



RESEARCH ON
COMMUNITY
EXPERIENCE
AND NEEDS





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GOAL OF THE RESEARCH



The present research, part of a set of activities within the Rainbow Over Hate project, aims to set up methodology for assessing the needs of the LGBTI community regarding reporting LGBTI-related hate crimes and incidents. The research will take into account the available resources and services provided for LGBTI community members and, based on the analysis of the collected interviews with experiences, following the research finding, will set up a list with recommendations for resources, materials, services, trainings, campaigns, ect. that could be implemented in this regard.

CONTEXT OF THE RESEARCH



According to the EU LGBT Survey of the Fundamental Rights Agency of the EU (2013), reporting rates of 'hate-motivated harassment' in Bulgaria are lower than the EU average, which is anyway assessed by FRA as 'very low across all countries covered by the survey'. According to the report, the most common reason for people not to report was because they found the incident 'too minor', which among other factors shows lack of awareness and capability to identify hate-motivated crimes and incidents within the community. However, other reasons relate to the police forces themselves, with 20% stating they were too embarrassed to report and another 17% - they were afraid of homophobic attitudes within the police forces.

The FRA Fundamental Rights Report 2020 does not show more up-to-date statistical data from recent years. In the section devoted to Bulgaria, the document cites a report of the Ministry of Interior (Moi) where the protection of victims of hate crime and gender-based violence was covered - specifically in 2019 – in a subject on protection against discrimination as part of the master's program on public administration of the Moi Academy (MOIA, a higher education institution attached to the Ministry of the Interior). This effort should be welcomed as it showed willingness to address the issue.

a) LGBTI related legislation and policy

The 2018 Open Society report showed an overall tendency among Bulgarians to believe that the rights of the marginalized groups are well protected while in the same time 65 % of respondents answered that they will not vote for a candidate if they knew she belongs to the LGBTI community (<https://osis.bg/wp-content/uploads/2019/06/State-of-Democracy-2018-BG.pdf>).

Except the Law for protection against Discrimination, Bulgaria lacks any other pieces of legislation for protection of LGBTI people. Bulgaria is one of few countries within Europe that do not provide any legal recognition of the same-sex families. Both the Constitution and the Family Code define marriage as voluntary union between a man and a woman. Bulgaria scores the lowest in the Eurobarometer research on same-sex marriage support and issues related to LGBTI people.

Bulgarian government and institutions had never explicitly given any statements and/or any acts of support towards LGBTI community neither the need for equal treatment. No policy, measures or programs exists for collecting data regarding LGBTI-related discrimination, hate crimes and incidents. Following 2018 hysteria during failed attempt for ratification of Istanbul Convention, the levels of violent acts and hate speech towards LGBTI community are dangerously increasing (21 % level of hate speech targeting LGBTI people in 2016 to 42 % in 2018 (<https://osis.bg/wp-content/uploads/2018/12/2018-Hate-speech-BG-final.pdf>)).

b) Current hate crime legislation

No explicit legislation is in force for LGBTI-related hate crimes and incidents and no data is collected by authorities. Even when a LGBTI-related hate crime is reported, the law enforcement had not had a system to classify it as such (due not only to lack of legislation but also due to the current practices in force for collecting data).

c) Hate crimes reporting to the police

The only available online recourse for hate crimes reporting rates in Bulgaria is available on <https://hatecrime.osce.org/bulgaria>. It is shown for instance that there are 46 reported hate crimes for 2018 with the remark that the number also includes crimes “out of hooliganism” which fails outside hate crime definition as such. No data is listed for LGBTI-related hate crimes explicitly.

d) Trust with police in general

Bulgaria scores last in the trust in the police among all countries in Europe (source: European Social Survey, <https://library.oapen.org/bitstream/id/d0f0ce18-96c3-4966-97bf-997bbfb57ff7/634763.pdf>).

