



STRENGTHENING QUEENSLAND'S HUMAN RIGHTS AND ANTI- DISCRIMINATION FRAMEWORK

Equality Australia's submission to the Strategic Review of the
Queensland Human Rights Commission and related reviews

30 October 2026

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SUMMARY

Equality Australia is grateful for the opportunity to make a submission to the **Strategic Review of the Queensland Human Rights Commission and Related Reviews** (the further review of the *Human Rights Act 2019 (HRA)* and the review of the uncommenced provisions of the *Respect at Work and Other Matters Amendment Act 2024 (Respect at Work Act)* amending the *Anti-Discrimination Act 1991 (ADA)*).

Equality Australia is a national LGBTIQ+ organisation dedicated to achieving equality for LGBTIQ+ people. Equality Australia brings together legal, policy and communications expertise, along with thousands of supporters, to address discrimination, disadvantage and distress experienced by LGBTIQ+ people. Improving discrimination laws across Australia is one of our key policy goals.

Our submission considers the consultation questions set out in the **Discussion Paper** of 30 September 2026 and provides our recommendations. It builds upon our March 2022 [submission to the Queensland Human Rights Commission \(QHRC\) Review of the ADA](#).

With respect to the issues canvassed in the Discussion paper, our priority reforms are as follows.

In relation to the Human Rights Act:

- **Representative complaints:** Implement a simple representative complaint regime for human rights complaints, aligned with the representative complaint provisions under the ADA to the greatest extent possible.
- **Repeal the “override declaration”:** Repeal Parliament’s ability to make an “override declaration” under section 43(1) of the HRA, as recommended by the First Review of the HRA and both reviews of the Victorian Charter.
- **Retaining the requirement to consider rights:** Retain the “procedural limb” at section 58(1)(b) of the HRA which requires decision-makers to give proper consideration to human rights, as it is an essential mechanism for building and maintaining a culture of respect for human rights within public entities.

In relation to the Anti-Discrimination Act:

- **Modernise definition of sexual orientation:** Implement the Respect at Work Act’s more contemporary definition of “sexual orientation”, which better captures the spectrum of emotional, affectional and sexual attraction.
- **Positive duty:** Implement the positive duty without further delay and provide the Queensland Human Rights Commission (QHRC) with regulatory and enforcement functions in relation to the duty.
- **Systemic contraventions of the ADA:** Empower QHRC to investigate potential systemic contraventions of the ADA where it has reasonable grounds to suspect systemic non-compliance and provide the QHRC with sufficient regulatory powers to carry of this role.
- **Harm-based vilification model:** Retain the proposed harm-based model so there are complementary harm-based and incitement-based vilification provisions to provide more comprehensive protection.

Our detailed recommendations with respect to these priority reform areas and other suggested amendments to the HRA and ADA are provided throughout this submission.

RESPONSE TO CONSULTATION QUESTIONS

Consultation question	Our views	Recommendation
A18 and A19: Do you support aligning the complaints framework in the ADA with the Draft Anti-Discrimination Bill 2024? Should there be any further or different changes to that complaints framework?	<p>The Draft Anti-Discrimination Bill 2024 provides a strong basis to deliver the necessary reforms to the complaints process recommended in Building Belonging.</p> <p>Key reforms needed include an extended 2-year timeframe, greater flexibility in the complaints process, and access to justice measures to assist vulnerable complainants.</p> <p>Appendix A to the Final QHRC submission on the Respect at Work and Other Matters Amendment Bill (8 July 2024) provides further recommendations made by the QHRC to improve further on the model in the Draft Anti-Discrimination Bill 2024. We endorse these further recommended changes in full.</p> <p>Anti-discrimination complaints against a public entity made under the ADA are by default ‘piggyback’ complaints under the HRA, since they will engage the right to non-discrimination and equality in s 15 of the HRA. In fact, according to annual reporting of the QHRC in 2024-25, only 34 complaints of 234 accepted complaints were about human rights alone, with 200 being piggyback discrimination complaints. Considering this overlap between human rights and anti-discrimination matters there is benefit in alignment to the greatest extent possible – this will streamline the process for all parties and the Commission.</p>	Adopt the adapted drafting by the QHRC in their submission to the Respect at Work and Other Matters Amendment Bill, which develops further the Draft Anti-Discrimination Bill 2024.
A20: Are there any changes that could be made to the process for making human rights complaints to public entities to better align it with other government complaints processes?	<p>It is not uncommon that a person has multiple avenues to make a complaint, including about public entities. Better coordination between complaint-handling processes may have benefits, including by making it easier for people to raise related concerns through a ‘one door’ approach.</p> <p>However, any alignment of complaint processes should not come at the expense of specialist expertise. We would strongly discourage attempts to streamline complaint handling by consolidating specialist functions into generalist bodies. Experience with ‘super tribunals’ demonstrates the risks of losing subject-matter expertise through consolidation. The QHRC’s specialist expertise in discrimination and human rights law is particularly important given the complexity of these areas.</p> <p>We would support practical measures to improve coordination between complaint processes, clarify how overlapping complaints should be handled and reduce the burden on complainants. However, these measures should preserve specialist complaint-handling functions and should not introduce additional procedural barriers or delay access to the QHRC.</p>	Align complaints processes to create efficiencies and better coordination where possible without consolidating the specialist functions of the QHRC into generalist bodies.

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A21: Should there be a prescribed process for when a human rights complaint made to a public entity involves more than one public entity?	As above in response to A20, it is not unusual that complainants may make complaints about multiple respondents – this is certainly the case under the ADA. It is unclear what kind of prescribed process is anticipated. If it involves government agencies working together in more coordinated ways, we would support this in principle. However, if this involves even more procedural requirements for complainants (who are mostly unrepresented), delays the resolution of complaints or allows public entities to avoid responsibility by pointing at another agency, we would not support any changes.	Support better coordination between government agencies without imposing additional procedural requirements on complainants.
A22: Should the HRA specify that a “human rights complaint” may only be made against a public entity, and not an individual in the employ of, or contracted to, that public entity?	<p>We consider it appropriate that an individual public sector employee be able to be both named and joined as a respondent to a human rights complaint along with their public entity employer. While public entity employers are generally responsible and vicariously liable for the conduct of their employees acting in the course of their employment, this does not remove the importance of individual participation in the complaints process.</p> <p>Individual participation promotes procedural fairness, ensuring the individual responsible for the decision or conduct has an opportunity to respond to allegations, justify the human rights compatibility of their conduct, and participate in the resolution of the complaint.</p> <p>Excluding a public employee from a conciliation involving a complaint against a public entity may present a major barrier to reaching a conciliated outcome, reduce complainant satisfaction with the process, and undermine procedural fairness for the individual respondent. This is particularly significant given that conciliation is generally the final avenue for resolution of a human rights complaint. As the only opportunity for a complainant to fully ventilate their concerns and seek to resolve the dispute, the conciliation process should maximise the participation of those directly involved in the conduct in question and provide the greatest opportunity for the parties to reach a satisfactory outcome.</p>	Allow public sector employees to be named and joined as a respondent to a human rights complaint along with their public entity employer.
A23: Would a representative action for human rights complaints be necessary or desirable?	<p>We agree that it would be beneficial for a simpler and more pared back representative complaint regime be implemented for human rights complaints and that this should align with the new representative complaint provisions under the ADA to the greatest extent possible. Representative complaints provide a mechanism for challenging conduct that affects a class of people, not just to secure remedies for individual complainants. They provide a vehicle for addressing policies or practices that are discriminatory or which are incompatible with human rights that have a wider impact on a community.</p> <p>An example of where the new ADA provisions for representative complaints has been usefully applied is QCAT’s recent approval of a representative complaint against the Queensland Government’s ban on gender affirming care for transgender children in public hospitals in <i>SP by PY v State of Queensland</i> [2026] QCAT 245. The complaint was brought by the LGBTI Legal Service on behalf of every young person affected by the ban. The Human Rights Commissioner had previously decided to treat the complaint made to the Commission as a</p>	Implement a simple representative complaint regime for human rights complaints, aligned with the representative complaint provisions under the ADA to the greatest extent possible.

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	<p>representative complaint; however, this assessment did not bind QCAT. The Tribunal was independently satisfied the statutory criteria for the group's cohesiveness was met and exercised its discretion to deal with the complaint as a representative complaint.</p> <p>The <i>Australian Human Rights Commission Act 1986</i> (Cth) and the <i>Human Rights Commission Act 2005</i> (ACT) already expressly permit representative complaints. While it is unlikely that a representative complaint mechanism under the HRA would be used frequently, on the occasions where it is used it would deliver significant efficiencies for the complaints system by preventing respondents from having to deal with multiple individual complaints relating to the same conduct or decision.</p>	
<p>A24: Should a complainant be required to engage with the relevant public entity prior to complaining to the QHRC?</p> <p>A25: Is the timeframe of 45 business days appropriate, including where a complaint engages multiple complaints frameworks?</p> <p>A26: Should there be a prescribed form for human rights complaints for the purposes of the initial complaint to the relevant public entity and any subsequent complaint to the QHRC?</p>	<p>We support removing the requirement in section 65(2) that a person must first complain directly to the relevant public entity and wait 45 business days before bringing a complaint to the QHRC. This reform was already recommended in Recommendation 52 of the First Independent Review of the Human Rights Act, following stakeholder concerns that the process was ineffective.</p> <p>As the Discussion Paper acknowledges, the requirement creates practical difficulties, including where multiple public entities are involved. It may also expose complainants to a risk of reprisal, or deter them from raising concerns with the public entity in the first place.</p> <p>We are sceptical that section 65(2) facilitates the resolution of many complaints, rather than simply creating an unnecessary barrier to access to justice. A person may not expressly raise human rights issues in their initial complaint, or may not know that their experience engages the HRA. Complainants cannot be expected to identify the legal basis of their concerns, particularly where they are not legally represented. Public entities may similarly fail to recognise that a complaint raises human rights issues. The requirement can therefore operate as a procedural hurdle without meaningfully advancing the resolution of the underlying complaint.</p> <p>We are also concerned that introducing a dedicated form for complaints under section 65(2) could create further confusion and barriers. The HRA does not require the initial complaint to be in writing. Requiring a specific form may give the impression that complainants must complete two separate written complaints: one to the public entity and another to the QHRC. This would add unnecessary complexity, and particularly for people who experience barriers to written communication and is not a trauma-informed approach.</p> <p>We therefore see little value in introducing another form that complainants must complete before accessing the QHRC. Removing the precondition altogether would simplify the complaints process, improve accessibility and reduce the risk that complaints are excluded on procedural grounds before their substance can be considered.</p>	<p>Remove the requirement to complain directly to the relevant public entity and wait 45 days before bringing a complaint to the QHRC.</p>

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A27: Should a person be able to make an oral complaint to the QHRC in exceptional circumstances?	Where a complainant has major challenges accessing justice, it should be required for the QHRC to reduce these barriers by creating more flexible processes. This should include, for example, the ability to lodge a video or audio file, or participate in an interview with a staff member, which is then transcribed and lodged as a complaint. We accept that it could be resource intensive to offer this service to everyone, and therefore ‘exceptional circumstances’ is the appropriate threshold.	Enable oral, audio or video complaints to the QHRC in exceptional circumstances.
B6: Should the override declaration provisions of the HRA be repealed?	<p>Parliament’s ability to make “override declaration” under section 43(1) of the HRA, which has the effect of disapplying the HRA to the relevant Act or provision, should be repealed.</p> <p>While Parliament’s intention was that this mechanism only be used in exceptional circumstances, we are of the view that there are insufficient safeguards to guide the assessment of relevant exceptional circumstances and prevent its misuse in circumstances beyond this. Simply requiring a member introducing a Bill to make a statement to the Legislative Assembly that they consider there to be “exceptional circumstances” to justify the declaration, without any mechanism for independent scrutiny of their reasons for this assessment, provides insufficient scrutiny of a highly consequential decision.</p> <p>The override mechanism undermines the dialogue model at the heart of the HRA. An override declaration prevents courts from performing their usual role of examining the compatibility of legislation with human rights. Requiring Parliament to justify limitation on rights through the ordinary operation of the HRA promotes transparency and accountability, while allowing the courts to consider and assess those justifications.</p> <p>Further, an override declaration also removes the usual avenues for judicial scrutiny under the HRA. While the declaration is in force, courts cannot apply the HRA’s requirement to interpret the overridden provision compatibly with human rights or make a declaration of incompatibility in relation to it.</p> <p>Accordingly, we agree with the recommendations of the First Review, and of both reviews of the Victorian Charter, that the override declaration provision should be repealed.</p>	Repeal Parliament’s ability to make an “override declaration” under section 43(1) of the HRA, as recommended by the First Review of the HRA and both reviews of the Victorian Charter.
B10: Should the interpretation provision in the HRA be retained and, if so, should it be amended to clarify its operation?	We consider that the interpretation provision at section 48 of the HRA should be retained and that any clarifying amendments should only be made at the conclusion of the High Court’s consideration of the operation of the provision and the equivalent provision of the Victorian Charter.	Retain the interpretation provision at section 48 of the HRA pending the conclusion of the relevant High Court cases.
B12: Should the “procedural” limb in section 58(1)(b) be retained? If it is retained, should the consequence of non-compliance with the	In our view, it is essential to retain the procedural limb in s 58(1)(b) of the HRA. This obligation requires decision-makers developing policies, procedures and programs to give proper consideration to relevant human rights and record that consideration as part of the decision-making process. It helps embed a culture of human rights compliance across the public	Retain the “procedural limb” at section 58(1)(b) of the HRA which requires decision-makers to give proper consideration to human rights, as it is an essential

