



Nordic Council
of Ministers

Hate crimes targeting LGBTI people in the Nordic countries

A survey of strategies, methods and initiatives

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Summary

Many LGBTI¹ people in the Nordic countries today experience violence, hate speech, threats and harassment in various forms. This is serious, especially since these crimes are often motivated by hatred of individuals based on their sexual orientation or gender identity. But the Nordic countries are also working to develop long-term policies to improve this situation.

As part of this work, the Nordic Council of Ministers initiated a project that focuses on hatred directed at LGBTI people in the Nordic countries. Nordic Information on Gender (NIKK), located at the Swedish Secretariat for Gender Research, was commissioned to survey relevant strategies, actors and initiatives in the Nordic countries and present the results of this survey in a report.

Hate crime as a term

Hate crime was established as a term in the Nordic countries at the end of the 1990s, and is now used often in their action plans and policy documents. Hate crime is a term used to describe acts committed due to prejudice, where a person is the victim of a criminal act because of who the person is or what the person represents. However, hate crimes differ from many other forms of discrimination which involve avoidance behaviour that cannot be as easily linked to specific perpetrators, since in hate crimes there is usually one or more clear perpetrators who have actively sought out the victim or victims.

The term hate crime was originally used to describe crime motivated by racism or religious bigotry. In connection with the greater visibility and recognition of the rights of LGBTI people and the prevalence of hate crime directed at them in the Nordic countries, sexual orientation has also been included in the hate crime legislation in a number of the Nordic countries. In recent years, the intersectional nature of hate crime has also been more broadly recognised, which means that the prevalence of hate crime among members of a specific group may differ depending on whether that individual belongs to several groups at risk of such crimes, such as LGBTI people who are also Muslims.

Results of the survey

In recent decades, the Nordic countries have made positive progress thanks to new, protective legislation against hate crime and discrimination. This survey also shows that the majority of countries are working proactively to prevent and identify hate crimes against people based on their sexual orientation or gender identity. This work often involves government agencies and authorities as well as civil society organisations.

1. LGBTI is an abbreviation for Lesbian, Gay, Bisexual, Transgender and Intersex. This abbreviation is used in the Nordic, and many international, contexts.

The survey also highlights some of the challenges and differences in how the Nordic countries are working to combat hate crime against LGBTI people. Below is a summary of these countries' initiatives related to hate crime in various areas.

Legislation

The survey shows that all Nordic countries have rules that criminalise discrimination and agitation or hate speech, but the grounds of discrimination that are protected, which are called 'protected characteristics', differ somewhat from country to country. This also applies to the rules governing tougher penalties; the protected characteristics differ slightly from one country to another. The main characteristics protected are more closely tied to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which are race, nationality and skin colour. Religion or belief system are added next, after which sexual orientation and gender identity have been added in some instances. Some legal systems also protect the characteristic 'disability', and in Finland a bill has been presented recently that if passed would protect against discrimination on the ground of gender.

Policy and policy implementation

The Nordic countries' policy visions in the LGBTI area have similarities but also differences. The same applies to the ways in which their goals are defined through policies, strategies and action plans. In most of the Nordic countries, there is a broad initiative to counter hatred that targets LGBTI people. This work often involves several different government agencies or authorities and, in some cases, civil society organisations, and this requires well-functioning collaborations between these different actors.

Police and the judicial system

In most Nordic countries, the police authorities have received special instructions to prioritise the investigation and prosecution of hate crimes. These crimes are considered to be particularly serious in that they affect not only the individual victim but the whole group to which the victim belongs or is presumed to belong. One challenge facing the police authorities in the Nordic countries is that the police do not always capture the hate motive in crimes during the criminal investigation. In addition, groups at a particularly high risk of being the victims of hate crimes often exhibit a lack of trust in the police. Taken together, these factors reduce the chances of solving hate crimes.

Statistics

Most, but not all, of the Nordic countries keep statistics on the number of hate crimes in order to increase knowledge about the motives for and nature of these crimes, such as the environments in which the majority of these crimes are committed. This information is considered important for the effective planning and implementing initiatives against hate crimes and targeting these initiatives where they will have the most impact.

Knowledge-enhancing initiatives

In recent years, a number of initiatives have been implemented in the Nordic countries to enhance knowledge about hate crimes. These initiatives have targeted different occupational groups, the general public and groups at particular risk of hate crime. Some initiatives have also aimed to develop new knowledge about hatred and how it affects society and different groups. Other initiatives aim instead to spread knowledge with the objective of increasing people's propensity to report these crimes, or to help increase knowledge among those who regularly encounter victims of these crimes. These initiatives are led in some cases by government agencies or authorities and in other cases by civil society organisations, and not infrequently through cooperation between the two.

Support for victims of crime

In most of the Nordic countries, there are civil society organisations that work with supporting victims of crime. A number of these countries have invested in enhancing knowledge about hate crimes in these activities, for example through partnerships with LGBTI organisations. This survey highlights the need to improve partnering between the police and civil society's crime victim support activities. It also describes examples of support to victims of crime being offered via government agencies.

Civil society

Civil society plays an important role in combating hatred directed at LGBTI people in the Nordic countries. Civil society organisations in the Nordic countries offer support to victims of crime as well as training for employees of the legal system. These organisations also voice demands on government agencies and governments, such as by pushing for more inclusive legislation and contributing knowledge about how hate crimes can be combated.

Sammanfattning

Många LGBTI²-personer i Norden upplever idag våld, hat, hot och trakasserier i olika former. Det är allvarligt, särskilt eftersom brotten många gånger är motiverade av hat mot personer på grund av deras sexuella läggning eller könsidentitet. Samtidigt bedrivs ett långsiktigt politiskt arbete i de nordiska länderna för att förbättra situationen.

Som ett led i det arbetet har Nordiska ministerrådet initierat ett projekt som fokuserar på hat mot LGBTI-personer i Norden. Nordisk information för kunskap om kön, NIKK, placerat vid Nationella sekretariatet för genusforskning i Sverige, har fått i uppdrag att sammanställa relevanta strategier, aktörer och insatser i Norden och presentera resultatet i en kartläggning

Hatbrott som begrepp

Hatbrott etablerades som begrepp i Norden i slutet av 1990-talet, och förekommer numera ofta i handlingsplaner och policydokument. Hatbrott är ett uttryck för handlingar som utförs på grund av fördomar. Någon blir utsatt för en brottslig handling på grund av vem personen är eller representerar. Hatbrott skiljer sig dock från många andra former av diskriminering som innebär ett undvikande beteende, vilket inte lika lätt kan knytas till specifika förövare, då det vid hatbrott oftast är en eller flera tydliga förövare som utfört en aktivt uppsökande handling.

Begreppet hatbrott användes ursprungligen för att beskriva rasistiskt och religiöst motiverad brottslighet. I samband med att LGBTI-personers utsatthet och rättigheter fått större synlighet och erkännande i Norden, har även sexuell läggning inkluderats i hatbrottslagstiftningen i flera nordiska länder. Under de senaste åren har även hatbrottens intersektionella natur erkänts i allt högre utsträckning, vilket innebär att utsattheten för medlemmar i en grupp kan se olika ut beroende på om individen tillhör flera utsatta grupper, exempelvis LGBTI-personer som också är muslimer.

2. LGBTI är en förkortning av Lesbian, Gay, Bisexual, Transgender och Intersex. Denna förkortning används i nordiska, och många internationella, sammanhang.

Resultatet av kartläggningen

De senaste decennierna har en positiv utveckling skett i de nordiska länderna tack vare nya, skyddande lagstiftningar mot hat och diskriminering. Kartläggningen visar också att majoriteten av länderna arbetar förebyggande för att motverka och fånga upp hatbrott riktade mot personer på grund av deras sexuella läggning eller identitet. Arbetet involverar ofta både myndigheter och organisationer i civilsamhället.

I kartläggningen synliggörs även några av de utmaningar och olikheter som finns i hur de nordiska länderna arbetar för att motverka hatbrott mot LGBTI-personer. Nedan följer en summering av ländernas hatbrottsrelaterade arbete på olika områden.

Lagstiftning

Kartläggningen visar att samtliga nordiska länder har regler som kriminaliserar diskriminering och hetsande eller hatfyllda yttranden, men vilka diskrimineringsgrunder som skyddas ser till viss del olika ut. Detta gäller även reglerna om straffskärpning; grunderna som skyddas skiljer sig något åt mellan länderna. De grunder som primärt är skyddade är närmare kopplade till rasdiskrimineringskonventionen, det vill säga ras, nationalitet och hudfärg. Därefter läggs religion eller livsåskådning till, varefter sexuell läggning och könsidentitet kan bli aktuella. Vissa rättsordningar skyddar också funktionsnedsättning, och i Finland har ett lagförslag lagts om att skydda diskrimineringsgrunden kön.

Policy och politiskt genomförande

När det gäller de nordiska ländernas politiska visioner inom LGBTI-området finns såväl likheter som skillnader. Detsamma gäller formerna för hur målen skrivs fram genom policies, strategier och handlingsplaner. I de flesta nordiska länder bedrivs ett brett arbete för att motverka hat riktat mot LGBTI-personer. Arbetet involverar ofta flera olika myndigheter och i vissa fall även civilsamhället, vilket ställer krav på väl fungerande samarbeten mellan olika aktörer.

Polis och rättsväsende

I de flesta nordiska länder har polismyndigheterna fått särskilda instruktioner om att prioritera hatbrott. Brotten anses särskilt allvarliga i och med att de inte bara påverkar det enskilda offret utan hela den grupp som offret tillhör eller antas tillhöra. En utmaning som polismyndigheterna i de nordiska länderna brottas med är att hatbrottsmotivet inte alltid uppmärksammas av polisen under brottsutredningen. Samtidigt ser man att det inom grupper som löper särskilt stor risk att utsättas för hatbrott ofta finns ett bristande förtroende för polisen. Tillsammans minskar detta möjligheterna att klara upp hatbrott.

Statistik

De flesta, men inte alla, nordiska länder för statistik över antalet hatbrott för att öka kunskapen om brottens motiv och karaktär, exempelvis i vilka miljöer de flesta brotten begås. Sådan information bedöms vara viktig för att insatserna mot hatbrott ska kunna planeras och utföras på ett effektivt och träffsäkert sätt.

Kunskapshöjande insatser

Under de senaste åren har flera satsningar genomförts i de nordiska länderna för att höja kunskapen om hatbrott. Satsningarna har vänt sig till olika yrkesgrupper, allmänheten och till särskilt utsatta grupper. Vissa satsningar har haft som mål att ta fram ny kunskap om hatet och hur det påverkar samhället och olika grupper. Andra initiativ syftar istället till att sprida kunskap för att öka benägenheten att anmäla eller bidra till ökad kunskap bland de som möter utsatta. Initiativen leds i vissa fall av myndigheter och i andra fall av civilsamhället, och inte sällan genom samarbeten.

Stöd till brottsoffer

I de flesta nordiska länder finns organisationer inom civilsamhället som arbetar med att stötta brottsoffer. Flera länder satsar på att förbättra kunskapen om hatbrott inom dessa verksamheter, till exempel genom samarbeten med LGBTI-organisationer. Kartläggningen synliggör behov av att förbättra samarbetet mellan polisen och civilsamhällets brottsofferstödande verksamheter. Den visar också exempel på hur stöd till brottsoffer erbjuds via myndigheterna.

