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EU urged to combat homophobic violence

The European Union (EU) and its member-states are failing to tackle homophobic and transphobic hate crimes and to protect all individuals from discrimination, harassment and violence, Amnesty International said in a report published today.

“Hate-motivated violence has a particularly damaging and long-term effect on victims. Yet, the EU as well as many of its members do not recognize crimes based on the perceived sexual orientation or gender identity as hate crimes in their legislation. This is unacceptable because sexual orientation and gender identity are protected grounds of discrimination in international human rights law,” said Marco Perolini, Amnesty International’s expert on discrimination in Europe and Central Asia.

Amnesty International’s report, *Because of who I am: Homophobia, transphobia and hate crime in Europe*, highlights gaps in the legislation of many European countries where sexual orientation and gender identity are not explicitly included as grounds on which hate crimes can be perpetrated. The report also points out the inadequacy of current EU standards on hate crime for tackling homophobic and transphobic violence.

The discriminatory motive sets hate crimes apart from other criminal acts. It is crucial that when investigating and prosecuting criminal acts on the basis of the real or perceived sexual orientation or gender identity of the victims the police and judicial authorities do whatever they can to unearth the motive behind them.

According to a recent EU-wide survey, 80 per cent of homophobic and transphobic violence is not reported to the police, often because of a fear of institutionalized homophobia and transphobia. In other cases, gay people do not report attacks against them because they are not openly gay and are afraid that their peers and families will find out.

Countries such as Bulgaria, the Czech Republic, Germany, Italy and Latvia have no comprehensive provisions on hate crime as they do not cover offences against people because of their real or perceived sexual orientation or gender identity. In other countries such as Croatia and Greece legislation on transphobic and homophobic hate crimes is not properly implemented and sometimes result in the homophobic or transphobic motive not being registered by the police or not being thoroughly investigated.

In February 2012, Michelle, a young trans woman, was beaten by several people in Catania, Italy, because of her gender identity. The perpetrators shouted derogatory language at her during the attack such as “Disgusting! You are a man, a faggot!”.

Michelle reported the attack to the police and one suspect has been identified. However, the transphobic motive will not be explicitly taken into account in the prosecution or in the determination of the sentence because of gaps in Italian legislation.

Michelle complained: “They wanted to butcher me just because of who I am, because I have a face that is a bit too masculine and because they understood I was a trans person from my voice.”

On 30 September 2008 Mihail Stoyanov, a medical student, was killed in Sofia because he was perceived as gay. Five years after the murder the trial against the two suspects has not yet started. Although the homophobic motive was well established during the investigation, the homophobic motive will not be explicitly taken into account in the trial. The delays in bringing the perpetrators to justice is having a dire impact on Hristina, his mother, who is left without any psychological or other support by the authorities.

“The EU and its member states cannot fulfil their obligations to combat discrimination without adopting appropriate measures against all forms of hate motivated violence. The existing double standards convey the idea that some forms of violence deserve less attention and less protection than others. That’s unacceptable for a European Union that prides itself on promoting equality and inclusion,” said Marco Perolini.