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<p>“procedural” limb mean the act or decision is unlawful?</p> <p>B13: What remedies should be available for a contravention of section 58(1) of the HRA?</p>	<p>sector, promotes accountability, and supports better decision-making.</p> <p>The procedural limb is also the primary mechanism through which public officials learn to apply the HRA in practice. It translates a broad statutory framework into a practical decision-making tool – we can see these checklists, templates and tools across government, as evidence that it works to educate the sector.</p> <p>Importantly, compliance is not onerous. It does not require sophisticated legal analysis, but simply that decision-makers identify relevant rights, consider the potential impacts of a decision on those rights, and briefly record their reasoning. For routine decisions, this can often be achieved through a simple human rights prompt in an existing template or form.</p> <p>Failing to consider human rights at the outset can be costly and inefficient. It is far less resource-intensive to build human rights considerations into a decision-making process than to respond to complaints, defend legal proceedings, or redesign policies and programs after the fact.</p> <p>The procedural limb is particularly important for decisions affecting vulnerable and marginalised groups. For example, when designing a new public health service, requiring decision-makers to consider rights such as equality before the law and access to health services encourages consideration of whether the service will meet the needs of groups who face disproportionate barriers to healthcare, including trans and gender diverse people, people with variations in sex characteristics, people with disability, and Aboriginal and Torres Strait Islander peoples. Without such a requirement, these impacts are more likely to be overlooked.</p> <p>Repealing the procedural limb would send an unfortunate signal that human rights are no longer a routine consideration in public administration. It would risk reducing human rights compliance to an after-the-fact exercise rather than embedding it in the decisions and processes that affect people every day.</p> <p>The procedural limb does not detract from the substantive obligation in s 58(1)(a). The two limbs are <i>mutually reinforcing</i>: proper consideration of human rights is one of the most effective ways to ensure that a decision is ultimately compatible with human rights.</p> <p>That said, a failure to comply with the procedural limb should not, of itself, render a decision unlawful. A decision-maker may fail to adequately consider a relevant right yet still reach a substantively compatible outcome. In those circumstances, invalidity would be disproportionate. However, where a failure to properly consider human rights contributes to an incompatible decision, that failure should remain a relevant consideration in determining the appropriate remedy.</p>	<p>mechanism for building and maintaining a culture of respect for human rights within public entities.</p>

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	<p>If the Government is considering introducing a new cause of action and making compensation available to complainants, there may be scope to distinguish between the remedies available for breaches of the two limbs. For example, consideration could be given to limiting the remedies for a breach of s 58(1)(b) to declaratory relief, without providing for compensation solely on the basis of a failure to give proper consideration. This would preserve the procedural obligation and its role in promoting accountable decision-making, while allowing the Government to consider the appropriate scope of remedies for each type of breach.</p>	
<p>B14: Should section 5(2)(a) of the HRA be repealed?</p> <p>B17: Should section 9(4)(b) of the HRA be amended so that a court or tribunal is not a public entity for the purposes of the application of the Act irrespective of whether it is acting judicially or administratively?</p>	<p>We do not support repealing section 5(2)(a) of the HRA. The decision of <i>Huang v Body Corporate for Dorchester CTS 10749</i> merely clarifies the limits of section 5(2)(a) as currently drafted, including that it does not require courts to apply and enforce all Part 2 rights in the exercise of their judicial functions. However, this does not mean that courts should be excluded from the Act's human rights framework or that parliament should abandon the principle that courts must give effect to relevant human rights when exercising judicial functions. By doing so, we would lose an important aspect of the dialogue model.</p> <p>Courts and tribunals make decisions that can have profound consequences for people's rights and freedoms. There is no principled reason why they should be excluded from the Act's application when it comes to procedural matters, such as ensuring a fair hearing or right to equality (see <i>Matsoukatidou v Yarra Ranges Council</i> [2017] VSC 61), or ensuring procedures embed the cultural rights of First Nations people (<i>Cemino v Cannan</i> [2018] VSC 236).</p> <p>We see no evidence that the HRA is too onerous for courts presently. It does not require courts to assume an inquisitorial role or independently investigate every human right that might be engaged. The obligation can operate consistently with the adversarial system, including by requiring courts to give effect to relevant human rights where they arise in the issues properly put to them by the parties.</p> <p>Repealing section 5(2)(a) would also place Queensland out of step with other Australian human rights jurisdictions, particularly Victoria and the Australian Capital Territory, which expressly address the application of human rights legislation to courts and tribunals. Maintaining this provision affirms that human rights are relevant to the exercise of judicial power and that the protection of human rights is a responsibility shared across the institutions of government.</p>	Retain section 5(2)(a) of the HRA.
C5: Are there any unintended consequences from retaining the proposed new attribute of expunged conviction?	<p>We do not anticipate any unintended consequences arising from retaining the proposed new attribute of expunged conviction.</p> <p>Expunged homosexual convictions should not be treated under the same attribute as criminal history. This is because an expunged conviction should be treated as never having existed in the first place. This would recognise that, for this class of historical offence, it is unjust to</p>	Retain the proposed new attribute of expunged conviction.

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	<p>treat the person as having had any criminal history – because they never should have been treated as a criminal at all.</p> <p>We support the proposed separate and independent attribute for discrimination on the basis of an expunged conviction within the meaning of the <i>Criminal Law (Historical Homosexual Convictions Expungement) Act 2017</i> (Qld). Discrimination should not be permitted on the grounds of these expunged convictions, including in relation to occupational requirements of a job such as Working with Children checks or Blue Cards.</p>	
C7: What are the unintended consequences of retaining the new attribute "a combination of two or more of any of the above attributes"?	<p>We strongly support recognition of intersectional discrimination. As <i>Building Belonging</i> found, noting a disconnect between the law and people's lived experience, the difficulty of proving discrimination that operates across multiple attributes, and gaps in legal protection. While we note that the report's central concern was recognition of discrimination on combined grounds, not necessarily the creation of a new, free-standing attribute as set out in proposed section 7(4), we do not foresee any unintended consequences arising from this new attribute being retained.</p> <p>We acknowledge that an attribute of "a combination of two or more of any of the above attributes" is somewhat duplicative because proposed section 8(2) already adequately recognises discrimination arising from the combined effect of multiple attributes. However, we are not concerned that creating this new separate attribute would introduce uncertainty and expand the scope of protections beyond what is intended. We consider it to be sufficiently certain as it is confined to combination of already protected attributes.</p>	Retain the attribute of "a combination of two or more of any of the above attributes", as well as the recognition of intersectional discrimination at proposed section 8(2).
C9: Are there any unintended consequences of retaining any or all of the other additional new or amended attributes?	<p>We support the Respect at Work Act's proposal to replace the existing protected attribute of "sexuality" with the more contemporary term "sexual orientation". The current definition in the ADA, which is limited to heterosexuality, homosexuality and bisexuality, is unnecessarily restrictive and does not reflect the diversity of sexual orientations recognised today. The proposed definition is broader, more contemporary, and better captures the spectrum of emotional, affectional and sexual attraction.</p> <p>We particularly support the inclusion of a person's "lack of capacity" for attraction, as this provides important recognition of asexuality and helps ensure that asexual people are clearly protected under the Act. This approach is more inclusive and aligns the ADA with contemporary anti-discrimination frameworks in other Australian jurisdictions.</p>	Implement the Respect at Work Act's more contemporary definition of "sexual orientation", which better captures the spectrum of emotional, affectional and sexual attraction.
C10: Are there any unintended consequences of retaining the new definitions of "direct discrimination" and "indirect discrimination"?	<p>Our detailed criticisms of the current definitions of direct and indirect discrimination are set out on pages 9-10 of our submission to the QHRC's review of the Queensland Anti-Discrimination Act.</p> <p>We support the Respect at Work Act's new definitions of "direct discrimination" and "indirect discrimination", and the recognition at proposed section 11A(2) that it does not matter</p>	Retain the Respect at Work Act's new definitions of "direct discrimination" and "indirection discrimination", and proposed section 11A(2).

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	<p>whether discrimination is only direct discrimination, only indirect discrimination, or both direct discrimination and indirect discrimination. We also support requiring that an attribute be only one of the reasons, rather than the substantial reason, for the unfavourable treatment, and that it is irrelevant whether the person who discriminates considers that the treatment is unfavourable.</p> <p>We agree with the reasoning set out in the Building Belonging report in support of these amendments and do not foresee any unintended consequences of retaining the proposed new definitions.</p>	
<p>C11: Should the current burden of proof be changed to a ‘shifting’ burden of proof and, if so:</p> <p>(a) should a ‘shifting’ burden of proof apply only to complaints of direct discrimination?</p> <p>(b) what should a complainant be required to prove prior to the burden shifting to the respondent?</p>	<p>In our view, this issue has already been settled by Building Belonging and the Respect at Work Act, and could be commenced without any changes.</p> <p>We have previously supported adopted the shifting burden of proof approach taken in the UK, noting that often the person who has been discriminated against does not know the reason for their treatment, given a prospective employer or service provider may disguise discriminatory rationales among seemingly benign ones if it gives any reason for the treatment at all. Access to information is not even in many circumstances where there is a power imbalance between the parties – for example, where a decision not to hire a person has been made, only the respondent holds the relevant information about why the decision was made.</p> <p>We consider that the proposed burden of proof provisions in the Respect at Work Act do not require further amendment in relation to indirect discrimination.</p> <p>The amendments already expressly preserve the specific allocation of the burden of proof for indirect discrimination. Section 204(3) provides that the general burden of proof applies in addition to other provisions of the Act that allocate the onus of proof, expressly identifying section 11(3) as an example. Section 11(3) places the burden on the respondent to prove that a condition, requirement or practice is reasonable. This makes prior section 205 redundant.</p> <p>The specific burden in relation to indirect discrimination is retained in section 11(3), alongside the new general burden of proof in section 204.</p> <p>We therefore consider that the enacted provisions appropriately preserve the existing allocation of the burden of proof for indirect discrimination while introducing the broader reform. We do not see a need for further amendment on this issue.</p>	<p>Retain the proposed burden of proof provisions in the Respect at Work Act.</p>
<p>C12: Are there any unintended consequences that may arise if the positive duty were implemented in Queensland?</p> <p>C13: Would it be appropriate that the QHRC to have a regulatory and</p>	<p>We do not consider that the implementation of the positive duty in Queensland would give rise to unintended consequences. The reform is vital and commencement should not be delayed further.</p> <p>If the Commonwealth were the only jurisdiction with a positive duty, it may have been appropriate to delay commencement until after the review of its positive duty. However, as acknowledged in the Discussion Paper, positive duties are operating effectively in the ACT</p>	<p>Implement the positive duty without further delay and provide QHRC with regulatory and enforcement functions in relation to the duty.</p>

Consultation question	Our views	Recommendation
enforcement function as contemplated by the positive duty provisions?	<p>and Victoria without imposing a heavy regulatory burden. It would be unusual to delay commencement of the positive duty on the basis of a future review in only one of three jurisdictions that have already implemented the duty. Further, the QHRC had already commenced preparations for the positive duty before it was put on hold and may not require a further lengthy delay to plan for its new regulatory powers.</p> <p>We consider that it is appropriate for the QHRC to have a regulatory and enforcement function as contemplated by the positive duty provisions. QHRC should be able to commence an investigation into compliance with the positive duty on its own motion. We support adopting the approach in the <i>Australian Human Rights Commission Act 1986</i> (Cth), which permits the Commission to inquire into compliance with the positive duty where it reasonably suspects that a person is not complying (s 35B(1)).</p> <p>The QHRC's proposed regulatory and enforcement functions are necessary to give meaningful effect to the positive duty. We consider that any potential conflict of interest with the QHRC's existing role as a conciliator of human rights and anti-discrimination complaints would be able to be appropriately managed through the proposed "structural separation" and adequate resourcing of their new functions. It is not at all uncommon for regulatory bodies to have a complaint function and a separate investigation function.</p>	
<p>C15: Should the QHRC have a power to investigate potential systemic contraventions of the ADA?</p> <p>C16: Should this power be subject to any conditions, for example the Minister's consent and the matter being of public interest?</p> <p>C17: What powers should the QHRC have following completion of an investigation into potential systemic contraventions of the ADA?</p>	<p>We consider the QHRC should have a power to investigate potential systemic contraventions of the ADA. The individual complaints model is also poorly suited to identifying and addressing discriminatory practices that affect large numbers of people, particularly where those affected may be reluctant or unable to come forward, or where the discriminatory conduct is embedded in an organisation's policies, practices or systems. A regulatory investigation could instead identify patterns of conduct, examine the practices giving rise to discrimination, and require appropriate remedial action.</p> <p>QHRC should be able to commence an investigation where it has reasonable grounds to suspect systemic non-compliance, including on the basis of information obtained through its complaints function, research and monitoring, referrals from other bodies, or information provided confidentially by affected people or community organisations. There should not be a requirement for Ministerial consent.</p> <p>For investigations to be effective, QHRC should have sufficient powers to carry out a regulatory role including compelling production of documents and information, entering workplaces, conducting interviews with witnesses, and issuing findings and civil penalties. Education and guidance should be the primary tools for promoting compliance, but a regulator must also be able to escalate its response where voluntary measures are inadequate or non-compliance is serious or persistent.</p>	Empower QHRC to investigate potential systemic contraventions of the ADA where it has reasonable grounds to suspect systemic non-compliance and provide the QHRC with sufficient regulatory powers to carry out this role.

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C20: Are there any unintended consequences of prohibiting vilification on the additional grounds of sex, age, impairment and the updated definition of sexual orientation?	<p>We do not consider that any further changes are required in relation to these amendments, or that they give rise to unintended consequences. The amendments reflect the considered recommendations of the Legal Affairs and Safety Committee’s inquiry into serious vilification and hate crimes (LASC Inquiry).</p> <p>As outlined above, we support replacing “sexuality” with the broader term “sexual orientation”. Sexuality has been a protected attribute under the Act since 2002, and the updated terminology appropriately broadens and clarifies the scope of protection.</p> <p>We support extending vilification protections to characteristics that are often imputed to people with a protected attribute, in accordance with s 124A proposed by the Respect at Work Act. This ensures that a respondent cannot avoid liability simply by arguing that their conduct targeted a characteristic associated with a group, rather than the protected attribute itself. For instance, a respondent who vilifies drag queens should not be able to avoid liability by arguing that the conduct targeted drag performance, rather than the sexual orientation or gender identity they associate with drag queens. Similarly, Muslim women are commonly targeted in public places – this prevents a situation of a respondent avoiding liability by arguing that the conduct was directed at head coverings, rather than religious belief or activity.</p>	Retain the proposed additional attributes to be covered by the vilification provision.
C21: Are there any unintended consequences of retaining the updated definition of “public act”?	<p>We support the proposed new definition of “public act”, which is necessary to clarify given the direction of some of the case law on meaning of this term. We consider the amendment necessary to remove uncertainty about whether the vilification provisions apply in setting such as schools, workplaces and other environments that form part of everyday public life. It clarifies that vilification in these setting may still fall within the definition despite the premises not being generally accessible to members of the public.¹ These are among the places where vilifying conduct is most likely to occur and where its impacts can be particularly significant. The existing definition may leave doubt as to whether conduct takes place on private property or within institutions that are not ordinarily understood as public spaces.</p> <p>We do not consider that the expansion of the definition to include communication through social media and other electronic means, and conduct occurring on private land, will give rise to unintended consequences. Rather, the amendment reflects the contemporary ways in which discriminatory, vilifying and harassing conduct is communicated and experienced. Harmful conduct can now be disseminated to large audiences through online platforms irrespective of where the person posting the material is physically located. Limiting the</p>	Retain the proposed new definition of “public act”.