Civilsamhället

Civilsamhället har en viktig roll i arbetet med att bekämpa hat riktat mot LGBTI-personer i Norden. Civilsamhället i de olika länderna erbjuder såväl stöd till brottsoffer som utbildning för anställda inom rättsväsendet. Organisationer ställer också krav på myndigheter och regeringar, bland annat genom att driva på för en mer inkluderande lagstiftning och bidra med kunskap kring hur hatbrott kan bekämpas.

About the report

Studies show that a large proportion of LGBTI people in the Nordic countries experience violence, hatred, threats and harassment. That these acts are motivated by hatred of LGBTI people makes them particularly serious. The Nordic Council of Ministers' strategic focus areas to strengthen equal rights, equal treatment and equal opportunities for LGBTI people in the Nordic region include combating and preventing hate crime and discrimination.

The Finnish Presidency of the Nordic Council of Ministers in 2021 has initiated a project focusing on hatred targeting LGBTI people in the Nordic countries. The Nordic Council of Ministers co-operation body Nordic Information on Gender (NIKK), located at the Swedish Secretariat for Gender Research, was commissioned to survey relevant strategies, actors and initiatives in the Nordic countries. The purpose of this survey was to contribute to the sharing of knowledge and experience between these countries.

The survey was conducted and written by journalist Charlie Olofsson, with contributions from David Brax, PhD and senior investigator at the Swedish Secretariat for Gender Research, and Elin Engström, Manager of NIKK, at the Swedish Secretariat for Gender Research. The legislation was compiled by Görel Granström, Associate Professor in law at Umeå University.

Terms and definitions

LGBTI

LGBTI is an abbreviation for Lesbian, Gay, Bisexual, Transgender and Intersex. After a decision by the Nordic Ministers for Gender Equality, this term is now used in official Nordic cooperation so as to correspond to the term used by other international organisations. This collective term is used in this report, except when referencing action plans etc., where other terms are used. Examples of these other terms are LHBTI (used in Norway), HBTQI (used in Sweden) and HBTQIA (used in Åland). The latter terms also include people who identify as queer and asexual.

Transperson

An umbrella term for different individuals who experience that the legal sex they were assigned at birth does not correspond to their gender identity and/or gender expression.

Non-binary

A person who feels themselves to be neither woman nor man, but instead as both, midway between, floating, or completely beyond sex categories.

Intersex variation or variation in sexual characteristics

Intersex variation, which may also be called variation in sexual characteristics, covers many different medical conditions where a person is born with an internal or external anatomy that does not correspond to what a typical female or typical male body is expected to be. An intersex variation can be a difference in external anatomy, but also a hormonal or genetic difference that is not expressed in an obvious anatomical difference. There is a wide range of intersex variations, some of which are treated medically and others not.

Gender identity

A person's self-perceived gender, that is, the gender with which the person identifies. Gender identity is sometimes also called psychological or mental gender.

Minority stress

Being in a minority position entails an increased risk of being subject to various psychosocial stress factors such as bullying, discrimination and violence. Such stress factors can affect mental health, and this is often termed 'minority stress'.

About hate crime

Evolution of the term 'hate crime'

The term 'hate crime' was coined in the USA in the early 1980s to describe crimes motivated by hostility towards a particular group. Crimes with such motives were considered to be particularly serious because of the harm they do to the victim, the groups at risk of these crimes, and the community as a whole, and therefore were considered to warrant more severe penalties. Both the term and the legislation then spread across much of the world.³ Hate crime was established as a term in the Nordic countries at the end of the 1990s, and is now frequently used in action plans and policy documents. This term is used not only for criminal acts committed with a hate motive but also for agitation against, and other forms of hate speech, that target particular groups, as well as other forms of discriminatory treatment.

The term hate crime was originally used to describe crime motivated by racism or religious bigotry. This can be traced back to legislation introduced to protect against agitation against ethnic groups adopted after the Second World War, in which Nazi hate propaganda played a central role. An increase in racially motivated violence in several of the Nordic countries during the 1990s also contributed to the need for societal measures being seen as warranted.⁴ In the second half of the 1990s, there was an increase in public awareness that attacks on people because of the victim's sexual orientation were occurring, and that the consequences for the individual and for society were comparable to violence motivated by racism or religious bigotry.⁵ The inclusion of sexual orientation in hate crime legislation in most Nordic countries was related to greater recognition of LGBTI people in general.

The nature of hate crime

Hate crime is a term used to describe acts committed due to prejudice, where a person is targeted by a criminal act because of who the person is or what the person represents. Legislation and other policy measures are part of the organised society's response to prejudice and group-based inequalities. Work to combat hate crimes has a particular role to play in this response for a number of reasons, one of which is that hate crimes are relatively unambiguous. In a hate crime, there is usually one or more obvious perpetrators who have actively sought out the victim or victims in an act that runs counter to the fundamental values and laws of society. Hate crimes are therefore different from other forms of discrimination which involve *avoidance* behaviour, which cannot easily be linked to specific perpetrators. The punishment of individuals who have carried out criminal acts is also less controversial than, for example, measures intended to compensate victim groups due to historical victimisation and/or more structural forms of discrimination.

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3. Jennes, V. Grattet, R. (2002) *Making hate a crime: From Social Movement to Law Enforcement* New York, Russell Sage Foundation
 4. Björge, T och Carlsson, Y, Vold, rasisme og ungdomsgjenger : forebygging og bekjempelse. : Tano-Aschehoug 1999
 5. Tiby, E. (1999) *Hatbrott? Homosexuella kvinnors och mäns berättelser om utsatthet för brott*. Edsbruk: Akademitryck.

Due to the relatively unambiguous nature of hate crimes, it is also possible to keep statistics on the incidence of such crimes. This makes it possible to monitor trends to some extent, which is important for understanding the need for measures.

Alongside hate crime, there is a category called 'hate incidents'. These are incidents that resemble hate crimes in many respects: they are motivated by prejudice and unpleasant for those who are subjected to them, but they are not judged to be criminal acts.⁶ An example could be verbal attacks in a public space. Such incidents have a negative impact on individuals and groups subjected to them and there is often a need for support, but this need cannot be met through legal channels. Offering support therefore requires a different kind of arrangement.

Included groups

There are advantages associated with as a group being explicitly mentioned in hate crime legislation, especially in pursuing successful prosecution. But it can also lead to an increase in the skills of actors who encounter these groups regularly and to an increased understanding among these actors of the exposure of these groups to discrimination.⁷ It is worth noting that the groups covered by hate and agitation legislation do not fully coincide with the protected characteristics. For example, no Nordic country currently recognises hate crime based on gender – even though it has been discussed in several of these countries, and there is a bill in 2021 to this effect from the Finnish Government (see the section on legislation).

In recent years, the intersectional nature of hate crime has also been more widely recognised. Intersectionality in this context means that exposure to discrimination for members of a group may differ depending on whether the individual belongs to several groups at risk of such crimes, such as LGBTI people who are also Muslims. This is an important insight for successful investigations of hate crimes, as well as for how to approach and support victims of these kinds of crimes in the best possible way.

Democracy and human rights

The prevalence and risk of threats and hatred in the public space limit scope for action and negatively impact opportunities for participation in democratic processes and public debate. This applies to individuals as well as groups. There is a growing awareness in the Nordic countries that, besides being a matter of physical and mental suffering, hate crime also constitutes a threat to democracy. When representatives of a group are affected in this way, there is an imminent risk that important perspectives will be silenced. Work to combat hate crime should therefore be linked to measures to safeguard democracy and public debate in general.

It is worth emphasising this, in particular because hate crime legislation and other measures concerning agitation and what is termed hateful rhetoric/hate speech are

6. Swedish National Council for Crime Prevention (2016) Hatbrott - Statistik över polisanmälningar med identifierade hatbrottsmotiv och självrapporterad utsatthet för hatbrott. 2016:15 Stockholm: Swedish National Council for Crime Prevention, see also Hall, N. (2005). Hate crime. Cullompton, Devon: Willan
7. See for example SOU 2015: 103 Ett utvidgat straffrättsligt skydd för transpersoner m.m.

often problematised as restricting freedom of speech. Even though this tension does exist and should not be taken lightly, it is important to understand the restrictions on freedoms that hatred and threats entail for those subjected to them.

It is also important to remember that it is not long since society severely limited LGBTI people's opportunities to live their lives on equal terms with others. To a certain extent, this is still happening.⁸ For many, the state is not just an actor offering protection, but also an actor that makes it difficult to live freely and openly. Hate crime legislation is normative and an expression of the principle of the equal value of all people. But the problems addressed by this legislation are in fact also expressions of norms that persist in some parts of the society. It is precisely because at-risk groups have been identified as deviant, and because they have had their living conditions restricted, that so much harm is done when they are attacked.⁹

Coordination and knowledge

It is a widely recognised problem that the hate motive aspect of crimes risks being lost in the criminal justice chain.¹⁰ Many of the reported crimes where a hate motive has been identified are difficult to investigate. This means that few cases lead to convictions, and of these, in only a very small proportion is the hate crime rule applied. It is important that there is broad understanding of hate crimes in the work of law enforcement authorities, and that this understanding is transferable between instances of these authorities. In order to achieve this, far-reaching coordination, a common understanding and a common knowledge base on these issues are needed, needs which are very apparent in the material in this survey. Similar social conditions and broadly comparable legal situations between the Nordic countries create an excellent foundation for a fruitful sharing of experiences with regard to hate crimes in these countries.

8. See for example the NIKK report "Kartläggning och analys av LGBTI-området i Norden" (2020)

9. Wolff, Jonathan & De-shalitt, Avner (2007). *Disadvantage*. New York: Oxford University Press

10. Granström, G. och Åström, K. (2017) *Life Cycle of a hate crime: Country Report for Sweden*, Umeå, Department of Law, Umeå University

Hate crime legislation

The current legislation in the Nordic countries on hate-motivated crimes that target LGBTI persons is reviewed below. Historically, different terms have been used in the legislative context to signal that persons belonging to this group are the ones referred to. The terms that most Nordic legislators use today are sexual inclination or sexual orientation, which then refers to heterosexuality, homosexuality and bisexuality. The terms gender identity and gender expression or transgender identity and expression are used to cover transpersons. The term intersex is not mentioned in the legislation, but the term can be found in some of the legislative history. In a recent Danish Government Bill, the term sex characteristics is also used as a way of denominating intersex.

Thus, in the legislative history, but not in the written legislation, it is apparent that intersex is covered by some legal systems. This will be described in more detail below. In Sweden's legislative history, intersex is given as an example of a ground covered by the phrase "other similar circumstance" in the section on enhanced penalties where there is a hate motive.¹¹

Legislation in the area, which is known as hate crime legislation, usually includes some form of punitive prohibition on discrimination in the context of economic or public activity, such as in trade and restaurant activities. In addition, agitation or hate speech, usually targeting groups of people – expressed as ethnic groups or other such groups – is criminalised, but hate speech or agitation targeting individuals may also be included. In all the Nordic countries except Iceland, there is also the possibility of tougher punishment if the crime was committed with a motive to aggrieve based on one of the protected characteristics. All Nordic countries have rules that criminalise discrimination and agitation or hate speech, but the characteristics protected are somewhat different in the different countries. This also applies to the rules on tougher penalties, where the protected characteristics differ slightly from one country to another.