e) Relationship between police and LGBTI community

All three LGBTI organizations working in hate crimes field (GLAS Foundations, Resource center BILITIS and Youth LGBT organization Deystvie) had managed to provide materials for trainings, guides for reports, international and domestic events and thus to established relationships with police representatives and LGBTI community. However, the two groups know little for

each other and in general prejudices are present from both sides. The process needs support by LGBTI organizations, activists, community members and officials from the Ministry of Internal Affairs and police officers so good practices for relationship building and trust to continue.

f) Victims' support resources, tools and services

At present moment, there are several resources available online to support the LGBTI-related hate crime victims and especially the process of reporting, such as guides to support the hate crimes victims and online platforms and tools for reporting to organizations.

Since 2014 Youth LGBTI organization has provided pro-bono legal consultation for every LGBTI related case. While the most consultations and cases are with regard to discrimination and rights of the couples, children and families of the clients, 10-20 % of the work of the legal program is dedicated to hate crimes with the main focus of supporting the process of reporting, access to reporting in the police and further communication and insisting on investigation in LGBTI-related hate crimes.

LGBT Deystvie also introduced a service of providing pro-bono psychological support to clients of the Legal program (and LGBTI-related hate crimes victims) via the REC-funded EU project Rainbow Shield. As for the moment, just a few members of the community had benefited from this practice and the response is quite positive. The practice might further develop to support the LGBTI-related hate crimes victims.

In June 2019 LGBT Deystvie organized a national training for police officers for combating homophobic and transphobic hate crimes. More than 50 police officers from around the country participated in the training. As per the activities set in the current Rainbow over hate project 60-70 police officers are expected to be trained as well.

RESEARCH
METHODOLOGY



For the purpose of examining the needs and experiences of the community, we designed a three-step model of collecting data, followed by a thorough analysis and formulation of recommendations.

a) desktop research.

The present research on the experiences and needs of the community can benefit from the data and analysis collected in previous research led by partner organizations. We integrated the results of the following surveys in our analysis:

- the 2017 qualitative research of Resource Center Billities, as part of Come Forward cross-European project co-funded by the EC (JUST/2015/RRAC/AG/VICT/8957)

In a separate section of desktop research, we reviewed the available resources for reporting hate crimes and hate-related incidents, provided by public institutions and organizations of the civil society. We identified only one online platform for reporting hate crimes.

As of 2015, GLAS Foundation (partner in the current proposal) has launched and still maintains a website for reports on homophobic and transphobic incidents.

Since 2014 the Youth LGBT organisation Deystvie has been also collecting data on hate crimes and incidents.

We also aimed to identify whether public institutions provided any platform, information or statistical data on hate crimes, what kind of information and resources are available online, and how to make these more accessible to the community.

b) interviews.

To check the awareness of members of the community regarding hate crimes and hate-related incidents, as well as their readiness to report them, we performed structured and semi-structured interviews with a total of 30 respondents.

An online questionnaire was sent to the people who used the above platform wearetolerant.com, maintained by GLAS foundation to report hate-related incidents, and to the beneficiaries of the legal program of Deystvie. The questionnaire comprised 28 questions and returned 25 answers (fully completed questionnaires).

In addition to the online questionnaire, direct interviews were performed with five members of the community who had not used the platform or the legal program, to identify the level of awareness and needs. The direct interviews were semi-structured and allowed free answers from respondents (see questions for semi-structured interviews in box 1). Respondents for the direct interviews were selected randomly within members of the community.

c) Monitoring the process of reporting

Starting from 2014, the youth LGBT organization “Deystvie” runs a pro-bono legal program, with 37 court cases up to 2018, and 126 more consultations provided by the legal experts of the organization. The experience of the clients of the legal program in their interactions with public institutions were also used as data for the present analysis. Data collected through this third step is very sensitive and was handled by the legal experts of “Deystvie” with utmost care.

