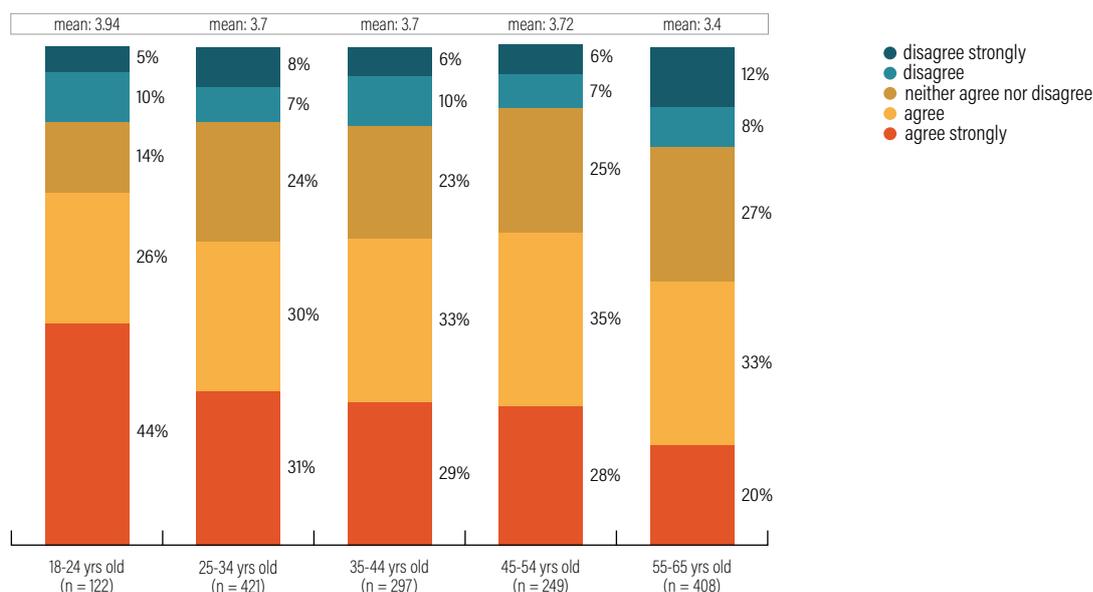
I am comfortable with transgender people using the public toilets that I use

Three in five respondents said that they were comfortable with transgender people using the public toilets that they use (Agree strongly = 28 per cent, Agree = 32 per cent, Neither = 24 per cent, Disagree = 8 per cent, Disagree strongly = 8 per cent, mean = 3.64, n = 1497).

Women were more likely to be comfortable than men (M: Agree strongly = 25 per cent*, Agree = 33 per cent, Neither = 24 per cent, Disagree = 8 per cent, Disagree strongly = 10 per cent*, mean = 3.56, n = 754. F: Agree strongly = 31 per cent*, Agree = 31 per cent, Neither = 24 per cent, Disagree = 8 per cent, Disagree strongly = 6 per cent*, mean = 3.73, n = 740).

The 18-24 year olds were the most comfortable, with 70 per cent* agreeing with the statement, compared to only 53 per cent* of 55-65 year olds.

Figure 78 United Kingdom: I am comfortable with transgender people using the public toilets that I use, agreement by age group.



D2.8. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Levels of empathy

We surveyed 1,566 people about their levels of empathy⁸⁶ for lesbian, gay, bisexual and trans people experiencing physical violence in different scenarios, including whilst holding hands on the street, shopping, drunk near a bar, at Pride March, by a complete stranger, by a member of their family, and by members of a far-right extremist organisation. Of the 1,566 total respondents, 237 were asked about their levels of empathy for gay men, 246 for lesbians, 839 for bisexuals and 244 for trans people. The respondents who answered for gay men, lesbians and bisexuals were also asked about their level of empathy for a heterosexual couple physically assaulted on the street. There were no significant differences in levels of empathy toward straight and LGBT+ people experiencing violence. Of the scenarios listed, respondents were the least empathetic towards people experiencing violence whilst drunk.

There was no statistically significant difference between level of empathy for a heterosexual couple who are physically assaulted after holding hands on the street, compared to a gay, lesbian or bisexual person with their partner (Mean-Gay route: H = 8.82, G = 8.43; Lesbian route: H = 8.89, L = 8.58; Bisexual route: H = 8.79, B = 8.46; Trans route: T = 8.66).

⁸⁶ Measured on an 11-degree scale where 0 = "no empathy at all" and 10 = "complete empathy".

There were no notable statistically significant differences for the levels of empathy for LGBT+ people physically assaulted in other scenarios, apart from whilst being drunk outside a bar, which respondents had the least empathy for. Fifty-two per cent of respondents had “*complete empathy*”⁸⁷ for a gay couple in this scenario, compared to only 40 per cent for a lesbian couple (G = 52 per cent, mean = 8.27; L = 40 per cent*, 7.99; B = 48 per cent, 8.07; T = 46 per cent, 7.98).

Men on average had less empathy than women in all scenarios and across identities. Sixty-eight per cent* of women had complete empathy for gay men physically assaulted after holding hands on the street, compared with only 42 per cent* of men (L: W = 62 per cent*, M = 46 per cent*, B: W = 66 per cent*, M = 51 per cent*; T: W = 65 per cent*, M = 48 per cent*).

Reactions to hate crimes

Respondents (split into subsections as above) were asked how likely they would be to intervene if they saw different groups being physically assaulted in the street by a stranger. Nearly 5 in 10 said they would be likely to intervene if they saw a disabled person being attacked, compared to only around 3 in 10 if the person was White British & heterosexual, LGBT, Muslim or black.⁸⁸

Women more often than men stated that they were *highly likely*⁸⁹ to intervene for gay men and trans people, but not for lesbian and bisexual people. Twenty-nine per cent* of women were *highly likely* to intervene for a gay man, compared to only 16 per cent* of men (L: W = 23 per cent, M = 32 per cent; B: W = 23 per cent, M = 24 per cent; T: W = 33 per cent*, M = 19 per cent*).

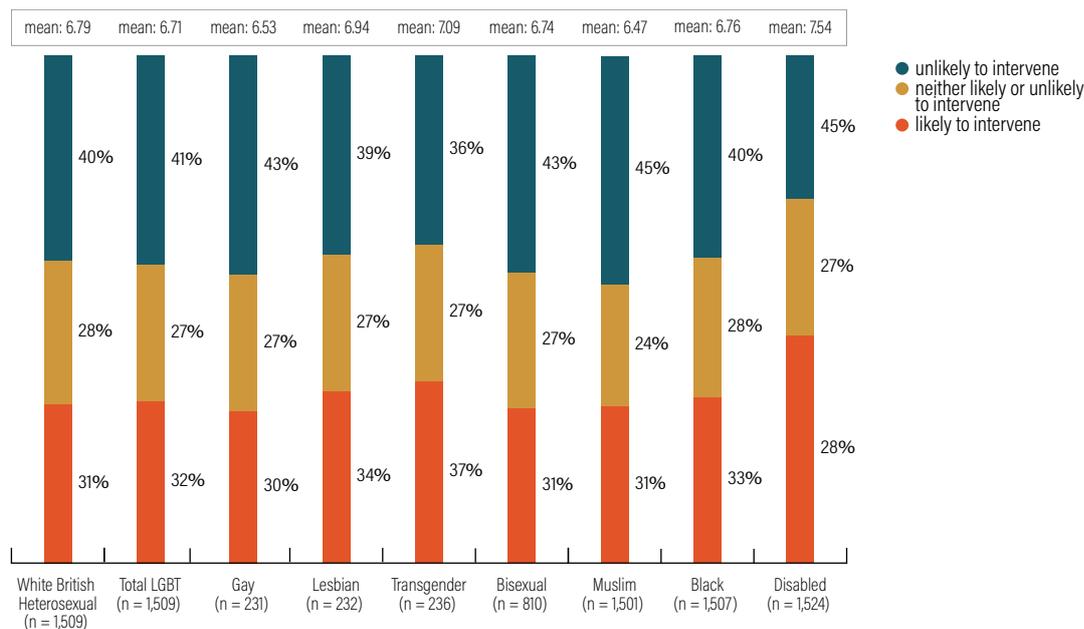
Fifty-three per cent* of 18-24 year olds would be likely to intervene for a gay man, compared to only 30 per cent across ages groups. Only 26 per cent of 18-24 year olds would be likely to intervene for a lesbian, 32 per cent for a trans person, and 25 per cent for a bisexual person. Fifty-four per cent* of 45-54 year olds would intervene for a trans person, compared to only 24 per cent* of 55-65 year olds. These apparent differences in willingness to intervene for lesbian, gay, bisexual and trans people should be interpreted with caution, as a different subsection of the survey sample was asked about each identity. This comparison is between answers from four subgroups of respondents, whereas for the other categories (White British heterosexual, total LGBT+, Muslim, black, and disabled) the figures reflect the same respondents' answers regarding each group.

⁸⁷ Complete empathy= 10/10.

⁸⁸ Scale 0-10, “Highly unlikely” = 0, “Highly likely” = 10, “Likely” = 9-10, “Unlikely” = 1-6,

⁸⁹ “Highly likely” = 10/10.

Figure 79 United Kingdom: Likelihood of intervention by minority group.



C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

Opinions on hate crimes

All respondents were asked about their opinions on the extent and impact of hate crime in the United Kingdom, and whether they support tougher sentencing for hate crime in comparison to other types of crime.⁹⁰ Five in ten agreed that hate crime has a higher impact than other types of crime, and that LGBT+ people modify their behaviour in public to avoid being targeted. However, only four in ten thought that violence against LGBT+ people is a problem in the UK.

Extent of hate crime in the UK

Five in ten respondents agreed that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason (Agree/ strongly agree = 49 per cent, Disagree/ strongly disagree = 16 per cent, mean = 3.44, n = 1398).

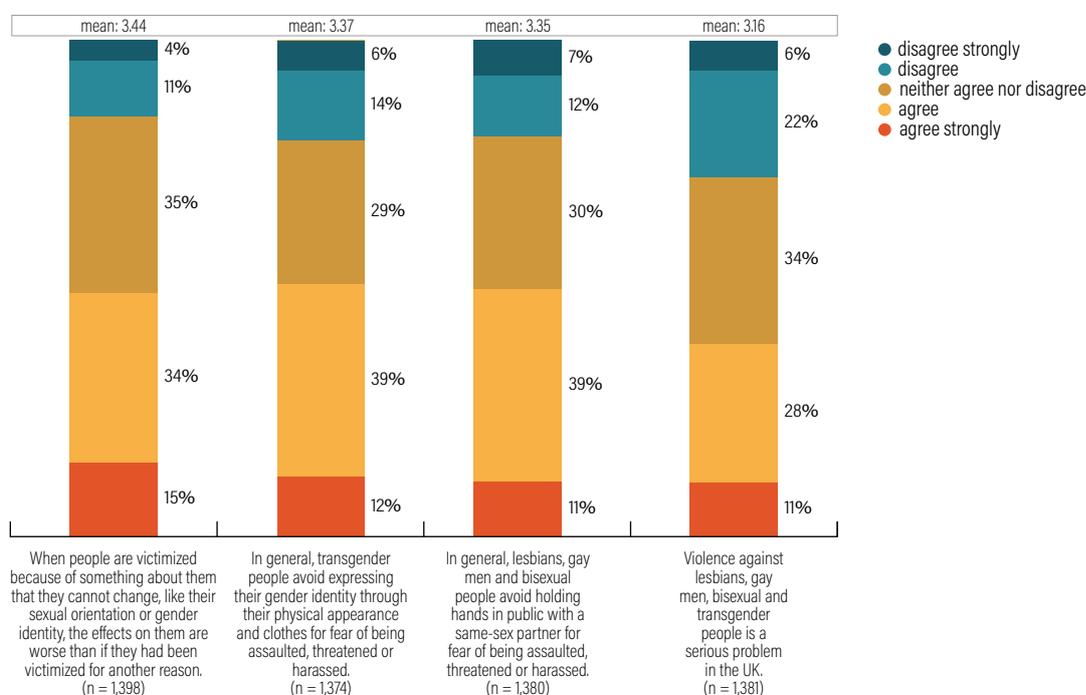
⁹⁰ This was measured on a 5- point scale, with 1=Disagree strongly, and 5= Agree strongly.

Five in ten respondents agreed that in general, transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed (Agree/ strongly agree = 51 per cent, Disagree/ strongly disagree = 20 per cent, mean = 3.37, n = 1374).

Five in ten agreed that in general, lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed (Agree/ strongly agree = 50 per cent, Disagree/strongly disagree = 19 per cent, mean = 3.35, n = 1380).

Four in ten people thought that violence against lesbians, gay men, bisexual and transgender people is a serious problem in the UK; three in ten thought that it was not a serious problem (Agree/strongly agree = 39 per cent, Disagree/strongly disagree = 28 per cent, mean = 3.16, n =1381).

Figure 80 United Kingdom: Likelihood to believe in the impacts of hate crime.