The ratification by the Nordic countries of the International Convention on the Elimination of All Forms of Racial Discrimination and the body that monitors it (the Committee on the Elimination of Racial Discrimination or CERD) is a consistent theme, which explains why rules in this area have been introduced. Roughly the same trend can be seen in the different countries concerning what characteristics are protected. The characteristics initially protected are more closely tied to the International Convention on the Elimination of All Forms of Racial Discrimination, which are race, nationality and skin colour. Religion or belief system are added next, after which sexual orientation and gender identity have been added in some instances. Some legal systems also protect the characteristic 'disability', and in Finland a bill has been presented recently that if passed would protect against discrimination on the ground of gender.

Below is a brief presentation of the legislation in the different Nordic countries. The Åland Islands, Greenland and the Faroe Islands are not included in the presentation below. In general, it can be said that the Åland Islands have roughly the same

11. Government Bill 2017/18:59, p 29.

protections with respect to hate-motivated crimes as Finland, but that Greenland and the Faroe Islands have less adequate protections against these forms of crime than the other Nordic countries.¹²

Denmark

In Denmark, Section 266 b of the Criminal Code (*straffeloven*) criminalises statements made or the imparting other information publicly or with the intention of wider dissemination by which a group of people are threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion, or sexual inclination. The ground of sexual inclination was added in 1987 and the legislative history shows that the term sexual inclination is to be understood as also including transvestitism, that is, what would be defined today as transpersons, and even those with non-binary sex characteristics, i.e., intersex.¹³

Discrimination is regulated in different laws depending on the characteristics protected, and sexual inclination is protected under Denmark's Consolidated Law on the ban on discrimination on the ground of Race etc. (*Racediskriminationsloven*) no. 626 of 29 September 1987, where Section 1 prescribes that anyone who, in trade or other public activity, refuses to serve someone on the same terms as others, on the basis of a person's race, skin colour, national or ethnic origin, faith or sexual inclination, shall be punished.¹⁴

The possibility of enhanced penalties has been regulated since 2004 in Section 81 (6) of Denmark's Criminal Code which prescribes that when the punishment is to be determined, it should be regarded as an aggravating circumstance if the act was based on the other's ethnic origin, faith, disability, sexual inclination or the like. The provision is therefore not exhaustive, but according to the legislative history, the provision should be interpreted in the light of Section 266 b.¹⁵ The ground of disability was added in 2021, with the reason given that explicit protection was needed, and that such protection could not be provided by the interpretation of the wording 'or the like' because it referred back to Section 266 b which did not cover disability.

In August 2020, the Danish Government announced a ten-point programme to strengthen rights and opportunities for LGBTI people.¹⁶ One of the points in this programme was that there should be clear protection against hate crimes for transpersons and persons with an intersex variation. In the autumn of 2021, a Bill was presented proposing the explicit inclusion of the terms gender identity, gender expression, and sex characteristics in Section 266 b, Section 81 (6), and in Denmark's Consolidated Law on the ban on discrimination on the ground of Race etc.¹⁷ This was intended to make it clear that protection against hate crimes also covers transpersons and persons with an intersex variation.

12. See for example Larsen, 2016

13. *Forarbejder till § 266b i straffeloven, Aendningslov nr. 357* of 3 June 1987. See also *Rigsadvokatmeddelelsen, afsnittet: Hadforbrydelser*. CIR1H nr 10507 of 30 March 2016, p 15 et seq. and *Beskaeftigelsesministeriet*, 2021, p 13.

14. See *Lov 29. September 1987 No. 626*.

15. *Folketingstidene 2003-04, tillæg A spalte 3322*. See also *Forarbejder til § 81 i straffeloven. Aendningslov nr 709* of 26 April 2021.

16. *Regeringen. Frihed til forskellighed. Styrkede rettigheder og muligheder for LGBTI-personer*. 2020.

17. *Forslag til Lov om ændring af lov om ligestilling af kvinder och mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love. Lovforslag nr. L 18. Folketinget 2021-22*.

Finland

In Finland, ethnic agitation is criminalised by Chapter 11 Section 10 of Finland's Penal Code. The section was introduced in 1970 and was amended to its current wording in 2011. The section gives the protected characteristics as race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable characteristic. Among the characteristics falling into the category of 'comparable', as early as 2010 in the legislative history for the law, it was concluded that persons belonging to what were termed 'gender-related minorities', such as transvestites and persons with an intersex variation could be covered.¹⁸

Discrimination, which means a person who in their trade or profession treats a person differently in a worse way, for example by refusing the person entry to a public function or a restaurant, is criminalised by Chapter 11 Section 11 of the Penal Code. More characteristics are protected than those applied when it comes to agitation against an ethnic or national group and the possibility of tougher penalties. The characteristics protected are race, national or ethnic origin, skin colour, language, sex, age, family ties, sexual preference, inheritance, disability or state of health, or religion, political orientation, political or industrial activity or another comparable circumstance.

The possibility of tougher penalties was introduced into the Penal Code in 2002 and is regulated in Chapter 6 Section 5 (4) of the Penal Code, which states that the provision for increasing the punishment can be used when the commission of the offence had a motive based on race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding grounds. Right from when the section was introduced in 2002, the legislative history showed that hatred of "sexual minorities" could be covered, although this ground was not explicitly mentioned in the wording of the law.¹⁹ In practice, it was interpreted as covering sexual orientation. Here, too, the ground of sexual orientation was added in 2011 and, in the same way as applies to agitation against an ethnic or national group, it is apparent from the legislative history that transpersons and persons with an intersex variation are considered to be groups which can be covered by this protection since then.²⁰

In the spring of 2021, the Finnish Government presented a Bill that included draft legislation to add gender as a protected characteristic when it comes to the possibility of tougher penalties. This is seen as a way of addressing hate rhetoric against women, particularly on the Internet, and which risks restricting women's participation in social debate.²¹

Iceland

In Iceland, Article 233a regulates agitation against an ethnic or national group and Article 180 regulates discrimination in the General Penal Code. Article 233a was introduced as a consequence of Iceland's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and was amended in 2014, when gender identity was added as a protected characteristic. This means that

18. RP 317/2010 rd, p 40/l.

19. RP 44/2002 rd, p 196/l.

20. RP 317/2010 rd, p 37/ ll.

21. RP 7/2021 rd.

anyone who publicly mocks, defames, denigrates or threatens a person or group of persons for their nationality, colour, race, religion, sexual orientation or gender identity can be punished. As early as 1996, sexual orientation was added as a protected characteristic in Article 233a and in Article 180 on discrimination, which entered into force in the same year. The Article on discrimination regulates the possibility of punishment for anyone who, in the course of business operations or the provision of services denies a person goods or services on an equal footing with others on grounds of that person's nationality, colour, race, religion, sexual orientation or (since 2014) gender identity.

Hate-motivated crimes are not yet covered by the possibility of enhanced penalties under Article 70, but in spring 2021 a Government Bill was presented containing proposals for changes to the General Penal Code.²² The proposals included an amendment to Article 70 so that hate motives linked to the grounds of ethnicity and nationality, colour, race, religion, disability, sexual orientation, gender identity and intersex would be covered by the possibility of imposing tougher penalties. This proposal would also mean that disability and intersex would be added as protected characteristics in Article 180 and Article 233a. The Bill did not pass, but is likely to be presented again later during the autumn of 2021.

Norway

In Norway, hate speech, discrimination and the possibility of tougher penalties are regulated in Section 185 of the Penal Code, which states that anyone who publicly makes a discriminatory or hateful statement is covered by this rule. This means threatening or insulting a person or promoting hate of, persecution of or contempt for another person based on their skin colour or national or ethnic origin, religion or life stance, homosexual orientation, or reduced functional capacity. Section 186 regulates the prohibition on discrimination. It provides for penalties for those who in a commercial or similar activity refuse a person goods or services (access to a public performance, display or other gathering on the terms that apply to other persons) based on the person's skin colour or national or ethnic origin, religion or life stance, homosexual orientation, or reduced functional capacity. The protected characteristic of sexual orientation was introduced into the section in 1981 in the form of the wording "homosexual tendency, lifestyle or orientation". In 2008, the protected characteristic of reduced functional capacity was incorporated into the Code, and as of 1 January 2021, Sections 185 and 186 have their current design, which also includes protection for transpersons.²³

As aggravating circumstances in determining the severity of the penalty, consideration shall be given to whether the offence was motivated by a person's religion or life stance, skin colour, national or ethnic origin, homosexual orientation, disability or other circumstances relating to groups with a particular need for protection. This is regulated in Section 77(i) of the Norwegian Penal Code. The section on the possibility of tougher penalties linked to hate-motivated crimes was introduced into the Penal Code in 2008, when it then covered "homosexual orientation" and as of 1 January 2021, the section also includes protection for transpersons. The legislative history shows that the list of protected characteristics is intended to exemplify, that is, it is not meant to be exhaustive, but who these

22. Government Bill, 2020–2021, 1189, on amendments to the General Penal Code, No. 19/1940 (child pornography, agitation against an ethnic or national group, discrimination, etc.).

23. See Ot.prop.nr 8, (2007–2008), p. 44 et seq, and Prop. 66 L (2019-2020), p. 66 et seq.

other groups or what other protected characteristics there might be are not stated more specifically. What it is apparent, however, is that this should be about the protection of vulnerable minorities.²⁴

Sweden

In Sweden, agitation against an ethnic or national group and unlawful discrimination are regulated in Chapter 16 the Criminal Code and the possibility of enhanced penalties can be found in Chapter 29. Chapter 16 Section 8 of the Swedish Criminal Code deals with 'agitation against a population group'. This section means that if someone in a statement or other communication that is disseminated, threatens or expresses contempt for a population group by allusion to race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression, they are guilty of 'agitation against a population group'. The section originally protected the characteristics of origin or religious faith; in 2003 the characteristic sexual orientation was added and in 2019 also the characteristic of transgender identity or expression.

The provision on unlawful discrimination in Chapter 16 Section 9 protects the same characteristics as the section on 'agitation against a population group'. Unlawful discrimination means that a business operator who, in their business activities, discriminates against a person on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression by not assisting that person on the terms and conditions the operator applies to others in their business activities can be sentenced to a fine or imprisonment. Unlawful discrimination was first criminalised in 1970 as a result of Sweden's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. In 1987, homosexual orientation was added, which was changed to sexual orientation in 2009, and in 2018 the characteristic of transgender identity or expression was added.