¹ See in particular, *Bero v Wilmar Sugar Pty Ltd* [2016] QCAT 371 and *Riley v State of NSW (Department of Education)* [2019] NSWCATAD 223.

Consultation question	Our views	Recommendation
	<p>concept of a public act to conduct occurring in traditional public spaces would create arbitrary gaps in protection and fail to respond to the realities of modern communication.</p> <p>The drafting appropriately constrains the scope of the provision by focusing on conduct that is communicated, observable or disseminated to the public. The amendment does not capture purely private communications or conduct merely because it occurs on private land. Instead, it ensures that vilifying conduct occurring in schools, workplaces or similar settings, or communicated through modern forms of communication, is not excluded from the Act because of technical uncertainty. Without this clarification, there is a risk that important areas of public life where vilification is experienced could fall outside the intended operation of the provisions.</p>	
C22: Are there any unintended consequences of retaining the objective incitement test in the new proposed section 124D of the ADA?	<p>We do not identify any unintended consequences of retaining the objective incitement test in proposed section 124D. While we understand reservations about changes from the current test, we understand the amendment as only clarifying the existing legal position under case law, rather than substantively changing the threshold for vilification.</p> <p>In particular, it makes clearer on the face of the law that a complainant need not establish that anyone was actually incited to hatred and other relevant emotions, provided the conduct was objectively likely to incite such responses.</p> <p>The QHRC raised concerns that the wording could be interpreted as introducing a probability-based threshold. While that is one interpretation of the word ‘likely’, it is not one we think would be adopted by courts when considering the clear Explanatory Notes on this point.</p> <p>The original 2001 Explanatory Notes clarified that 124A was intended to use an objective test based on a hypothetical listener or viewer, and that actual incitement did not need to be proved. This is reflected in jurisprudence since that time.</p> <p>The Respect at Work Act’s Explanatory Notes say that the new section 124D is intended to operate similarly to the former section 124A, with the added clarification that it is only necessary to show conduct that is likely to incite the relevant response. They also state that it is not necessary to prove actual incitement, but that the conduct must be capable of inciting hatred, serious contempt or severe ridicule.</p>	Retain the objective incitement test in proposed section 124D.
C23: Are there any unintended consequences of retaining the “harm-based” prohibition on vilification in the new proposed section 124C of the ADA?	<p>The harm-based model should be retained as currently drafted in section 124C. Stronger responses in relation to hate conduct are more important than ever, following a serious escalation in hatred against our communities in recent years, both online and offline.</p> <p>Hate against LGBTIQ+ people is a significant and ongoing experience for our communities, the direct experience of it, witnessing it online or in-person, the knowledge of it happening to our friends, the impossible weight of injustice and the fear that comes with just leaving the house can impact all areas of our lives, our health, capacity to work and connection with</p>	Retain the harm-based model in proposed section 124C.

Consultation question	Our views	Recommendation
	<p>community.</p> <p>It is not a historical phenomenon, it continues to this day and is further compounded by race, disability and age.²</p> <p>Harassment, discrimination and violence on the basis of sexual orientation, gender identity or sex characteristics remain a lived reality, often taking the form of attacks driven by prejudice, fear or ignorance in our physical and online communities.³ In 2025, researchers analysed more than 86,000 Australian tweets and examined links specifically between online anti-trans discourse and offline mobilisation. It identified a significant increase in anti-trans online activity and the involvement of far-right networks in amplifying anti-trans and anti-drag narratives⁴.</p> <p>Our communities continue to curb the expression of their identities, their lives and their love in an effort to avoid these attacks.⁵</p> <p>In 2020, a national survey of 6,835 LGBTQ people conducted by the Australian Research Centre in Sex, Health and Society (Private Lives 3) revealed that more than one third of participants had experienced verbal abuse, one quarter had faced harassment and one in 10 had experienced sexual assault in the year leading up to the survey due to their sexual orientation or gender identity.⁶</p> <p>We have previously expressed our strong support for civil protections against hate-based conduct which uses a harm-based legal standard, as recently implemented in Victoria. This would expand current protections which are limited to incitement to also capture harm-based conduct.</p>	

² Australian Human Rights Commission. (2026). *Australian Human Rights Assessment 2026: Sexual Orientation, Gender Identity and Intersex*.

³ See, eg, Adam O. Hill et al, *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia* (Report, Australian Research Centre in Sex, Health and Society, La Trobe University, 2020) 37-41; William Leonard et al, *Private Lives 2: The second national survey of the health and wellbeing of gay, lesbian, bisexual and transgender (GLBT) Australians* (Report, Australian Research Centre in Sex, Health and Society, La Trobe University, 2012) 47-8; Australian Human Rights Commission, *Resilient Individuals: Sexual orientation, gender identity and intersex rights* (Report, 2015) 15-16; William Leonard and Dr Rosemary Mann, *The Everyday Experience of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People Living with Disability* (Report, GLHV@ARCSHS, La Trobe University, 2018) 54; Tiffany Jones, 'The needs of students with intersex variations' (2016) *Sex Education* 1, 13-14; Centre for Social Research in Health, *Stigma Indicators Monitoring Project: People living with HIV* (Report, University of New South Wales, June 2021) 1.

⁴ Vergani, M., Giovannetti, A., & Goodhardt, D. (2025). *Tracking the 2023 Wave of Anti-Trans and Anti-Drag Mobilisation in Australia*. Deakin University.

⁵ William Leonard et al, *Private Lives 2: The second national survey of the health and wellbeing of gay, lesbian, bisexual and transgender (GLBT) Australians* (Report, Australian Research Centre in Sex, Health and Society, La Trobe University, 2012) 45-7; Australian Human Rights Commission, *Resilient Individuals: Sexual orientation, gender identity and intersex rights* (Report, 2015) 18.

⁶ Adam O. Hill et al, *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia* (Report, Australian Research Centre in Sex, Health and Society, La Trobe University, 2020) 41.

Consultation question	Our views	Recommendation
	<p>Protecting people from both forms of vilification is important as they address distinct (but sometimes overlapping) conduct:</p> <ul style="list-style-type: none"> • Traditional incitement-based vilification addresses the risk of bringing others along to perpetuate hateful views that create a climate of fear and hostility for marginalised communities. • Harm-based provisions recognise the effect of hateful conduct on the victim or victim group. <p>For the person or group targeted, the harm is experienced, whether or not a third party would have been incited to participate in that hatred.</p> <p>The harm-based model does not prohibit all speech that only causes offence or distress. It operates by reference to a defined legal threshold, assessed objectively and in context. This allows the law to distinguish between ordinary disagreement, criticism or robust debate and conduct that crosses the threshold for unlawful vilification. Those who argue that a harm-based model will have a chilling effect on speech need to engage with the reality that vilification is significantly underreported, as evidenced by complaint data – usually a handful of complaints are made in each jurisdiction annually.</p> <p>The most recent versions of harm-based models (such as in Victoria, and drafted but not commenced in Queensland) retain an <i>objective</i> test but assess the conduct from the perspective of a reasonable person who belongs to the relevant group, rather than a broader reasonable person test of an ordinary, reasonable observer from the community at large. This reflects the reality that language, symbols and conduct can have very different meanings and impacts depending on whether a person belongs to the group being targeted. A reasonable-person-within-the-group test better captures the lived experience of vilification.</p> <p>Failure to include a harm-based model can allow perpetrators to intentionally use coded language that they know will cause real fear and intimidation for a person from a marginalised community, where they know a particular phrase will not be known or experienced in the same way by a broader audience.</p> <p>For example, in considering whether anti-gay graffiti painted on someone's fence amounts to vilification, traditional anti-vilification protections focus on whether that conduct is likely to incite hatred, serious contempt or severe ridicule of persons on the ground of their sexual orientation, gender identity or sex characteristics among passers-by. It does not consider whether the person whose fence has been graffitied has suffered any harm, such as the experience of being humiliated, intimidated, or being made to feel unsafe in their own home, nor how it affects the whole gay community in the area.</p> <p>Further, a person directing homophobic slurs at a same-sex couple in public may cause significant humiliation and distress to that couple, and disproportionately affect gay people</p>	

Consultation question	Our views	Recommendation
	<p>more broadly, even if the words would not have provoked others to join in. An example of this is <i>Bell v Smith; Lynton v Smith</i> [2026] NSWCATAD 212. Mr Bell and his partner Mr Lynton made complaints against the respondents of vilification on the ground of homosexuality. The applicants alleged that the respondents used offensive and derogatory language, and grabbed one of the applicants through the front driver's window of their car. The applicants submitted that the conduct caused them hurt, humiliation, anxiety and loss of dignity. The Tribunal found that the conduct, while 'abhorrent', does not meet the relevant legal test. The decision confirmed that even clearly harmful conduct is not captured where it does not reach the threshold of incitement. Assessing the conduct from the perspective of a reasonable member of the targeted group ensures the law captures this harm, recognising that language which might seem merely rude or offensive to outsiders can carry a far deeper and more threatening meaning for those within the group.</p> <p>Equality Australia is currently developing a Blueprint to prevent hate and has commissioned a literature review to better understand the nature of hate, its impacts and the most effective responses. We have also spoken with LGBTIQ+ people and members of other affected communities about their experiences and concerns, including the limitations of existing legal protections. We have attached this independent literature review to the submission to provide offer insights into how hate affects our communities.</p> <p>Our work in this space reinforces the importance of recognising that hate conduct can cause significant harm to individuals with ripple effects across whole communities, even where it does not incite other people to hatred. A harm-based model addresses this distinct form of harm and complements, rather than replaces, incitement-based protections. Retaining section 124C is therefore important to ensure the law can respond to the broader impacts of vilification.</p>	



HATE CRIME AGAINST LGBTIQ+ AUSTRALIANS

Literature Review

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INTRODUCTION

Hate crime is a highly contested and debated concept, with significant contention expressed around what hate or prejudice is at the base level (Jacobs & Potter 1997). As Jacobs and Potter (1997, 41) note, lumping together conduct that is recognisably sexist, racist, misogynist, homophobic, antisemitic might be convenient, but ‘each of these abhorrent ideologies, forms of prejudice, and types of group-targeted aggression has its own aetiology, sociology, and social psychology’. The work of Schweppe (2021) shows further that, unlike other crimes, there is no standardised or universal definition of hate crime. Every discipline, jurisdiction, and context has different conceptualisations of hate crime and what it comprises, and unlike other crimes, there is no uniform definition of this crime at the international level. Not even the United Nations have a common understanding of what a hate crime entails.

Even so, most commentators and stakeholders tend to agree that a hate crime involves ‘unlawful, violent, destructive, or threatening conduct in which the perpetrator is motivated by prejudice toward the victim’s putative social group’ (Green et al., 2001, 480). Having general agreement about characteristics of hate crimes is useful, but further consistency and understanding is imperative because accurately measuring these forms of hate continues to be fraught with challenges (Green et al., 2001). The lack of standardised definition is problematic for victim-survivors of hate crime who have even less understanding of whether what they have experienced is a hate crime or what to expect in terms of prosecution of the perpetrators involved.

Chakraborti (2014) suggests that accurately counting hate crime is an ongoing problem not least because of issues noted above, but also that criminal justice agencies, community organisations, and victim-survivors themselves all misrecognise hate crimes. Interestingly, though, even when LGBTIQ+ hate crimes are effectively recognised and directed to court for prosecution, having established legal and policy frameworks set up to prosecute hate crimes against LGBTIQ+ people does not guarantee there will be an outcome. For instance, between 2017 and 2018, the Crime Survey for England and Wales indicated there were approximately 30,000 reported hate crimes motivated by sexuality, and from this, only 781 cases resulted in a conviction where hate crime laws were applied (Goodall & Walters 2019). This shows that a staggering number of hate crimes against LGBTIQ+ people are

‘falling out’ of criminal processing systems even when they have requisite frameworks for enabling these prosecutions, which indicates how these systems might be working by tacit norms about what a proper hate crime victim-survivor looks like (Haynes, Schweppe & Garland, 2025). This is even more challenging in contexts where invisibility of hate violence against LGBTIQ+ people is endemic to the point that even basic initiatives, like training police to recognise hate crimes against LGBTIQ+ people, are non-existent (Gomez 2008).

The one element of hate crime that commentators do agree on is that they hurt more than non-hate—or bias, animus, or prejudice—crimes (Iganski, 2001; see further below). They hurt more physically because they are often more violent, characterised by overkill and desecration of the deceased. They hurt more psychologically, with victim-survivors reporting decreased overall mental wellbeing, and significant impact on how they view themselves, with loss of self-confidence and lower self-esteem. This harm can be cumulative and lifelong, and often result from victimisation and minority stress, which decreases individual and community belonging. Unpacking and comprehending this complex context around the harm of hate crime is imperative and this is what theorists of hate crime seek to do. Theorising hate crime helps explain why hate crimes happen, how they affect individuals and communities, and what can be done to prevent them. Rather than viewing hate crime as isolated acts of violence or prejudice, theories provide a framework for understanding the broader social, cultural, psychological, and structural factors that contributed to prejudice motivated violence and offending.

THEORISATION OF HATE CRIME

Conceptualisations of hate crime are relatively recent, with some of the most influential work emerging in the early 2000s in the work of Barbara Perry (2001, 2003), and significant critiques and reconceptualisations emerging from after 2010. However, these ideas arguably emerged from the work of Gordon Allport (1954), whose early work provided an important differentiation between anger and hate, with anger being an emotional state that is transitory, and hate being recognised as an enduring sentiment that Garland (2008, p. 2) described as a ‘resilient inclination of mind’. These types of thinking primarily emerged out of psychological disciplines, wherein theorists would examine cognitive and emotional processes that lead offenders to target particular people or groups,

develop feelings of animosity, and have these motivate violence. This perspective suggests hate crime can be defined *and* explained as an intensified or extreme manifestation of prejudice (Green et al., 2001). This work provided an important distinction that heavily informed future work seeking to define hate crime as a category of offending. The notion of hate being an enduring sentiment, as distinct from a fleeting emotion, significantly influenced future understandings of hate crime.