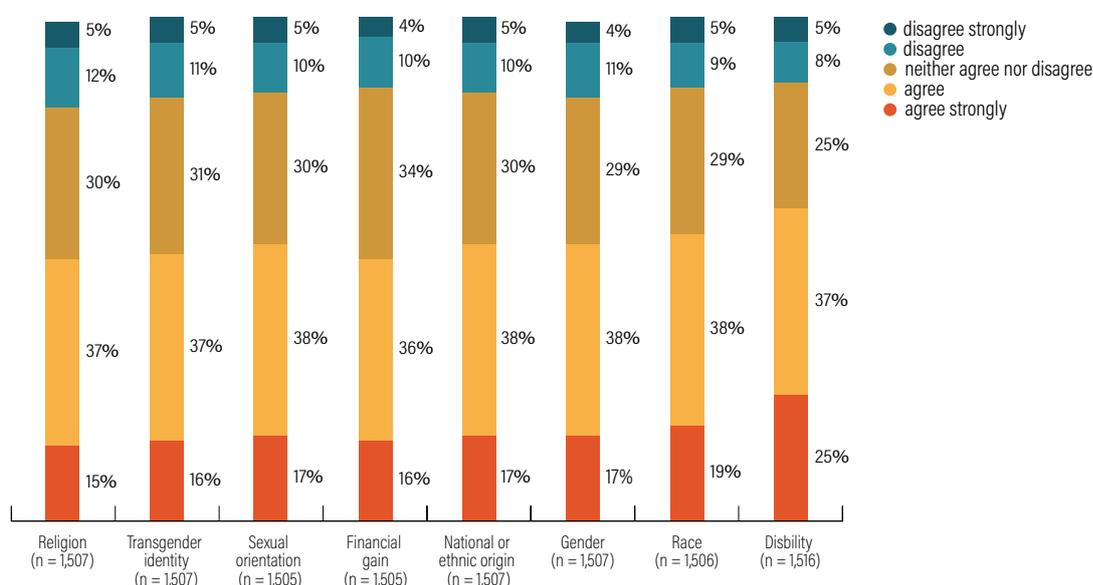
D2_1-4. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

Sentencing

Over half of respondents said that all crime types should carry a higher sentence, including for the non-hate-motivated baseline crime, financial gain. This shows general support for tougher sentencing, rather than specific support for harsher sentences for hate crime. Slightly more respondents agreed that disability and race hate crime should be punished more severely than financial crime, but the differences were not significant in relation to sexual orientation

and gender identity hate crime (Agree: Financial = 52 per cent, Transgender = 53 per cent, Religion = 53 per cent, Sexual orientation = 55 per cent, National or ethnic origin = 55 per cent, Gender = 55 per cent, Race = 57 per cent, Disability = 62 per cent.)

Figure 81 United Kingdom: Support for tougher sentencing of hate crimes.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

Discussion

The results of this study show that anti-LGBT+ prejudice is still widespread in the United Kingdom. Perhaps what is most striking is the apparent gap between the freedom that people theoretically think LGBT+ people should have, and their actual beliefs and feelings about LGBT+ people in practice. Only one in twenty people said that LGBT+ people should not be free to live as they wish, but one in five would be uncomfortable with an LGB+ neighbour, and one in four with a trans neighbour, one in five said that being LGBT+ was against their morals or beliefs, one in ten that being LGBT+ could be cured, and one in ten thought that LGBT+ people were dangerous to other people. Potentially, some people holding these negative views do not recognise them as homophobic, biphobic or transphobic and contrary to LGBT+ rights.

The views of young people were more polarised than their older counterparts. The 18-24 year olds were statistically significantly less likely to give answers in the middle ground (e.g., neither agree nor disagree) on the majority of questions, including LGB+ people living as they wish, gay and trans neighbours, if being LGBT+ is immoral, dangerous or curable, and trans people using public toilets.

This polarity was most notable for *Being gay, lesbian, bisexual or transgender is immoral or against my beliefs*: 60 per cent of 18-24 year olds disagreed, but 27 per cent* agreed, higher than any other age group.

This contrasts with 18-24 year olds' agreement that different LGBT+ groups should be able to live as they wish; 91 per cent* agreed re gay men and lesbians, 94 per cent* re bisexual people, and 87 per cent re trans people, higher than for all other age groups.⁹¹

It appears that young people are more likely to have negative internal views about LGBT+ people, but are less likely to think that their views should warrant intervention in the lives of LGBT+ people. This perhaps reflects a combination of the influence of the rise of anti-LGBT+ rhetoric globally, and the influence of neoliberal ideology, which promotes individualism. It may also be connected to the influence of a growing number of siloed online communities of hate, which exist with social norms that are different to those of mainstream society, running counter to inclusion and tolerance.

Despite campaigns in the UK aimed at encouraging people to never be a bystander to hate crime (for example, the #Nobystanders campaign [Stonewall 2019]) it seems that most people are unsure or would not intervene if they saw a hate crime involving physical violence. A higher proportion of respondents said that they would intervene in a disability hate crime. However, in reality, disability is one of the least reported forms of hate crime and is often not recognised by criminal justice agencies when it is reported (HMCPSP 2018).

It seems that the general public may view anti-LGBT+ hate crime as slightly less deserving of a harsher sentence than race or disability hate crime, when in fact there is evidence that severity of violence is higher for anti-LGBT+ hate crime victims (Walters and Krasodomski-Jones 2018:43). Potentially race and disability are seen as factors that a person cannot change about themselves or cannot hide, whereas being LGBT+ is still viewed as something that can be hidden/ changed.

The findings in regard to lower levels of empathy for a drunk lesbian couple who experience an assault, show the intersectional prejudice faced by lesbian women, who experience both misogyny and homophobia. This finding is part of a wider social phenomenon of victim-blaming women who have experienced assaults, especially when they have been drinking (Grubb and Turner 2012:443-452).

Finally, there is a clear gap between respondents' opinions on whether LGBT+ people modify their behaviour to stay safe, and the lived reality of LGBT+ people in the UK. The *National LGBT Survey* shows that around 70 per cent of LGBT+ people modify their behaviour in public and/or are not open about

⁹¹ Gay and lesbian: 18-24 = 91 per cent*, 25-34 = 85 per cent, 35-44 = 88 per cent, 45-54 = 88 per cent, 55-65 = 84 per cent. Bisexual: 18-24 = 94 per cent*, 25-34 = 83 per cent, 35-44 = 87 per cent, 45-54 = 88 per cent, 55-65 = 84 per cent. Trans: 18-24 = 87 per cent, 25-34 = 81 per cent, 35-44 = 84 per cent, 45-54 = 85 per cent, 55-65 = 80 per cent.

their identity for fear of a negative reaction from others (Government Equalities Office 2018:33). However, far less of the general public believes that LGBT+ people modify their behaviour to stay safe (50 per cent), and only 39 per cent thought that violence against lesbians, gay men, bisexual and transgender people is a serious problem in the UK.

Conclusions

The results of the *Call It Hate* research show that there is a gulf between general public awareness of anti-LGBT+ hate crime and its impacts, and the lived experience of LGBT+ people in the UK. Violence and abuse against LGBT+ people are well-documented by other research, and yet this poll shows that a large proportion of the general public do not believe that violence against LGBT+ people is a serious problem in the UK, or that LGBT+ people modify their behaviour to try to avoid abuse.

A significant proportion of respondents expressed conscious bias against LGBT+ people, such as believing that LGBT+ people are immoral and/or dangerous, and being uncomfortable with LGBT+ neighbours. The level of actual bias held against LGBT+ people by the British public may in fact be higher even than the findings of this study, as people are sometimes reluctant to express views counter to social norms when surveyed, and many more people will hold unconscious biases.

The views that the young people in this study expressed give rise for serious concern, as they were often more negative and/or polarised than their older counterparts. This perhaps gives indication that LGBT+ rights and the inclusion of LGBT+ people in society is under threat in future generations. More research into the views and opinions of young people and the reasons for these findings is needed, so that hate crime policy and practice can rise to meet these challenges.

Recommendations

- Improve public attitudes to LGBT+ people in the UK through education and campaigning.
- Improve public knowledge around anti-LGBT+ hate crime and its impact, and the experiences of LGBT+ people.
- Build preventive educational programmes for perpetrators of hate crime.
- Support the professionalisation and capacity-building of anti-hate crime support and advocacy work.
- Support intersectional community-based work aiming to promote solidarity between different minority communities facing hate crime.
- Support research into understanding increasing levels of hate crime and how to tackle it.

- Support further research into attitudes towards LGBT+ people, especially those held by young people, and the reasons for increasing negative views.
- Address toxic cultures of hate online.
- Work alongside Galop in our specialist role tackling violence against LGBT+ people.

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Legislation

- Adoption and Children Act 2002
- Equality Act 2010
- Gender Recognition Act 2004

CROATIA AT A GLANCE





More than three in five respondents in Croatia agree that LGBT people should be free to live their own lives as they wish. Twelve per cent (for gay men and lesbians) to fourteen per cent (for transgender people) are of the opposite opinion.

Less than half of respondents would be comfortable having a lesbian, a gay man, a bisexual person or a transgender person as their neighbour. The latter are least likely to be accepted (39 per cent) comparing to, e.g., lesbians (49 per cent). Men appear to be slightly less tolerant than women of the presence of LGBT people in the neighbourhood.

The described context of the crime matters for the level of empathy for victims: respondents feel more empathy for lesbian victims of crimes than gay or transgender victims. There is also less empathy when victims are participating in the Pride March or when they are drunk and assaulted near a bar than when they are, for example, shopping.

The probability that respondents would intervene on behalf of victims of crimes in case of a physical assault increases if the victim is a person with a disability. Participants express lower willingness to react when an assault happens to an LGB person. The likelihood of an intervention is the lowest when the victim is a Roma person.

More than half of respondents think that some LGBT people change their behaviour or appearance in public places to avoid victimisation.

Half of the respondents agree that violence against LGBT people is a serious problem in Croatia and almost three in five agree that the effects of hate crimes are worse than crimes committed for another reason.



More than three in four Croatians agree that all crimes should be punished more severely, so there is support for tougher sentencing in general but not specifically for hate crimes.

OPINIONS ON ANTI-LGBT HATE CRIMES IN CROATIA

✍ Katarzyna Malinowska with Doria Jukić

Introduction

___ Legal and policy framework on anti-LGBT hate crime

_____ Laws on discrimination, hate speech and hate crime

Protection against homophobic and transphobic hate crimes in Croatia was improved in 2013 when the new Criminal Code (The Croatian Parliament 2011) came into force. It recognises gender identity and sexual orientation as grounds for discrimination, and hate crime represents an aggravated form of the offense (Article 87, paragraph 21). In addition, the Criminal Code recognises two offenses relevant for the protection against homophobic and transphobic violence – the criminal offense of violation of equality (Article 125) and criminal offense of incitement to violence and hatred (Article 325). Improvements have been incorporated into the Protocol for procedure in cases of hate crimes (the Human Rights Office of the Government of the Republic of Croatia 2011), stipulating that the police officers in cases of hate crimes must treat the victims with “special and urgent care”.

_____ Rainbow Index

According to ILGA-Europe’s Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe (ILGA-Europe 2018), Croatia holds the sixteenth position out of forty-nine countries with an overall score of 46.93 per cent. In regard to the category “Hate crime and hate speech”, Croatia scores 51.2 per cent, ranking it in seventh place. This is due to the fact that there is no policy tackling hatred on the basis of sexual orientation, gender identity and sex characteristics. There is also no hate crime law concerning sex characteristics.

___ Scale of anti-LGBT hate crime

_____ Victimisation surveys

In its LGBT survey, the European Union Agency for Fundamental Rights (FRA 2012) collected information on experiences of discrimination, hate-motivated violence and harassment from people who self-identify as lesbian, gay, bisexual or transgender. This online survey, which was conducted across the 27 member states of the European Union and Croatia, collected information from 93,079 LGBT persons aged 18 and over. Of the Croatian LGBT respondents:

- 60 per cent felt discriminated against or harassed on the grounds of sexual orientation in the last 12 months (EU LGBT average = 47 per cent).
- 95 per cent think assaults and harassment against lesbian, gay, bisexual and/or transgender people are widespread in Croatia (EU LGBT average = 38 per cent).
- 69 per cent say the last incident of violence in the previous 12 months happened partly or entirely because they were perceived to be LGBT (EU LGBT average = 59 per cent).
- 6 per cent reported the most recent incident of hate-motivated harassment to the police (EU LGBT average = 4 per cent).
- 89 per cent avoid holding hands in public with a same-sex partner (EU LGBT average = 66 per cent) and 62 per cent avoid certain places or locations (EU LGBT average = 50 per cent) for fear of being assaulted, threatened or harassed.

Research conducted in Croatia (Milković 2013:32) among 690 LGBTQI respondents shows that 73.6 per cent of respondents experienced some kind of violence based on their sexual orientation, gender identity and/or gender expression. Only 7.7 per cent of respondents reported crimes to the police. The undermining of the seriousness of the event was found to be a major reason for not reporting. This research also found that one of the most frequent reasons for underreporting hate crimes is the lack of education and knowledge about basic human rights and laws, showing that 19.7 per cent of respondents were poorly informed about provisions of the Anti-Discrimination Act and 29.4 per cent of them were not at all familiar with provisions of the Criminal Code that refer to LGBT persons. A similar trend was confirmed by the EU LGBT Survey (FRA 2012) – in the past five years, 26 per cent of all respondents experienced violent behaviour, while the level of experienced violence was higher for transgender respondents (35 per cent). Almost 50 per cent of the interviewed LGBT persons in Croatia did not report crimes because of distrust of the police, and almost 29 per cent of respondents who experienced violent behaviour did not report it because they feared homophobic or transphobic reactions from police officers.

Reported cases

Hate crime data are collected by the Ministry of Interior, the Prosecutor's Office, the Ministry of Justice and the Office for Human Rights and Rights of National Minorities. Data on hate crime are regularly published by the Government's Office for Human Rights and Rights of National Minorities. Between 2009 and 2017 there were 66 hate crimes reported by the police with sexual orientation and gender identity as bias motivations (ODHIR 2017). Of course, these numbers do not reflect the reality of the incidence of LGBT-related hate crime, as many victims do not report these incidents, report a crime without being aware of the homo- or transphobic motive, or choose not to disclose the motive.

In 2015, the UN Human Rights Committee expressed its concerns about the reports of violence against LGBT persons (UNHCR 2017:8). In its last report, the Ombudsperson for Gender Equality underlined the worrying decline in efficiency of the judicial system with regard to its response to hate-motivated crimes against LGBT persons (The Ombudsperson for Gender Equality 2016:159). In 2015, the Municipal Court in Split acquitted three men standing trial for a homophobic attack against six women in 2012. The victims alleged that the local police had threatened them while filing their complaint and had failed to investigate the crime effectively (Amnesty International 2016:131). In February 2017, an LGBT club in Zagreb was attacked with tear gas (Zagreb Pride 2018).