The tougher penalties rule in Chapter 29 Section 2 point 7 of the Criminal Code means that, as an aggravating circumstance in assessing the penal value, special consideration must be given to whether a motive for the offence was to insult a person or a population group on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or transgender identity or expression, or another similar circumstance. This provision was introduced in 1994, and at that time sexual orientation was not among the protected characteristics listed, but it was nevertheless apparent from the legislative history that the phrase 'or another similar circumstance' could include sexual orientation.²⁵ In 2002 the characteristic of sexual orientation was added to the section itself, and the legislative history shows that 'another similar circumstance' could then include rights violations on the grounds of transvestitism and transsexualism.²⁶ From 2018, transpersons have also been explicitly included in the text of the law itself, in that the wording now protects the characteristic of transgender identity or expression. Intersex is considered to fall within the scope of 'another similar circumstance'.²⁷ The legislative history shows that the phrase 'transgender identity or expression' is intended to include transpersons, which is exemplified by non-binary persons, transvestites and

24. Prop. 66 L (2019–2020), pp 70, 75.

25. Govt Bill 1993/94:101, p 22.

26. Govt Bill 2001/02:59, p 57.

27. Govt Bill 2017/18:59, p 29.

transsexuals.²⁸ In the legislative history of Sweden's Criminal Code, intersex is viewed as a matter of gender. "Intersex is a term used to account for conditions where a person's physical development does not fit typical binary notions of male or female bodies. Since intersex variation is primarily about sex, in the light of the principle of criminal law it may be considered doubtful as to whether agitation against the group with intersex variation can be considered to fall under the characteristic transgender identity or expression."²⁹ This means that neither the section on agitation against an ethnic or national group nor the section on unlawful discrimination provides protection for people with an intersex variation. On the other hand, this protected characteristic is covered by the possibility of tougher penalties, since Chapter 29 Section 2 point 7 concludes with the wording 'or another similar circumstance', and it is clear from the legislative history that an intersex variation can be just such 'another similar circumstance'.³⁰

In summary

It can be noted that when it comes to the protection of LGBTI people against hate-motivated crime in the Nordic countries, there has been a positive trend since the 1990s in that the legislation has been reformed in these countries. Sexual orientation, regardless of whether it is called homophile orientation or homosexual tendency, has been incorporated into the legislation to an increasing extent starting in 1987 in Denmark and Sweden. Today, sexual orientation is a protected characteristic in the legislation of all the Nordic countries. However, the situation is less good concerning the protection of transpersons and intersex persons, although there too there has been some development. What is striking is that, although these characteristics are not explicitly protected in the legislation, their protection is nevertheless implicit. This is because many of these countries mention in their legislative history that transpersons' (or transvestites, which was the first term to be applied by the legislators) and intersex persons' need for protection is considered to be covered by wordings such as "another similar circumstance" or "another comparable circumstance". And this occurred as early as 1987, if we look at the legislative history in Denmark. However, it must be at once concluded that it is of course problematic that protection of these groups is not explicitly written into the law, and thus not reflected in the legal text itself, but must be found through an analysis of the legislative history. Recognition of what is problematic about this is also apparent in the fact that in their reforms of hate crime legislation, a number of these countries point out that gender identity, for example, is already covered by the law's protections, but that there is an important symbolic value to it also being written directly into the text of the law.

It is also interesting to note that, at the time of writing this report in autumn 2021, there are three Bills which could potentially move this issue further forward in the form of full recognition of the need for protection of these groups through legislation. These are the Danish Bill which includes a proposal to introduce intersex, through the term 'sex characteristics', explicitly into the legislation; and the Icelandic Bill, which also proposes protection for intersex variation; and the Finnish Bill, which opens the way for including gender as a protected characteristic.

Finally, however, it should be remembered that no matter how well formulated and

28. Govt Bill 2017/ 18:59 p 41 et seq.

29. Govt Bill 2017/18:59, p 41. See also p. 44 for a similar discussion.

30. Govt Bill 2017/18:59, p 29.

inclusive the legislation is, the biggest challenge remains. The law has to be applied and used as a tool to provide redress for victims of hate crime as well as to send a signal to perpetrators and to the rest of society to the effect that crimes where there is a hate motive are seen as more serious and offensive than crimes without these motives.

Policy and policy implementation

There are similarities between the policy visions of the Nordic countries in the LGBTI area, but also differences. The same applies to the ways in which their goals are defined through policies, strategies and action plans. In most of the Nordic countries, there is a broad initiative to counter hatred that targets LGBTI people. This work often involves several different government agencies or authorities and, in some cases, civil society organisations, and this requires well-functioning collaborations between these different actors.

Denmark

The Danish Government's work on LGBTI rights is based on an Action plan³¹ to promote security, well-being and equal opportunities for LGBTI people. The current Action plan spans the period 2018–2021 and covers a wide range of areas. Hate crime is not explicitly mentioned as a focus area, but the Action plan highlights, among other things, the need for efforts to combat homophobia and transphobia in the public arena.

In 2020, the Danish Government issued a statement³² on how to strengthen the rights and opportunities of LGBTI people. This statement highlights work to combat discrimination, hate crime and hate speech as one of three focus areas.

As in many of the other Nordic countries, work to combat hate crime and hate incidents is done by many different actors. Linked to its Action plan to promote security, well-being and equal opportunities for LGBTI people, the Danish Government has established a coordinator function within the Ministry for Gender Equality with special responsibility for LGBTI matters. The coordinator is to ensure that the initiatives in the Action plan are implemented, and to spread knowledge and contribute to better cooperation between different actors working with LGBTI issues. In order to facilitate the implementation of the Action plan, the Danish Government has also appointed an inter-ministerial working group with participants from the Ministry of Foreign Affairs, Ministry of Health, Ministry of Culture, Ministry of Employment, Ministry of Social Affairs, Ministry of Justice, Ministry of Children and Education, Ministry of Immigration and Integration, Ministry of Higher Education and Science, and the Ministry of Industry, Business and Financial Affairs.³³

Other key actors in the work to combat hate crime are the Danish Crime Prevention Council (DKR) and the National Police of Denmark, the uppermost level of police in Denmark. They regularly compile knowledge about the vulnerabilities of LGBTI people, which serves as a basis for policy decisions. The National Police of Denmark compile reports annually on the number of reported hate crimes. They also work to inform the public so that more people report hate crimes, for example through the *Stop hadet* (stop the hate) campaign conducted in 2019³⁴.

31. Danish Government. Action plan to promote security, well-being and equal opportunities for LGBTI people. 2018

32. Danish Government Frihed til forskellighed. Styrkede rettigheder og muligheder for LGBTI-personer. 2020

33. Ministry of Employment Denmark, 2021

34. Danish Crime Prevention Council, 2021

Get insight into the campaign Stop hadet in the interview on the next page.

In the years 2021–2023, the Danish Government is directing special resources to further strengthen the Police and Public Prosecutor's efforts to combat hate crimes. These efforts include increasing knowledge of hate crimes in the police districts, helping to identify and register more hate crimes correctly, and improving information about hate crime to at-risk groups.³⁵

The Danish Institute for Human Rights, which is an independent state-funded organisation, is also working with issues related to hatred and threats that target LGBTI people. They have an advisory role to the Danish Government and make recommendations concerning legislation and initiatives. For example, the Institute has called on the Danish Government to make the legislation on hate crimes and hate speech clearer, so that there is no doubt that transpersons and intersex persons are covered.³⁶ They have also called on the Government to draw up a national action plan to prevent and combat racism and hate crime.³⁷

35. Ministry of Justice, Denmark. Aftale om politiets og anklagemyndighedens økonomi 2021–2023. 2021

36. Danish Institute for Human Rights, 2020

37. Danish Institute for Human Rights, 2019



Campaign to increase the number of hate crimes reported to police (DK)

The National Police of Denmark are working in various ways to increase knowledge about hate crimes. In 2019, the nationwide campaign *Stop hadet* was conducted, calling on all those who had been subjected to hate crimes to report these crimes to the police.

The background to this campaign was the significant underreporting of hate crimes. When comparing studies of people's experiences of hate crimes with statistics on police reports of these crimes, a large gap became evident. Many people who feel that they have been victims of hate crimes have not reported the incident to the police. The purpose of the *Stop hadet* campaign was to draw attention to the fact that hate crime is against the law and to send a message that it is important that these crimes are reported to the police.

"Minority groups should be able to move freely in the Danish community without fear of attack or being insulted in some way. It is important to inform the public that minority groups have special protection in the Criminal Code," says Ole Ritter.

During the campaign, the national police distributed postcards via cafés, restaurants, cinemas, and the like. The postcards – which were also available at all police stations – described what hate crimes are and called on everyone who had been subjected to such crimes to come forward and report them. An evaluation of the campaign showed that 93 per cent of the 40,000 postcards were taken by people.

"We are very pleased that so many people showed interest in the postcards. That indicates that many people were curious about their message," says Ole Ritter, police constable at the national prevention centre at the National Police of Denmark.

Besides the distribution of postcards, the campaign also consisted of an information film on YouTube and a Facebook chat, where it was possible to put direct questions to police officers about work to combat hate crime.

"After the campaign, police work on raising awareness of hate crimes is continuing in close dialogue with interest groups whose members are at risk," says Ole Ritter.

"For example, the National Police of Denmark are happy to attend events arranged by individual organisations, where we provide information about what hate crimes are and how important it is to report them."

Finland

Finland does not have an action plan or strategy in the LGBTI area, nor does it have a strategy for combating hate crime. These issues have been included in other action plans, for example in the National Action Plan on Human and Fundamental Rights and in *Statsrådets redogörelse för den inre säkerheten* [Finnish Government Report on Internal Security].

The Finnish Government is committed to combating hate rhetoric and other forms of hate crime in the Government Programme. It highlights the particular importance of ensuring the security of groups particularly at risk and in this context mentions 'sexual minorities'.

In Finland, extensive work is under way led by the Ministry of Justice to improve how hate crime is handled and improve support for victims of such crime. The project started with the *Against hate* project, which was carried out in 2017–2019. This was followed by the *Facts against hate*³⁸ project, which will run until the end of 2021. The work will then be followed up by a third project, the *Osaavat* (Capable) project³⁹, where the aim is to include the lessons from the previous projects, and to look into the option of establishing a skills centre for work against hate crime and discrimination.

The Ministry of Justice is an important player in the work to combat hate crime in Finland. In addition to the projects mentioned above, they inform the public about the importance of reporting hate crimes via the equality.fi website.

For the Ministry of the Interior, efforts to combat hate crime are also an important strategic area, in particular as part of Finland's Strategy on Preventive Police Work 2019–2023 (ENSKA). The Ministry of the Interior organises discussions with various minority groups (including LGBTI people) to learn about current security challenges in everyday life.

Against hate was implemented in cooperation with several civil society organizations, including LGBTI organisations active at both the national and local levels. Victim Support Finland (RIKU), which provides support for victims of crime, was one of the project partners. Part of the project was a survey of initiatives to combat hate crime in Finland and this showed that this work involved many different actors. One conclusion was that while much is being done to identify, prevent and combat hate crime, there is no overall coordination. Another result from the survey showed that initiatives in this area are rarely evaluated, which makes it difficult to know which initiatives are most effective.⁴⁰

The goal of the follow-up initiative *Facts against hate* is to streamline work to combat hate crime and hate rhetoric, for example by improving data collection and reporting of hate crimes. Another goal is to strengthen local cooperation and increase trust within the local community as a way of combating hate crime. For example, it is about building better relationships between different groups in society and increasing trust between the police and at-risk minority groups. The hope is that this will ultimately contribute to more reports of hate crimes.

