

What to do about a Hate Crime

If you are the victim of a hate crime, or witness a hate crime:

- Contact the police.
- If you are not comfortable contacting police directly, contact a local victim services agency for help
- Make detailed notes about what happened, immediately - description of those responsible, when & where the incident occurred, etc.
- In situations involving print materials promoting hate, keep all materials and touch them as little as possible.
- In cases of graffiti, make sure a photo is taken before it is removed
- If a hate message is left on an answering machine, do not erase the message
- Have a police report taken - make sure to get the incident number and the officer's badge number
- Make sure to tell police why you believe it is a hate crime
- A police report is then given to Crown Counsel who will determine whether there is sufficient evidence to lay charges
- Get support from friends, family, and/or through local community resources

Resources

The Centre (LGTB community centre)

Information, referrals & support

1170 Bute St., Vancouver

Days: 604 684-5307

Evenings: 604 684-6869 or 1-800-566-1170

www.lgtbcentrevancouver.com

VictimLINK

Information & referrals to victims of crime 24/7

BC Toll Free 1 800 563-0808

TTY: 604 875-0885

BC Hate Crime Team

Tel. 604 660-2659

Toll-free: 1-800-563-0808

B.C. Human Rights Tribunal

604 775-2000; TTY 604 775-2021

1-888-440-8844 toll free

www.bchrt.bc.ca

B.C. Human Rights Coalition

604 689-8474

1-877-689-8474 toll free

www.bchrcoalition.org

For additional copies contact:

BCASVACP 604 633-2506 or

The Centre 604 684-5307, or visit websites:

www.endingviolence.org,

www.lgtbcentrevancouver.org

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Hate Crimes

Information & Resources

Creating Strong & Safe LGBT Communities



BC Association of
Specialized Victim
Assistance &
Counselling Programs



THE CENTRE
A Community Centre Serving and
Supporting Lesbian, Gay,
Transgendered, Bisexual People
and their Allies

What is a Hate Crime?

In Canada, a hate crime is a criminal offence committed against a person, group of people or property that is motivated by the suspect's hate, prejudice or bias, based on race, colour, national or ethnic origin, language, religion, sex, age, mental or physical disability, or sexual orientation. Transgender/transsexual people are protected by the ground of 'sex' and/or 'disability'.

Some examples of hate crimes:

- threats by letter, email or telephone to hurt someone because of their race, sex, sexual orientation, etc.
- mischief e.g. spray painting of hateful graffiti
- vandalism to goods & property
- bashings (assault including physical attacks, assault with a weapon, aggravated assault)
- arson e.g. torching a LGBT bookstore
- sexual assault
- homicide e.g. murdering someone because of their LGBT identity

Verbal name calling, while hurtful and offensive, is not a crime. Verbal abuse must be accompanied by a viable threat of violence and the ability to carry out the threat for it to be criminal. Name calling can be a human rights violation in some circumstances.

What helps determine if a crime is motivated by hate?

- Language or symbols used
- Severity of attack
- Previous incidents in same area (e.g. near a gay bar) or by same offender
- Lack of provocation by victim
- Absence of other motives (e.g. money)
- Offender's membership in hate group
- Timing (e.g. Pride Day)

If it is a hate crime, what happens?

If it is determined that it is a hate crime, the judge can impose stiffer sentences than for the same crime not motivated by hate.

Unfortunately, many hate crimes are not prosecuted as hate crimes. This is because they are often hard to prove and/or they are not acknowledged as hate crimes by the police and courts. The challenge lies in getting the criminal justice system to recognize and effectively prosecute hate crimes against LGBT communities.

Hate Propaganda Offence

In Canada, hate propaganda offence occurs when someone advocates genocide, or publicly communicates hatred against an identifiable group by their race, religion, colour, ethnic origin or sexual orientation.

This makes public statements of hatred against lesbian, gay, and bisexual communities criminal. Because 'sex' is not on the list of grounds, transgender people are not protected against hate propaganda.

Other Hate Incidents

Not all hate incidents against LGBT people are criminal offences.

Hate incidents such as acts of discrimination are actions that are not criminal in nature, but may be covered by human rights codes, workplace anti-harassment policies, school anti-bullying policies, etc. *See resources for information on human rights complaints.*

Why report hate crimes?

LGBT people are often reluctant to report incidents to police for many reasons. These include the fear of being re-victimized by the response of police and the justice system, or concerns of being outed publicly if they come forward to report incidents.

It is important that LGBT people who experience or witness hate activity report it to the police. This ensures that violence against our communities is documented and pressures our governments to respond through the enforcement and prosecution of hate crimes.

Get support

A victim of a hate crime may experience a broad range of emotion, including shock and disbelief, fear, anxiety, shame, self-blame, increased vulnerability, and anger. This is natural. It is important to talk with a supportive person or access a community resource, to express your feelings about what happened.