The most common way hate crime is conceptualised is as an identity crime, with the violence perpetrated intimately entwined with identity politics (Perry, 2002). This means a person is targeted as a victim-survivor of crime on the basis of a specific identity characteristic, which most of the time is assumed to be immutable (Blake, 2001). Identity-based ideas about hate crime have been highly influential in policy and legislative contexts, with most legal and policy frameworks organised around this viewpoint (Jenness & Grattett, 2001). This is strongly evidenced in how often hate crime legislative frameworks will be revised to add new identity categories, with lists of identity groups growing in these laws. This approach can be problematic, as Jenness and Grattett (2001) show, because it does have the tendency to privilege some identities over others, and adding on sexuality and gender identity as protected characteristics can mean their relegation to 'second tier' alongside the 'core' categories focused on ethnicity and race.

This means that crimes motivated by bias against LGBTIQ+ people are often perceived as being less serious, less widespread, and less morally objectionable than comparable offences driven by religious, racial, or ethnic prejudice, and is an issue that has been noted with governments for 30+ years (Zwerling, 1995) but is yet to be addressed. As such, this can mean some victim-survivors are seen as "more worthy of respect than others" (Moran 2014, p. 267), which consequently means these victim-survivors will have more access to support by the state than others (Moran 2014). These identity-category focused ways of regulating hate crime have also influenced the international legislative frameworks (Swiebel & van der Veur, 2017). Furthermore, as Mason (2014, 172) notes, this means laws around hate crime are thoroughly grounded in the first instance in "characteristics that are markers of group identity". Hate crimes are therefore defined in terms of how a crime "strikes its victim at the very core of his or her identity" (Gellman & Lawrence, 2004, 423).

While identity might be at the core of understanding hate crime, focusing on identity alone is not substantive enough to comprehend the complex dynamics of these crimes. The work of Perry (2003) was instrumental as one of the first to offer a more comprehensive theorisation of that moved away from psychological approaches grounding hate crime motivation in individual cognition or personalities. Perry (2003, 486) argues that “hate crimes are more than the acts of mean-spirited bigots”. They signify *a social practice or social phenomenon* grounded firmly in the wider social and cultural context.

Drawing on Young’s (1995) conceptualisation of injustice and oppression, Perry suggests hate crime is best understood sociologically as a form of injustice precisely because these crimes are inextricably linked with a wider social context that makes them possible. They are “socially situated, dynamic processes, involving context and actors, structure and agency” (Perry, 2003, 486). This means violent and intimidating conduct takes on a distinct character when motivated by prejudice against a marginalised community. Perry (2003) distinguishes these acts from an individual wrongdoing, as theorised by Young (1995), a singular act with singular consequences. Perry especially argued that hate crime constitutes a structured process she called ‘doing difference’ where acts of violence are perpetrated against marginalised, stigmatised groups and/or individuals to oppress them. These acts shore up a central power relation: the dominance of the hegemonic group and the subordination of the marginalised person and/or group.

Critiques of approaches that anchor motivation for hate crime in identity characteristics suggest it is limited by ‘siloeing’ (Chakraborti and Garland 2012) these characteristics, and preferencing some over others (Blake, 2001). Chakraborti and Garland (2012) argue preferencing identity characteristics glosses over how a person might experience oppression across multiple identity categories simultaneously. They suggest widening out Perry’s approach to encompass experiences where people are navigating multiple forms of oppression simultaneously. This is what they call a *vulnerability approach*, wherein hate crime is conceptualised on the basis of *difference*. As Garland (2010, 174) argues, this perspective suggests governments need to ‘widen the parameters of the concept of hate crime to include victim-survivors of targeted violence whatever their social status or background’. This approach assists with another core issue with a siloeed identity category approach: privileging some identity categories over others. Blake (2001, 139) argues this is a key

problem with identity hate crime law approaches because it means violent acts can be deemed as falling outside standardised hate crime criteria and are therefore rendered ‘not as serious, not as deserving of condemnation, as those which do fit’.

Employing a vulnerability approach to legislate around hate crimes reduces the potential for hierarchical distinctions between victim-survivor groups that may arise when legislation singles out especial populations for specific protection over others. Importantly, this approach also enables a lens that recognises victim-survivors who are not affiliated with a group formally recognised by hate crime laws, like Sophie Lancaster who was murdered for being a goth (Garland, 2010). Furthermore, this approach acknowledges that hostile acts are not always about a social relation between a dominant, powerful perpetrator and a vulnerable, subordinate victim-survivor. Sometimes these crimes come about as a result of more banal reasons, and Chakraborti and Garland’s (2012, 506) approach, shifting the focus onto vulnerability rather than identity, means better recognition of “a complex interplay of different factors, including hate, prejudice, hostility, unfamiliarity, discomfort or simply opportunism or convenience”.

Stanko (2001) and Roulstone et al (2009) made similar arguments about moving away from identity categories and suggested the need to adopt an approach that emphasises the *targeted* nature of hate crime violence. Stanko (2001) contended hate crime conceptualisations failed to fully account for these forms of violence and particularly limited the ability to recognise and respond appropriately to people’s everyday experiences of physical harm, threats, and intimidation. Roulstone et al (2009) extended these perspectives in the space of disability hate crime due to the limited capacity that hate crime laws had to prosecute these forms of violence. Importantly, they argued it is problematic to justify the designation of an offence driven by the victim-survivor’s perceived vulnerability, instead of the offender’s hostile motivation (Roulstone et al 2009). Both perspectives powerfully demonstrate the need to move away from identity categorisation in hate crime legislative frameworks, yet these perspectives bring with them different, distinct challenges.

One significant problem with moving away from siloed identity approaches, and towards recognition of multiple vulnerabilities in hate crime laws is that this consequently means almost anyone could be subject to hate violence. These concerns are raised in detail by Gail Mason in her compelling

critical exploration of calls to protect police officers in the context of the Blue Lives Matter movement (2022) and child sex offenders (2014). Mason powerfully argues that these two groups should not have special protections in hate crime legislative frameworks for distinct reasons. Regarding police, Mason (2022, 424) suggests police do not need especial protections because they ‘already enjoy some of the strongest possible protections under the law’. Regarding sex offenders, Mason (2014) elaborates further the need for an augmented framework when considering whether a hostile act constitutes a hate crime, and that this framework will address overly inclusive understandings of hate crime. Mason (2014, 172) argues that criteria determining which attributes are protected under hate crime law are relatively consistent, with these typically comprising ‘two main interacting elements: (1) characteristics that are markers of group identity; and (2) characteristics that are a source of unjustified and long-standing histories of oppression, inequality, power relations or inter-group conflict’.

Mason (2014) contends the need to add a third element grounded in what she calls a ‘politics of justice’. This is where difference, as a basis for victim-survivor protection, is linked to a conception of justice that confines protected characteristics to those with a legitimate claim to recognition, equality, and respect because of the attribute that distinguishes them from others (Mason, 2014). As such, if all hate crime cases were considered in these new terms using a combined notion of vulnerability or difference together with a politics of justice, Mason (2014, 175) suggests better decisions could be made about whether a person from an identity category has a valid basis for recognition grounded in ‘a justifiable claim to affirmation, equality and respect for the attribute that makes them different’. Mason’s (2014) conceptualisation of hate crime is a stronger one, but others (Walters 2026) have noted this understanding may continue to be plagued by a central problem: who makes the decision about legitimate legal claims to social acceptance.

Mark Walters (2026) suggests that Mason’s (2014) conceptualisation of hate crime grounded in a politics of justice is weakened by how decisions about the social legitimacy of specific groups will likely comprise the value-laden judgements of policymakers. He therefore suggests an alternative way of conceptualising hate crime informed by Mills’ notion of the social contract and tied to understandings of citizenship (Walters 2026). For Walters, hate crime should be regarded as a distinct form of public wrongdoing because it represents a rejection of social inclusion and

generating civic hostility expressed through a failure to recognise and respect the victim-survivors' inherent dignity. Walters (2026, 217) argues that hate crime needs to be thought about as the expression of 'civic hatred', which consequently demands these issues be explored in the context of the inherent rights that people possess and the duties owed to them as part of civic society.

HATE CRIME VICTIMISATION

Hate violence is unique from other crimes in multiple ways (Pezzella & Fetzner, 2021). As noted above, Perry and others argue that hate crimes are distinct from other individual wrongdoings because they are anchored in a wider social and cultural context. However, it is more than that. As Iganski (2001) suggests, *hate crimes hurt more*. Iganski contends that hate crimes "inflict greater harms" (2001, 628) and this is what makes them "distinct from the same underlying crime without a bias motivation" (2001, 627). For instance, the physical violence meted out by hate crime perpetrators is marked by especial brutality and frenzy (Tomsen, 1996), something referred to as overkill (Panter & Farrell, 2025), where more than requisite violence is used in ways that display a "reckless indifference to the consequences of the attack" (Tomsen, 2002, 35). They also hurt more psychologically because they target and threaten the victim-survivor based on the identity group they belong to. They are uniquely injurious in how they change the quality of life of the targeted person, and especially since the characteristic targeted in the person is part of their core immutable identity. They are also distinctive in how they comprise a message crime (see further below), where the resultant harm of a hate crime "exceeds that of a similar crime lacking bias motivation" (Lawrence, 1999, 4).

HATE CRIME VICTIMISATION AGAINST LGBTIQ+ PEOPLE

Research consistently shows that hate crime victimisation is experienced at disproportionately high levels amongst LGBTIQ+ people, with LGBTIQ+ people experiencing higher rates of hate violence than non-LGBTIQ+ people (Flores et al., 2022; Vasconcelos et al., 2023). International and Australian studies demonstrate that LGBTIQ+ communities are more likely to experience verbal abuse, harassment, threats (including death threats), physical assault, sexual violence (Messinger & Koon-Magnin, 2019), and property damage, and these experiences are motivated by prejudice toward

their sexuality and/or gender identity. Research in the United States notes approximately one third of LGB people experience hate victimisation across the lifecourse and only half of these people reported this (Burks et al., 2018). Research in the United Kingdom found nearly 80% of LGBTIQ+ people had experienced a hate crime in their lifetime, and a quarter of these people reported this victimisation (Antjoule, 2016).

Hate crimes perpetrated against LGBTIQ+ people often happen in public spaces, workplaces, educational environments, and online. They are also unique in how they are perpetrated and why. The violence perpetrated against LGBTIQ+ people is severe and extreme, most often characterised by overkill and the use of more violence than is necessary to subdue the victim-survivor (Herek et al., 2002; Tomsen, 2002a, 2002b). Tomsen and Mason (2001) argue hate violence meted out to LGBTIQ+ people serves a specific purpose and that there is a need to focus on the gendered nature of these forms of violence. This is because the violence needs to be conceptualised as “a hostile response to gender disorder through which the perpetrator seeks to enact and reinforce gender boundaries and hierarchies” (Tomsen & Mason 2001, 259). Extreme levels of violence enacted upon LGBTIQ+ people by strangers often younger than the victim-survivor sends a resounding message that ripples across LGBTIQ+ communities more broadly (Kehoe, 2020). The widespread nature of these experiences highlights hate crime as a persistent public safety and human rights issue that continues to undermine the health, wellbeing, and social inclusion of LGBTIQ+ communities in Australia and worldwide.

All these experiences contribute to significant, enduring levels of fear and reduced feelings of safety not only for the victim-survivor, but for distal victim-survivors (Keel et al. 2022) that share the characteristic targeted by the violence. Transgender and gender-diverse people, and especially those who are also people of colour, generally report the highest levels of hate-motivated victimisation, followed by bisexual people, which may reflect the unique challenges experienced when multiple forms of stigma and discrimination intersect in the lives of LGBTIQ+ people. LGBTIQ+ people navigating intersecting identities face the additional challenges not only involved with traversing intersecting oppressions, but also with discerning whether hate violence they experienced is because of their sexuality and/or gender identity, or because they are a person of colour, or a person with a disability, for instance.

Meyer (2008) found LGBTIQ+ people experienced different hate violence relative to race, class, and gender. In particular, LGBTIQ+ people of colour grappled significantly more than white gay men, for instance, with identifying whether acts of violence were motivated by their sexuality (Meyer 2008). For example, gay men of colour found it difficult to determine whether violence was motivated by homophobia or racism, and lesbian women of colour struggled to discern whether it was homophobia, sexism, racism, or gender non-conforming appearance that motivated attacks. These findings suggest that hate crime legislation may provide greater recognition and protection for the experiences of white gay men than for those of other LGBTIQ+ communities, and especially those of intersectional experience (Meyer, 2008). Later work by Meyer (2010) also showed clear differences between middle-class white participants and low-income people of colour in how they perceived and assessed the seriousness of the violence they had experienced. In addition to this, there was evidence that LGBTIQ+ people of colour often interpreted their experiences of hate violence as suggesting they had brought negative attention or stigma to their racial communities, whereas white LGBTIQ+ people generally did not think about hate violence as reflecting negatively on their broader racial or ethnic group (Meyer, 2012). Research shows there is little doubt that LGBTIQ+ people of colour experience different and more complicated challenges related to hate motivated violence, and that legislative frameworks created to further protect LGBTIQ+ people can privilege white LGBTIQ+ people over LGBTIQ+ people of colour and LGBTIQ+ people from lower socio-economic backgrounds.

POLITICAL & SOCIO-CULTURAL CONTEXTS OF HATE VIOLENCE AGAINST LGBTIQ+ PEOPLE

The understanding that we have about hate crimes perpetrated against LGBTIQ+ people is heavily shaped by wider political contexts. One of the key issues is the power of conservative governments to block introduction of new laws, or change existing laws, to better protect of LGBTIQ+ people, or to repeal or remove existing legislative protections. There is a tendency for the general public to assume that LGBTIQ+ people are progressing towards better protections, but conservative governments are often influenced and swayed by powerful religious and other moral lobbyists seeking to decrease or entirely remove protections for LGBTIQ+ people. These political movements have significant impacts upon not only the understanding that we have generally about the lives of LGBTIQ+ people, but also their experiences of hate crime and violence. For instance, the United

Kingdom has routinely collected statistical population data about LGBTIQ+ people since 2021, but Australia only included these measures in their national population census for the first time in 2026. Australia was set to deploy these measures in 2021, but the conservative government in power at the time blocked implementation, even after a national public consultation showing strong public support for including LGBTIQ+ people in the next census. Following this, a public complaint was lodged with the Australian Human Rights Commission about exclusion of LGBTIQ+ people from the 2021 census, and the Australian Bureau of Statistics was forced to publicly apologise for distress and harm caused to LGBTIQ+ Australians. These political decisions thoroughly shape the knowledge that we have about LGBTIQ+ people.