Previous research on the topic

Research regarding the attitudes of Croatian society towards LGBT persons (Kamenov, Jelić and Huić 2017) reveals that older respondents, men, persons with lower levels of education and persons with more conservative political affiliations have fewer contacts with lesbians and gay men. Research conducted by Ipsos (2016) found that almost half of respondents (n = 969 citizens of Croatia) believe that LGBT persons should be banned from public appearances. Since the respondents also believe that such public appearances have a bad influence on the upbringing of young people or teach what is considered a bad behaviour pattern ("how to be gay"), these results were somewhat expected. Among the highly educated respondents and those who have more contact with LGBT persons, there are more respondents who do not support such statements. However, the most radical opinions in that research were expressed about public expression of love, since more than half of respondents (69 per cent) thought that LGBT persons should not publicly express their feelings.

Attitudes towards LGBT people

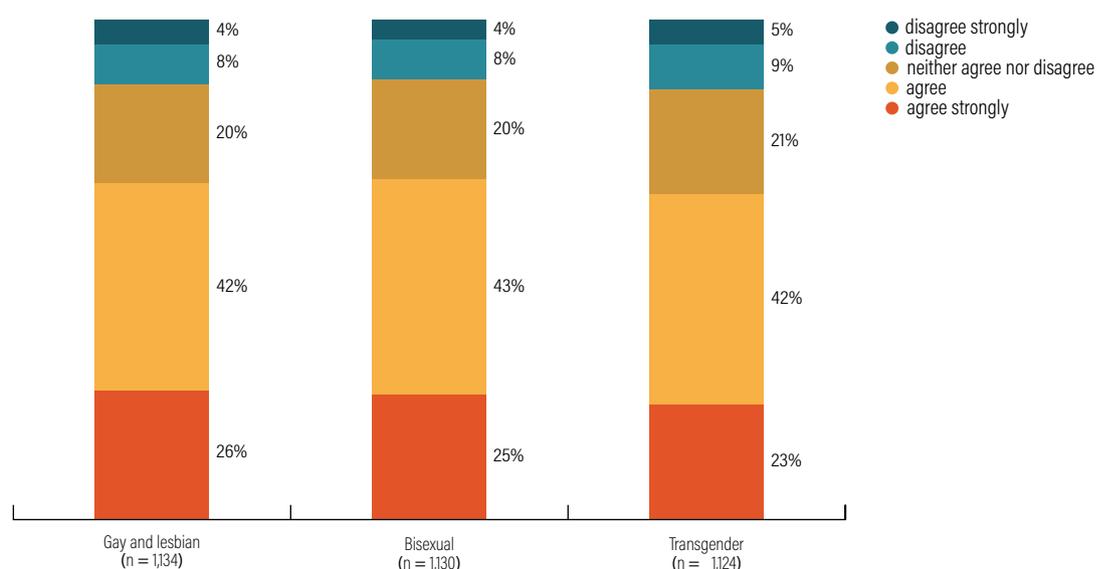
As part of the *Call It Hate* project, research was conducted to explore the attitudes and opinions of members of the public about LGBT people, as well as hate crimes against them. A survey was carried out on representative samples of respondents in the ten countries covered by the project. The results from the Croatian population are presented below. Details of the methodology may be found in the Annex.

___ LGBT people should be free to live their own lives as they wish

More than three in five respondents agree that LGBT people should be free to live their own lives as they wish. Twelve per cent (for gay people and lesbians) to fourteen per cent (for transgender people) are of the opposite opinion. One in five respondents neither agree nor disagree with the statement.

Respondents were asked if lesbian and gay, bisexual and transgender people should be free to live their own lives as they wish. The question used a 5-point scale: agree strongly (5), agree (4), neither agree nor disagree (3), disagree (2) and disagree strongly (1). The results are presented in Figure 82 below.

Figure 82 Croatia: LGBT people should be free to live their own lives as they wish.

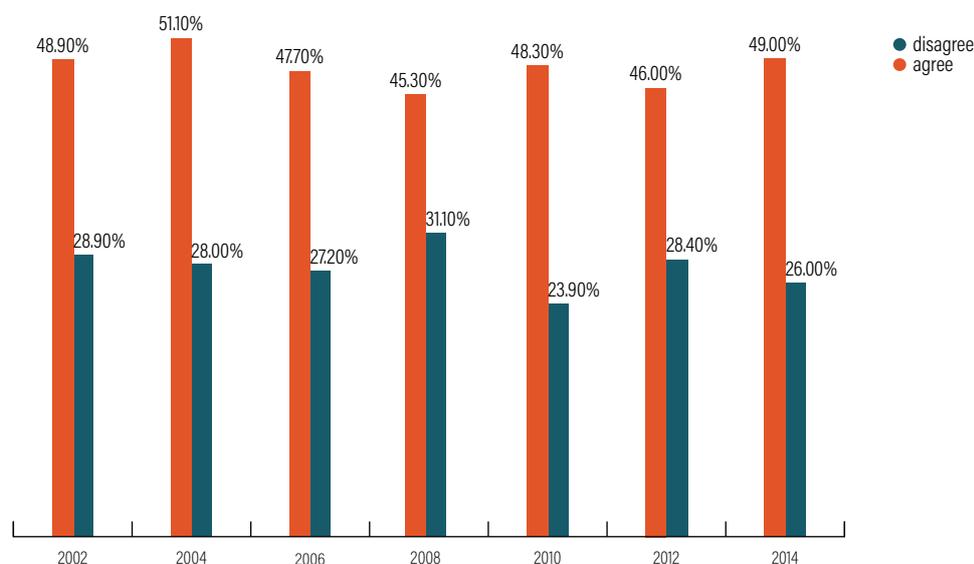


A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: *Call It Hate*.

More than three in five respondents agree or strongly agree that gay and lesbian (68 per cent), bisexual (68 per cent), and transgender people (65 per cent) should be free to live their own lives as they wish. From 12 to 14 per cent do not agree with the statement.

The same question (although about gay men and lesbians only) was asked in the European Social Survey (ESS) every two years between 2002 and 2014 (the 2016 ESS wave did not include Croatia). The results are presented in Figure 83 below.

Figure 83 Croatia: Lesbians and gay men should be free to live their own lives as they wish.



Source: ESS 2002-2014.

Almost half of the respondents in the European Social Survey agreed with the statement that gay men and lesbians should be free to live their own lives as they wish. This positive attitude is confirmed by the *Call It Hate* survey discussed in this chapter. The division between those who agree and disagree is quite stable over time (from 45.30 per cent in 2008 to 51.10 per cent in 2004).

In the *Call It Hate* survey, there is a significant gender-related difference in the acceptance of gay men and lesbians: more men (7 per cent) than women (3 per cent) strongly disagree that gay men and lesbians should be free to live as they wish. When it comes to the age of respondents, those between 35 and 44 years old were slightly less prone to strongly disagree with gay men and lesbians being free to live their own lives as they wish.

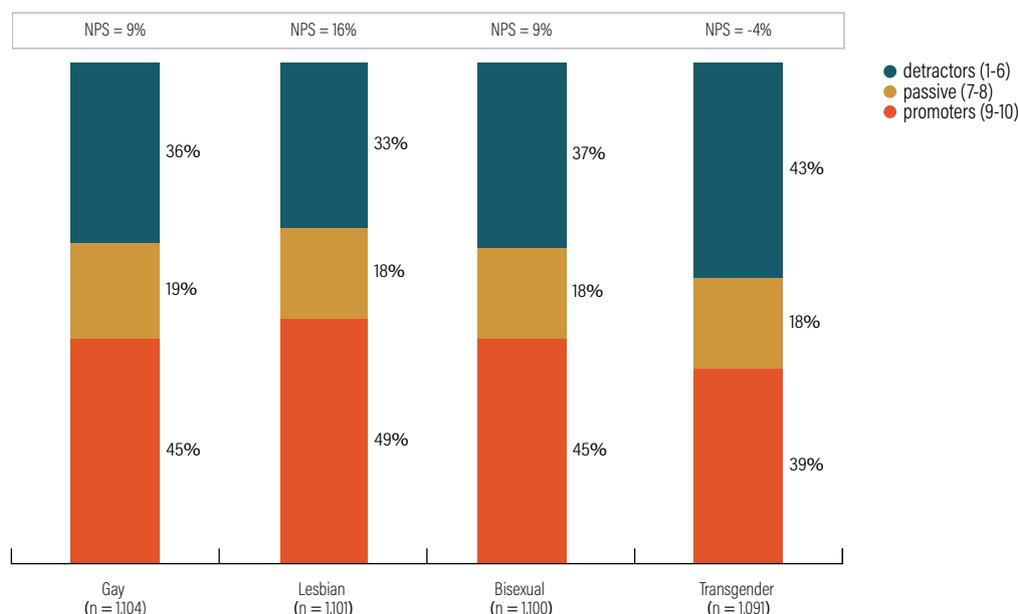
How would you feel about having an LGBT person as your neighbour?

Less than half of respondents would comfortably accept a lesbian, a gay man, a bisexual person or a transgender person as their neighbour. The latter are least likely to be accepted (39 per cent) comparing to, e.g., lesbians (49 per cent). Transgender persons are the only group who are moderately unaccepted. Men appear to be slightly less tolerant than women of the presence of LGBT people in the neighbourhood.

The survey included a question about social distance. Respondents were asked to rate on a scale of zero to ten their degree of comfort in having a gay, lesbian, bisexual or transgender person as a neighbour, with zero meaning “totally uncomfortable” and ten “totally comfortable”. The results are presented in Figure 84 below. Depending on the answers given, respondents were divided into three groups:

- **Promoters** (9-10): enthusiasts who can promote desirable attitudes in their environment
- **Passive** (7-8): satisfied but unenthusiastic respondents who are vulnerable to changing their minds
- **Detractors** (1-6): respondents who are vulnerable to negative word-of-mouth.⁹²

Figure 84 Croatia: How would you feel about having an LGBT person as your neighbour?



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel ‘totally uncomfortable’ and 10 means that you would feel ‘totally comfortable’. Source: Call It Hate.

⁹² See details of methodology in the Annex.

Respondents were most comfortable with having lesbians as neighbours (49 per cent), then gay men and bisexual people (45 per cent). Compared with these groups, a lower share of promoters was recorded for transgender persons (39 per cent). The distribution of the detractors was similar to the distribution of the promoters. The highest share of detractors was recorded for transgender people (43 per cent). They were also the only group with a higher percentage of detractors than promoters. The lowest share of detractors was recorded for lesbians (33 per cent). Around 20 per cent of respondents were neutral and vulnerable to changing their mind.

For all these groups the NPS index (Promoters - Detractors) was calculated.⁹³ The results are presented in Figure 84. The results suggest that gay (9 per cent), lesbian (16 per cent), and bisexual (9 per cent) persons as a neighbour all have a slightly more positive image. Only transgender persons (NPS = -4 per cent) are more unaccepted than accepted as neighbours.

Considering demographic variables, the respondent's gender turns out to be significant. Men are much less likely to be comfortable with having a gay, lesbian, bisexual or transgender person as a neighbour than women. The difference is the biggest for gay men (promoters: men = 33 per cent, women = 56 per cent) and the smallest for lesbians (promoters: men = 44 per cent, women = 54 per cent). The NPS index on transgender people for men is -19 per cent (for women it is 12 per cent), which means they have a negative instead of a slightly positive image of having a transgender person as a neighbour.

Levels of empathy for victims of hate crimes

Respondents feel more empathy for lesbian victims of crimes than gay or transgender victims. There is also less empathy when victims are participating in a Pride March or when they are drunk and assaulted near a bar than when they are, for example, shopping. The level of empathy is the lowest for a drunk gay couple physically assaulted near a bar.

The next set of questions aimed at measuring the level of empathy of respondents towards people who experience crime in different scenarios. Respondents were divided in three groups (routes) and each group was provided with several scenarios relating to gay men, lesbians or transgender people.⁹⁴ Respondents were asked to say how much empathy they felt for the victim in the specific scenario using a scale of zero to ten, where zero meant

⁹³ See details of the methodology in the Annex.

⁹⁴ The research team decided not to ask about a bisexual person in this and the next question, expecting that the respondents would not differentiate between homosexual and bisexual people.

“no empathy at all”, and ten meant “complete empathy” for the victim. The following scenarios were included:

- A [gay couple/lesbian couple/transgender person] physically assaulted on the street
- A [gay couple/lesbian couple/transgender person] physically assaulted while shopping
- A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar
- A [gay/lesbian/transgender person] participating in the BelgradePride Parade physically assaulted by counter-demonstrators
- A [gay man/lesbian/transgender person] physically assaulted by a complete stranger
- A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family
- A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation.

Respondents in the transgender route were provided with an additional scenario of a transgender sex worker physically assaulted by a client. In addition, respondents in the lesbian and gay route were asked a question about a heterosexual couple who was physically assaulted after holding hands on the street. The latter was used as a reference for all the other questions. The results are presented in Table 8 below.

Table 8 Croatia: Levels of empathy for victims of hate crimes.

	Total	Gay route	Lesbian route	Transgender route
A straight couple physically assaulted on the street	9.01	8.99	9.03	-
A [gay couple/lesbian couple/transgender person] physically assaulted while shopping	8.33	8.11	8.56	8.33
A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation.	8.46	8.36	8.69	8.35
A [gay man/lesbian/transgender person] physically assaulted by a complete stranger	8.37	8.20	8.60	8.33
A [gay couple/lesbian couple/transgender person] physically assaulted on the street	8.19	7.85	8.51	8.23
A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family	8.39	8.16	8.58	8.43
A [gay man/lesbian/transgender person] participating in the Belgian Pride Parade physically assaulted by counter-demonstrators	7.62	7.52	7.98	7.37
A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar	7.31	7.25	7.61	7.08
A transgender sex worker physically assaulted by a client	8.14	-	-	8.14

B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

The reference case (heterosexual couple assaulted on the street) received the highest average empathy (mean = 9.01). A comparable statement about a couple of gay men, lesbians or a transgender person assaulted on the street received less empathy (mean: total = 8.19; G = 7.85, L = 8.51, T = 8.23). When comparing differences among LGT people, there is significantly more empathy for lesbians and less for transgender persons and gay men in all scenarios.

