

Appendix:

Prevalence and incidences of hate crimes based on sexual orientation

This appendix sets out some of the best available data on the prevalence of hate crimes on account of sexual orientation and/or gender identity and key effects of the actual or perceived risk of violence on the basis of sexual orientation and/or gender identity. In 2012 the European Union Fundamental Rights Agency (“EU FRA”) conducted an EU-wide survey on the issues facing LGBT people across the continent. 93,000 LGBT people responded to the survey, the final results of which were published in May 2013. The following table sets out the survey’s findings on the percentage of respondents who, by jurisdiction: (a) had experienced discrimination or harassment in the previous year on account of sexual orientation; (b) avoid holding hands in public with a same sex partner on account of fear of violence, threats or harassment; or (c) would avoid particular places on account of fear of violence, threats or harassment due to sexual orientation/gender identity. The table also sets out certain illustrative examples of hate crimes.

The Court’s attention is respectfully drawn to the number of incidents in which violent hate crimes against LGBT people have been occasioned by LGBT people exercising their rights to gather with others to express and defend their sexual identities. In such circumstances, attacks are “*particularly destructive to fundamental rights*,”¹ as they represent both (a) a hostility towards the victims on account of their sexual orientation or gender identity; and (b) an attempt to intimidate those victims from expressing a fundamental aspect of their identity and from exercising their rights to free expression and association.

¹ *Šečić v Croatia* (Application no. 40116/02) (31 May 2007) (2007) §68.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
Belgium	35%	54%	54%	58 officially recorded instances of sexual orientation motivated hate crime, in 2010. ⁵
Bulgaria	53%	75%	61%	June 2008: Bulgaria's first gay pride march was met by at least 60 counter-demonstrators some of whom threw bottles, stones and even Molotov cocktails at the march. ⁶ September 2008: a 25 year old medical student murdered in Borisova Gardens, Sofia, because he was perceived to be gay. ⁷ March 2010: a group of 7 LGBT rights activists conducting the first ever LGBT protest outside Sofia, in Pazardzhik, were met by between 100 and 150 counter-protestors. The activists were verbally abused, including threats that they would die, and physically attacked, despite a police escort for them. ⁸ June 2011: a further violent attack on a group of LGBT individuals after messages, such as " <i>die faggot</i> ," had been posted to one of the victims over social media. ⁹
Croatia	60%	73%	62%	July 2007: annual gay pride event attacked by a group of people attempting to throw Molotov cocktails and teargas at the participants. There was police protection, but one participant, who was outside the protected area, was attacked with blows to the head and chest. ¹⁰

² EU FRA, LGBT Survey 2012 (Question, In the last 12 months, in the country where you live, have you personally felt discriminated against or harassed on the grounds of sexual orientation?; Answer, yes).

³ Ibid. (Question, Do you avoid holding hands in public with a same-sex partner for fear of being assaulted, threatened or harassed?; Answer, yes).

⁴ Ibid. (Question, Do you avoid certain places or locations for fear of being assaulted, threatened or harassed because you are L, G, B or T?; Answer, yes).

⁵ EU FRA, Making hate crime visible in the European Union: acknowledging victims' rights, 2012, p. 35.

⁶ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 4.

⁷ Amnesty International, Because of who I am: homophobia, transphobia and hate crimes in Europe, September 2013, p. 14.

⁸ Amnesty International, Changing Laws, Changing Minds: Challenging Homophobic and Transphobic Hate Crimes in Bulgaria, June 2012, p. 13.

⁹ Ibid. p. 6.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
				<p>2010: Zagreb-based NGOs, Kontra and Iskorak, record 3 cases of homophobic physical assault leading to serious bodily injuries.¹¹</p> <p>January 2010: LBT woman attacked, including being punched in the face, by a group of youths with taunts and threats including: <i>"Are you are a man or a woman? If I see you once more around here we will smash your head in! We will kill you!"</i>¹²</p> <p>January 2010: LBT woman repeatedly kicked in the head and body by a group of 6 men outside a nightclub, having turned down the sexual advances of one of the men earlier that evening and explained that she was a lesbian.¹³</p> <p>2011: Croatian police record 44 hate crimes committed against participants of Split LGBT Pride.¹⁴</p> <p>June 2012: 6 LBT women attacked by a group of men with kicks and punches to their heads and bodies and verbal abuse including <i>"Dykes, all of you are sick, all of you should be killed!"</i>, whilst on the beach at Bacvice in Split.¹⁵</p> <p>2012: calls for violent opposition to the Split LGBT Pride, premises of LGBT organisations threatened and attacked with faeces and tear gas.¹⁶</p>

¹⁰ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns_projects/freedom_of_assembly_and_expression) para. 14.