Facts against hate is coordinated by the Ministry of Justice and the Ministry of the

38. Ministry of Justice Finland, 2021a

39. Finnish Government, 2021

40. Ministry of Justice Finland, 2021b

Interior, the Police University College, the Anti-Racist Forum, the Centre for Peace Studies and the Irish network against racism are also involved in the project.⁴¹

Get insight into the projects Against hate and Facts against hate and in the interview on the next page.

41. Ministry of Justice Finland, 2021a



National projects focusing on collaboration (FI)

The *Against hate* and *Facts against hate* projects have improved the coordination of work to combat hate crime in Finland. The background to these projects is that the Ministry of Justice saw that there were many different actors working on issues related to hate crime and hate speech, but that the interfaces between them were few.

"Some form of coordination was needed," says project manager Milla Aaltonen.

Through the *Against hate* and *Facts against hate* projects, the Finnish Government brought together a range of actors including authorities and civil society organisations.

Together, they attempted to identify what needs to be done to improve how hate crimes are dealt with.

Against hate ran from 2017 to 2019 and *Facts against hate* from 2020 to 2021. Both projects were funded by the EU and a number of different efforts were carried out through these initiatives. For example, guidelines and courses have been developed to improve how hate crimes are dealt with by a range of authorities, including the police. An issue that was particularly highlighted in these projects was the underreporting of hate crimes.

"We know that there are many hate crimes that are not reported to the police and, to change this, we have worked on improving the information provided to at-risk groups, for example. We have also trained police officers to be able to approach victims of these crimes in a better way," says Milla Aaltonen.

In addition to improving cooperation between various authorities, *Against hate* and *Facts against hate* also had the stated objective of establishing closer contacts between the relevant authorities and the various actors in civil society. In this regard, Milla Aaltonen believes that the projects have had very positive effects.

"Both the authorities and the civil society organisations now feel that it has become easier to contact each other and ask for advice, for example."

As a follow-up to these two projects, the Ministry of Justice has started a third initiative, the *Osaavat* or Capable project. This project will continue to develop the skills of professionals in different areas. The aim of this project is also to include the lessons learned from the previous projects and possibly to establish a skills centre for work to combat hate crime and discrimination.

"We will test and evaluate that possibility. We believe that this could be a way of solving the problems of coordination and have a lasting impact on the work with these issues," says Milla Aaltonen.

Iceland

Over the last two years, the Icelandic Government has focused on questions about how the rights of the LGBTI group can be strengthened through legislation. For example, the right to define their gender, laws that ensure the rights of transpersons and non-binary persons, and laws that protect children with intersex variations against unnecessary surgeries are mentioned. At present, there is no actual action plan or strategy for how hatred directed at LGBTI people should be dealt with. However, work is under way on the first national action plan on the rights of LGBTI people. The action plan is being developed in consultation with interest groups and will contain concrete measures.

Norway

The Norwegian Government's work with LHBTI issues is based on its action plan to combat discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics⁴². The plan extends over the period 2021–2024 and its point of departure is an intersectional perspective. The aim is for the action plan to contribute to "a society that is safe for all, with greater openness and gender and sexual diversity".

The action plan highlights work to combat hate crime as a priority, and as part of the plan, a number of initiatives to combat hatred and violence directed at LHBTI people will be implemented. The action plan draws attention to the fact that the situation of certain groups of LHBTI people can be particularly difficult, such as those belonging to multiple minorities. The plan also shows that the prevalence of hatred and violence is affected by gender, age, social background and whether people live in rural areas or in urban areas for example.

In addition to the action plan, the Norwegian Government has also developed a strategy to combat hate speech (2016–2020)⁴³. When it was launched, this strategy was described as a first step in a long-term effort to combat hate speech, and as part of this strategy, a number of initiatives have been implemented in different parts of the community.

Norway's LHBTI action plan concludes that many challenges faced by LHBTI people affect multiple sectors at the same time. Coordination and cooperation between different actors are therefore highlighted as crucial. The Ministry of Culture has the overall responsibility for coordinating work on gender and sexuality diversity. Another government agency that plays a key role in combating hatred directed at LHBTI people is the Equality and Anti-Discrimination Ombud (LDO). This agency heads a hate crime network for representatives of different groups who are particularly at risk of being victims of hate crime. The network meets several times per year.

Get insight into the national hate crime network in the interview on page 29.

42. Norwegian Government. Trygghet, mangfold og åpenhet Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet, kjønnsuttrykk og kjønnskarakteristika 2021–2024. 2021.
43. Royal Ministry of Children and Families Norway. Regjeringens strategi mot hatefulle ytringer 2016–2020. 2016

Another important player is the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir). They have produced a research overview of measures to combat hate speech among other things⁴⁴. The research overview was published in 2018 and shows that more research is needed on how hate crime can be combated. The research overview also showed that many initiatives to combat hate crime and hate speech were not followed up and were therefore difficult to evaluate.

In addition, the *Kompetansesenter for kriminalitetsforebygging* (KFK) [Centre of excellence for the prevention of crime], the Police *Støttesenter for kriminalitetsutsatte* [Support Centre for victims of crime] and *the Norwegian National Human Rights Institution* (NIM) work in various ways to combat hate crime, for example through knowledge-enhancement initiatives in their respective fields or targeting the public.

44. Lenz et al., 2018



National hate crime network (NO)

In Norway, contacts between the authorities and civil society are established through the national hate crime network of the Equality and Anti-Discrimination Ombud. In this network, the authorities get direct input from some 15 organisations representing groups particularly at risk of hate crime. The network has been in existence since 2016 and holds meetings about four times each year. These meetings discuss current issues and ways forward in the work to combat hate crime.

"The network is an important driving force in these questions," says Beate Sletvold Øistad, who leads the work of the Equality and Anti-Discrimination Ombud (LDO).

Besides civil society organisations and the LDO, representatives from five additional authorities participate in these network meetings. These are the Ministry of Justice and Public Security, the Ministry of Culture, the Oslo police district, the National Criminal Investigation Service (Kripos) and the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir). These participate in the network as observers, which means that they are primarily involved in listening and receiving information. The network has had meetings with the Prime Minister, the Minister for Justice and the Police Commissioner in Oslo.

"Through the network, the authorities get important input from civil society and feedback on their work," says Beate Sletvold Øistad.

She feels that the network is taken particularly seriously because it brings together groups that are exposed to hate crime due to a range of grounds of discrimination. Through the network, HLBTI organisations join forces with, for example, representatives of religious minorities and organisations of disabled people.

"When you talk about hate crime and its prevalence, it is easy for different groups to be tribalized, but in the network instead they combine to raise questions that concern all of them together. I think this has a better impact than when you act alone as an individual organisation," says Beate Sletvold Øistad.

She says that a challenge in working to combat hate crime, and in particular hate speech, is that the issue is often cast in terms of being against freedom of speech.

"It has been important for the network to highlight that it is possible to work against and prevent hate crime and hate speech without restricting freedom of speech," she says.

Other issues that are prioritised in the network are increasing the incidence of reporting hate crime and improving police work on hate crime.

"Although the police have done a good job with increasing knowledge within the organisation, there is room for further improvement," says Beate Sletvold Øistad.

Sweden

The Swedish Government has been working with HBTQI issues since 2014 based on its strategy for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression⁴⁵. The strategy highlights a number of focus areas, one of which is 'violence, discrimination and other rights violations'.

The Swedish Government has also presented an action plan for the rights of HBTQI people⁴⁶. This action plan entails a strong focus on concrete measures for the period 2020–2023. This plan establishes that "the whole of Sweden should be a safe country to live in regardless of sexual orientation, gender identity or gender expression".

The action plan concludes that HBTQI people in Sweden run a higher risk than others of being subjected to discrimination, harassment, threats and violence. The action plan also highlights that the situation may be particularly difficult for certain groups of HBTQI people such as young people; people who, in addition to HBTQI phobia, also face racism or disablism; asylum seeker HBTQI persons; or HBTQI persons living in an honour-culture context. The Government's goal is that no one should have to endure violence, discrimination and other rights violations no matter what their sexual orientation, gender identity or gender expression.

With the launch of the HBTQI action plan in 2021, people with an intersex variation were included for the first time in the Swedish Government's work for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression.

Along with the HBTQI strategy and the HBTQI action plan, work to combat hate crime and hate incidents is also guided by the National plan to combat racism, similar forms of hostility and hate crime.⁴⁷

In its HBTQI strategy, the Swedish Government identifies a number of authorities that play a particularly important role in work to combat "violence, discrimination and other rights violations". These "strategic authorities" are the Equality Ombudsman, the Swedish Gender Equality Agency, the Swedish National Police Board and the Swedish Migration Agency. The remit as a strategic authority means that an HBTQI perspective must be integrated and made visible in the authority's activities.

The Living History Forum also has a key role to play in work to combat hate speech directed at HBTQI people. They are coordinators of the Swedish Government's National plan to combat racism, similar forms of hostility and hate crime. As part of this task, they have offered continuing professional development to employees in the legal system. They have also invited various actors such as police officers, prosecutors and civil society representatives to round-table talks with discussions and sharing of experiences of the legal process for hate crimes. These talks have focused on how collaboration between different actors can be improved and what they can learn from each other to improve the processing of reported hate crimes.

The Swedish Agency for Youth and Civil Society (MUCF) and the Crime Victim

45. Swedish Government. En strategi för lika rättigheter och möjligheter oavsett sexuell läggning, könsidentitet eller könsuttryck. 2014

46. Swedish Government. Handlingsplan för HBTQI-personers lika rättigheter och möjligheter. 2021

47. Swedish Government. National plan to combat racism, similar forms of hostility and hate crime. 2016

Compensation and Support Authority also have key roles to play in combating hatred directed at HBTQI people. These authorities gather knowledge about this type of hatred and offer support to victims of crime.

The Åland Islands, Greenland, Faroe Islands and Sápmi

The Government of Åland has a special expert in the field of gender equality who is responsible for questions concerning the rights of HBTQIA people. The Åland Non-Discrimination Ombudsman also has an important role. Work to promote the well-being, safety and equal opportunities of HBTQIA people is based on the Government's action plan for equal opportunities for HBTQIA in the Åland Islands community.⁴⁸ The plan covers the period 2019–2025. It highlights hate crime and hate rhetoric as one of several challenges in the area of HBTQIA rights. It should be noted that the legal processing of hate crimes is largely not within the competence of the Government of Åland but instead lies within the competence of the Finnish Government. The work carried out in Finland thus also includes the Åland Islands.

In Greenland and the Faroe Islands, there is no action plan, strategy or other policy concerning how hatred directed at LGBTI persons is handled. In Greenland, the *Ligestillingsrådet* [Gender Equality Council] is a central actor in its work with equal treatment questions. Their main focus is on gender equality in the labour market, but they also work more broadly on questions of diversity and inclusion. Along with Greenland's Human Rights Council and the Danish Institute for Human Rights, they have pointed out the need for new, more comprehensive legislation in the area of hate crime.

Concerning Sápmi, there are differences between the various Sami parliaments concerning the extent to which hatred directed at LGBTI people is taken up as a political priority and what efforts are being made. For example, the Norwegian Sami parliament addresses the conditions of Sami LGBTI people in the context of its work with gender equality, and notes that there is no knowledge about the prevalence of this problem among Sami LGBTI people.⁴⁹ It should be noted that the legal processing of hate crimes is not within the competence of the Sami parliaments, but within the competence of the governments of Norway, Sweden and Finland, respectively. The work that is being done in these countries thus also covers the Norwegian, Swedish and Finnish parts of Sápmi.