The political context noted above consequently moulds the social and cultural climate of a society, which significantly influences LGBTIQ+ peoples' experiences of hate violence. Forming the base level of this social and cultural climate are attitudes about LGBTIQ+ people, and especially negative attitudes. These attitudinal climates situate heterosexual relationships and cisgender identities as normal, natural, and socially desirable, and marginalise and exclude non-heterosexual relationships and transgender and non-binary identities as abnormal, unnatural, and socially undesirable. While legal protections of LGBTIQ+ people have progressed to some extent, these protections are continually threatened and undermined by cyclic waxing and waning of negative attitudes around LGBTIQ+ people. For instance, the Southern Poverty Law Center (2020) noted a burgeoning expansion of anti-LGBTIQ+ hate groups from 49 in 2018 to 70 in 2019. These social norms are embedded within institutions, laws, media representations, education, healthcare, and everyday social interactions in ways that reinforce heteronormative and cisnormative assumptions that people are heterosexual and that their gender identity aligns with the sex assigned to them at birth (Olmstead-Rose, 1991).

For instance, how police responded—or, more appropriately, did not respond—to the murders of gay men and transgender people in Sydney in the 1980 and 1990s was found to be heavily shaped by social attitudes of the time. However, these attitudes were substantively “compounded by the leadership approach taken by senior police officers” (New South Wales Parliament Legislative Council 2019, 7). Young police officers joining the New South Wales Police across 1950s to 1960s “would have been influenced by the culture that was both ingrained in society and personified by”

police leaders at the time (New South Wales Parliament Legislative Council 2019, 7). The Police Commissioner at the time, for instance, openly stated that gay and lesbian people were “‘Australia’s greatest menace’; that homosexuals were a ‘cancer in the community’, who threatened to damage society’s ‘moral welfare’” (cited in New South Wales Parliament Legislative Council 2019, 7). These ideas were heavily facilitated by the historical, and in some places contemporary, criminalisation of same-sex sexual contact and cross dressing because, up until the mid-1970s, LGBTIQ+ people were largely viewed as deviant sexual offenders rather than victim-survivors (Woods, 2017).

The progressive decriminalisation of sodomy created an opportunity for researchers, advocates, and policymakers to reframe LGBTIQ+ people as legitimate victim-survivors of hate crime instead of people to be punished by criminal processing systems for perceived sexual deviance (Woods, 2017). Even so, links between LGBTIQ+ people and sexual deviance continue to be implicitly ingrained into everyday social and cultural attitudes. Fuelled by heteronormative assumptions, Moran (2014, 268) perfectly articulates how integrated these attitudes were in society at the time, describing heterosexuality as “like the air we breathe, a diffuse all-pervasive presence (a sense of rightness), but, at the same time, out of mind, unnoticed, unrecognisable, often unconscious, and immanent to practice and institutions”. As governments do not seek to educate young people about non-heterosexual relationships and transgender identities as part of the diversity of human existence, heteronormative and cisnormative expectations persist. Mainstream social environments like these powerfully facilitate climates wherein hate crimes are more permissible (Wang, 2002).

Depending on the political context at the time, these attitudes can wax and wane (Herman, 1997) in ways that contribute to stigma, discrimination, minority stress, barriers to accessing services, and even funding of services. So too do the levels of violence experienced by LGBTIQ+ people wax and wane depending on the political debates circulating at the time (Dean et al., 1992; Betts & Bennett, 2023). At a broader societal level, these attitudes may be reinforced through heteronormative beliefs, religious, or ideological opposition to sexuality and gender diversity (Herman, 1997), the political rhetoric noted above, and cultural norms that stigmatise same-sex relationships and gender diversity.

Importantly, the attitudinal climate surrounding LGBTIQ+ people can influence how they navigate public spaces, relationships, workplaces, and community life, and facilitate targeted hate violence against LGBTIQ+ people. The widely accepted cultural idea that LGBTIQ+ should be invisible and excluded fuels widespread negative public attitudes about LGBTIQ+ people (Alden & Parker 2005), and these facilitate hate motivated violence and abuse targeting LGBTIQ+ people. In Australia, gay men and transgender people have been heavily targeted for these forms of violence, and particularly between 1970 to 2010, when they were murdered at alarming rates. The Special Commission of Inquiry into LGBTIQ hate crimes (2023) undertaken by the New South Wales Government found that, like Perry noted early on, the murders of gay men and transgender people in Australia comprised “more than the acts of mean-spirited bigots”. Rather, these murders were made possible by “a prevailing acceptance of and indifference towards violence and hostility directed at gay men principally during the period prior to the mid-1990s impacted on the protection of and delivery of justice to victims of hate crime” (New South Wales Parliament Legislative Council, 2019, ix).

It is important to note that the combined conservative political context and social and cultural attitudinal climate is not a historical relic anchored to the past, the circumstances of which Mason (1993) elaborates well. Social, cultural, and political ideas elaborated above coalesce to powerfully shape the current context. Harmful and inflammatory ideas about LGBTIQ+ people continue to circulate with impunity and create the circumstances wherein it seems excusable to lack generalist population data not only required to better fund support of LGBTIQ+ people, but to understand their experiences in more detail, including data about hate crimes. This is because conservative Australian governments have overlooked *and* refused to operationalise routine collection of these forms of data with LGBTIQ+ people. Consequently, data about hate violence perpetrated against LGBTIQ+ Australians is less defined than in other international contexts. For instance, as far back as 1984 a national community-run taskforce in the United States was collecting data about perpetration of hate crimes against gay men and lesbians, which found nearly all of the 2000+ surveyed across eight cities had experienced harassment, threats, or attacks in some form (Berrill, 1986, cited in Herek, 1989; Berrill 1990; 1992). Data collected during the same period in Australia was facilitated by community agencies (Mason, 1993), with no federal government statistical collection. Interestingly, this is despite a period in the 1990s where Australia was the envy of international jurisdictions for

the hate crime responses Australian governments implemented. All this means that, currently in an Australian context, LGBTIQ+ people's hate experiences remain opaque. Data is patchy at best, collected mostly in metropolitan areas, and only with some LGBTIQ+ people (gay men, lesbians). This means hate experienced by bisexuals, asexuals, transgender and intersex people, and other sexuality and gender diverse people is almost completely invisible because recording these crimes has been sorely neglected.

WHAT WE KNOW ABOUT HATE VIOLENCE AGAINST LGBTIQ+ PEOPLE

International studies have greatly developed our understanding of LGBTIQ+ hate violence because there are more established routine processes of collecting and analysing data about LGBTIQ+ targeted violence. There is established evidence that LGBTIQ+ people experience hate motivated violence at higher rates than heterosexual people (Katz-Wise & Hyde, 2012), with studies showing LGB people are two to four times more likely to experience hate motivated violence than heterosexual people (Bender & Lauritsen, 2021). Earliest research showed that gay men experience hate motivated violence at higher levels than lesbian women and bisexual people (Dick, 2008; Herek, 2008), and that this violence is more brutal than other hate crimes (Dunbar, 2006). These attributes about hate violence against LGBTIQ+ people have come to shape the landscape of hate crime research somewhat, with significant research about hate violence being focused on elaborating the experiences of gay men (Tomsen 2009).

Interestingly another attribute of these attacks recorded in early work was how this violence was most commonly perpetrated in homes and private spaces (Marzullo & Libman, 2009), yet this element has not heavily shaped the focus of hate crime research. One of the earliest studies establishing prevalence of hate crimes perpetrated against sexuality diverse people came from Herek (2008) in the United States. Using an internet survey sample of 662 gay, lesbian, and bisexual adults, Herek (2008) found approximately 20% of sexuality diverse adults in the US had experience a crime motivated by their sexuality. Nearly half of the same sample had experienced verbal abuse, and more than one out of every 10 sexuality diverse adults had experienced workplace or housing discrimination, because of their sexuality. A further United States study by the Human Rights Campaign (Marzullo & Libman, 2009) found sexuality ranked third among motivations for hate crime,

following race and religion, with 17% of all hate crime incidents reported being motivated by sexuality. More recently, Burks et al. (2018) found that one third of 336 LGB people in a southwestern jurisdiction of the United States had experienced hate over their lifetime and about half reported to police.

Similar levels of prevalence were recorded in early research in the United Kingdom (Dick, 2008). In a survey of 1700+ gay, lesbian, and bisexual people, approximately three out of five lesbian and gay people experiencing homophobic hate crimes over the previous three years, with 75% choosing not to report (Dick, 2009). More recent research unpacking homophobic hate crime comes from the United Kingdom Centre for Hate Studies research that engaged with 4000+ people about hate violence, including 1,421 victim-survivors. In a survey focused on homophobic hate violence (University of Leicester, 2014), 130 people stated they had been targeted for violence because of their sexuality, with most of these people being between the ages of 18 and 34 years, mostly male, mostly gay (67 gay, 41 lesbian, 24 bisexual), and mostly white. Nearly every survey participant reported experiencing verbal abuse (95%), and 78% said they had been subjected to harassment, including bullying and threats (University of Leicester, 2014). Close to half of respondents had experienced at least one incident of hate violence, and a quarter had been subjected to sexual violence. Public streets and parks were the most common setting where people were victimised, with bars and nightclubs the next most frequent location. Participants were most often alone at the time of the incident (42%) than accompanied by friends (28%). Bisexual and gay males were more likely to report cyberbullying (University of Leicester, 2014).

Prevalence data about hate crimes against LGBTIQ+ people in Australia currently do not exist because this data is not routinely recorded. In a sample of 6,834 LGBTIQ people in Australia (Hill et al., 2020), non-physical forms of anti-LGBTIQ+ violence and harassment were the most commonly reported. Being socially excluded topped the list at nearly 40%, followed by verbal abuse at nearly 35%. Being targeted with acts like splitting or hostile gestures at nearly 24%, receiving written abusive threats at just over 22%, and 10% of respondents were denied service. Physical forms of abuse occurred less frequently, though they were still far from rare, with more than 11% of the sample experiencing sexual assault and nearly 4% being subject to physical attack or assaulted with a weapon. When compared with the previous iteration of the survey (Leonard et al., 2012), it was

clear LGBTIQ+ people were experiencing increased levels of verbal abuse, offensive gestures, being spat at, being sexually assaulted, and being attacked with a weapon.

The data we do have has most often been generated by communities themselves. Foundational studies in Australia, for instance, have largely emerged out of resource-limited community agencies seeking to better understand the dynamics and prevalence of these forms of violence (Attorney Generals Department of NSW 2003; Baird, Mason & Purcell 1994, Cox 1990, 1994; GLAD 1994; Mason 1993; Sandroussi & Thompson 1995; Mason & Tomsen 1997). Research undertaken by the Lesbian and Gay Anti-Violence Project in Sydney by Cox (1994) found more than 50% of victim-survivors sustained physical injury, a substantial proportion of violence occurred in public spaces over the weekend and after dark, and hands and feet were the weapons of choice in more than 80% of cases. Importantly, nearly a quarter of these attacks happened in the person's own home and more than 20% of victim-survivors knew the assailant. More than 20% of the time, victim-survivors were lesbians, but gay men were victimised most often, accounting for more than 70% of attacks. When looking at perpetrators, nearly 90% of them were men. Similar patterns of violence were recorded in research undertaken in Victoria (GLAD 1994).

The partial contemporary data we have suggests LGBTIQ+ Australians continue to be victimised extensively and repeatedly. Research consistently shows that LGBTIQ+ communities experience higher rates of victimisation than the broader Australian population (ABS, 2005a; Couch et al., 2007; Cox, 1990; Berman & Robinson, 2010; GLAD, 1994; Gay and Lesbian Rights Lobby, 2000, Leonard et al., 2008). For instance, Australian Bureau of Statistics data from 2005 reported assault rates of 9.9% among 15-19 year olds and 7.9% among 20-24 year olds in the general population (ABS, 2005b). By comparison, a study of 1749 same-sex attracted and gender-questioning young people conducted during a similar period found that 15% had experienced physical assault (Hillier et al., 2005). Although direct comparisons are limited because national statistics still do not routinely collect data on sexuality or gender identity, these findings suggest that same-sex attracted and gender-questioning young people are disproportionately targeted for violence. One of the largest ever studies of LGBTIQ Queenslanders in 2010 found 53% of 1090+ participants experienced hate violence (Berman & Robinson 2010). This elevated level of victimisation is particularly concerning given evidence that reporting of violence amongst LGBTIQ+ adults has declined over time. Moreover,

there remains a significant gap in research knowledge, with no research examining the reporting or help-seeking behaviours of LGBTIQ+ young people (Hillier et al., 1998, 2005, 2010). Early research showed LGBTIQ+ people experience nearly twice the level of public violence when compared with their heterosexual counterparts (Bernhard, 2000; Dick, 2008; Herek et al., 2002; Kuehnle & Sullivan, 2001), and these patterns persist in more contemporary research (Nath et al., 2022; Palmer et al., 2022; Potter et al., 2020; Priebe & Svedin, 2012). They are subject to violence so brutal it leads to death at higher rates than the general public (NCAVP, 1999; Tomsen, 2002). Even though the dynamics of this violence have shifted in terms of how it is now being facilitated by technologies, LGBTIQ+ people continue to experience extensive, pervasive violence in institutional spaces, with school violence frequent and increasing (Hillier et al., 1998, 2005, 2010), and violence in workplaces persisting (Barrett, 2011; Couch et al., 2007).

There are a few commonly experienced attributes of the hate violence that LGBTIQ people experience, some of which relate to perpetration discussed further below. One attribute shared across most victim-survivors is how this violence can be normalised as though it is “a part of everyday life” (Browne et al., 2011, 747; Russell et al., 2025) for LGBTIQ+ people (see further Moran et al., 2004). There is a level of indifference that informs how LGBTIQ+ people respond to abuse, insults, and negative comments because they experience so regularly as to have become desensitised to it. These responses are precisely why Browne et al. (2011, 752) suggest a different approach is needed to the currently predominant criminal justice approach focused on “reporting and prosecuting of single incidents”. They suggest this approach is insufficient and ineffective with addressing ongoing abuse, for instance, and how LGBTIQ+ people may “ignore abuse for their own self-preservation” (Browne et al. 2011, 752). There is a need for more comprehensive and appropriately tailored support to address the impacts of violence targeting LGBTIQ+ people, as elaborated further below.