In regard to the various scenarios, respondents feel significantly less empathy for gay, lesbian and transgender people when they are drunk and assaulted near a bar (total mean = 7.31) or when they are taking part in Pride March (7.62), in comparison to almost every other scenario for every route. Finally, there is also a significant difference in the level of empathy between a gay man participating in the Pride March (mean gay route = 7.52) and the reference case of a heterosexual couple holding hands in the street (mean gay route = 8.99).

Reactions to hate crimes

The probability that respondents would intervene on behalf of victims in case of a physical assault on the street increases if the victim is a person with a disability. Participants express lower willingness to react when an assault happens to an LGB person. The likelihood of an intervention is the lowest when the victim comes from an ethnic minority.

The next section of questions concerned witnessing a crime. Respondents were divided in three groups and asked to evaluate on a scale of zero to ten (zero means “highly unlikely to intervene” and ten means “highly likely to intervene”) how likely they would be to intervene if they saw a lesbian, a gay man or a trans person being pushed and slapped on the street by a stranger. In addition, all respondents were asked about the likelihood of an intervention in cases of attacks on members of other groups that are vulnerable to hate crimes, i.e., a person with a disability, a black person and a person from an ethnic minority (in Croatia this was a man or woman of Roma origin). All questionnaires also included the reference category “someone”. The results are presented in Table 9 below.

Table 9 Croatia: Reactions to violence.

	Total	Gay	Lesbian	Transgender
Someone	7.61	7.84	7.58	7.40
A person with a disability	8.84	9.10	8.82	8.61
A [gay/lesbian/transgender] person	7.41	7.51	7.57	7.16
A black person	7.90	8.20	7.77	7.74
A Roma person	7.10	7.32	7.05	6.94

C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. [Insert person] is pushed and slapped on the street by a stranger. Source: Call It Hate.

In the case of the reference category, almost half of the respondents were likely to intervene if someone was pushed and slapped on the street by a stranger (top two boxes = 47 per cent, total mean = 7.61). People were significantly more likely to intervene if the victim was a person with a disability (top two boxes = 74 per cent, mean = 8.84). In regard to reactions to crimes against LGBT persons, people were more likely to intervene in the case of lesbians (top two boxes = 50 per cent, mean = 7.57) than if the victim was a gay man (top two boxes = 44 per cent, mean = 7.51) or a transgender person (top two boxes = 45 per cent, mean = 7.16).

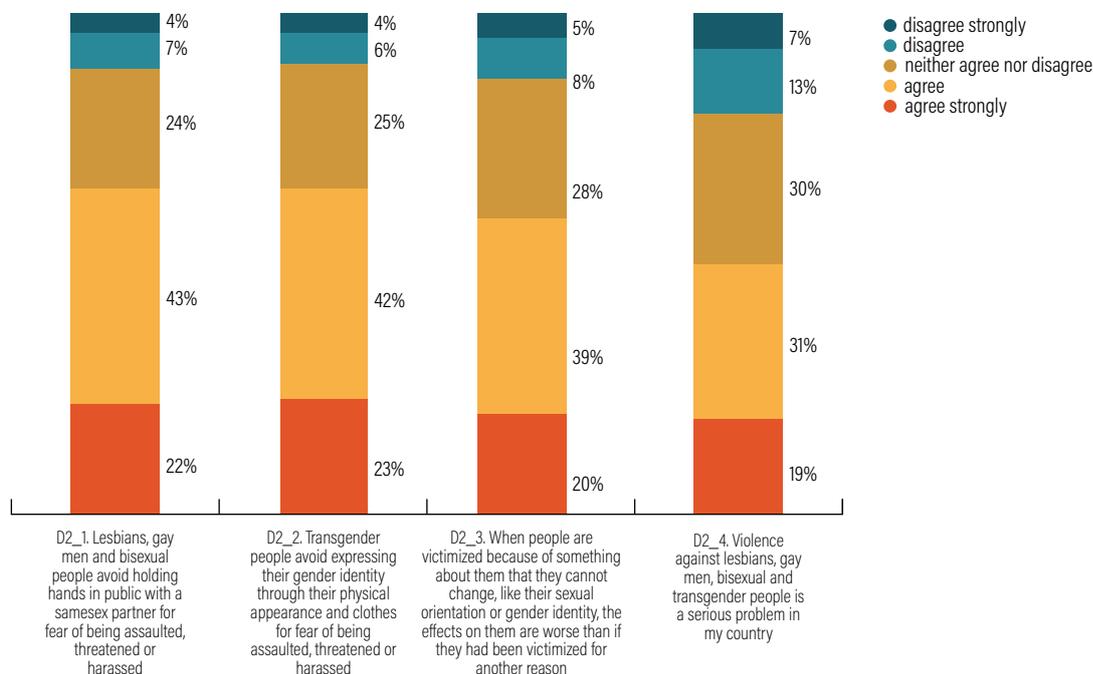
Opinions on hate crimes

More than half of respondents are aware that some LGBT people change their behaviour or appearance to avoid victimisation. Half of the respondents agree that violence against LGBT people is a serious problem in Croatia and almost three in five agree that the effects of hate crimes are worse than crimes committed for another reason. Respondents support harsher punishment for all types of crime, rather than for hate crimes exclusively.

Perception of the consequences of hate crimes

Another block of questions concerned perception of the impacts of hate crime on victims. All respondents were asked if they agree or disagree with four statements. The questions used a 5-point scale: agree strongly (5), agree (4), neither agree nor disagree (3), disagree (2) and disagree strongly (1).

Figure 85 Croatia: Opinions about the fear of hate crime for LGBT people.



D2_1-4. Please state to what extent you agree or disagree with each of the following statements. Source: Call It Hate.

More than three in five respondents agreed that lesbians, gay men and bisexual people avoid public displays of affection (holding hands in public) with a same sex partner because they are afraid of being assaulted, threatened or

harassed (top two boxes: LGB = 65 per cent; M = 3.72), and about 11 per cent did not (bottom two boxes). The pattern was similar for transgender people: 65 per cent of respondents agreed that transgender people avoid expressing their gender identity through physical appearance and clothes for fear of being assaulted, threatened or harassed (top two boxes; M = 3.75). Only one in ten says that this is not the case.

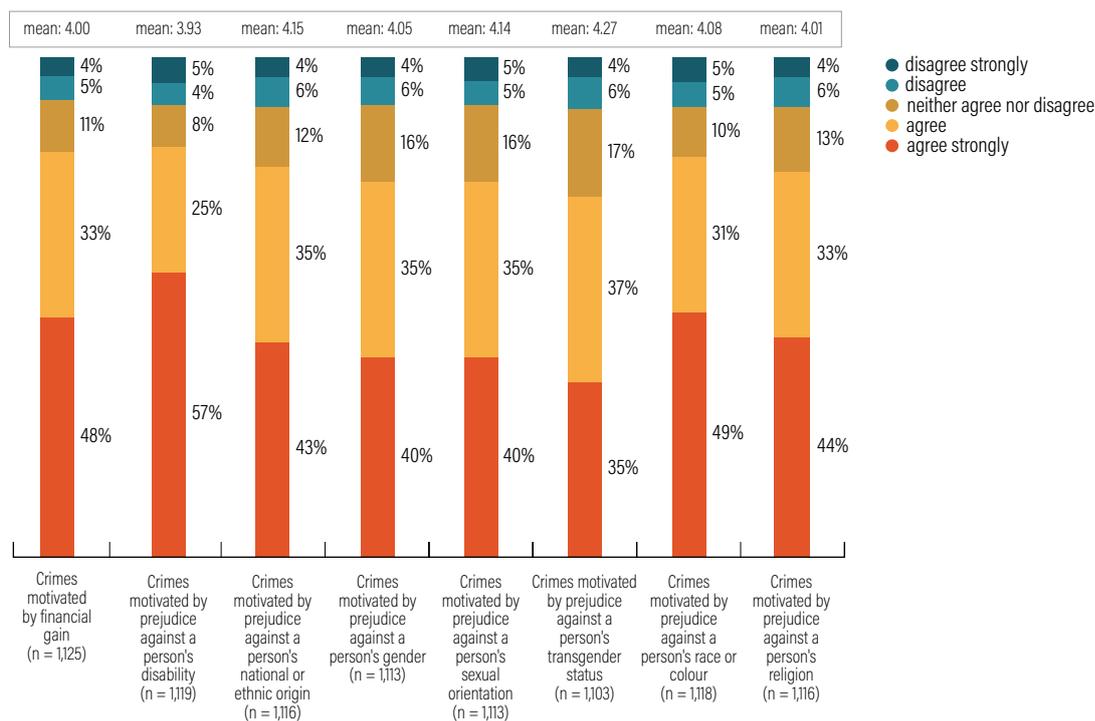
Almost three in five respondents agreed that when people are victimised because of something they cannot change (e.g., sexual orientation or gender identity), the effects on them are worse than if they had been victimised for another reason (top two boxes = 59 per cent, M = 3.61). One in ten (bottom two boxes = 13 per cent) disagree or strongly disagree with this claim.

The last question in this group concerned the extent of anti-LGBT hate crimes. Respondents were asked if they agree with the statement that violence against lesbians, gay men, bisexual and transgender people is a serious problem in Croatia. Half of the respondents agreed or strongly agreed with the statement, with 20 per cent being against (M = 3.41).

— Punishment of hate crimes

In the next block of questions, respondents were asked if they agree or disagree that some crimes should be punished more severely, depending on the motivation for the crime. So, whether a person that is convicted should receive a higher sentence when the crime is motivated by prejudice against a person's sexual orientation, transgender status, religion, race or colour, disability, national or ethnic origin or gender. A common crime, motivated by financial gain (e.g., robbery, pickpocketing), was used as a reference case. The results are presented in Figure 86 below.

Figure 86 Croatia: Opinions on whether different types of crime should attract a higher sentence.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: Call It Hate.

More than three in four respondents agree that all crime types should carry a higher sentence, including the reference case of a crime motivated by financial gain (top two boxes = 81 per cent). Slightly more respondents agreed that crimes motivated by prejudice against a person's disability (top two boxes = 82 per cent) should be punished more severely than financial crimes, but the differences were not significant in relation to other hate crimes. The least support was found for higher sentences in crimes motivated by prejudice against a person's transgender status (top two boxes: 72 per cent). Looking at all the crime types and the reference case, we can suspect a support for harsher sentencing in general, rather than specific support for harsher sentencing for hate crime.

Conclusions

While more than 60 per cent of Croatian respondents support the right of LGBT people to live their own lives as they wish, less than half of respondents would comfortably accept a lesbian, gay man, bisexual or a transgender person as their neighbour. The juxtaposition of the two statements changes the perspective and perceived proximity of LGBT people. The situation of transgender people is particularly difficult, with them being the least accepted as neighbours. Future research could consider whether respondents are

aware of any LGBT people in their closer social circles. Results regarding individual characteristics of respondents who have more positive attitudes and lower social distance towards LGBT persons corresponds to findings from previous research (Herek 2003). In line with previous studies, *Call It Hate* confirms that persons identifying as women as well as persons who achieved higher education and are living in urban places of residence are likely to be accepting of LGBT people. Additionally, respondents between 25 and 34 years old perceive violence against LGBT people as a more serious problem than other age groups. They also strongly agree about the existence of negative consequences of hate crimes, e.g., LGB people avoiding holding hands in public with a same-sex partner.

Perception of the context of the crime matters when it comes to the emotional reaction of the witnesses. Respondents feel more empathy for lesbian victims of crimes than gay or transgender victims. There is also less empathy when victims are participating in the Pride March or when they are drunk and assaulted near a bar. The level of empathy is the lowest for a drunk gay couple physically assaulted near a bar. This should be taken into account while building social campaigns – how to increase willingness to react, especially in the most fragile contexts.

The readiness to act on behalf of the victim (intervene as a witness) seems to depend on the perception of strength/weakness of the victim and the perpetrator. Croatian respondents are more likely to defend persons with disabilities and women – these groups are usually perceived as weaker and in need (Fiske, Cuddy, Glick & Xu 2018).

The majority of Croatian respondents support more severe punishment for all types of crimes, not only hate crimes. Most participants strongly agree with higher sentences, especially when the victim is a person with a disability. This, as with empathy, seems to go along with the perception of victims being able to defend themselves.

Generally, it is worth remembering to ask about gay men, lesbians, bisexual people and transgender people separately in surveys covering similar topics to *Call It Hate*. The differentiation between the various identity groups that make up the LGBT community allowed us to see how differently each group is treated, which would not be possible while using the joint category for LGBT people. We see, for example, lower social distance towards lesbians but greater distance towards transgender people. By using these observations we can, hopefully, more successfully target problems encountered by the groups within LGBT communities.

Recommendations

The Croatian government should:

- Adopt and implement a comprehensive legal and policy framework on the rights of victims of crimes, in line with the Victims' Directive (European Parliament and Council of the European Union 2012), which transposition period ended in 2015. Such a framework should take into account the personal characteristics of the victim, such as sexual orientation or gender identity, as well as the type or nature and the circumstances of the crime, such as whether it is a hate crime.
- Recognise LGBT NGOs as partners in the process of raising awareness on LGBT issues and promoting tolerance and acceptance in society.
- Develop awareness campaigns towards the general population regarding discrimination, violence and hate crimes with special attention given to the role of bystanders.
- Develop awareness campaigns directed to the LGBT community about reporting discrimination, violence and hate crimes.
- Develop and implement training for professionals working with victims of anti-LGBT hate crime.
- Commission a regular survey on the social situation of LGBT people in Croatia, including questions about experiences of discrimination, hate speech and violence.
- Make national statistics for anti-LGBT hate crimes publicly available and processed in a way that clearly discloses the basis for committing a hate crime, as well as the place, gender and the age of perpetrators.
- Support self-advocacy initiatives that allow LGBT people to speak for themselves rather than be spoken for.

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LITHUANIA AT A GLANCE





More than half of respondents in Lithuania agree that LGBT* people should be free to live their own lives as they wish. Respondents' younger age, higher education, living in the capital city and sharing values such as equality are connected to higher levels of acceptance.

Nearly every second respondent stated that they would feel comfortable having an LGBT* person as their neighbour. Almost 40 per cent expressed negative feelings. Gay, lesbian and bisexual people seem to be more easily accepted as neighbours than transgender people. Women appear to be significantly more tolerant than men of LGBT* people in their neighbourhood.