All data collected for the purposes of current research are strictly anonymous. A special procedure for the protection of data was designed to protect the personal information of the participants.

One of the beneficiaries of the legal program of LGBT “Deystvie”, who is also a victim of hate crime, volunteered to share her story publicly. She was approached by an interviewer in person to perform an in-depth interview. Her story will be published as part of the collection of life stories Dare to be, vol. 2 (forthcoming in autumn of 2020). Her story was also used in the present analysis.

Box 1: Questions for the semi-structured interviews/ with translation in English

1. Do you know where you can report incidents or hate crime?
2. Why did you choose to report to “Deystvie”?
3. There is no legal framework for hate crimes in Bulgaria. Do you find this discouraging?
4. Based on your experience, what would be the easiest way of reporting?
5. Based on your experience, what could support the process of reporting?

PROFILE
RESPONDENTS





AGE | between 18 and 47



All live in the capital or in **BIG CITIES**.



60% of respondents identify as men



26,7% of respondents identify as women



1 of respondents identify as trans woman



6,7% of choose not to identify their gender (the answer "none of the above")



60% of the respondents choose "gay men" as their sexuality



33,3% are lesbian



6,7% are bisexual

FINDINGS



In 2017, Bilitis Resource Center conducted qualitative research in 5 Bulgarian cities with 40 structured interviews to identify good practices related to reporting anti-LGBTI hate crimes and providing support to victims. The research was part of the Come Forward cross-European project, co-funded by the EC (JUST/2015/RRAC/AG/VICT/8957).

(5.1.)

The research clearly showed that the Bulgarian Police and the Prosecution do not collect, classify or analyse information related to anti-LGBTI hate crimes. Hence, there is no official data on the scope of the problem. The only available services to victims that were identified are provided by NGOs.

The failure of the state to work on reporting and collecting data on hate crimes and incidents on homophobic and transphobic grounds have been partly compensated by the civil society.

The main tools for collecting data remain the platform wearetolerant.com and the legal program of Deystvie.

The lack of legal recognition of hate crimes against LGBTI people makes it more difficult to address the issues within the overall system of reporting, collecting data, investigating and showing support to victims of such crimes. These gaps in the system prevent the implementation of the Victims' Rights Directive (2012/29/EU), especially when it comes to individual assessment and special protection needs (article 23). This conclusion was verified through the research conducted within the ComeForward Project, in which GLAS Foundation and Bilitis participated as partners. While the Directive states that 'victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics' shall be particularly taken into consideration during the individual assessment, this is not the case in Bulgaria. Furthermore, as the analysis of the Centre for Study of Democracy shows, the individual assessment is not yet introduced in the legislation, while there is an 'urgent need' for this, along with the special protection measures (research done as part of the project Victim Practices, JUST/2014/JACC/AG/VICT/7406).

Examining two court cases in Bulgaria, Amnesty International finds that delays in the procedures are caused by 'a lack of understanding of how to deal with hate crimes, and deep seated prejudices against LGBT people' among prosecutors and the police. The systemic problem with identifying, reporting and dealing with anti-LGBTI hate crimes in Bulgaria, which stems from the lack of adequate legal framework will not be automatically overcome with the introduction of homophobic and transphobic motives in the Bulgarian law on hate crimes. This is especially true after the Constitutional Court decision against the implementation of the Istanbul Convention. The Bulgarian Constitutional Court voted on 27 July 2018 to declare the Istanbul Convention unconstitutional. The Istanbul Convention was one of the tools to enhance the Bulgarian criminal legislation and to make it more victims' oriented.

(5.2.)

The level of investigation and the numbers of reported cases are very low, as shown by the cited reports and by the interviews that we held. Victims and witnesses of hate crime and related incidents keep very low levels of motivation to report such incidents. The reasons for the low levels of motivation can be explained with several factors.

- Very low levels of trust in the work of the police, coupled with very low expectations about the effect of the procedure.