A further shared attribute amongst LGBTIQ+ hate crime victim-survivors is how these victim-survivors are what Moran (2014, 269) calls ‘bad victims’ because they “struggle to have the violence done to them recognised as violence”. While often serious, violence meted out to LGBTIQ+ people can be unduly overlooked, downplayed, unrecognised, or ignored entirely, and the injuries sustained can be seen as a product of personal wrongdoing on the part of the victim-survivor (Moran, 2014). Another attribute shared amongst LGBTIQ+ victim-survivors of hate violence, and further elaborated

below, is how they can often experience homophobic, transphobic, and biphobic violence from family members and intimate partners in private and dating spaces at rates equivalent to, and higher than, heterosexual partners (Brown & Herman, 2015; Dank et al., 2014; Etaugh, 2020; Lejbowicz, 2022; Leonard et al., 2008; Langenderfer-Magruder et al., 2016; Messenger, 2017).

Online hate

Online hate is a growing area of concern for LGBTIQ+ people, with wider social, cultural, and political debates strongly influencing levels of hate speech and vilification experienced by LGBTIQ+ people. Recent work by Stonewall (Hubbard 2020) found eight out of ten LGBTIQ+ people had experienced some form of hate crime and/or hate speech online over the past five years, and 96% of participants had experienced it more than once. Online abuse takes the form of insults, threats of physical violence, threats of sexual violence, death threats, outing, threats of swatting, doxing, threats to destroy property, and blackmail (Ellis 2026; Ellis 2025a; 2025b; Anderson 2026; Zochniak et al. 2023; Dias Oliva et al. 2020; Arcila Calderón et al. 2024). A common experience alongside these was perpetrators inciting hatred and encouraging followers to abuse LGBTIQ+ people online. There is also a link between online incidents and in-person experiences of hate, with nearly 20% of respondents in Hubbard's (2020) research noting they knew that these online incidents flowed over into in-person hatred and the perpetrators involved. Another 20% of these participants noted they were unsure if in-person and online incidents were linked.

These forms of online hate happen most commonly on Facebook, Twitter, on media outlet websites, Instagram, YouTube, and dating apps (Hubbard 2020; Ellis, 2025a; 2025b; 2026). Most online hate incidents appear to follow the format of in-person hate violence, with incidents typically involving more than one perpetrator. Hubbard (2020) found more than 70% of participants were victimised by more than one perpetrator, and that in nearly 15% of cases, it involved 20+ perpetrators. Conversely, the perpetrators of these incidents were mostly identified by their victim-survivors as people they knew in some way—either known online or offline—with more than 70% of victim-survivors knowing the offender involved (Hubbard 2020). Importantly, transgender and bisexual people were subject to online hate incidents from especially gay and lesbian members of LGBTIQ+ communities, with asexual, intersex, and non-binary people also experiencing negative attitudes from LGBTIQ+ people (Hubbard 2020; Rogers, 2022).

LGBTIQ+ people talk about these forms of online abuse in similar ways to in-person abuse: that it is normal, just part of everyday life for LGBTIQ+ people (Hubbard 2020). Moreover, like in-person abuse, online hate experienced by LGBTIQ+ people motivated them to change their online behaviours, including decreasing their use of online social media, removing LGBTIQ+ identifiers from their online profiles, and leaving social media altogether (Hubbard 2020).

One of the most common experiences amongst transgender women in online spaces is being targeted proactively for abuse by transphobic activists and anti-trans feminists, more commonly referred to as trans exclusionary radical feminists (TERFs) (Rogers, 2022). Transgender people in Hubbard's (2020, 14) study recognised these forms of abuse as 'pretty constant', including false reports being made to police about transgender women being sex offenders. As noted above, these ideas particularly emerge in the context of trans-misogyny that construct transgender people, and especially transgender women, most often as a sexual threat to the safety of cisgender women (Rogers, 2022). Findings from an analysis of 20 years of research focused on violence perpetrated against LGBTIQ+ people showed the idea that transgender people are a threat is completely baseless: heterosexual and cisgender people do not need to be shielded from transgender people (McKay, Lindquist, & Misra, 2019). On the contrary, the substantial research shows the opposite: transgender people face heightened vulnerability to physical and sexual violence, harassment, bullying, and hate-motivated victimisation across childhood, adolescence, and adulthood (McKay, Lindquist, & Misra, 2019).

Increasingly, responses to online hate have shifted from regulating individual offenders to regulating the online infrastructure that enables hate speech and vilification to be shared and dispersed widely. Algorithmic governance and the right to opt out of algorithms—along with measures adopted by eSafety Australia and the Australian Government such as the recently tabled Online Safety Amendment (Digital Duty of Care) Bill 2026—all contribute to a shift upstream to the drivers and publishers of online hate (Ellis 2023; Duguay et al 2018; Myles et al 2023; Collins et al. 2026). However, as Hobbs (2024) and Aljizawi et al. (2026) note, in an age when gains made by LGBTIQ+ are being quickly reversed, and digital transnational repression is on the rise, concerns arise as to how these law reforms will impact on the availability of information for LGBTIQ+ people and the increasing willingness of social media platforms to censor LGBTIQ+ content.

UNIQUE HATE CRIME CHARACTERISTICS

While experiences of hate violence targeting LGBTIQ+ people can be similar in some ways, and people might assume the types of hate crimes experienced by LGBTIQ+ people are similar regardless of how they identify, this is not the case. Research shows that experiences can be, and most often are, unique depending on how the person identifies. Moran (2014) notes that each group within acronyms like LGBTIQ+ will experience hate violence in ways that are characteristically dissimilar and unique. Acronyms like LGBTIQ+ can themselves facilitate the ease with which hate violence perpetrated against LGBTIQ+ people is seen in terms of similarity because, as Moran (2014, 267) argues, they can conflate “very different experiences of violence and insecurity, sustaining hidden hierarchies where gay male issues tend to dominate”.

TRANSGENDER PEOPLE

Transgender people are more likely to be subject to hate motivated fatal and non-fatal violence than other sexuality and gender diverse people (Grasso & Meyer, 2026; Walters et al., 2017; Walters & Paterson, 2015). Transgender people experience unique forms of hate violence shaped by prejudice towards their gender identity and expression, which often makes the types of victimisation they experience distinct from that experienced by many other groups (Brightman et al., 2014; Kidd & Witten 2007). Hate crimes against transgender people commonly involve verbal abuse, threats of harm and death, physical assault, sexual violence, damage to property, online harassment, and deliberate misgendering and outing (Colliver, 2021; Hubbard 2020; Grasso & Meyer, 2026). They are also murdered at alarming rates (Brightman et al., 2024; Lantz et al., 2024), and in ways that demonstrates significant overkill (Panter & Farrell, 2025). They are also often deadnamed after death, which means fatal hate violence can go undetected (Lantz et al., 2025). Importantly, although trans women of colour are murdered more often than any other trans people, their killers are less likely than others to be found guilty (Momen & Dilks, 2021). Even police subject transgender people to physical and verbal abuse, sexual violence, extortion involving money and other resources, and false arrest (Jamel, 2018). Non-fatal hate crimes against transgender people tend to be characteristically violent, with perpetrators often displaying and openly expressing a range of prejudices (Stotzer, 2008). Unsurprisingly, these experiences mean that transgender people

experience intensive levels of fear of being the victim-survivor of violence, even when they have not been victimised (Perry & Dyck, 2014b). These intensely challenging experiences are deeply compounded by being stared at, excluded, and harassed by members of the public, and losing their jobs, homes, or relationships after disclosing their transgender identity (AHRC, 2026). They can also encounter discrimination when trying to access employment, healthcare, education, and other services, and have no access to support services equipped to meet their needs when they experience violence and abuse (AHRC, 2026).

Experiences of violence and abuse targeting transgender people described above can happen in public spaces, workplaces, educational settings, and healthcare environments, and can be perpetrated by members of the general public, health and educational service workers, support workers, and first responders, including police (Colliver, 2021). They are also subjected to violence in online spaces, including bullying, doxing (non-consensual publication of personal information online), stalking, threats of violence, sexual assault, and online messages encouraging them to end their own lives (AHRC, 2026), as well as incitement to genocide against transgender people (Trans Justice Project & Victorian Pride Lobby 2023). Research in Australia found one out of every two transgender people had experienced anti-trans hatred, and one in ten participants had experienced anti-trans violence (Trans Justice Project & Victorian Pride Lobby 2023). Anti-trans violence included workplace bullying, harassment in public spaces, intimidation related to bathroom access, stalking, physical and sexual violence, and threats to kill (Trans Justice Project & Victorian Pride Lobby 2023). Physical experiences of anti-trans violence included being spat on, physically grabbed, punched, attacked by groups, assaulted with objects or weapons, and subjected to sexual violence (Trans Justice Project & Victorian Pride Lobby 2023).

Transgender people are typically targeted because elements of their gender presentation do not align closely enough with cisnormative social expectations of binary gender and they fail to 'pass' as women, for instance (Colliver & Silvestri, 2022; Jamel, 2018). Early conceptualisations of these forms of violence argued that they comprised a form of gender terrorism (Witten & Eyler, 1999). The underlying purpose of the violence is to preserve, or shore up, a social order in which men maintain dominance over women through emotional, verbal, and physical force, and in which the boundary between genders must be strictly enforced to uphold the system. Recent research suggests these

dynamics are at work because transgender people who do not conform to conventional heterogendered norms, or who are more visibly recognised as transgender, face higher levels of violence (Colliver & Silvestri, 2022; Trans Justice Project & Victorian Pride Lobby 2023). However, the reasons transgender people are targeted are far more complex than this alone (Moran & Sharpe, 2004; Stotzer, 2008). Sometimes failing to ‘pass’ as a woman, for instance, also intersects with failing to pass as heterosexual when transgender people display same-sex intimacies in public spaces (Moran & Sharpe, 2004), and this is further compounded when the transgender person is also a person of colour (Moran & Sharpe, 2004; Stotzer, 2008).

Most importantly, comments from perpetrators of hate violence against transgender people demonstrate one crucial concern still to be addressed: that widespread ignorance about gender-identity issues remains deeply entrenched in society (Moran & Sharpe, 2004; Stotzer, 2008). Colliver (2021) argues that these forms of ignorance lead to hate violence being perpetrated against transgender people at such high levels as to be considered an everyday occurrence, and Colliver developed a new concept to explain this further called ‘micro-crimes’. These ‘micro-crimes’ happened on the way to work, in the workplace, on the commute back home from work, whilst on the way to attending appointments or social outings. They are literally part of the everyday routine experience for transgender people, and these ‘micro-crimes’ happen “because of being in a particular place at a particular time” (Jamel, 2018, 54). The regularity of the violence they experience is especially facilitated by higher levels of negative attitudes towards transgender people amongst wider communities, with one study finding far fewer people being comfortable with having a transgender person as a neighbour (Haynes & Schweppe 2019). These forms of sentiment are increasing and being fuelled significantly by speaking tours of anti-trans lobbyists (Trans Justice Project & Victorian Pride Lobby, 2026). This work strongly suggests the importance of recognising these forms of anti-trans sentiment as hate speech (see further below).

Research indicates that transgender people experience violence at higher rates than cisgender people (Brightman et al., 2024; Closson et al., 2024; Hill et al., 2020; Hubbard, 2020; Walters et al., 2020; Walters & Paterson, 2015). In the United Kingdom, Hubbard (2020) found a staggering 93% of transgender people had experienced online hate and abuse when compared with 70% of cisgender participants. In the European Union, 79% of 2669 survey respondents noted they had experienced

some form of public harassment, from verbal comments through to physical and sexual assault (Turner et al., 2009). In Australia, Hill et al. (2020) found participants who were trans or gender diverse experienced more harassment and abuse than those cisgender LGBTQ+ people. Verbal abuse was reported by more than 50% of trans women, more than 49% of non-binary people, and 45% of trans men, which are notably higher than the 28% and 32% reported by cisgender women and men (Hill et al., 2020). Many transgender people also experience repeated victimisation, meaning they are targeted multiple times throughout their lives rather than isolated incidents (Browne et al., 2011). Not only do they experience heightened fear in public spaces in general, but they also fear discrimination and negative treatment by health, educational, support, and other service workers, in addition to authorities they might otherwise report hate crimes to such as the police (Woods & Herman, 2014). They fear being misgendered and discriminated against, which substantially reduces chances of transgender people reporting these offences to police, and this is layered with justifiable fear of physical, emotional, and sexual abuse from police especially. They also have more fear of being a victim-survivor of sexual violence (Maher et al., 2025). Research suggests these fears are justifiable, with transgender people having been subjected to all these and more forms of violence at the hands of police and other service providers (Jamel, 2018).

Another unique experience of transgender people emerges in the context of intimate partner relationships and families of origin, which have equally unique mental health outcomes (Henry et al., 2021). Research reveals that, like other members of LGBTIQ+ communities, and wider communities, an intimate partner may subject a transgender person to more standard forms of abuse, harassment, and coercive control (Closson et al., 2024; Guadalupe-Diaz, 2019). However, alongside this, transgender people experience abuse in the form of their intimate partner preventing them from affirming their gender (Peitzmeier et al., 2019). Sometimes this abuse manifests in the relationship even though the intimate partner has expressed their support for their transgender partner to affirm their gender identity. Sometimes this abuse disallows the transgender partner to engage in any form of gender affirmation and require them to maintain the gender identity they were assigned at birth (Peitzmeier et al., 2019).

Relationships with families of origin can be equally challenging and dangerous for transgender people. Research has found that transgender people describe trans identities and practices as

threatening the core of 'traditional' family life, with transphobic views of family members sometimes fuelling 'honour'-based violence towards transgender family. Rogers (2017) developed a conceptual framework for understanding these dynamics, where concepts such as shame, stigma, power, and trans-erasure capture the overt and subtle abuse underlying transphobic honour-based abuse. These forms of hate motivated violence are evidenced in denial, rejection, and identity-based mistreatment that prioritises the family's heteronormative and cisnormative standing over the wellbeing of their transgender family member (Rogers, 2017). This dynamic often produces psychological, emotional, material, and sometimes physical harms, at times culminating in exile from the family of origin when relatives refused to accept any gender other than the one assigned at birth (Rogers, 2017; Asquith & Fox, 2016).