48. Government of Åland. Handlingsplan för HBTQIA-personers lika villkor i det åländska samhället 2019–2025. 2019

49. Sametinget, 2021

Police and the judicial system

In most of the Nordic countries, the police authorities have received special instructions to prioritise the investigation and prosecution of hate crimes. These crimes are considered to be particularly serious in that they affect not only the individual victim but the whole group to which the victim belongs or is presumed to belong. Many LGBTI people experience minority stress, meaning that they fear being subjected to hate crimes and discrimination without necessarily having experienced this as such. In the long run, hate crimes affect society as a whole, as the consequence is that vulnerable groups feel fear and are not able to participate in society on the same terms as others. "Hate crimes do not only affect the victim of the crime. Hate crimes also have a more extensive effect on the society, the relationships between different population groups as well as social cohesion" write the Police of Finland on their website for example.⁵⁰

One challenge facing the police authorities in the Nordic countries is that the police do not always capture the hate motive in crimes during the criminal investigation. In addition, groups at a particularly high risk of being the victims of hate crimes often exhibit a lack of trust in the police. Taken together, these factors reduce the chances of solving hate crimes.

Police officers specialising in hate crime

In Norway and Sweden, police work with hate crime has been organised so that in the metropolitan regions there are specially trained police officers who deal with these reports. In Sweden there are special democracy and hate crime groups in Stockholm, Gothenburg and Malmö. In addition to investigating suspected hate crimes, these groups also work with crime victim support, education, collaboration and other security and trust-building measures.⁵¹

Get insight into the democracy and hate crime groups in the interview on the next page.

The model that uses specially trained officers to deal with hate crimes also exists on the prosecution side in Sweden. Every local public prosecution office must have a prosecutor who specialises in dealing with hate crime-related matters.

The Norwegian Police Service also has specialised police officers for hate crime in its hate crime group (*Hatkrimgruppen*) in Oslo. The group deals with reports of hate crime in the Oslo police district. They also serve as a knowledge resource for the entire Oslo police force and for police officers in the rest of the country. In Norway, work is also under way to establish a national skills centre for hate crime, located in Oslo, to further enhance knowledge of hate crime among officers working in the legal system.

50. Police of Finland, 2021a

51. Swedish Government. National plan to combat racism, similar forms of hostility and hate crime. 2016



Democracy and hate crime groups in the Swedish police force (SE)

In Sweden's three metropolitan regions, hate crimes are investigated by special democracy and hate crime groups within the police force. This has resulted in speedier investigations and better feedback to victims of these crimes.

"The positive effects of collecting hate crime investigations in a particular group of police officers are many," says Daniel Godman, national operations developer and expert within the National Operations Department (NOA). "The investigations are completed faster, the handover to the prosecutor is simpler, and contacts with the victim are better," he says.

He explains, for example, how the NOA usually proceeds if a case is dropped. In the usual case, the victim of the crime is sent a standard letter, but the hate crime groups prioritise making personal contact and explaining why it was not possible to pursue the case further.

"This means that we are perceived as more competent and trustworthy, and this is very important because underreporting of these crimes is so great. With the hate crime groups, it is more apparent that we take these crimes seriously, and that hopefully means that more victims will feel that it is worth coming forward to report these crimes."

The Swedish Police's democracy and hate crime groups are located in Stockholm, Gothenburg and Malmö. The group in Stockholm was established in 2009 and is the oldest. In addition to investigating hate crimes, the groups should also function as knowledge support for police officers in other parts of the country where there are no such special groups. They also have a special task to collaborate with other authorities and organisations.

"The fact that you have particular groups of police working with hate crimes does not mean that the rest of the police force can drop these questions," says Daniel Godman.

"We need specialisation as well as a sound basic knowledge of this specific type of crime within the force. The first contact that the victim has with the police is usually not with someone from the democracy and hate crime groups, but more generally the police officer called to the scene, or the staff who register a report at the police contact centre or in the regional operations room. This means that anyone who works in the Swedish Police Authority must be able to respond well and ask questions that assist in the motive for the crime emerging," he says.

Labelling of hate crimes

What several Nordic countries have wrestled with is how to ensure that the police do not miss identifying and investigating possible hate motives in crimes. Identifying a hate motive in crimes is essential to be able to convict the perpetrator of a hate crime later in the legal process. Several of the Nordic countries have systems for labelling or classifying suspected hate crimes in the police data systems. This allows the police to ensure that suspected crimes with suspected hate motives are actually investigated. This registration also enables data to be collected on the reported hate crimes, which enables statistics to be compiled and increases knowledge of this type of crime.

Despite the fact that several of the Nordic countries' police authorities have models for labelling hate crimes, it is apparent that these crimes are not always registered accurately. This issue has been raised by the National Police of Denmark for example, which is responsible for skills development within the Danish police and training officers in how hate crimes should be dealt with.⁵² During the period 2021–2023, the Danish police will have special resources to ensure that more hate crimes are correctly identified and registered.⁵³

The Norwegian action plan to combat discrimination on the grounds of sexual orientation, gender identity and gender expression describes having good procedures for registering hate crimes as important for increasing knowledge about hate crimes and assuring the quality of its statistics. The Ministry of Justice and Public Security has implemented an initiative to ensure that registration procedures are the same across all police districts in the country. Furthermore, the National Police Directorate has been tasked with producing a guide on how to register hate crimes.⁵⁴

In Finland too, work is under way to develop the collection of data on, and reporting of, hate crimes. As part of the *Facts against hate* project, Finland, together with Croatia and Ireland, is testing a new tool for reporting hate crime developed by the Organization for Security and Co-operation in Europe (OSCE). The project is also testing new tools for monitoring hate crime and hate rhetoric on the Internet, as well as a model for how to monitor how hate crimes are dealt with by prosecutors and in the courts. In 2021, the report was published from an inquiry that examined how hate crimes in Finland are identified at various stages of the criminal procedure, and how information about possible hate motives is communicated from the police to the prosecutor. The inquiry found that there are shortcomings in the identification and treatment of hate motives in criminal procedure. In order to solve these problems, among other things the inquiry proposed compulsory classification of hate crimes in connection with the registration of police reports, streamlining the preliminary investigation cooperation, and updating the instructions on interrogation provided to the police.⁵⁵

Throughout, work to improve the processing of hate crimes in the Nordic countries has focused more on the police than on prosecutors and the courts, although there are also efforts being made for prosecutors. In Sweden, the Swedish Prosecution Authority is responsible for developing knowledge and guidance for the processing of hate crime cases. This work is being done at the Swedish Prosecution Authority's

52. National Police of Denmark. Hadforbrydelser i 2019 - Rigspolitiets årsrapport vedrørende hadforbrydelser. 2019

53. Ministry of Justice, Denmark. Aftale om politiets og anklagemyndighedens økonomi 2021–2023. 2021

54. Norwegian Government. Trygghet, mangfold og åpenhet Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet, kjønnsuttrykk og kjønnskarakteristika 2021–2024. 2021.

55. Ministry of Justice publications, Finland. Viharikokset janiiden käsittelyrikosprosessissa. 2021

development centre in Malmö, which has hate crime as part of its area of responsibility.

Get insight into the Swedish Prosecution Authority's development centre in the interview on the next page.



Support for prosecutors (SE)

Every local public prosecution office in Sweden must have at least one prosecutor who specialises in investigating hate crimes. When a suspected hate crime case comes in, as far as possible, it goes to that prosecutor.

"This way, we ensure that prosecutors who deal with these matters have the right skills and experience in dealing with hate crime cases," says Fredrik Jönsson.

He works at the Swedish Prosecution Authority's development centre in Malmö, which is tasked with supporting the country's hate crime prosecutors. It does so by answering direct questions from the prosecutors and by producing information material. For example, the centre has published two manuals on hate crime for lawyers and a memorandum on agitation against an ethnic or national group in the online environment. The centre also holds an annual conference for all the country's hate crime prosecutors, where participants discuss various issues related to the law on hate crime.

Fredrik Jönsson says that many prosecutors find that it is difficult to successfully prove a hate motive in a crime tried in the courts.

"There we have a challenge. We can see that this is something we need to keep working on. For example, in the spring we had a webinar on crimes with hate motives and all prosecutors can watch this," he says.

He describes an uncertainty within the judicial system around how hate crimes should be dealt with, and in his view this is because investigations of hate crime stick out in the Swedish legal system. In other crimes, one usually stops at asking *how* a crime has been committed and don't go into *why*, but with hate crimes it's different.

"It's important that as a prosecutor you properly expose the motive, because we have seen that it can take quite a lot to get a conviction."

In addition to work to enhance knowledge about hate crime among prosecutors, the Swedish Prosecution Authority's development centre in Malmö also handles all reviews of hate crime in Sweden. By gathering such reviews in one place, the Swedish Prosecution Authority wants to ensure that assessments are made in a uniform manner.

Training of police officers and prosecutors

In several of the Nordic countries, hate crime is addressed as an integral part of police officer education. Several of the Nordic countries have also carried out continuing professional development initiatives for police employees in order to strengthen knowledge about how to deal with hate crimes. In Norway, for example, there is a university course for police officers on the investigation and prevention of hate crime.⁵⁶ The National Police Directorate has also been made responsible for sharing experiences from the Oslo police district on how to create safe conditions during the legal process for those reporting hate crimes.

The National Police of Denmark, which is responsible for continuing professional development work in the police force in Denmark, also arranges courses in how to deal with hate crimes. These courses give participants a better understanding of how to register suspected hate crimes, as well as insights into what it is like to belong to an at-risk minority, and knowledge about how to approach vulnerable victims as a police officer.⁵⁷ During the period 2021-2023, the Danish Government is directing special resources to further strengthen the efforts of the police force and prosecutors in combating hate crime. This includes improving how victims of crime are treated and strengthening overall knowledge about hate crimes in Denmark's police districts. These courses are also intended to contribute to more hate crimes being correctly identified and registered, so that more crimes can be solved and a better knowledge base in the area of hate crime can be developed.⁵⁸

In Sweden, courses for police officers have been conducted as part of the National action plan against racism, similar forms of hostility and hate crime. Continuing professional development within the police force also deals with these issues. For example, those answering the police phone number 114 14 receive regular updates on hate crime among other things, in order to improve the correct identification of hate motives in crimes right from the point that they are reported. Since 2015, the police have intensified their work to combat hate crimes and among other things have rolled out nationwide training courses for investigators in the regions.⁵⁹

In Finland, compulsory courses in hate crimes for police officers are organised through the Police University College, and through the Ministry of the Interior's *Capable (Osaavat)* project. Police and prosecutors were also identified as important target groups for the *Against hate* project. For example, as part of this project, a manual was produced with information for prosecutors, judges and other experts. The manual contains information on the legislation, the European Court of Justice's precedents, case law and research on the subject.⁶⁰

Along with police officers from Iceland, police officers from Finland have also participated in the OSCE's programme "Training against Hate Crime for Law Enforcement" (TAHCLE). From Iceland, prosecutors have also completed the OSCE's programme "Prosecutors and Hate Crime Training" (PAHCT). As part of these programmes, the participants were trained in identifying and investigating hate crimes. The idea is that they will be able to train their colleagues after completing these programmes.⁶¹

56. Norwegian Police University College, 2021

57. National Police of Denmark. Hadforbrydelser i 2019 - Rigspolitiets årsrapport vedrørende hadforbrydelser, 2019

58. Ministry of Justice, Denmark. Aftale om politiets og anklagemyndighedens økonomi 2021-2023, 2021

59. Swedish Police, 2021

60. Ministry of Justice Finland, 2021b

61. Organization for Security and Co-operation in Europe, 2021

In several of the Nordic countries, it is not only the central government authorities that are training employees in the legal system about hate crimes. A number of civil society organisations have developed their own training programmes. In Sweden, for example, the national LGBTI organisation RFSL has a Support Service which offers training and consultation about hate crimes for social services, youth centres, the police, school welfare officers, and those working at women's shelters and shelters for victims of crime.⁶²

In Norway, there is an activity called *Rosa kompetanse* [Pink skills]. It is run by the LGBTI organisation FRI (Norwegian Organization for Sexual and Gender Diversity) and offers courses in several different areas. The *Rosa kompetanse justis* [pink skills justice department] offers a course designed specifically for employees in the legal system whose jobs have a focus on hate crime. In order to ensure that the course is of good quality and relevant to the target group, *Rosa kompetanse justis* has a steering committee that includes representatives from the National Police Directorate, the hate crime group of the Oslo police and the police officers' union (*Politiets Fellesforbund*).⁶³

Get insight into Rosa kompetanse justis in the interview on the next page.