As an illustration to this general problem, we can cite from the interview of our respondent who volunteered to share her story publicly. She was attacked in a park in the central park of Sofia and suffered from a bodily injury. In her story she recalls being asked by a supporting friend immediately after the incident whether she wants to report the case to the police. After the case was closed by the prosecutor's office due to lack of evidence, she alleged:

Why should I call the police? What will they do? They are of no help. They will do nothing as usual. And that is what they did. Nothing as usual.

According to her, there was no real investigation of the case. The recordings of the nearby security cameras were seen, but according to her knowledge nothing was done to identify and find the perpetrator. In her interview she shares that she has never again visited the same park where the incident took place. She believes that the perpetrator lives nearby, because his words before the attack were: "You shall never come again here in my neighbourhood!" She believes that he is a frequent visitor of the place and hence can easily be identified and persecuted.

- LGBTQI people fear to reveal their sexual orientation to law enforcement officers

Many respondents shared in the online questionnaire that they are afraid to report hate crimes because they do not want to reveal who they are to the police officers. They assume that they will meet homophobic attitudes by the officers, that they can feel intimidated or shamed. As in other public institutions or events, non-disclosure is a method to avoid stigmatizing reactions from others, including public officials.

Some respondents avowed that they fear to provoke even more aggressive reactions as a consequence of reporting hate-crime related incidents. The following citation should not be taken as a testimony of real case of discrimination on behalf of officers, but as an illustration of the levels of fear in the LGBTQI people when they block themselves from reporting.

People are afraid to report because they fear from further attacks by the perpetrator, motivated by the reporting. They are afraid that they might be beaten again.

Nevertheless, of those few who dared to report and went through the whole procedure nobody shared a negative reaction from a law enforcement officer. All respondents affirm that the attitude of the policemen was neutral, that they did not encounter discriminatory attitudes related to their sexual orientation.

- Hate-crime related incidents are not considered as serious offences by the law enforcement officers

Many respondents share that they were victims of verbal attacks and threats. One case from Deystvie's legal program is a very good illustration of low levels of sensitivity towards hate crimes. It is a case of explicit verbal death threat against the same-sex partner of the perpetrator's daughter. When the couple decided to report the incident to the police, the officer in charge refused to register the case on grounds that it was not serious enough to be investigated. The victim shared:

As if the police wanted me to be already beaten or dead in order to do something. The death threats are nothing for them, they do not count.

Another case reported through the online questionnaire testifies of the same attitude.

When violence is only verbal, police do not want to do anything. Even when we are verbally threatened with attack against our lives which is a crime and should be prosecuted.

(5.3.)

Levels of information. Other findings of the research concern the level of available information and availability of services to the victims. All respondents are familiar with the service provided by Deystvie and LGBTI organizations and online tools for reporting. This is no doubt related to the fact that respondents were approached by Deystvie and already know the organization. The limits of this survey do not show exactly the levels of information for the community throughout Bulgaria, and there is no doubt that Deystvie and partner organisations need to continue their work to outreach a wider scope of potential claimants and LGBTQI people as a whole.

(5.4.) Need for accessible legal support.

Another research finding shows that victims of hate crime related incidents need more information and raise awareness to identify such cases and have the capacity to report them. Although they know that they can contact the police, respondents share that they need advice on the procedure and steps to undertake. They feel more confident when advised or accompanied by a lawyer in this undertaking.

One of the respondents shares that without the legal help he would not be able to report. He dared to undertake the procedure because he knew he could receive legal help pro-bono which, based on the experience of the respondent, became a turning point for reporting.

Another respondent declared that he chose to report his case with the help of the legal program, because he was confident that the organization will take care to keep statistics of the cases. He relied on the organization to provide reliable data regarding the occurrence of hate crime related incidents when needed.