Transgender women also experience unique forms of hate violence in public spaces, and especially transgender women of colour (Brightman et al., 2024). Research shows they are more likely than cisgender women to experience sexual assault and rape (Brown & Herman, 2015; Canan et al., 2024; Fileborn, 2012; Grant et al., 2011; Matsuzaka & Koch, 2019; Rothman et al. 2011). Perhaps unsurprisingly, then, transgender women also have higher levels of fear of sexual violence perpetration than cisgender women (Maher et al., 2025). One of the most common experiences involves transgender women being targeted more in public spaces for harassment and violence because they are erroneously assumed to be sex workers, and this is especially an ongoing form of harassment they experience from police. This impacts transgender women of colour to the extent that researchers have named this phenomenon 'walking while trans' (Carpenter & Marshall, 2017).

It is imperative to note that all these forms of violence perpetrated against transgender people are facilitated by a profoundly problematic socio-cultural context increasingly seeking to expunge transgender people from society and wind back legal protections. This socio-cultural context is typically fuelled by trans-misogyny (Arayasirikul & Wilson, 2019; Colliver, 2022; Gill-Peterson, 2025; Rogers, 2022). In the United States, for instance, the socio-cultural backdrop comprises a sweeping wave of anti-transgender legislation (Human Rights Campaign, 2024). In 2023, the Human Rights Campaign declared a national state of emergency for LGBTIQ+ Americans because more than 550 anti-LGBTIQ+ bills were introduced into state legislatures nationwide, over 85 of which were signed into law (Human Rights Campaign, 2024). These moves led to the highest ever number of anti-LGB

and anti-trans/gender expansive hate crimes ever recorded by the FBI (FBI National Press Office, 2023). Over 2,800 hate crimes against LGBTIQ+ people were recorded in 2023, which represents nearly one in four (22.8%) of all hate crimes that year. Of these, 542 were gender identity-motivated crimes against transgender ($n=393$) and gender-expansive ($n=149$) people, more than 4% of the year's total. These figures likely undercount the true scale as not all jurisdictions track or report anti-trans hate crimes to the FBI (Human Rights Campaign, 2024).

The trend persisted into 2024, with more than 500 additional anti-LGBTIQ+ bills introduced and over 40 enacted across 14 states (Human Rights Campaign, 2024). Most of these bills specially targeted transgender people, aiming to strip away basic freedoms (Human Rights Campaign, 2024). These efforts include attempts to ban access to safe effective age-appropriate health and medical care, restrict access to school sports, toilets, and locker rooms, and remove inclusive books and references to LGBTIQ+ identities and experiences from school curricula (Human Rights Campaign, 2024). The central element making these legislative changes possible is the socio-cultural context, with people who support anti-trans legislation frequently relying on hate-filled rhetoric that demonises transgender people and their allies, spreads misinformation, and lends legitimacy to anti-transgender stigma, violence, and hate (Human Rights Campaign, 2024). As an example, in the 2024 United States election, the U.S. Republican party spent more than \$82 million on anti-transgender political advertisements that advanced transphobic messaging while attacking pro-equality candidates for supporting transgender people (Human Rights Campaign, 2024). Although the American context is substantively different to the Australian context, there is no doubt similar legislative moves have increased in recent years in Australia (Equality Australia, 2026).

LESBIAN WOMEN

At first glance, lesbian women's experiences of violence appear characteristically similar to that experienced by heterosexual women. This violence happens in private spaces, there is a preexisting relationship, the perpetrator enacts violence alone, and violence is ongoing (Mason 2002). However, while this may be true of the violence lesbians experience at the hands of intimate partners (Badenes-Ribera et al., 2016; Walters, 2011; see further below), their experience of hate motivated violence is more similar to the 'stranger' violence experienced by gay men and transgender people,

including arbitrary acts of violence perpetrated by unknown men (Mason 2002). This positions lesbian women's experiences of violence as distinct because this violence emerges out of the intersection between sexism and homophobia (Mason 2002). Unlike many other victim-survivor groups, they can be targeted because of their diverse sexuality *and* their gender, *and* in some instances because of their gender non-conforming appearance too (Gordon & Meyer 2007). This can result in forms of violence and abuse that are often sexualised, misogynistic, and intended to reinforce traditional heteronormative attitudes around gender, including gendered expectations about behaviours, activities, and gender roles, in addition to conforming to binary notions of gendered appearance.

Lesbians most commonly experience hate crimes in the form of verbal harassment in public spaces, being chased or followed, being threatened with sexual violence and physical assault, actual physical assault (including having objects thrown at them, and being hit, kicked, punched, beaten, stabbed, and shot), having their property damaged, and being abused online (Bartle, 2000; Faulkner, 2015; Mason 2002; Schulthess, 1992). Many crimes perpetrated against lesbian women occur in everyday settings, including streets, public transport, workplaces, nightlife venues, and educational and health institutions. These kinds of violence are often paired with the use of derogatory language that demeans both women's identities and same-sex relationships. Lesbian women whose gender presentation does not conform with wider social expectations of binary gender are especially vulnerable to victimisation because their gender presentations are more readily perceived as violating societal expectations of femininity (Gordon & Meyer, 2007; Tomsen & Mason, 2001). This can include being subject to violence seeking to 'correct' their sexuality diverse identity, with the most extreme form of this being 'corrective rape' (Doan-Minh 2019).

BISEXUAL PEOPLE

Research on hate crime perpetrated against bisexual people suggests their experiences are shaped by both their sexual identity and the unique stigma associated with bisexuality (Plumm, Potter & Terrance, 2015; San Francisco Human Rights Commission LGBT Advisory Committee, 2011). Bisexual people face anti-LGBTIQ+ hostility from the general public alongside experiencing distinct forms of prejudice, stereotyping, and erasure across both heterosexual and LGBTIQ+ communities (Barker et

al., 2012; Martin & Watson, 2026; McCole & Anderson, 2026; McLean, 2008; Welzer-Lang, 2008), including microaggressions involving invalidation, invisibilisation, oversexualisation and fetishisation, and ostracism (Martin & Watson, 2026; Serpe et al., 2020; Vonlanthen & Roy-Charland, 2025). These forms of 'double discrimination' (See & Hunt, 2011) are referred to as binegativity or bisexual erasure (Vonlanthen & Roy-Charland, 2025). While these experiences are often shared across bisexual men *and* women (Watson et al., 2021), they can be experienced in more hostile ways by bisexual women (McCole & Anderson, 2026). Bisexual women can also experience higher rates of sexual violence (Flanders, 2019). They experience these challenges alongside verbal abuse, sexual harassment, threats (including death threats), and physical and sexual violence seeking to question or invalidate their bisexual identity (Watson et al., 2021), in addition to bimisogynistic attitudes that perpetuate bierasure across systems and institutions (Flanders et al., 2019; Martin & Watson, 2026). Bisexual women can also frequently encounter discriminatory attitudes, verbal insults, and denial of service in restaurants, bars, and other hospitality venues (Rufino, Filho & Madeiro, 2022).

Importantly, bisexual people can be at higher risk of family violence, and especially when they are in same-gender relationships (Barker et al., 2012). A range of family responses have been documented in research extending from complete estrangement, silence, or denial, through cautious acknowledgement, to full acceptance and support (Watson, 2014). Bisexual women can also experience violence from members of their families of origin, with the narratives of Brazilian bisexual women noting intimidating experiences occurring within both family and public settings. Within the family, participants reported verbal abuse, threats of suicide or homicide, and being unlawfully confined by family members (Rufino, Filho & Madeiro, 2022). This means bisexual people can experience unique challenges with disclosing their sexuality to families of origin and may 'test the waters', for instance, to determine if the family environment is a safe one in which to disclose (McLean, 2008).

These forms of violence are typically fuelled by a myriad of misconceptions about bisexuality. Some of these include that bisexuality is an illegitimate sexuality or a temporary phase before the person realises they are lesbian or gay, that bisexual people are promiscuous, sexually available, or greedy and 'want the best of both worlds', and that bisexual people are attention seekers and 'just haven't met the right man/woman yet' (Barker et al., 2012; Watson et al., 2021). For bisexual women, these

stereotypes can intersect with gender-based violence and misogyny, and they fear having their identity dismissed or misunderstood by service providers because of the unique intersection of biphobia and sexism, as well as having more fear of being a victim-survivor of sexual violence (Maher et al., 2025). Unsurprisingly, this means that bisexual people can fear being the victim-survivor of hate violence more than other members of LGBTIQ+ communities (Bender & Lauritsen, 2021; Maher et al., 2025). All these ideas profoundly shape underreporting of hate crimes by bisexual people because they fear being subject to these forms of stigma as secondary victimisation from police when they report hate crime (Grasso, Jenness & Vogler, 2023), and research suggests the importance of specific forms of primary and secondary prevention and intervention to better support bisexual people who have experienced hate violence (Messinger, 2012).

GAY MEN

Gay men experience distinctive patterns of hate crime that are shaped by enduring stereotypes surrounding, and at the nexus of, masculinity, sexuality, and public expressions of same-sex intimacy. This is because gay men are commonly denied the status and privileges that come with heterosexual masculinities (Tomsen & Mason 2001). The violence meted out to gay men therefore typically comprises a response that further denies them that status, ascribing them a place outside heterosexual masculinities, and punishing their transgression of heteronormative expectations (Franklin, 2004; Tomsen & Mason 2001). Older gay men are most commonly targeted for attack by young heterosexual, cisgender males, most often in groups, who will seek out gay males for violence in places they know they can find them, like LGBTIQ+ venues (Tomsen, 2002a, 2002b; Franklin, 2000; Mouzos & Thompson, 2000; Van der Meer, 2003). Importantly, the levels of violence experienced by gay men is significantly brutal and characterised by overkill (Tomsen, 2002a, 2002b), and, like lesbian women, can involve group corrective rape of gay men (Franklin, 2004; Javaid, 2017; Meyer, 2022; Sivakumaran, 2005).

Bell and Perry (2015, 102) argue that anti-gay hate crime perpetrated by young males “provides heterosexual men with the opportunity to ‘do gender,’ to prove their manhood” alongside punishing men whose masculine presentation fails to align well enough with heteronormative social expectations. Violence directed towards gay men is particularly demonstrative of hegemonic

masculinity because heterosexual men can be aggressive, dominate the subordinate, and shore up their heterosexuality. Bell and Perry (2015, 102) suggest these are “the most critical aspects of manliness” and heterosexual men engage in anti-gay violence “knowing that their actions are being assessed and categorised in relation to culturally approved standards of heterosexual masculinity”. Franklin (2004) contends similarly that these forms of violence perform an especial dynamic similar to group rape of women. She suggests each of these forms of violence enable the public performance of masculinity, with heterosexuality at the core of that identity. More than other violent crimes, Franklin (2004) noted these crimes tend to involve young male strangers or casual acquaintances acting against outnumbered victim-survivors, and most perpetrators are never caught or charged. In effect, the men are staging an exaggerated version of masculine norms found in hypermasculine settings, with victim-survivors serving as near-interchangeable props: both women and gay men stand in for the ‘unmasculine’ other against which the performance is defined (Franklin, 2004).

As these forms of violence serve as a cultural performance of hegemonic heterosexual masculinity, gay men are disproportionately targeted in public spaces, particularly at night or in locations associated with LGBTIQ+ communities, where offenders may perceive them as violating traditional heteronormative gender norms. For instance, many of these incidents happen after displaying affection with a same-sex partner in a public space, which shows how visibility can amplify vulnerability to victimisation. Common forms of anti-gay violence perpetrated against gay men include verbal abuse, threats (including death threats), physical assaults, and group-based attacks. Perpetrators often use homophobic pejoratives to reinforce the sexual identity of the victim-survivor as the motivation for the offence. Gay men are also murdered when they are subject to severe violent attacks involving extreme and frenzied violence and overkill, often at the hands of one or more young males (Tomsen, 2002a, 2002b; Franklin, 2000; Mouzos & Thompson, 2000; Van der Meer, 2003). Research suggests that gay male couples targeted for hate violence attract less sympathy from wider communities than lesbian couples (Haynes & Schweppe 2019).

IMPACTS OF VICTIMISATION

Despite the extensive debate around definitions of hate crime, how these ought to be operationalised in legislation, the core element around which commentators appear to agree is impact. Extensive research indicates that hate crimes have substantial, sustained impacts on the lives of targeted people, and that these are experienced physically, emotionally, socially, and many other ways. Most importantly, hate crime impacts extend far beyond immediate physical or emotional harm, and contributed to heightened anxiety, secondary and vicarious victimisation, reduced feelings of safety, and social exclusion within wider communities.

RIPPLE EFFECT AND VICARIOUS VICTIMISATION

The most significant area of agreement amongst scholars about the impacts of hate crime is how the hate crime impacts are collective and impact all people who share the defining characteristic or identity of the targeted group (Bell & Perry, 2015). Hate crimes communicate a message of hostility not only to the person targeted but everyone who identifies similarly and this reinforces feelings of vulnerability, fear, and social exclusion. Perry and Alvi (2012, 58) drew from Weinstains' (1992) concept of *in terrorem* to explain the extended effect of hate crime as "intimidation of the group by the victimization of one or a few members of that group". In one of the first studies to explore the impact of hate violence upon vicarious (distal) victim-survivors, they found that if a person had awareness that another member of a shared identity group had experienced hate violence (proximal victim-survivor), this would produce similar emotional and behavioural responses for that person. This vicarious victimisation amongst people who indirectly experienced the violence included feelings of shock, anger, fear, and amplified vulnerability and feelings of inferiority, including the perception that such violence is an expected part of their lives. Like those who directly experienced the hate violence, vicarious victim-survivors may also alter their behaviour in response, including changing their patterns of social interactions, limiting their visibility in public, and avoiding situations they perceive as risky. Importantly, these forms of vicarious victimisation are experienced amongst distal victim-survivors with awareness of more serious incidents, involving multiple victim-survivors and being discussed widely in media, *and* smaller hate crimes occurring in local communities (Keel et al. 2022). This is why hate crimes should be considered "especially serious because they

potentially victimize an entire class of people... they assail the victim's identity and intimidate other group members" (Herek, 1989, 948). They therefore work effectively to "limit individual rights of expression, association, and privacy" (Herek, 1989, 948).

This is how the impact of hate crimes extends far beyond the individual LGBTIQ+ victim-survivor who experienced the violence, creating what Noelle (2002) called a ripple effect across LGBTIQ+ people, including families and extended communities. As Stanko (2001, 321) notes: "any attack or threat against one is a violation against all", and vulnerability emerging out of a hate crime attack is thus experienced collectively, in a way that encompasses an entire group. This is distinctly different from an individual wrongdoing, as Young (1996) and Perry (2003) argued, because it extends beyond a singular act with singular consequences. As a result, hate crimes directed at transgender people, for instance, not only impact the individual victim-survivor targeted in the first instance, but also create fear, insecurity, and hypervigilance across the broader community of transgender people by reinforcing stigma and exclusion. Furthermore, some hate crimes against LGBTIQ+ people extend beyond national boundaries, with LGBTIQ+ people experiencing feelings of insecurity, fear, hopelessness, and anxiety when hate crimes attract international media attention, such as the terrorist attack on the Pulse nightclub in Orlando in 2012 (Dwyer and Panfil, 2017).