Lithuanians feel significantly less empathy for a same-sex couple or a transgender person assaulted on the street than for a heterosexual couple in the same situation. The highest level of empathy for LGT victims of violence is for persons attacked by members of a far-right extremist organisation. The lowest levels of empathy occur when victims participate in Baltic Pride March, when they are drunk, assaulted near a bar, or when a transgender sex-worker is physically assaulted by a client. Lesbians receive more empathy than gay or transgender victims.

The likelihood of witnesses' reactions to a victim being assaulted on the street depends on the victim's identity. The highest probability of intervention is where the victim is a person with a disability or belongs to the Jewish minority. Respondents are least likely to intervene to help gay men or transgender persons. Among LGBT* victims, the probability of witnesses' intervention is higher if the victim is a lesbian.

Slightly more than half of respondents are aware that some LGBT* people change their behaviour or appearance to avoid being assaulted, threatened or harassed.



Sixty per cent of Lithuanians agree that when people are victimised because of what they cannot change, like sexual orientation or gender identity, they are more affected than when attacked for another reason. Over half of respondents agree that hate crimes should be punished more severely, but more people support higher penalties for crimes motivated by financial gain.

LIGHT PUZZLEMENT, SOME DISGUST AND OCCASIONAL ACCEPTANCE – LITHUANIAN ATTITUDES TOWARDS LGBT* PERSONS AND VIOLENCE

 Algirdas Davidavičius

Introduction

— Legal and policy framework on anti-LGBT* hate crime⁹⁵

Overall, the legal and policy outlook of Lithuania in 2019 is only nominally protective against hate crimes and hate speech towards the LGBT* cohort. In 2009 the Parliament of Lithuania (Seimas) approved the amendment of the Criminal Code's section 15 in which the perpetrator's intent to express hate against a group of persons or a person with a racist, nationalist, xenophobic, homophobic, and religious or other motives of discriminatory or otherwise biased nature is qualified as an element of a hate crime (Lithuanian Seimas 2009). In 2009, the General Prosecutor's Office of Lithuania issued "The methodical guidelines for the organization, management and performance characteristics of pre-trial investigations of offenses committed on racial, nationalistic, xenophobic, homophobic or other discriminative grounds" (Lithuanian General Prosecutor's Office 2009), where hatred expressed toward individuals or groups of people who share certain characteristics is generally classified as hate speech.

Despite the above changes in the legislative and policy framework, there are few cases in which anti-LGBT* hate crime cases have been successfully prosecuted and sentenced using these provisions. In particular, although

⁹⁵ The chapter uses the acronym "LGBT*" to refer to lesbians, gay men, bisexual people, transgender people and other people with minority sexual orientation or gender identity.

there has been an increase in the number of offences recorded between 2014 and 2016, there is virtually no increase in the sentences given, while more proceedings are suspended (Bihariova 2017:67-71). This is due, most likely, to the continuing inability of police officers to record and confirm hate speech and other hate crimes, while, unofficially, victims report increasing reluctance to report because of possible and likely re-victimisation during contact with the police (Bihariova 2017).

While a range of legislative proposals that could have a significant impact on the lives of LGBT* people has been discussed by the Lithuanian parliament in recent years (ILGA-Europe 2018), there have been no significant developments in public policy initiatives or legislative work against sexual orientation and gender identity hate speech and hate crimes (HRMI 2017:12). According to ILGA-Europe, the overall standing of Lithuania with regard to respect for human rights and equality of LGBT* persons is about 21 per cent – i.e., the country as a whole is barely above the worst fifth of violators of the mentioned universal and European values (ILGA-Europe 2018).

___ Scale of anti-LGBT* hate crime

Surveys conducted among Lithuanian LGBT* people consequently show high levels of bias-motivated violence, though the actual scope of homophobic and transphobic violence is underreported and not known precisely. The *Hate No More* survey, conducted in 2015, revealed that 27.9 per cent of Lithuanian LGBT* people reported that they had been personally harassed, physically or sexually attacked or threatened with violence – due to their actual or assumed sexual orientation, gender identity or gender expression – in the five years preceding the survey (Iganski 2016:14-15). Newer data provided by the UNI-FORM project in 2017 show that 53 per cent of the Lithuanian LGBT* respondents have experienced hate crimes or harassment on the grounds of their actual or perceived sexual orientation and/or gender identity – while as many as 86 per cent did not report it to the national authorities, citing reasons such as “not being sure whether it qualifies as a criminal offense”, “it would not have any result”, “it will make (the) situation worse” and “the report will not be taken seriously” (quoted in Raskevičius 2018:202). Additionally, the OSCE hate crime report for 2017 shows nine hate crime incidences registered by Lithuanian authorities, three of which were against sexual orientation or gender identity (OSCE 2018).

Cases collected by community groups also show high levels of hate-motivated incidents and the inability of the criminal justice system to deal with them. Between 2013 and 2015, the Lithuanian Gay League – the national LGBT* rights organisation (LGL) – filed 24 complaints about 206 hate speech incidents on the Internet, but all pre-trial investigations into these complaints were either suspended or terminated, and the offenders were not punished (Lithuanian Gay League 2017). Several notable cases of anti-LGBT* hate crimes have been recorded also in 2018. These include a series of arson attacks directed at the premises of the LGL and the apartment of its Executive Director, Vladimir

Simonko, in Vilnius, as well as two arson attacks on the residence of an openly gay film director, Romas Zabarauskas (Lithuanian Gay League 2018).

Attitudes towards LGBT people

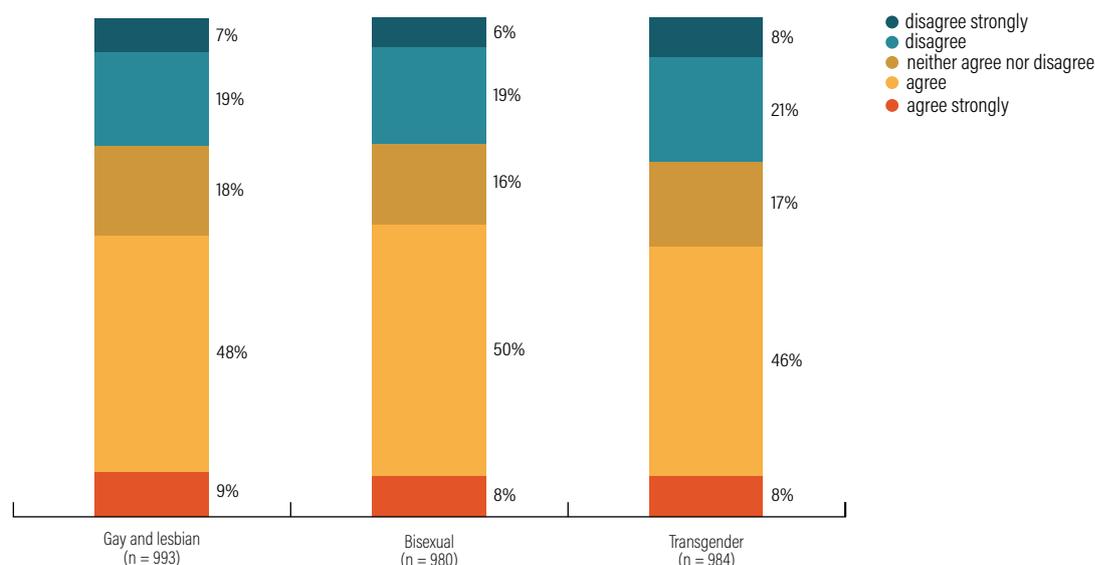
— LGBT people should be free to live their own lives as they wish

Data from the *Call It Hate* survey show that more than half of respondents in Lithuania agree that LGBT* people should be free to live their own lives as they wish. Attitudes towards gay men, lesbians and bisexual people are slightly more favourable compared to transgender people. Respondents' characteristics, such as younger age, higher education, living in the capital of Lithuania, Vilnius, and sharing values such as equality are connected to a higher level of acceptance.

This section of the Lithuanian *Call It Hate* survey deals with attitudes of local respondents towards the statement "Lesbians and gay men/bisexual people/transgender people should be free to live their lives as they wish". Respondents were asked to what extent (on a 0-10 scale) they agreed with the statement.

Most respondents (58 per cent) agreed that LGBT* people should be free to live their own lives as they wish, with about one in four in disagreement. There were slight differences between the numbers of people who agree with the statement regarding specific identity categories in the LGBT* group: L&G = 57 per cent, B = 58 per cent, T = 54 per cent. The results are presented in figure 87.

Figure 87 Lithuania: Respondents' opinions on whether LGBT people should be free to live their own lives as they wish.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

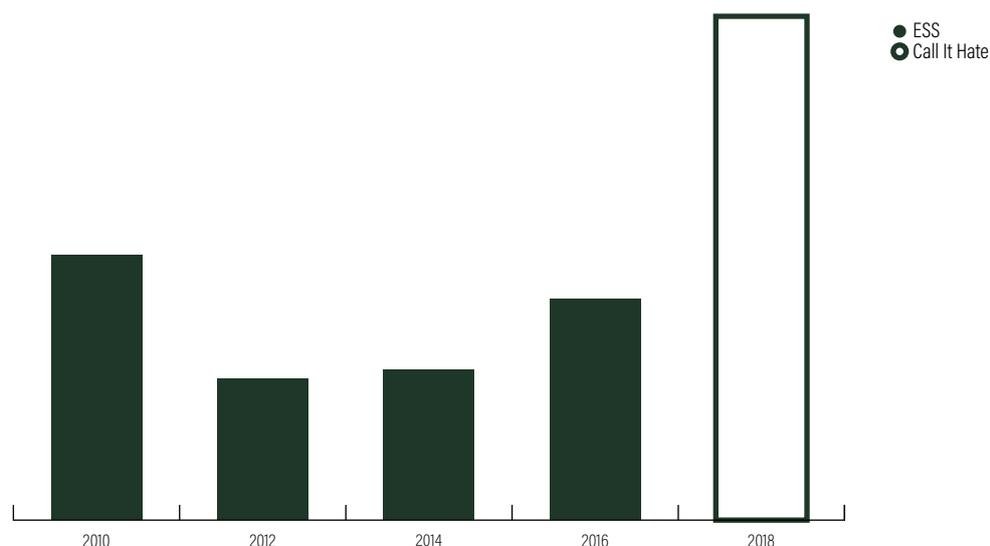
The above results can be contrasted with the data obtained from the European Social Survey (figure 88 below). Unlike in most other countries included in the Call It Hate research, where the ESS data show an increase between 2010 and 2016 in the acceptance of the right of lesbians and gay men to live their own lives as they wish, in Lithuania, there have been significant negative changes. In 2010, a third of the population said that gay men and lesbians should be free to live their lives as they wish. Subsequent years – 2012 and 2014 – saw a significant drop in the number of supporters of such an opinion. In 2016 the number of supporters grew again. While further research should be conducted to explain the relationship, the peaks in the positive attitudes correspond to the years when Baltic Pride March was held in Vilnius (2010 and 2016), the capital of Lithuania.⁹⁶ In 2010, the first Baltic Pride March received special attention in the public sphere and sparked discussions on LGBT* rights in Lithuania. The 2016 event received significant support from Lithuanian politicians and public figures, which may have contributed to the increase in the acceptance of lesbians and gay men.

The level of agreement with the statement among respondents of the *Call It Hate* research (conducted in 2018) is notably higher compared to ESS data. Based on European Social Survey data, in 2016 there were 26 per cent of Lithuanians who agreed that lesbian and gay people should be free to live their own lives as they wish. In the *Call It Hate* survey in 2018 the number of those who gave a positive answer to the same question more than doubled,

⁹⁶ The Baltic Pride March rotates between the Vilnius, Riga and Tallin, the capitals of the three Baltic states.

reaching 57 per cent. There could be several reasons for such a significant difference. First, the difference may signify that the trend of raising acceptance observed between 2012 and 2016 is picking up speed. This might be due to a considerable increase in public debates, variety of information and expressed opinions on LGBT* people in media. Secondly, the differences may be related to methodology of research. In Lithuania the ESS data are collected using face-to-face interviews, while the *Call It Hate* data were gathered using computer-assisted web interviews (CAWI).⁹⁷

Figure 88 Lithuania: Changes to the share of people who agree that transgender people, lesbians and gay men should be free to live their own lives as they wish between 2010 and 2018.

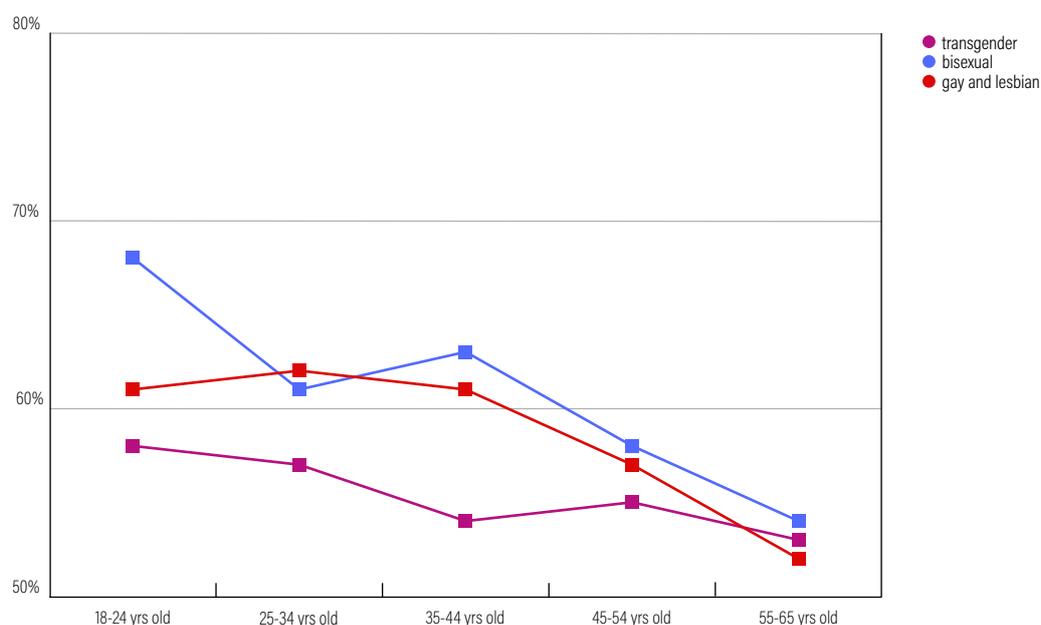


Source: European Social Survey (2010-2016) and Call It Hate (2018).