¹¹ Amnesty International, Inadequate Protection: Homophobic and Transphobic Hate Crimes in Croatia, June 2012, p. 8.

¹² Lesbian Group Kontra and Iskorak, Croatia – Monitoring implementation of the Council of Europe Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, December 2011, pp. 8-9.

¹³ Amnesty International, Be cause of who I am: homophobia, transphobia and hate crimes in Europe, September 2013, p. 10.

¹⁴ Amnesty International, Inadequate Protection: Homophobic and Transphobic Hate Crimes in Croatia, June 2012, p. 2.

¹⁵ Lesbian Group Kontra and Iskorak, Croatia – Monitoring implementation of the Council of Europe Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, December 2011, p. 9.

¹⁶ Ibid. p. 23.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
Cyprus	56%	76%	49%	2012: of 136 survey participants, 15% report having experienced physical violence and 57% psychological violence on account of their sexual orientation. ¹⁷
Czech Republic	36%	42%	43%	June 2008: 20 participants of LGBT Pride parade injured/affected and pride march terminated due to attack on the march by right-wing activists using tear gas and fireworks. ¹⁸
Denmark	31%	40%	37%	2010: 30 officially recorded instances of sexual orientation motivated hate crime. ¹⁹
Estonia	44%	63%	55%	August 2006: participants in Tallinn's third LGBT Pride march attacked, injuring ten participants. Marchers subject to verbal abuse, throwing of stones, eggs and spitting. ²⁰
Finland	38%	36%	34%	2010: 43 officially recorded instances of sexual orientation motivated hate crime. ²¹
France	41%	61%	53%	2011: 16% of LGB persons reported being subject to homophobic violence at home by family members. ²²
Georgia	No information	No information	No information	2012: of LGB respondents to the NGO Identoba's 2012 survey: 32% had experienced physical violence at least once in the previous 2 years, and 45.8% of those incidents took place in public. ²³ May 2012: 20 LGBTI demonstrators in Tbilisi injured when a large crowd led by priests broke

¹⁷ Cyprus Family Planning Association and accept - LGBT Cyprus, Report on implementation of Recommendation CM / Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity by the Republic of Cyprus, 2012, p. 13.

¹⁸ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 24.

¹⁹ EU FRA, Making hate crime visible in the European Union: acknowledging victims' rights, 2012, p. 35.

²⁰ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 28.

²¹ EU FRA, Making hate crime visible in the European Union: acknowledging victims' rights, 2012, p. 35.

²² Council of Europe, Discrimination on grounds of sexual orientation and gender identity in Europe, 2nd edition, 2011, p. 56.

²³ Identoba Submission to United Nations Human Rights Committee, Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender People In Georgia, September 2013, p. 9.

Country	Discriminated against/harassed in the last year? ²²	Avoid holding hands in public? ²³	Avoid locations? ²⁴	Information about incidences of hate crimes based on sexual orientation
Greece	48%	66%	46%	<p>through police cordons and attacked the group.²⁴</p> <p>June 2012: members of Shavrazmelebi ("Black Combatants"), an organization dedicated to conducting physical attacks against members of the LGBT community, posted public incitements to violence and death against LGBT people.²⁵</p> <p>April 2013: a man known to be gay murdered in his home in western Georgia, eye witnesses to the crime scene reported that the word "homosexual" had been spray painted in the victim's apartment.²⁶</p> <p>April 2013: a group called "The Brigade Fighting against Pederasts" post incitements to physical violence, torture and murder of LGBT people, referred to as "mistakes of nature," on social media.²⁷</p> <p>May 2013: man attacked with his boyfriend in the street, attackers stole his identification card and subsequently attacked him in his home a few days later. Following death threats the man was forced to move to a domestic violence shelter.²⁸</p> <p>June 2012: reports of an LBT woman attacked by two men outside school premises by pouring petrol on her and attempting to set her on fire.²⁹</p> <p>August 2012: homophobic attack in which two GBT men were repeatedly kicked and punched and subjected to homophobic verbal abuse.³⁰</p>