62. RFSL, 2021a

63. FRI, 2021



Training of police and the judiciary (NO)

Rosa kompetanse justis (RK justis) educates employees in the legal system about hate crimes, and targets primarily police officers. The goal is that all LGBTI people who are victims of hate crime should be able to count on meeting police officers who understand what hate crime is all about. *RK justis*s run by the LHBTIQ organisation FRI, which has been teaching police in this area for roughly 10 years.

"It's about increasing skills related to hate crime, but also about giving employees within the police force some basic knowledge about gender and sexuality, so that they can have as safe and effective meetings as possible with LHBTIQ people," says Elsa Skjong, legal adviser at *RK justis*.

She describes the activity as having a unique position due to the insights it has into how LHBTIQ people experience their encounters with the police, and because it can pass this on to police officers through their courses.

"We know that there is great variation in the skills that police have concerning hate crime. Our aim is to help ensure that these skills are more equally distributed, so that everyone who is the victim of such crimes can rely on encountering a police officer with basic skills in this area. Ultimately this will increase trust in the police and lead to more LHBTIQ people reporting hate crimes."

In *RK justis* evaluations of the course for police in 2020, over 97 per cent of the participants stated that they thought that after the course they would be more attentive to the possibility of a hate motive in crimes than before.

"We think that says something about the great need for training in this area," says Elsa Skjong.

In addition to the courses for police officers, *RK Justis* also works to increase knowledge and awareness about hate crimes among the general public, and in particular among LHBTIQ people.

"We want to try to get more people to report hate crimes. The police still believe underreporting is significant, even though the number of reports has increased in recent years. We want to change this, because if more people report these crimes, we will have a better understanding of hate crime as a phenomenon."

Statistics

Most of the Nordic countries collect statistics on reported hate crimes with the aim of increasing knowledge about this type of crime. These statistics give a picture of the motives behind hate crimes, including the kinds of environments in which most of these crimes are committed. This information is considered important for the effective planning and implementing initiatives against hate crimes and targeting these initiatives where they will have the most impact.

In addition to statistics on reported hate crimes, the authorities in several of the Nordic countries have also carried out surveys to gather data on the LGBTI community's self-reported incidence of hate crime.

When compiling statistics based on police reports, the Nordic countries are all facing similar challenges. It is known, for example, that many hate crimes are not captured in the statistics, which is believed to be due to shortcomings in how these crimes are dealt with by police, and to the fact that many people who are victims of such crimes never report them. For example, the annual survey on trust in the Norwegian police in 2019 showed that only two out of ten people who self-report that they have been victims of hate crimes have actually reported the crime to the police.⁶⁴ (Read more in the section on the police and the justice system).

In several of the Nordic countries, good procedures for registering hate crimes are seen as important for increasing knowledge about hate crimes and for assuring the quality of these statistics. In general in the Nordic countries, there are more statistics on reported hate crimes than on convictions for such crimes. It is difficult to obtain a good overview of the outcomes in court cases in which suspected hate crimes have been tried.

Who is responsible for compiling statistics on hate crime and how detailed the statistics are differ between the Nordic countries:

Denmark

Since 2015, the National Police of Denmark have compiled annual reports on the number of reported hate crimes.⁶⁵ These statistics show the type of crime involved, where the crime was committed, and what the motive for the hate crime is suspected to be, among other things.

In addition to the statistics on the number of reported hate crimes, there are also studies of the number of hate crimes experienced, for example through the annual crime victims survey. Respondents to this survey are asked whether they feel they have been victims of crime because of their sexual orientation or gender identity.⁶⁶ In 2015, a survey of the Danish population's experiences of hate crime was also carried out on behalf of the Ministry of Immigration, Integration and Housing.⁶⁷

64. Kantar. Politiets innbyggerundersøkelse 2019. 2019

65. Danish Police 2021a

66. Ministry of Justice Denmark. Aftale om politiets og anklagemyndighedens økonomi 2021–2023. 2021

67. COWI. Kortlægning af hadforbrydelser i Danmark. En undersøgelse af befolkningens oplevede hadforbrydelser. 2015

Finland

The Police University College in Finland is responsible for compiling annual statistics on reported hate crimes, based on data from the police's information systems. This work is done in cooperation with the National Police Board of Finland, the Ministry of Justice, the Finnish Border Guard, the Finnish Security Intelligence Service and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).⁶⁸ The statistics show what type of crime is involved, where the crimes were committed, what type of hate motive is suspected for the crime, and the relationship between the victim and the offender/perpetrator.

In addition to the statistics on reported hate crimes, there have also been studies of experienced hate crimes. For example, one such study which focused on hate rhetoric and harassment was published by the Ministry of Justice in 2016 under the title *Ofta får man fundera på hur man ska vara och vart man vågar gå* [You often have to think about how to behave and where you dare to go].⁶⁹ This study is going to be done regularly and the next report will be published in 2022.

Norway

The National Police Directorate in Norway publishes annual reports on reported hate crimes based on information in the police information systems.⁷⁰ The report provides insights into what types of hate crime are reported, where the crimes occur, and who the victims are. In addition, the Oslo police publish their own annual hate crime report.⁷¹

In addition to the statistics on reported hate crimes, there are also studies of LHBTI persons' experiences of hatred. In 2019, for example, the Norwegian Institute for Social Research (ISF) presented a report commissioned by the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) entitled *Erfaringer med hat-ytringer og hets blant LHBT-personer, andre minoritetsgrupper og den øvrige befolkningen* [Experiences of hate speech and agitation against LHBT persons, other minority groups and the rest of the population].⁷² Also worth mentioning here is SSB's quality of life survey from 2020 and the study entitled *Seksuell orientering, kjønn og levekår* [Sexual orientation, gender and living conditions], which was carried out among LHBTI people in 2021.⁷³ The Ministry of Justice and Public Security has also been commissioned to survey the prevalence and fear of hate crimes in the population by 2022. This survey is intended to provide a picture of the actual incidence of this kind of crime in relation to the statistics on reported hate crimes. The survey will contain a section dealing specifically with the prevalence and fear of hate crime and hate speech among LHBTIQ people.⁷⁴

68. Police of Finland, 2021b

69. Finnish Government, 2021

70. Norwegian Police. STRASAK-rapporten Anmeldt kriminalitet og politiets straffesaksbehandling 2019. 2019

71. Norwegian Police, Oslo police district, Norway. Hatkriminalitet – Anmeldt hatkriminalitet i Oslo 2019. 2019

72. Norwegian Institute for Social Research, 2021

73. Anderssen, et al., 2020

74. Norwegian Government. Trygghet, mangfold og åpenhet Regjeringens handlingsplan mot diskriminering på grunn av seksuell orientering, kjønnsidentitet, kjønnsuttrykk og kjønnskarakteristika 2021–2024. 2021.

Iceland

Because of the absence of any hate crime legislation, no statistics are kept either on crimes with suspected hate motives. The LGBTI organisation *Samtökin '78* (the National Queer Organisation of Iceland) itself collects information about the incidence of hatred and violence directed at LGBTI people with the aim of increasing awareness of this type of attack. However, these are not comprehensive statistics. LGBTI people can report attacks themselves via the organisation's website.⁷⁵

Get insight into the LGBTI organisation Samtökin '78 in the interview on the next page.

75. Samtökin '78, 2021a



Civil society making hate crime visible (IS)

"Unlike the other Nordic countries, Iceland has no hate crime legislation that covers LGBTI people. The Constitution of Iceland prohibits agitation against an ethnic or national group which includes sexual orientation and gender identity, but there is no way of toughening penalties for other types of crime committed with a hate motive. This means that hate crimes are not visible," says Daníel E. Arnarsson, Chair of the LGBTI organisation *Samtökin '78*.

To highlight the problem, the organisation collects data on hate crimes targeting LGBTI individuals on its own. On the organisation's website, they have a button where you can report being the victim of a hate crime.

"We collect that data to help demonstrate the problem. There is an image of Iceland as a haven for queers, but these crimes also happen here," says Daníel E. Arnarsson.

He explains that this collection of data about LGBTI people's exposure to hate crime and violence is also important for the organisation's own work.

"We need to know how prevalent such crime is in order to provide good support to the queer community. If we see, for example, that non-binary people are particularly targeted, we can set up a support group for that particular group."

Samtökin '78 wants Iceland to get hate crime legislation in line with the legislation that exists in the other Nordic countries.

"Such legislation would send an important message that you should not have to endure threats and violence because of who you are," says Daníel E. Arnarsson.

He says that they do not actually advocate more severe penalties, but that somehow the prevalence of such crimes targeting LGBTI people must be made visible and come up for discussion. He believes that hate crime legislation is an important tool in doing this.

"It would give us a way of talking about this violence and highlighting it as a social problem. Currently it's hidden."

Sweden

The Swedish National Council for Crime Prevention (Brå) compiles statistics on reported hate crimes in Sweden. These statistics show the type of crime involved, where the crime was committed, the suspected hate motive for the crime, and the relationship between the victim and the offender/perpetrator.⁷⁶

In addition to the statistics on reported hate crimes, there are also studies of experienced hate crimes. In 2018, the Swedish National Council for Crime Prevention published a report entitled *Självrapporterad utsatthet för hatbrott* (Self-reported experiences of hate crime) based on data from the Swedish Crime Survey.⁷⁷

The Åland Island, Greenland, Faroe Islands and Sápmi

For Greenland and the Faroe Islands, there are no available hate crime statistics. Hate crime in the Åland Islands is included in the statistics from the Police University College in Finland. In connection with drawing up the action plan for equal opportunities for HBTQIA people in the Åland Islands' community, a survey was conducted targeting HBTQIA persons and their relatives. It showed that among this group there is a fear of being subjected to discrimination, violence and harassment on the grounds of sexual orientation, gender identity or gender expression. Some of the HBTQIA respondents had themselves been subjected to violence or threats of violence, but it is not possible to draw any conclusions as to how common it is that HBTQIA people living in the Åland Islands community are subjected to such violence because the number of respondents was small (under 50 people).⁷⁸

Hate crimes in Sápmi are included in the Finnish, Norwegian and Swedish statistics.