Considering demographics of respondents, there were no significant differences regarding gender. Interesting differences can be observed in age variables, namely, the belief that LGBT* people should be free to live their own lives as they wish decreased with age, but with a notable difference regarding the transgender group (see figure 89). Generally, 18-24-year olds were more likely than other age groups to strongly agree that LGBT* people should be able to live their lives as they wish (L&G = 61 per cent, B = 68 per cent, T = 58 per cent). Meanwhile, 55-65-year olds were least likely to agree or strongly agree (L&G = 52 per cent, B = 54 per cent, T = 53 per cent).

⁹⁷ Details of our methodology may be found in the Annex. Details of the methodology in ESS may be found on the ESS website at http://www.europeansocialsurvey.org/methodology/ess_methodology/data_collection.html.

Figure 89 Lithuania: Share of people who agree or strongly agree that transgender people, lesbians and gay men should be free to live their own lives as they wish by age.



A2_1-3. Please state to what extent you agree or disagree with each of the following statements about gay men, lesbians, bisexual people and transgender people. For clarification, gay and lesbian people are attracted to people of the same sex, bisexual people are people who are attracted to both men and women, and a transgender person is someone whose gender identity is different to the gender they were assigned at birth. [Insert person] should be free to live their own lives as they wish. Source: Call It Hate.

There are statistically significant differences observed in support for the statement by education of respondents. Those with trade education more likely disagree or strongly disagree with the statement (L&G = 43%, B = 41%, T = 48%) while those with university degrees (obtained after graduation from master's or residency studies) were more likely to strongly agree or agree with the statement (L&G = 74%, B = 73% , T = 65%). Considering the place of residence, respondents from Vilnius are more likely to say that they strongly agree with the given statement (68 per cent vs 57 per cent in the entire population in the case of lesbians and gay men, 71 per cent vs 58 per cent in the entire population in the case of bisexual people and 64 per cent vs 54 per cent in the entire population in the case of transgender people).

The lowest numbers of those who agree with given statements are among residents in smaller towns of Lithuania (of 20-50 thousand inhabitants). Here, only 47 per cent of respondents agreed with the statement in the case of gay men and lesbians, 43 per cent in the case of bisexual people and 37 per cent in the case of transgender people.

There are some significant differences observed in data on respondents' values. Those with the highest score of the generalised indicator of security and benevolence are less likely to agree (regarding gay men and lesbians accordingly – 49 per cent and 52 per cent vs 57 per cent in the entire population), while respondents with the highest score of the generalised indicator of universalism are more likely to agree with the statements (62 per cent vs 57 per cent).

How you would feel about having an LGBT* person as your neighbour?

There is a significant level of social distance between the respondents and all analysed groups. Nearly every second respondent stated that they would feel comfortable having an LGBT* person as a neighbour. At the same time, almost 40 per cent expressed negative feelings. Gay, lesbian and bisexual people seem to be more easily accepted as neighbours than transgender people. Women appear to be significantly more tolerant than men of the presence of LGBT* people in their neighbourhood.

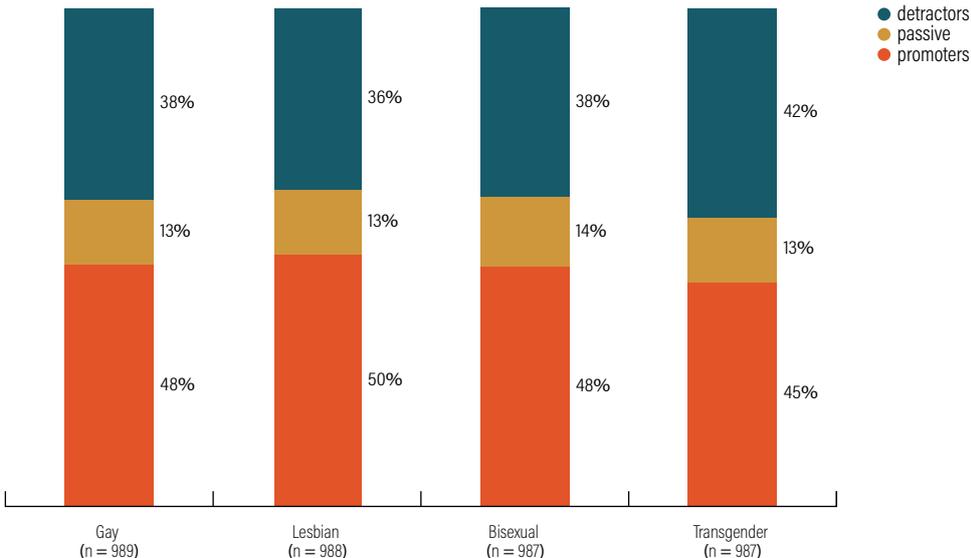
The next set of questions dealt with the issue of social distance. Respondents were asked to rate on a scale of zero to ten their degree of comfort in having a gay, lesbian, bisexual or transgender person as a neighbour, with zero meaning “totally uncomfortable” and ten “totally comfortable”.

For the purpose of analysis, the respondents were divided in three groups according to their answers to the question:

- **Promoters** (9-10): enthusiasts who can promote desirable attitudes in their environment
- **Passive** (7-8): satisfied but unenthusiastic respondents who are vulnerable to changing their minds
- **Detractors** (0-6): respondents who are vulnerable to negative word-of-mouth.

The results are presented in figure 90 below.

Figure 90 Lithuania: Social distance from LGBT* people as potential neighbours.



A3_1-4. Using a scale from 0 to 10, how you would feel about having someone from one of the following groups as your neighbour? 0 means that you would feel “totally uncomfortable” and 10 means that you would feel “totally comfortable”. Source: Call It Hate.

As can be seen in figure 90 above, there is a significant level of social distance between respondents to all LGBT* groups. The same number of promoters and detractors can be seen toward gay men and bisexual people. Both groups have 48 per cent of promoters and 38 per cent of detractors. Lesbians have the highest number of promoters (50 per cent) and the lowest number of detractors (36 per cent). The attitudes towards transgender people in the neighbourhood are more negative than towards other groups. Transgender persons have the lowest number of promoters (45 per cent) and at the same time the highest number of detractors (42 per cent).

Considering socio-demographic variables, gender differences seem significant. Women are notably more comfortable having an LGBT* person as a neighbour compared to men. More than half of women said they would feel comfortable (scored from 9 to 10) with having an LGBT* person as a neighbour compared to slightly more than 40 per cent of men. The number of promoters among women toward gay men is 56 per cent compared to 39 per cent of male promoters. Meanwhile, toward lesbians we observe 55 per cent of female promoters compared to 44 per cent male. Toward bisexuals there are 54 per cent women promoters compared to 41 per cent men. Transgender persons seem to receive the least positive response. Fifty-one per cent of women and only 37 per cent of men can be called promoters of having a transgender person as a neighbour.

There are significant differences observed in human values. Respondents sharing universal values felt more comfortable with having an LGBT* person as a neighbour compared to the general population. This relates to all LGBT groups: gay men (60 per cent), lesbians (64 per cent), bisexuals (61 per cent) and transgender persons (57 per cent).

Previous research conducted in Lithuania has also observed significant levels of hostility and social distance towards LGBT people. In particular, according to the Special Eurobarometer on Discrimination (Eurobarometer, 2015), 44 per cent of Lithuanians believe that LGB people should have the same rights as heterosexual people.⁹⁸ That is significantly lower compared to the EU average (71 per cent). A third of Lithuanians would feel comfortable if one of their colleagues at work was LGB (35 per cent) or transgender (30 per cent). Only one in five (20 per cent) said they feel totally comfortable about having an LGB person elected to a high political position in Lithuania and only 15 per cent feel comfortable about a transgender or transsexual person in such a capacity. Finally, 57 per cent think discrimination on the basis of sexual orientation is widespread in Lithuania and 46 per cent think that it is widespread for gender identity, i.e., regarding transgender people.

⁹⁸ The Eurobarometer is a series of public opinion surveys conducted regularly by the European Commission since 1973. These surveys address a wide variety of topics and in 2015 there was a special Eurobarometer on Discrimination. Part of this study focused on public perceptions of lesbian, gay, bisexual (LGB) and transgender people.

Levels of empathy for victims

Respondents in Lithuania feel significantly less empathy for a same-sex couple assaulted on the street than for a heterosexual couple in the same situation. The highest level of empathy for LGBT* victims of violence is for persons attacked by members of a far-right extremist organisation. The lowest level of empathy is when victims are participating in the Baltic Pride March, when they are drunk and assaulted near a bar, or when a transgender sex worker is physically assaulted by a client. Lesbians receive more empathy than gay or transgender victims.

The next part of questions concerns the level of empathy of respondents toward people who experience crime in different situations. All respondents were divided into three groups which were provided with several scenarios relating to LGBT* persons.⁹⁹ Respondents were asked to say how much empathy they felt for the victim in the specific scenario using a scale of zero to ten, where zero meant “no empathy at all”, and ten meant “complete empathy” for the victim. Additionally, respondents in the lesbian and gay route were asked about a heterosexual couple assaulted on the street. Answers to the questions about the assault on the street were used as reference cases. Respondents in the transgender route were provided with an additional scenario of a transgender sex worker physically assaulted by a client. All scenarios provided to respondents were as follows:

- A [gay couple/lesbian couple/transgender person] physically assaulted on the street
- A [gay couple/lesbian couple/transgender person] physically assaulted while shopping
- A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar
- A [gay/lesbian/transgender person] participating in the Baltic Pride March physically assaulted by counter-demonstrators
- A [gay man/lesbian/transgender person] physically assaulted by a complete stranger
- A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family
- A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation
- A transgender sex worker physically assaulted by a client [Additional scenario for transgender route].

The mean values of answers of all scenarios are presented in table 10 below.

⁹⁹ The research team decided not to ask questions about a bisexual person, expecting that the respondents would not differentiate between homosexual and bisexual people. The results of the questions about attitudes and social distance confirm this supposition.

Table 10 Lithuania: Levels of empathy towards LGBT* persons.

	Total	Gay route	Lesbian route	Transgender route
A straight couple physically assaulted on the street (reference case 1)	8.94	9.08	8.80	
A [gay man/lesbian/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation	8.28	8.21	8.69	7.91
A [gay couple/lesbian couple/transgender person] physically assaulted while shopping	8.21	8.13	8.42	8.07
A [gay man/lesbian/transgender person] physically assaulted by a complete stranger	8.12	8.06	8.54	7.72
A [gay man/lesbian/transgender person] physically assaulted in your neighbourhood by a member of their family	7.91	7.86	8.45	7.40
A [gay couple/lesbian couple/transgender person] physically assaulted on the street (reference case 2)	7.75	7.38	8.17	7.73
A [gay man/lesbian/transgender person] participating in the Baltic Pride March physically assaulted by counter-demonstrators	6.74	6.70	7.19	6.30
A drunk [gay couple/lesbian couple/transgender person] physically assaulted near a bar	6.66	6.56	6.90	6.51
A transgender sex worker physically assaulted by a client	5.63			5.63

B1. People may feel more or less empathy for victims of crime depending on the context in which the crime occurs. To what degree do you feel empathy for people who experience crime in each of the following situations? Please answer using a scale, where 0 means that you feel no empathy at all for the person against whom the crime is committed, and 10 means that you feel complete empathy for that person. Source: Call It Hate.

The reference case 1 (heterosexual couple assaulted on the street) received the highest average empathy (mean score 8.94). The empathy expressed for LGBT* people physically assaulted on the street is significantly lower (mean score only 7.75) than towards a heterosexual couple. The least empathy was noted for a gay couple (mean score 7.38) while a lesbian couple and transgender persons received higher scores of empathy (respectively, 8.17 for lesbian couple and 7.73 mean score for transgender persons).

Considering various scenarios of anti-LGBT* violence, respondents showed the highest empathy towards persons physically assaulted by members of a far-right extremist organisation (total mean score 8.28), people attacked while shopping (mean score 8.21), or those attacked by a complete stranger (mean score 8.12). Also, people assaulted by a member of their family received more empathy than victims in the reference case 2 (mean score 7.91). The scenario where someone participating in the Baltic Pride March is physically assaulted by counter-demonstrators received significantly less empathy (mean value 6.74). The lowest score of empathy from all identity groups was for drunk gay, lesbian or transgender persons physically assaulted near a bar (total mean score value

6.66, mean for gay 6.56, mean for lesbian 6.90, mean for transgender 6.51). Out of all given scenarios, the lowest empathy was recorded for transgender sex workers assaulted by a client (mean score 5.63).

Considering the victims' identities, people showed the highest empathy towards lesbian victims of violence. The lowest empathy was recorded for transgender persons.

Regarding social-demographic variables, it is noticeable that women showed more empathy than men. However, men showed more empathy for a drunk lesbian being physically assaulted near a bar (mean score men 7.38 vs mean score women 6.51).

Reactions to violence

The likelihood of witnesses' reactions on behalf of a victim assaulted on the street depends on the victim's identity. The highest probability of intervention was recorded for crimes where the victim is a person with a disability, or they belong to the Jewish minority. Respondents are least likely to intervene if the victim is a gay man or a transgender person. Among LGBT* victims, the probability of witnesses' intervention is higher if the victim is lesbian.

The next section of the survey measured to what extent respondents would be willing to intervene when witnessing a crime (either directly or indirectly, such as by calling the police). Respondents were divided in three groups and asked to evaluate on the scale 0-10 how likely they would be to intervene if they saw a lesbian, a gay man or a trans person being pushed and slapped on the street by a stranger. Additionally, respondents were asked about the likelihood of intervention in cases of attacks on members of other selected groups vulnerable to hate crimes in Lithuania, i.e., persons with a disability and persons of Jewish minority, or black persons. A reference case ("someone") was also included. The results are presented in table 11 below.