²⁴ New York Times, "Gay-rights rally is attacked in Georgia," 18 May 2013. Four days later, an NGO reported to ILGA-Europe: "they are still 'haunting' our activists.... Several people were beaten up on the street, one had his hair set on fire, and a girl was even bitten... As for the girls, three of them have brain concussion; one has an injury on her head. I'm not saying anything about the psychological distress. Our psychologist is working non-stop..." (E-mail to ILGA-Europe from the Women's Initiative Support Group, 21 May 2013).

²⁵ Identoba Submission to United Nations Human Rights Committee, Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender People In Georgia, September 2013, p. 12.

²⁶ Ibid. p. 8.

²⁷ Ibid. p. 12.

²⁸ Ibid. p. 9.

²⁹ Amnesty International, Because of who I am: homophobia, transphobia and hate crimes in Europe, September 2013, p. 3.

Country	Discriminated against/harassed in the last year? ²²	Avoid holding hands in public? ²³	Avoid locations? ²⁴	Information about incidences of hate crimes based on sexual orientation
Hungary	45%	65%	68%	<p>July 2007: multiple attacks on participants of LGBT Pride event, including throwing eggs, bottles and Molotov cocktails at the demonstrators. Several participants injured, and a lorry set on fire.³¹</p> <p>July 2008: attacks on LGBT pride march including throwing petrol bombs, rotten eggs, faeces, eggs filled with acid or paint and stones.³²</p> <p>March 2012: 25 year old gay man verbally abused on public transport system including homophobic insults like <i>"little faggot"</i> and <i>"cocksucker"</i> and subsequently followed, assaulted and subjected to death threats.³³</p>
Italy	54%	61%	46%	<p>July 2011: LBT woman seriously attacked, necessitating facial reconstruction surgery, after refusing the sexual advances of two men.³⁴</p> <p>December 2011: LBT woman seriously attacked after refusing sexual advances upon leaving a nightclub, rendering her unconscious and subsequently hospitalised for 3 months.³⁵</p> <p>February 2012: transsexual woman attacked and seriously injured by several people in a nightclub in Catania after a sexual advance by one of the assailants who then identified her as transsexual. Participation in the attack by approximately 10 people using derogatory language including, <i>"Disgusting! You are a man, a faggot!"</i>³⁶</p>

³⁰ Ibid. p. 8.

³¹ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 32.

³² Ibid. paras. 35-36.

³³ Háttér Support Society for LGBT People in Hungary, Report on the Implementation of the Council of Europe Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5) in Hungary, January 2013, p. 15.

³⁴ Amnesty International, Because of who I am: homophobia, transphobia and hate crimes in Europe, September 2013, p. 11.

³⁵ Ibid. p. 12.

³⁶ Ibid. p. 7.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
Latvia	48%	65%	58%	July 2005: attacks on LGBT Pride march, including with tear gas, by assailants some of whom were wearing Nazi insignia. ³⁷
Macedonia	No information	No information	No information	2013: LGBTI Support Centre in Skopje attacked by masked assailants on multiple occasions including in two arson attacks, injuring two persons. ³⁸
Moldova	No information	No information	No information	May 2008: 60 participants in an LGBT demonstration surrounded on a bus, threatened and trapped for 45 minutes by a violent crowd. ³⁹
Netherlands	30%	44%	41%	2010: 660 officially recorded instances of sexual orientation motivated hate crime. ⁴⁰
Poland	57%	66%	61%	2005: 2 LGBT activists killed in front of a gay club in Katowice, two gay men attacked in Warsaw. ⁴¹ November 2005: LGBT Pride march subjected to extreme verbal abuse and throwing of eggs and horse excrement by All Polish Youth, including chants of "Let's gas the fags" and "We'll do to you what Hitler did to the Jews." ⁴² 2011: survey indicates 12% of respondent LGBT people had experienced physical violence in the previous 2 years, and of these, nearly 40% had experienced such violence more than 3 times. 44%

³⁷ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 41.