76. Swedish National Council for Crime Prevention, 2021a.

77. Swedish National Council for Crime Prevention, 2021b

78. Government of Åland. Handlingsplan för HBTQIA-personers lika villkor i det åländska samhället 2019-2025. 2019

Knowledge-enhancing initiatives

In recent years, a number of initiatives have been implemented in the Nordic countries to enhance knowledge of hate crimes. These initiatives have targeted different occupational groups, the general public and groups at particular risk of hate crime. Some initiatives have also aimed to develop new knowledge about hatred and how it affects society and different groups. Other initiatives aim instead to spread knowledge with the objective of increasing people's propensity to report these crimes, or to help increase knowledge among those who regularly encounter victims of these crimes. These initiatives are led in some cases by government agencies or authorities and in other cases by civil society organisations, and not infrequently through cooperation between the two. These initiatives do not always focus specifically on hatred directed at LGBTI people, but LGBTI people are highlighted as one of several groups at risk of this. It is not possible to provide a comprehensive picture of everything that has been done or is being done to enhance knowledge about hate speech that targets LGBTI people in the Nordic countries, but here are some examples.

In Sweden, the campaign by the Crime Victim Compensation and Support Authority and the website "Do not fall silent" is worth mentioning.⁷⁹ It targets people who have been victims of hate crimes and provides information and advice. In Sweden, a number of knowledge-enhancing efforts based on the National action plan against racism, similar forms of hostility and hate crime have been carried out such as courses for employees at various government agencies. It is also worth mentioning the hate crime project *Swevic*, which was a collaboration between the Swedish Police Authority and Victim Support Sweden.⁸⁰ This project developed methods for attending to victims of hate crime, and these methods were distributed to those supporting victims of crime and police officers through various training efforts. Part of this project was also the development of the outreach campaign entitled *Tillsammans mot hatbrott* [Together against hate crime] which targeted the general public.

The Swedish Government's action plan for the rights of HBTQI people shows that knowledge about the exposure of intersex people to violence and discrimination is very inadequate. This is why the Swedish Government tasked the Equality Ombudsman with preparing a report on the situation of intersex persons from the point of view of discrimination. According to the terms of reference for this task, this report is to be prepared in dialogue with civil society organisations and the relevant authorities and must also include an international outlook.

The Danish Government's efforts in the years 2021–2023 to further strengthen police and prosecutors' efforts to combat hate crime include producing information material addressed to victims of hate crime as well as organisations providing advice to victims of hate crime.⁸¹ The National Police of Denmark also previously ran the

79. Crime Victim Compensation and Support Authority Sweden, 2021a

80. Victim Support Sweden, 2021

81. Ministry of Justice, Denmark. Aftale om politiets og anklagemyndighedens økonomi 2021–2023. 2021

Stop Hadet campaign.⁸² This campaign addressed the general public, calling on them to report suspected hate crimes to the police.

In Finland, a number of information and training efforts have been conducted as part of the Against hate project. For example, a podcast called *Vi pratar om hatprat* (Let's talk about hate speech) was produced. It consists of three episodes dealing with hate rhetoric from different perspectives with the aim of increasing knowledge about hate crime and hate rhetoric, and to support those working to combat it. Another example is local efforts, such as the effort carried out in Tampere. Local networks have been established focusing on cooperation between different actors working to combat hate crime and hate rhetoric.

In Norway, a number of knowledge-enhancing initiatives have been conducted within the framework of its strategy against hate speech (2016-2020). For example, as a result of the strategy, the Norwegian Government set in motion work to produce educational material on prejudice for teachers and student teachers. The aim was to strengthen the teachers' skills in relation to group-based prejudice and to help reduce hate speech in schools.⁸³ In Norway, a number of reports have also been produced to increase knowledge of hate crimes. (For more information, see the statistics section).

The Nordic countries have also participated in collaborations relating to hate crime and hate speech at the European level. For example, Norway, Sweden, Finland and Iceland have participated in the Council of Europe's *Young people combating hate speech online*⁸⁴ campaign by organising their own national campaigns. These have not focused in particular on LGBTI people's exposure to hate speech, but include LGBTI people as a group particularly at risk

82. Danish Police, 2021b

83. Royal Ministry of Children and Families Norway. *Regjeringens strategimot hatefulle ytringer 2016–2020*. 2016

84. Council of Europe, 2021

Support for victims of crime

In most Nordic countries there are organisations within civil society that work to support victims of crime. In a number of these countries, initiatives have been implemented to improve knowledge about hate crime in these activities, for example through partnerships with LGBTI organisations. In several of these countries, a need to improve cooperation between the police and civil society's crime victim support activities is also seen. The support provided by these activities to people who have been victims of hate crime in going through the legal process is deemed to be important, but cooperation with the police does not always work as smoothly as it could. This is being addressed, for example, in Finland's Strategy on Preventive Police Work 2019–2023 (ENSKA).⁸⁵ This strategy highlights the need to streamline referrals by the police to crime victim support services.

The hate crime project *Swevic*, which has been mentioned previously in this report, was carried out in Sweden in 2019–2020 by the Swedish Police and Victim Support Sweden and had the aim of establishing better cooperation between the organisations and thus being able to provide better support for victims of crime.⁸⁶

In several of the Nordic countries, LGBTI people who have been victims of hate crime can also receive support via LGBTI organisations. In Sweden, for example, the LGBTI organisation RFSL provides a Support Service to LGBTI people who have been subjected to harassment, intimidation and violence.⁸⁷ There, victims can receive crisis counselling and support in reporting the incident to the police and in navigating the legal process. RFSL's counsellors in different parts of the country also support victims of hate crime as part of their work and similar support services exist within the LGBTI organisations in the other Nordic countries. In Iceland, for example, LGBTI people who are victims of hate crime can receive professional support through the organisation *Samtökin '78*.⁸⁸

In several of the Nordic countries, support is also offered to victims of crime via the authorities. In Sweden, for example, victims of hate crime in most cases have the right to counsel for an injured party to give them support in navigating the legal process; and in Norway, anyone who has been the victim of a crime can receive support and assistance via the *Støttesenter for kriminalitetsutsatte* [Support Centre for victims of crime] operated by the police.⁸⁹ In the Nordic countries, various initiatives have also been implemented to assist victims of violence. These are initiatives that are not specifically targeted at, but include, LGBTI people. In Norway, for example, a number of municipalities work according to the *TryggEst* model, which is aimed at adults at risk of hate crime.⁹⁰

In several Nordic countries, civil society crime victim support activities are partially funded by government grants. In Sweden, for example, the National Board of Health and Welfare is tasked with allocating funding to support organisations working to develop crime victim activities which target LGBTI people.⁹¹ The Crime Victim Compensation and Support Authority Sweden also distributes funds to crime victim

85. Ministry of the Interior Finland. *Finland's Strategy on Preventive Police Work 2019–2023*. 2019

86. Victim Support Sweden, 2021

87. RFSL, 2021a

88. Samtökin '78, 2021b

89. Norwegian Police, 2021

90. Norwegian Directorate for Children, Youth and Family Affairs, 2021

91. Swedish National Board of Health and Welfare, 2021

projects and research via the Crime Victim Fund.⁹² In Denmark, activities that work with crime victim support can apply for grants from the *Rådet for Offerfonden* [Council for Victims Fund], which is placed under the Ministry of Justice.⁹³

92. Crime Victim Compensation and Support Authority Sweden, 2021b
93. Ministry of Employment Denmark, 2021

Civil society

Civil society plays an important role in combating hatred directed at LGBTI people in the Nordic countries. Civil society organisations in the Nordic countries offer support to victims of crime as well as training for employees of the legal system. These organisations also make demands on authorities and governments.

In Iceland, for example, the Icelandic Human Rights Centre (MRSÍ) and the LGBTI organisation *Samtökin '78* are lobbying for hate crime legislation that includes LGBTI individuals. In 2018, MRSÍ produced a report on the theme of hate rhetoric and hate propaganda that made recommendations on how to combat these crimes. In addition to revising Iceland's legislation, the organisation proposed that the Icelandic Government draw up action plans to combat prejudice and discrimination. The organisation also sees a need for training and campaigns to raise awareness of hate rhetoric in the legal system and among public officials, as well as the general public.⁹⁴

In the other Nordic countries too, civil society lobbies government for better legislation and initiatives to combat hate crime and hate speech. In Denmark, for example, a number of civil society organisations are pushing for hate crime legislation that more clearly includes transpersons and intersex persons. In Sápmi, the LGBTI organisation *Garmeres* has called for clearer wording on LGBTI rights in the Norwegian Sami Parliament's written communication on equality.⁹⁵ In Greenland, the organisation *Nalik* is engaged in LGBTI issues from the indigenous perspective.

For LGBTI organisations in the Nordic countries, questions related to hate crime and threats are often pursued as part of their core activities. This work is about long-term education and information, but also about supporting members who have been victims of hate crime and threats, and developing strategies for their day-to-day operations. For these LGBTI organisations, hate crimes and hate speech pose a security risk that is a threat to their activities as a whole. The fear of being exposed to hate crime risks silencing individuals and organisations alike. Within many of the LGBTI organisations in the Nordic countries, there are carefully designed security measures so that employees and participants in various activities can feel safe. This is because their safety cannot be taken for granted at present. This is evident, for example, in the Swedish LGBTI organisation RFSL's documentary entitled *Hat – hotet mot hållbara samhällen* [Hatred – the threat to sustainable societies] from 2021.⁹⁶ In this documentary, it emerges that between 2017 and 2021, 26 of the organisation's 36 sections were subject to various types of threatening, sometimes violent, incidents. These ranged from the organisation's premises being shot at to threats to board members.

Security work within LGBTI organisations involves everything from securing the premises to supporting members and employees who participate in social debate

94. Icelandic Human Rights Centre, 2021

95. Sametinget, 2021

96. RFSL, 2021b

and thus become the face of the LGBTI movement. In Denmark, for example, there is a campaign entitled *Lev og lad leve* [Live and let live] which gathers testimonies from LGBTI people who have been the victims of hate crimes in order to draw attention to the hatred directed at LGBTI people and the LGBTI movement.⁹⁷ In Sweden, the LGBTI organisation RFSL Youth has been running the project *Civillkurage* [the courage of one's convictions] since 2020, which aims to create the conditions for young civil society to better resist and protect itself against hate crime and threats, and to be able to make their voices heard in the debate.

In several countries, there are also organisations that particularly target minority groups with double exposure to hate crime and hate speech, for example because of their religious faith and sexual orientation. In Norway, for example, the organisations *Skeiv Världen* and *Salam* fall into this category. In Sweden, there is RFSL Newcomers and in Denmark LGBT Asylum.

97. *Lev og lad leve*, 2021.

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