Table 11 Lithuania: Likelihood of intervention when witnessing a crime.

	Total	Gay	Lesbian	Transgender
A person with a disability	9.36	9.33	9.48	9.28
A Jewish person	8.68	8.53	8.81	8.71
A black person	8.45	8.44	8.53	8.35
Someone (reference case)	8.31	8.29	8.38	8.25
A [gay/lesbian/transgender] person	8.05	7.85	8.45	7.83

C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene. Source: Call It Hate.

Data showed that the chance of getting help is lower for LGBT* people compared to other groups. People were significantly more likely to intervene if the victim was a person with a disability (mean score = 9.36), a Jewish person (mean score 8.68) or a black person (mean score 8.45), compared to an LGBT* person (total mean score 8.05).

Comparing the likelihood of intervention for different LGBT* groups, it can be noted that people in Lithuania were more likely to intervene if the victim was lesbian (mean score 8.45), than gay (mean score is 8.05) or transgender (mean score 7.83).

There were no significant differences among respondents regarding their socio-demographic characteristics.

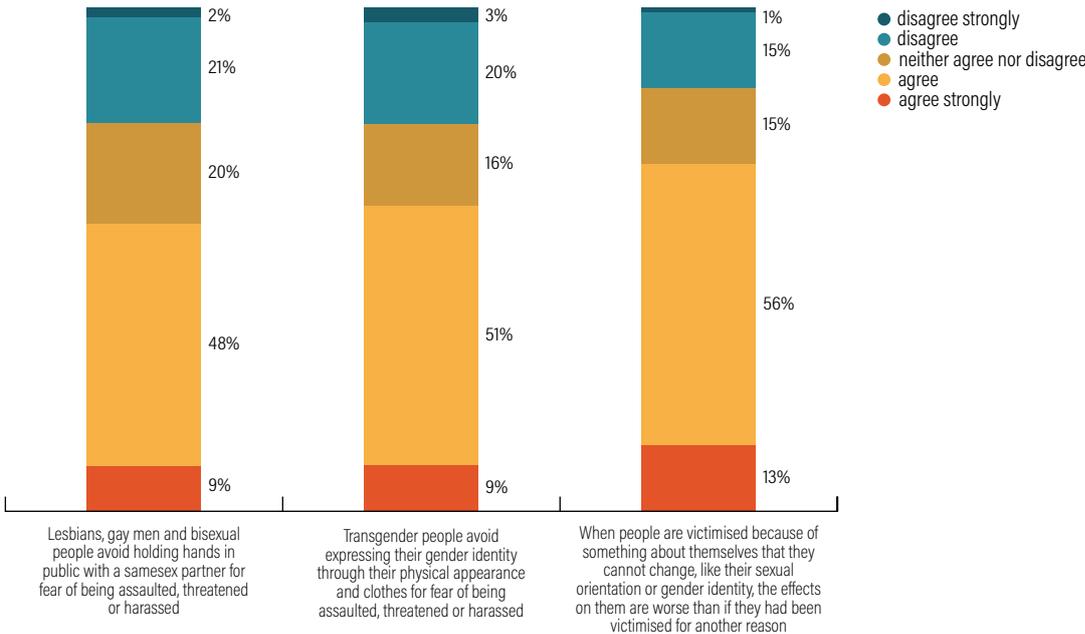
Opinions on hate crimes

Slightly more than half of respondents are aware that some LGBT* people change their behaviour or appearance to avoid being assaulted, threatened or harassed. Sixty per cent of Lithuanians agree that when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason. While over half of respondents agree that hate crimes should be punished more severely, more people support higher penalties for crimes motivated by financial gain.

Fear and consequences of hate crime

The next block of questions was related to opinions of respondents on hate crimes and their consequences. Respondents were asked if they agreed or disagreed with a set of statements. The questionnaire employed a 5-point scale (agree strongly, agree, disagree, disagree strongly) with a possibility to say “neither agree nor disagree”. The results are presented in figure 91 below.

Figure 91 Lithuania: Opinions on the impacts of hostility.



C1. People who witness a crime may or may not intervene, depending on the circumstances. How likely is it that people like you would intervene (either indirectly, for example by calling the police or directly by personally intervening) in the following situations? Please answer using a scale, where 0 means that you would be highly unlikely to intervene and 10 means that you would be highly likely to intervene.

Two questions considered fear of hate crime. Regarding sexual orientation, respondents were asked if they agreed that lesbians, gay men and bisexual people avoided holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed. More than half of respondents (57 per cent) strongly agreed or agreed with the statement while a quarter (23 per cent) expressed their disagreement. Considering gender identity, 60 per cent of respondents agreed and a quarter (23 per cent) disagreed that transgender people avoided expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed. Statistically, younger respondents (18 to 25 year olds) agreed more often with the latter claim, in contrast to older generations.

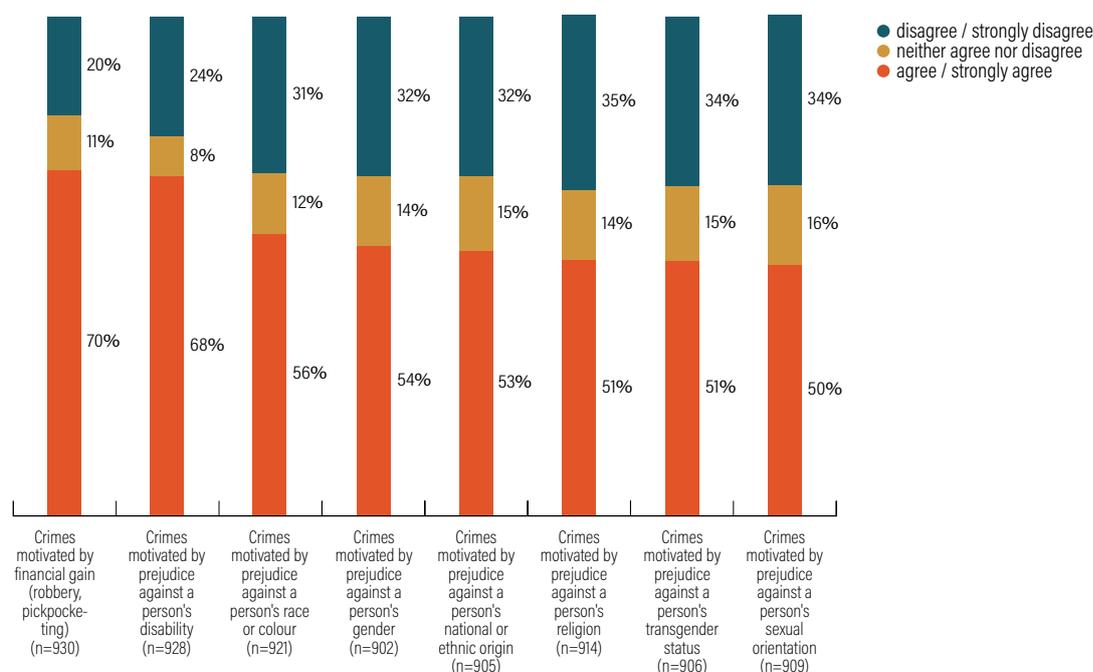
One question considered additional harms of hate crimes. Almost 70 per cent of respondents agreed that, when people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason. Sixteen per cent of respondents expressed a negative

attitude toward this statement. No statistically significant differences were observed for this statement with respect to the respondents' gender, age, education or place of residence.

Sentencing hate crimes

In the last block of questions, the *Call It Hate* survey asked respondents if they agreed or disagreed that crimes motivated by prejudice against a person's sexual orientation, transgender status, religious affiliation, race or colour, disability, national or ethnic origin, or gender should attract a higher sentence when the person is convicted. As a reference case, a question about a common crime – one motivated by financial gain (e.g., robbery, pickpocketing) – was given. Results are presented in figure 92 below.

Figure 92 Lithuania: Opinions on whether different types of crime should attract a higher sentence.



D3. Some crimes may be punished more severely, depending on the motivation for the crime. Please say to what extent you agree or disagree that each of the following types of crime should attract a higher sentence when the person is convicted. Source: *Call It Hate*.

The highest number of respondents (70 per cent) said that crimes motivated by financial gain (i.e., common crimes) should attract a higher sentence. Almost the same number of respondents (68 per cent) agreed that crimes motivated by prejudice against a person's disability should attract a higher sentence as well. Significantly fewer respondents expressed the same attitude toward crimes motivated by prejudice against a person's sexual orientation or transgender status. Fifty per cent of respondents agreed with both statements and over one third of respondents (34 per cent) disagreed with the statements. Slightly more than half of respondents agreed that crimes motivated by prejudice against the

victim's religion (51 per cent), a person's national or ethnic origin (53 per cent), gender (54 per cent) or race or colour (56 per cent) should attract a higher sentence.

Men tend to agree less that crimes motivated by prejudice against the victim's sexual orientation (top two boxes among men 45 per cent comparing to women 53 per cent) as well as a person's transgender status (top two boxes among men 47 per cent comparing to women 54 per cent) should get a higher sentence.

Discussion

Lithuanian *Call It Hate* data show that, when considering anti-LGBT* hate crimes, there is a level of misunderstanding among respondents about the nature of such acts. Despite the fact that a majority of respondents seem to acknowledge the additional harms of hate, this does not translate to higher approval rates for elevated sentences for hate crimes vis a vis common crimes. Most likely, the discrepancy between the rates of approval for higher penalties for hate crimes and common crimes reflects the remaining hostility towards LGBT* people in the society which coincides with, and is exacerbated by, the obvious underreporting of hate crimes in Lithuania. Underreporting, in turn, creates an impression of rarity of such crimes among respondents. It also suggests that the addition of the protected category of sexual orientation to the Lithuanian Criminal Code in 2009 was not followed by awareness-raising activities that would build an understanding among the wider society as to why such laws are needed.

The *Call It Hate* survey data demonstrate that Lithuanians' attitudes towards different identity groups among the LGBT* community are determined by gender and gender identity. Lesbians seem to be more accepted, receive more empathy as victims and are more likely to be helped by witnesses if they are attacked than gay men or transgender people. This can be influenced by the fact that lesbians are culturally still perceived predominantly as vulnerable, weak women meriting greater empathy in the context of remaining, recirculated patriarchal stereotypes in Lithuanian society. Conversely, being transgender in Lithuania means being noticeably less tolerated, empathised with and experiencing bigger social distance compared to LGB identities. At the same time, more than half of respondents understand that transgender people avoid expressing their gender identity through their physical appearance and/or clothes for fear of being assaulted, threatened or harassed.

Conclusions

The *Call It Hate* research provides new findings regarding the attitudes towards LGBT* people as members of society, neighbours and victims of crimes. While it fills a considerable gap in our knowledge about homophobia and transphobia in society, particularly when it comes to people's reactions to violence based on sexual orientation and gender identity, it also points out the need for more internationally comparable research on these issues.

Nationally and regionally, more in-depth research is needed on the various factors that contribute to different generational dispositions towards LGBT people. Attitudes of presently young people should be more thoroughly compared to those of working adults and post-war elderly. More data are also needed to clarify how differences in socio-economic background, processes of migration and stratification, and dynamics of cultural identities frame attitudes of respondents towards LGBT* persons. Such data can serve, when available, as a litmus test for assessing democratic and pro-social qualities of everyday life in our societies.

In respect to generational differences, it seems that more education for urban youth and rural elderly is needed about the experiences, equal human value and rights of LGBT* persons, as well as about the strong link between discrimination towards LGBT* people and other forms of discrimination, for example, ageism or sexism that hetero-normative audiences might experience themselves, on analogous and specific aspects of hate crimes and violence against children and women, etc.

A special focus of public advocacy and rights/tolerance/empathy education in the immediate future might be transgender people, since rural audiences in particular lack information and understanding about them and their needs, rights and predicament.

Recommendations

Regarding hate crime:

- Introduce comprehensive and coordinated support services for the victims of hate crimes and hate speech on grounds of inter alia sexual orientation and (or) gender identity;
- Introduce the protected ground of "gender identity" into the relevant provisions of the Criminal Code;
- Issue mandatory methodological guidelines and ensure respective training for the law enforcement officials and prosecutors on investigating hate crimes and hate speech. Organize LGBT* sensitivity training for police officers, prosecutors and victim support service providers with the view

to announcing a policy of “zero tolerance” towards hate crimes and hate speech;

- Consider the possibility of introducing LGBT* liaison officers (e.g., community officers) within the police force.

Regarding discrimination based on sexual orientation and (or) gender identity conducive or identical to hate crime:

- Reject nine currently pending openly homophobic and (or) transphobic legislative initiatives since they violate basic human rights principles;
- Include the categories of gender identity and gender expression as protected grounds in the national equality legislation with the view to adopting the comprehensive Inter-institutional Action Plan on Non-Discrimination of LGBT* People;
- Allocate sufficient funding for LGBT*-specific measures/programmes;
- Fully implement the Recommendation CM/Rec(2010)5 of the Council of Europe to Member States at the national level.

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ANNEX: METHODOLOGY

Goal

The main goal of this research was to explore the attitudes and opinions of members of the public about LGBT people, as well as hate crimes against them.

Research tool

The research tool contained five blocks of research questions and a set of socio-demographic questions.

The **first block (A: Attitudes)** concerned general attitudes towards LGBT people. Respondents were asked to provide an opinion on the statement that lesbians and gay men / bisexual people / transgender people should be free to live their own lives as they wish. The question used a 4-point scale (agree strongly, agree, disagree and disagree strongly) with the option to also provide the answer 'neither agree nor disagree'. The question was modelled upon the European Social Survey (NSD - Norwegian Centre for Research Data 2016), which asks about attitudes towards "gay men and lesbians".

The second question measured the social distance towards lesbians, gay men, bisexual and transgender people. Respondents were asked about their sense of comfort if a gay man, a lesbian, a bisexual person or transgender person were to become the respondent's neighbour. The respondents replied on a scale of 0-10.