³⁸ Message to ILGA-Europe - LGBTI Support Centre of the Macedonian Helsinki Committee for Human Rights - 20/8/2013.

³⁹ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 91.

⁴⁰ EU FRA, Making hate crime visible in the European Union: acknowledging victims' rights, 2012, p. 35.

⁴¹ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 111.

⁴² Ibid. para. 114.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
Romania	54%	78%	61%	had experienced psychological violence, and of these, 60% had experienced such violence more than 3 times. ⁴³ June 2006: Bucharest LGBT Pride disrupted by more than a thousand protesters, throwing eggs, stones and plastic bottles. Six participants attacked and beaten between the Izvor and Piata Unirii subway stations. ⁴⁴ November 2012: in Bucharest, after attending an academic debate about the history of homosexuality, 7 young women and men assaulted by a group of 10 people wearing hoods. During the assault the attackers claimed they were opposing the "organisation of gay events." ⁴⁵
Russia	No information	No information	No information	2008: marked increased likelihood that LGB survey respondents subjected to physical violence after the age of 16 compared with heterosexual respondents. For example in Tyumen: 77% of gay men and 69% of lesbian women, 62% of bisexual men and 33% of bisexual women compared with 35% of heterosexual men and 27% of heterosexual women. ⁴⁶ May 2006: LGBT demonstrators attacked by crowd, beaten and subjected to homophobic verbal abuse including "Russia free of faggots!" and "Death to sodomites!" ⁴⁷ November 2013: toxic gas attack on a Moscow gay club "Central Station," necessitating medical attention for a number of people, following 3 other recent attacks on the club. ⁴⁸

⁴³ Campaign Against Homophobia, Situation of LGBT persons in Poland: 2010 and 2011 report, 2012, pp. 28-52.

⁴⁴ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns_projects/freedom_of_assembly_and_expression), para. 133.

⁴⁵ ILGA-Europe, Violence against lesbian, gay, bisexual, transgender and intersex people in the OSCE region, 2013, p. 74.

⁴⁶ Russian LGBT Network, The Situation of Lesbians, Gays, Bisexuals, and Transgender People in the Russian Federation, 2008, p. 22.

⁴⁷ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns_projects/freedom_of_assembly_and_expression), para. 153.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
				November 2013: St Petersburg LGBT Film Festival subject to hoax bomb threats. ⁴⁹
Serbia	No information	No information	No information	September 2010: Belgrade Pride subject to violent counter-demonstration, attacking buildings and cars in the city centre. ⁵⁰
Sweden	35%	38%	38%	2010: 770 officially recorded instances of sexual orientation motivated hate crime. ⁵¹
Turkey	No information	No information	No information	2003: study by the Justice Ministry found that 97% of lesbians and gay men interviewed had experienced physical violence and 28% sexual violence. ⁵² August 2006: 100 LGBT demonstrators trapped inside a building before an LGBT march by a hostile crowd of football fans, one of whose leaders calls upon the authorities to prevent the march "if they do not want them [the demonstrators] to be lynched." ⁵³ 2010: no official statistics on LGBT hate crime, but in 2010 alone LGBT associations documented 16 murders of individuals believed to have been killed due to their real or imputed sexual orientation or gender identity. In one case the victim was reported to have been stabbed multiple times, including injuries inflicted after death, raped after death and suffered the amputation of his sexual

⁴⁸ Queer Russia, "Moscow gay club under gas attack," 23 November 2013 (<http://queerussia.info/2013/11/23/2610>, accessed 1 May 2014); Gay Star News, "Moscow's largest gay club shuts down after shootings, poison gas attacks," 17 March 2014 (<http://www.gaystarnews.com/article/moscow%E2%80%99s-largest-gay-club-shuts-down-after-shootings-poison-gas-attacks170314>).