(5.5.) Psychological help

About 50 % of the respondents in the online survey declared that they did not seek psychological help. Also half of the respondents replied that with every occurring incident they experienced fear, lost

confidence in people, were afraid to go out alone, felt traumatized or hopeless. One of the respondents has left the country.

(5.6.) Communication channels

Most of the people shared that they feel comfortable with the online platform for reporting incidents. The legal program of Deystvie provides advice also in person and people feel comfortable that their data are protected.

Some respondents shared a recommendation to open up a telephone line or online chat. Alongside the online platform, a simultaneous communication could help better identify the case and take the necessary steps accordingly.

(5.7.) Lack of legislation

Despite the lack of legislation regarding hate crimes on grounds of sexuality, LGBTQI people tend to be more conscientious about reporting them because they believe this is a necessary step towards positive change. Reporting the case despite the lack of legislation, they say, will raise awareness in the general populace. And the statistics about such incidents, kept by the organizations, may help advance the fight for legislative changes. The following two citations are from different respondents

Why do you report if there is no legislation. - I did the report, because these crimes happen and everybody needs to know about them. I do not expect a positive effect from my report. But it is important to gather this information.

I do not believe justice will be done. I don't believe in the system here [in Bulgaria]. But when I report this might lead to a change in the law.

RECOMMENDATIONS



(6.1.) Reporting process to organizations

The current reporting process provides the victims and/or witnesses of hate crimes with tools for reporting via established online reporting forms. However, a hotline or chat will allow direct instant communication between the victims and organizations. Such telephone line or online chat should be established in order to be able to serve as a first point of contact giving information with regard to reporting to the police and available support services.

(6.2.) Reporting process to police

With the support of the Ministry of Interior best practices of reporting hate crimes to the police should be identified and multiplied thus allowing all reports to be filed and people not being denied access to file a report.

(6.3.) Resources supporting the reporting

Materials supporting the reporting process should continue to be produced both online and offline and special attention should be brought in order to distribute materials to members of the community who are not in direct contact with the organizations. Partnerships with other NGO's and/or community-friendly places should be searched for.

(6.4.) Awareness raising campaigns among LGBTI community

Special effort should be made in order to provide proactively information about hate crimes, the resources available, tools for reporting and available services.

(6.5.) Campaigns encouraging reporting and trust with police

Lack of trust with the law enforcement officers should be addressed by promoting best practices of reporting and investigating hate crimes. Materials should be produced, and joint events should be organized for LGBTI community members and representatives of the police.

(6.6.) Access to legal and psychological services

Special focus should be put on communication of the existing pro-bono legal and psychological services and efforts should be made both by the organizations and the authorities to ensure the sustainability of these services.

(6.7.) Trainings of police officers

Trainings with police officers should continue to support qualification of police officers with regard to hate crimes, their understanding of LGBTI community and sharing best practices of reporting and investigating. Special effort should be made to provide training of LGBTQI-related hate crimes as part of the standard curriculum of the Police Academy as well.

(6.8.) Liaison (community) police officers

Liaison (community, anti-discrimination) police officers should be trained as a first point of contact for the victims and with specializing into investigation of hate crimes. Based on respective research on the needs and resources done together with the Ministry of Interior, enough liaison officers should be appointed so that there is at least one liaison officer per regional police district (28 districts in the country) and their contacts should be available via online web pages of the Ministry of Interior and of the LGBTQI organizations.

(6.9.) Legislation changes

Adequate change into the Bulgarian Penal Code and related legislation should be made with regard to overcoming difficulties in reporting, collecting data, investigation and providing victims with support.



Deystvie is an organization dedicated to bringing change to the lives of LGBTI people in Bulgaria. Our vision is to accomplish full rights recognized by the law, and to gain full social inclusion for LGBTI people in a society where they feel safe and respected.

We are providing pro-bono legal services

Use strategic legislation and advocacy tools for legislation changes

Organizing mass public events, protests, marches (such as Sofia Pride, Sofia Pride Film Festival, Equality March, Women's March)



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