In the next **block of questions (B: Empathy)**, respondents were asked about their empathy for lesbians / gay men / bisexual (Ireland and UK only) / transgender people who experience violence in various circumstances. The constructions of perpetrators and contexts resembled those most commonly observed in various national and international victimisation surveys and police data (FRA 2014; O'Neill 2017; Świder and Winiewski 2017). This part of the study aimed to check whether there are hierarchies of victimhood within the LGBT community and within wider society, as it has previously been suggested that some LGBT hate crime victims may fall short of the image of the ideal

victim (Duggan 2018; Mason 2014). This concept was chosen because it is the only one focusing on various mechanisms of empowering and providing solidarity for the victims of crime, while other concepts usually focus on blaming the victims only.

Using the criminological literature on the concept of the ideal victim (particularly Christie 1986; Duggan 2018; Mason 2014) as a base, the following principles of empathy and compassion for victims were delineated:¹⁰⁰

1. The victim is weak in relation to the offender;
2. The victim is carrying out a respectable or neutral project;
3. The victim is not to be blamed for their actions;
4. The victim is unrelated to the offender;
5. The offender is big and bad.

These principles were used to create a set of crime scenarios probing for differing reactions to victims of crimes according to their sexual orientation or gender identity, according to the victims' behaviour at the time of the incident, and the type of perpetrator(s). These statements allow us to explore the question of whether a hierarchy of victims exists in respect to LGBT victims of crime and whether the respondents engaged in any forms of victim blaming. The following statements were used:

- A [lesbian couple, i.e. that is, two women/a gay couple, that is, two men/transgender person] physically assaulted after holding hands on the street (*The reference statement does not take into account the fulfilment of any principle of the ideal victim*).
- A [lesbian couple, that is two women/a gay couple, that is two men/transgender person] physically assaulted while shopping (regarding the second principle).
- A drunk [lesbian couple, that is two women/a gay couple, that is two men/transgender person] physically assaulted near a bar (regarding the third principle – as a reversed case).
- A [lesbian/gay man/transgender person] participating in the Pride March physically assaulted by counter-demonstrators (regarding the third principle – as a reversed case).
- A [lesbian/gay man/transgender person] physically assaulted by a complete stranger (regarding the fourth principle).
- A [lesbian/gay man/transgender person] physically assaulted in your neighbourhood by a member of their family (regarding fourth principle – as a reversed case).
- A [lesbian/gay man/transgender person] physically assaulted by a group of people who are members of a far-right extremist organisation (regarding the fifth principle).

¹⁰⁰ See more about the concept of the ideal victim and victims of anti-LGBT hate crimes in the Introduction.

Moreover - regarding the first principle – analysis covers comparisons of results for gay men and lesbians, as the latter are expected to receive more empathy as women (weaker in relation to the offender than men).

In addition, respondents in the lesbian and gay routes were asked a question about a heterosexual couple who were physically assaulted after holding hands on the street.¹⁰¹ The latter was used as a reference for all the above questions.

Respondents were asked to say how much empathy they feel for the victim in each specific scenario using a scale where 0 meant “no empathy at all”, and 10 meant “complete empathy” for the victim.

Respondents were randomly assigned to a block of questions about lesbians, gay men, bisexual (Ireland and UK only) or transgender victims, and they only answered one selected block of questions. A similar solution was used in the **third block (C: Reaction)**, which concerned the probability of the respondent intervening in a physical assault against a lesbian, gay man, transgender or bisexual person (in Ireland and UK only) with comparison to assaults motivated by colour, affiliation to national or ethnic minority, or disability and with comparison to an average person. Respondents provided answers on the scale 0-10. All questionnaires also included the reference category “someone”.

The **fourth block of questions (D: Opinions on hate crime)** concerned opinions on the magnitude and impact of hate crimes. All respondents were asked to say if they agree or disagree with the following statements:

- Lesbians, gay men and bisexual people avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed.
- Transgender people avoid expressing their gender identity through their physical appearance and clothes for fear of being assaulted, threatened or harassed.
- When people are victimised because of something about themselves that they cannot change, like their sexual orientation or gender identity, the effects on them are worse than if they had been victimised for another reason.
- Violence against lesbians, gay men, bisexual, and transgender people is a serious problem in my country.

Respondents were also asked if they agree or disagree that crimes motivated by prejudice against a person’s sexual orientation, transgender status, religious affiliation, race or colour, disability, national or ethnic origin or gender should attract a higher sentence when the person is convicted. As a reference case, we asked about a common crime – one motivated by financial gain (e.g. robbery, pickpocketing).

All questions in the block used a 4-point scale (agree strongly, agree, disagree, disagree strongly) with an option to say “neither agree nor disagree”.

¹⁰¹ The question did not specify that the couple is cisgender.

The last block of questions (E: Values) concerned the personal values shared by the respondents. These questions were intended to allow an analysis of which values are linked to attitudes towards LGBT persons, lending empathy to victims of homophobic and transphobic hate crimes and the likelihood of intervention in the case of such offenses. For this purpose, some statements from the Human Values Scale developed by Shalom Schwartz were used. The choice of this scale was due to the fact that values can provide predictive and explanatory power in the analysis of attitudes, opinions and actions and are strongly connected with the motivation of persons. Moreover values can reflect major social change in societies (Schwartz 1992). For these reasons, the scale of human values seems to be more useful for explaining opinions about hate crimes and the likelihood of responding to a hate crime than scales such as the Right-Wing Authoritarianism scale (Adorno, Frenkel-Brunswik, Levinson, Sanford 1950) which usually only explain the behaviour of people with the highest scores.

Socio-demographic questions asked about age, education, region and the size of respondent's place of residence.

The average length of the interview was estimated at 10 minutes.

Data collection

The survey was carried out on representative samples of respondents in the 10 countries covered by the project, which comprised Belgium, Bulgaria, Croatia, Hungary, Ireland, Italy, Lithuania, Poland, Slovenia, and the United Kingdom. The fieldwork was conducted by an international consortium of polling agencies managed by Kantar Poland. The specific methodology of surveys conducted in particular countries is presented in table below:

Table 12 Details of fieldwork for the Call It Hate survey.

Country	Technique for collecting data	Sample Size	Timeline	Subcontractor	Sampling
Belgium	CAWI	1,000	9.08 - 1.10 2018	LightSpeed	Gender (2q.) Age (3 q - 18-34/35-44/45-65) Region (5 q. - Brussels / N-E/ N-W/S-E/S-W) Education (low/high)
Bulgaria	CAPI	1,000	9.08 - 11.09 2018	Kantar TNS BBSS	Gender (2q.) Age (4 q - 18-85) Regions Education (low/high)
Croatia	CAWI	1,000	9.08 - 11.09 2018	Kantar TNS BBSS	Gender (2q.) Age (4 q - 18-85) Regions Education (low/high)
Hungary	CAWI	1,000	9.08 - 1.10 2018	LightSpeed	Gender (2q.) Age (3 q - 18-34/35-44/45-65) Region (3 q. - Central/ West /North-East) Education falls naturally - not controlled
Ireland	CAWI	1,395	9.08 - 1.10 2018	LightSpeed	Gender (2q.) Age (3 q - 18-34/35-44/45-65) Region and education fall naturally - not controlled
Italy	CAWI	1,000	9.08 - 1.10 2018	LightSpeed	Gender (2q.) Age (3 q - 18-34/35-44/45-65) Region (4 q. - N-W/ N-E/Centre/South) Education (low/high)
Lithuania	CATI	1,000	2-23.08 2018	TNS LT	Gender (2q.) Age (4 q - 18-85) Regions Education (low/high)
Poland	CAWI	1,000	11-31.07 2018	Kantar PL	Gender (2q.) Age (3 q - 18-34/35-44/45-65) Region (5 q) Education (low/high)
Slovenia	CATI	600	9.08 - 11.09 2018	Kantar TNS BBSS	Gender (2q.) Age (4 q - 18-85) Regions Education (low/high)

Applied techniques for collecting data

The leading research technique was Computer-Assisted Web Interview (CAWI), which was applied in the case of Belgium, Croatia, Hungary, Ireland, Italy, Poland, and the United Kingdom. These surveys were conducted on a representative sample of residents of particular countries among panellists.

Due to local conditions, including in particular Internet penetration and available and accepted forms of conducting surveys, in the case of Bulgaria, the survey was conducted in the form of Computer Assisted Personal Interview (CAPI), while in the case of Lithuania and Slovenia in the form of Computer Assisted Telephone Interview (CATI).

Sampling and weighting

The basic sample size was 1,000 interviews. This number has been increased for Ireland (N = 1,395) and the United Kingdom (N = 1,617) due to the inclusion another block of questions intended to split the sample about bisexual people (more in section about research tools). In addition, for Slovenia, 600 interviews were conducted due to the smaller population.

The sampling scheme included gender, age, region and education and ensured the representative nature of the study based on quota amounts according to the structure of the population with 5 per cent of flexibility. Data were weighted using post-stratification weights related to boundary distributions (data for the studied populations). Data from the European Social Survey (NSD - Norwegian Centre for Research Data 2016) used in the report were weighted using the provided post-stratification weights.

Data analysis

For some questions measured by the 0-10 scale (e.g., social distance, empathy for victims of crimes or likelihood of intervention) the analysis was informed by the Net Promoter Score indicator, a method of analysis which is often used in marketing research concerning loyalty for brands (Reichheld 2003). In these questions, respondents were divided into three groups depending on the answers given:

Promoters (loyal enthusiasts who will refer others; range 9-10);

Passive (satisfied but unenthusiastic respondents who are vulnerable to changing their minds; range 7-8);

Detractors (respondents who are vulnerable to negative word-of-mouth; range 0-6).

Subsequently, the NPS index is calculated by subtracting the participation of detractors from the participation of promoters. Therefore, the index can reach a score of -100 (when all respondents are detractors) to 100 (when all respondents are promoters). A result close to 0 means a neutral image, a result of several dozen per cent is interpreted as a positive image, while a result of about minus several dozen per cent means a negative image (Reichheld 2003).

According to the rules of analysing the human values scale, three indicators have been developed that aggregate particular statements: a generalised index of benevolence, a generalised index of security, and a generalised index of universalism. Benevolence is a preservation and enhancement of the welfare of people with whom one is in frequent personal contact (statement about helping people around respondents and about loyalty to their friends). Attitudes related with security focus on safety, harmony and the stability of society (statement about living in secure surroundings and strong government ensuring safety). Universalism is about understanding, appreciation, tolerance and protection for the welfare of all people and for nature (statement about equal treatment, listening to different people and caring for nature) (Schwartz 1992). Each of these indicators has a continuous value that has been divided into four quartiles. The first and fourth quartiles were mainly used for the analysis (respondents with the lowest/highest value of the generalised index of Benevolence/Security/Universalism).

Missing values

Refusals to answer for individual questions and answers such as “I do not know” were missed in the analysis. The answers “neither agree nor disagree” were treated as valid. Hence, the number of valid interviews that form the basis for percentage may vary between questions and be less than the total number of interviews conducted in any given country.

Rounding

Figures may not add up to 100 per cent due to rounding.

Limitations

We acknowledge that this research has limitations pertaining both to methodology and the scope of the research, particularly with regard to the identity categories included in the analysis.

Considering the methodology, the common difficulty in research projects carried out in multiple countries is translation and localisation of questions. The master version of the survey was developed in English and translated to national languages and localised by project partners. Specific issues identified in this area which are worth mentioning here include:

- **Section B1:** The master version of the survey used the term “empathy”, which may not be understood in all languages. For this reason, some of the translations used synonymous expressions of “compassion” (e.g., *medeleven* in Dutch, *suosjećanja* in Croatian) or “sympathy” (e.g., *симпатия* in Bulgarian). In the Hungarian version, the entire expression used was *Az emberek többé vagy kevésbé éreznek együtt a bűncselekmények áldozataival attól függően, hogy milyen körülmények között történt az eset*, while in Poland the team decided to ask for both “compassion and empathy” (*współczucia i empatii*). When writing up this research, we decided to use the term “empathy” across the volume. National reports in country languages use the actual term from the survey.

- **Question B1_5:** The master version of the survey asked partners to insert the name of the national Pride event. While most of the events indeed have the English term “Pride” in their names (sometimes as “Gay Pride”, like in Italy, or “София Прайд”, as in Bulgaria), in Poland the term used was “Paradzie Równości”, while in Slovenia “Pride” was translated (“Povorci ponosa”). When writing up this research, we decided to use the term “Pride March” across the volume. National reports in country languages use the actual term used in the survey.

- **Question C1_5:** The master version of the survey asked partners to insert a “person coming from national or ethnic minority” in the question on reaction to street violence. In this case, we consciously allowed partners to select a category of people at risk of hate victimisation, knowing that results will not be comparable (chapter 1 omits this question). Various categories were used in country surveys, including Muslims in Belgium and the United Kingdom (a religious, rather than ethnic category), a Roma person in Croatia, Hungary and Italy, an Irish Traveller in Ireland, a Jew in Lithuania, a Ukrainian in Poland, a person from the former Yugoslav republics in Slovenia.

Considering the specific identity categories making up the LGBT community, when designing the survey we needed to strike a balance between being inclusive and realistic. Many public opinion surveys in Europe, including major surveys such as the European Social Survey or the European Values Survey, tend to cover attitudes towards gay men and lesbians (or homosexuality) only, leaving out other groups. Transgender and bisexual people are increasingly included in studies focusing on various aspects of discrimination, but specific problems continue. For example, the Eurobarometer asks about discrimination and social distance based on “sexual orientation (being gay, lesbian or bisexual)” and “gender identity (being transgender or transsexual)” thus precluding the possibility to distinguish between attitudes towards specific identity categories. In the case of bisexual and transgender people, an additional difficulty is that we usually have no way of knowing if attitudes towards bisexual and transgender men and women differ, i.e., to what extent the gender of the person in question affects the respondents’ perceptions.

Balancing between the need for inclusivity, gender perspective and available resources, we decided to cover bisexuality in questions about attitudes and social distance (in all countries). In the questions about empathy and reactions we asked about gay men, lesbians and transgender people, apart from in

Ireland and the United Kingdom, where we used extended versions of the survey, inclusive of bisexuality. Still, we were unable to distinguish between bisexual and transgender people of different genders.

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Call It Hate project partners