⁴⁹ Queer Russia, "Side by Side LGBT Film Festival: Closing Ceremony Proceedings Not Marred by Fifth Hoax Bomb Call," 2 December 2013 (<http://queerussia.info/2013/12/02/2815/>).

⁵⁰ Council of Europe, Parliamentary Assembly, Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), The honouring of obligations and commitments by Serbia, 9 January 2012, p. 32.

⁵¹ EU FRA, Making hate crime visible in the European Union: acknowledging victims' rights, 2012, p. 35.

⁵² Human Rights Watch, We Need a Law for Liberation: Gender, Sexuality and Human Rights in a Changing Turkey, 2008, p. 5.

⁵³ ILGA-Europe, Lesbian, gay, bisexual and transgender rights - Freedom of Assembly - Diary of events by country - August 2008 (http://www.ilga-europe.org/europe/campaigns/projects/freedom_of_assembly_and_expression), para. 206.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
United Kingdom	44%	53%	55%	<p>organ. At the scene of the crime a note was reportedly left stating that “<i>more transvestites would be killed.</i>”⁵⁴</p> <p>2011: survey found that 70% of LGBT respondents feared that they would be attacked due to their sexual orientation or gender identity.⁵⁵</p> <p>October 2012: protests against and attacks on transexual people in Istanbul.⁵⁶</p> <p>2010: 4833 officially recorded instances of sexual orientation motivated hate crime.⁵⁷</p> <p>2011-2013: data set estimates an average of 39,000 sexual orientation hate crimes in England and Wales per year.⁵⁸</p> <p>2013: survey of LGB people demonstrates one in six LGB people suffered a hate crime or incident in the previous 3 years, one in 10 victims experienced a physical assault and more than 75% of victims did not report the incidents to the police.⁵⁹</p>
Ukraine	No information	No information	No information	<p>November 2010: attack, including with teargas, by masked men on an event for Transgender Day of Remembrance commemorating those killed because of their transgender status in Ukraine.⁶⁰</p> <p>May 2012: physical attack of LGBT activists including the use of tear gas, and kicks to the head and torso together with homophobic verbal abuse.⁶¹</p>

⁵⁴ Amnesty International, 'Not an Illness nor a Crime': Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality, 2011, pp. 30-33.

⁵⁵ Ibid. p. 31.

⁵⁶ Social Policies, Gender Identity and Sexual Orientation Studies Association (SPoS), 2012 Report of Human Rights Violations Based on Sexual Orientation and Gender Identity, August 2013, p. 18.

⁵⁷ EU FRA, Making hate crime visible in the European Union: acknowledging victims' rights, 2012, p. 35.

⁵⁸ Office for National Statistics, An Overview of Hate Crime in England and Wales, December 2013, p. 25.

⁵⁹ Stonewall, Homophobic Hate Crime: The Gay British Crime Survey 2013, p. 4.

⁶⁰ Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/16/44/Add.1, 2011, paras. 2325-2331.

Country	Discriminated against/harassed in the last year? ²	Avoid holding hands in public? ³	Avoid locations? ⁴	Information about incidences of hate crimes based on sexual orientation
				<p>June 2012: GBT man assaulted and hospitalised returning home, subjected to homophobic verbal abuse.⁶²</p> <p>2012: NGO Nash Mir received 29 reports of violent attacks against LGBTI people by members of the public in Ukraine in 2012, and 36 reports of threats of violence.⁶³</p> <p>2013: online survey demonstrates 65% of respondents had experienced at least one manifestation of homophobia or transphobia over the previous year: 11% experienced violence, 15% threats of violence, and 7% extortion.⁶⁴</p>

⁶¹ Amnesty International, Nothing to be proud of: Discrimination against LGBTI people in Ukraine, May 2013, p. 6.

⁶² Ibid. p. 7.

⁶³ Ibid. p. 5.

⁶⁴ LGBT Human Rights Nash Mir Centre and Council of LGBT Organizations of Ukraine, On the threshold: the situation of LGBTI people in Ukraine in 2013, p. 14.