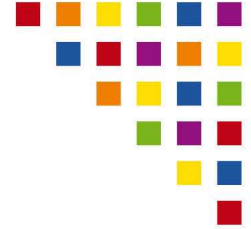


Module Hate Crimes defined I: Hate Crime Definitions



As the purpose of this training material is to enhance the knowledge of the police of hate crimes against LGBTs persons and improve their tackling of these crimes, it is natural to start out with a definition of LGBT. **LGBT** is an acronym referring collectively to lesbian, gay, bisexual, and transgender people. The term LGBT is intended to emphasize a diversity of sexual orientation and gender identity. LGBT people constitute a vulnerable group and continue to fall victims of persecution, discrimination and gross ill-treatment, even involving extreme forms of violenceⁱ.

What is a hate crime?

Hate crime towards LGBTs refers to any criminal offence, including offences against persons or property, where the victim, premises or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support or membership of a LGBT group.ⁱⁱ

The motivation of the offender is what makes it a hate crime. The difference between a hate crime and other crimes is that the crime is motivated by hatred/prejudice/bias towards the victim and not just the perpetrator's intent to steal, commit violence or any other kind of criminal act.

A hate crime thus consists of two parts: firstly a hate crime is a penal offence, e.g. verbal or physical assault, criminal damage, theft, robbery etc. If there is no penal offence then there is no hate crime; secondly a hate crime is characterized by the fact that the criminal act is committed with a particular motive, this means that the perpetrator intentionally chooses the target because of some in legislation protected characteristics.ⁱⁱⁱ

What is a hate incident?

A hate incident is any incident, assault or act—whether defined as criminal by national legislation or not—against people or property that involves a victim, premises or target selected because of their real or perceived connection, attachment, affiliation, support or membership of an LGBT group. The term covers a range of manifestations of intolerance, from low-level incidents motivated by bias to criminal acts^{iv}.

Types of hate crime^v

Hate crimes with a **sexual hate motive** may be motivated by a hatred of lesbians, gays, bisexuals, transgender or transsexual persons.

However, a hate crime may also be directed at heterosexuals, just as the crime can be aimed at people who – no matter whether they are heterosexuals, homosexuals, bisexuals or transgendered - have specific (legitimate) sexual preferences.

Hatred against persons of a different sexuality than heterosexuality is also called homophobia or transphobia..

A hate crime with a **religious hate motive** due to the (perceived) religion or belief of the victim may be aimed at persons who pertain to a religion, as for example Islam, Christianity or Buddhism. It can however also be aimed at persons who pertain to a religious movement or association, as for example Scientology or Hizbut Tahrir.

Hate crimes with a **racist hate motive** is a crime against people because of their skin colour, nationality or ethnicity.

Hate speech refers to public expressions which spread, incite, promote or justify hatred, discrimination or hostility towards minorities — for example statements by political or religious leaders appearing in the press or the Internet.



ⁱ Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People. Council of the European Union 2010.

ⁱⁱ ODIHR/OSCE definition

ⁱⁱⁱ ODIHR definition

^{iv} Ibid.

^v From the web-site of the Danish Police.