PHYSICAL IMPACT

The physical impact of hate crimes perpetrated against LGBTIQ+ people can have profound enduring consequences that extend beyond the immediate injuries sustained during an attack. Physical harms include bruises, fractures, lacerations, head injuries, and chronic pain. In more extreme cases, LGBTIQ+ people can experience permanent physical disabilities, including acquired brain injuries. They are also murdered at alarming rates. Importantly, the physical impact of these crimes is not limited to injuries inflicted during the incident. The psychological trauma that comes with hate crime victimisation (see further below) can contribute to long-term physiological health challenges, including sleep disturbances and insomnia, fatigue, gastrointestinal issues, cardiovascular complications, and weakened immune function resulting from acute physiological stress, hypervigilance, and anxiety. Further to these impacts, hate crimes shape and reshape how LGBTIQ+ people inhabit physical spaces. This includes altering their daily routines, avoiding specific public

spaces, and reducing their participation in physical and social activities. Moreover, concerns about being discriminated against or targeted for prejudice means hate crime victim-survivors are discouraged from seeking timely medical treatment, which can exacerbate physical injuries sustained and prolonging recovery. The physical consequences of hate crime victimisation are therefore often enduring, uniquely burdensome, and inextricably linked with broader psychological and social harms.

PSYCHOLOGICAL IMPACT

Beyond the immediate physical harms of hate crimes, experiences of victimisation can have profound, sustained psychological, social, and emotional consequences. These impacts can extend well beyond the immediate hate crime experience and include significant impacts on mental health and reduced feelings of safety (Herschberger & D'Augelli, 1995; Herek et al., 1997). Victim-survivors often experience heightened levels of fear, anxiety, depression, and emotional distress, and particularly as the attack targets a core aspect of their identity, which generally attracts stigmatisation from wider society. LGBTIQ+ victim-survivors of hate crime report symptoms associated with complex trauma, including hypervigilance, intrusive thoughts, sleep disturbance, and avoidance of places or situations that generate feelings of being unsafe. Hate crimes can also significantly impact feelings of self-esteem, confidence, and sense of belonging to LGBTIQ+ communities *and* wider communities. Research shows victim-survivors often make substantial changes to their behaviour and physical presentation to avoid future violence or harassment, including changing what they wear and changing their mannerisms and bodily comportment so they 'pass' as heterosexual (Maine, 2022). This means they often conceal their identity, withdraw from social relationships, and disengage from community activities. They also avoid places, venues, areas, and situations that are known as places where LGBTIQ+ people congregate to socialise, which reduces access to vital forms of social support and meaningful relationships (Bell & Perry, 2015).

The mental health impact of hate crimes perpetrated against LGBTIQ+ people cannot be overstated enough. Research indicates that LGBTIQ+ hate crime victim-survivors' experiences can range from emotional distress through to suicidal ideation, self-harm, and ending their life. We have strong evidence, for instance, that LGBTIQ+ young people living in neighbourhoods with higher levels of

hate crime against LGBTIQ+ people are more likely to experience suicidal thoughts and to have attempted suicide than those living in areas where rates of LGBTIQ+ hate violence were lower (Duncan & Hatzenbuehler, 2014). There is also evidence to suggest that the more brutal the hate violence is, the more significant mental health consequences are, with victim-survivors experiencing more severe and long-lasting psychological distress following the incident (Herek, Cogan & Gillis, 2002). Transgender people are the most likely to experience suicidal thoughts after being subject to hate motivated violence (Chakraborti et al., 2014).

Hate crimes perpetrated against LGBTIQ+ people can also cause significant forms of what Berrill and Herek (1990) call secondary victimisation that is chiefly made possible by societal heterosexism. These forms of victimisation happen when a victim-survivor discloses they were subjected to targeted violence and the people who were party to the disclosure respond negatively. The outcomes of these interactions and responses can be substantial and life altering, including “loss of employment, eviction from housing, denial of public accommodations, and loss of child custody” (Berrill & Herek 1990, p. 401). One of the key concerns around these forms of secondary victimisation is that, while hate violence perpetration itself is often the subject to punishment under the law, secondary forms of victimisation can be legal and broadly condoned in wider society. For instance, while legislative protections have progressed in Australia to better protect LGBTIQ+ people from having their employment terminated because of their sexuality and/or gender identity, a range of exclusions still exist that mean religious institutions can do this if these protected characteristics are disclosed in the context of specific workplaces, like schools (Fielder et al., 2024). Importantly, the psychological harm of hate crimes frequently reaches beyond the individual victim-survivor to create feelings of vulnerability and insecurity amongst their families, chosen families, friends, and their communities. Over prolonged periods, repeated exposure to hate-motivated violence and discrimination contributes to chronic stress and poorer mental health outcomes across LGBTIQ+ communities.

FEAR OF REPEAT VICTIMISATION AND BEHAVIOUR MODIFICATION

Fear of repeat victimisation of hate violence is a pervasive consequence of targeted hate crimes amongst LGBTIQ+ people (Browne et al., 2011; Fox & Asquith, 2018). Like the impacts of hate crime

incidents, this fear often extends far beyond the initial incident and influences everyday behaviours, mental wellbeing, and social participation. Unlike victim-survivors of non-bias-motivated crimes, LGBTIQ+ victim-survivors of hate violence may perceive the attack as evidence that they are vulnerable because of a core aspect of their identity rather than because of circumstance. This consequently leads to amplified concerns they will be targeted again. This creates ongoing concerns and fears about their personal safety, which can lead them to limit their freedom of movement and expression, even in so-called 'post equality' societies (Maine, 2022; Fox & Asquith, 2018). This includes hypervigilance, avoidance of specific public spaces, reluctance to display affection with a same-sex partner or express their gender identity openly, in addition to altering their daily routines to minimised perceived risk (Rostosky et al., 2022; Fox & Asquith, 2018). Many victim-survivors also limit engagement with community events, nightlife, public transport, all of which reduce opportunities for social connection and reinforce isolation.

Living in anticipation of possible future victimisation can have enduring consequences, including psychological impacts on health and wellbeing elaborated above, alongside reduced trust in both strangers and public institutions. Transgender people most often experience similar impacts of hate crimes, but they can also be uniquely impacted. Because they are most often subject to repeat victimisation, transgender people rightfully have increased levels of fear of discrimination, negative treatment by authorities, and justifiably heightened concerns about being misgendered. Beyond the immediate physical and psychological harm, these experiences can considerably amplify fear, avoidance of certain public places, and increased likelihood of hiding their identity. All these things substantively undermine the freedoms of LGBTIQ+ people to participate fully and authentically in society.

UNDERREPORTING AND FEAR OF SECONDARY VICTIMISATION

Despite having high prevalence of hate crime victimisation and sexual violence, LGBTIQ+ people are far less likely than heterosexual and cisgender people to report these crimes (Felix et al., 2021), and this pattern does not change with regard to intimate partner violence (Langenderfer-Magruder et al., 2016). While social attitudes have progressed to some extent, and legislative protections have increased also, many hate incidents and crimes perpetrated against LGBTIQ+ people go unreported

(Asquith 2012). Non-reporting of hate crimes by LGBTIQ+ people was something Herek noted as a serious issue as far back as 1989, yet this issue persists presently and is a worldwide concern (Jachimowski et al., 2024; Palmer & Kutateladze, 2022; Pyatt et al 2026; Russell et al., 2025). Very early, international research found fear of experiencing homophobia from police was the central concern that led gay and lesbian hate victim-survivors not to report hate crime to police (Peel, 1999). Interestingly, but perhaps unsurprisingly, the second most common reason for not reporting was experiencing intersecting forms of disadvantage where the hate victim-survivors were unsure if they were targeted because of their sexuality or their disability (Peel, 1999). Australian studies indicate that a substantial proportion of LGBTIQ+ victim-survivors choose not to report their experiences to police. Research found that 87% of 600 respondents in New South Wales did not report incidents of victimisation (Attorney General's Department of NSW, 2003), compared with 75% of 1,098 respondents in Queensland (Berman & Robingson, 2010) and 57% of 339 respondents in Victoria (Leonard et al., 2008). Levels of non-reporting are even higher amongst LGBTIQ+ people of colour in international research (Kutateladze, 2022).

A range of factors unique to LGBTIQ+ communities influence whether victim-survivors choose to report experiences of hate violence to police (Jachimowski et al., 2024; Vickers, 1996). One of the primary barriers, however, is concern about the consequences of reporting and what researchers have called secondary victimisation (Berrill & Herek, 1990). These fears are well justified, with many LGBTIQ+ victim-survivors not reporting severe attacks involving targeted violence to police because they know police can be discriminatory and disrespectful in their interactions with them (Gaynor & Blessett, 2022; Luhur Meyer & Wilson, 2021). Most importantly, targeted hate violence that police themselves perpetrate against LGBTIQ+ people is well documented (Comstock, 1991, Amnesty International, 2005). Alongside these significant concerns, LGBTIQ+ victim-survivors also fear involuntary disclosure of their sexuality and/or gender identity, and subsequent rejection by family or friends if their identity becomes known, as well as the stigma or embarrassment associated with victimisation (Baird et al., 1994; Berman & Robinson, 2010; Calton et al., 2015; Chakraborti & Hardy, 2015; Jachimowski et al., 2024; Kuehnle & Sullivan, 2001; Leonard et al., 2008; Merrill & Wolfe, 2000; Pattavina et al., 2007; St Pierre & Senn, 2010; Russell et al., 2025). They can also be blamed for the attack, as is often the case with rape victim-survivors, and this blame can come from police, judges,

jurors, and prosecutors (Berrill & Herek, 1990; Plumm et al. 2010). Unsurprisingly, recent research has found LGBTIQ+ people typically respond to hate violence against LGBTIQ+ people with higher levels of empathy than the wider public (Paterson et al., 2024), a community strength that may be further engaged in future support responses.

Further barriers relate to victim-survivors' expectations of criminal justice processes involved with reporting victimisation. This is one of the central reasons why, even as far back as 1990, Berrill and Herek argued for the importance of training with police and other criminal justice practitioners, yet while some police and criminal justice agencies train their workers, consistent uptake of initiatives like this is patchy at best (Israel et al., 2013). Some anticipate that police will minimise the seriousness of the incident, dismiss it as a mutual altercation in the context of an intimate partner relationship, respond with prejudice or further victimisation, fail to provide adequate protection, attribute blame to the victim-survivor, regard the incident as too minor to warrant action, or discourage reporting by suggesting that the offender is unlikely to be identified (Baird et al., 1994; Gaynor & Blessett, 2022; Herek et al., 2002; Lilith, 2001, Williams & Robinson, 2004; Pattavina et al., 2007). This is chiefly because victim-survivors may justifiably fear retaliation, anticipate discriminatory treatment from reporting authorities, such as police and support service workers, and believe the incident may not be taken seriously, or they will not be believed. Diminished trust, or complete avoidance, of police for fear they will further victimise them when they report hate crimes is common; so too, expectations that police will not take their report seriously or not respond at all. Most importantly, the criminal justice process, in and of itself, can cause further, deeper levels of harm amongst LGBTIQ+ hate crime victim-survivors (Berrill & Herek, 1990).

Although some of these concerns—such as embarrassment about victimisation or doubts that police will provide effective protection—are also reported by heterosexual victim-survivors, other concerns are closely linked to the lived experiences of LGBTIQ+ communities, particularly fears of discrimination and unwanted disclosure of identity (Girardi, 2022; Luhur et al., 2021). Broader social environments characterised by discrimination, inequality, and heteronormative and cisnormative attitudes can normalise violence against LGBTIQ+ people, which consequently leads many victim-survivors to view abuse as an expected part of everyday life (Browne et al., 2011). When victimisation is perceived as routine or unlikely to be taken seriously, LGBTIQ+ people may see little

value in reporting incidents to police. For some, the reporting process also requires disclosing their sexuality and/or gender identity to police officers, creating additional concerns about privacy, stigma, or unwanted disclosure (Berman & Robinson, 2010; Jachimowski, Pinskey & Donate, 2024). These distinctive barriers contribute to the persistent underreporting of violence against LGBTIQ+ people, and raises significant concerns for the equitable functioning of criminal justice processes and access to justice. Low reporting rates are especially problematic because police are often the primary—and sometimes, the only—gateway to victim-survivor support services, including counselling and other specialist assistance. Furthermore, reports of hate crime victimisation provide critical information that enables police to identify patterns of offending, investigate incidents, and develop effective prevention strategies.

A major barrier to reporting, however, is the expectation of negative or ineffective police responses (Girardi, 2022; Luhur et al., 2021). Studies have found LGBTIQ+ victim-survivors often perceive police as failing to arrest offenders, neglecting to intervene to protect victim-survivors, or dismissing incidents unless they involve serious violence (Pattavina et al., 2007; Owen et al., 2018). These concerns are especially evident in cases of intimate partner violence where police responses have sometimes been influenced by gendered and heteronormative assumptions. Rather than assessing the circumstances of each case objectively, officers may incorrectly identify the more masculine-presenting or physically larger partner as the perpetrator, and the more feminine or smaller partner as the victim-survivor, regardless of the available evidence (Hassounah & Glass, 2008; Reeves & Scott, 2022).

Evidence indicates that dissatisfaction with police responses is considerably higher amongst LGBTIQ+ communities than within the broader Australian population. Queensland research found that only 58% of LGBTIQ+ participants who sought police assistance felt supported, compared with approximately 75% of Australians reporting satisfaction with police services generally (AIC, 2007; Berman & Robinson, 2010). These experiences are closely linked to historical, and arguably contemporaneous, relationships between LGBTIQ+ people and law enforcement. The former criminalising of same-sex sexual activity and cross-dressing, together with discriminatory policing practices and instances of police-perpetrated harassment and violence, created longstanding

mistrust that continues to influence reporting behaviour today (Comstock, 1991; Leonard et al., 2007; Victorian Gay and Lesbian Rights Lobby, 2000; Grasso et al., 2026).

Although Australian police agencies have implemented significant reforms and initiatives to strengthen relationships with LGBTIQ+ people (Tomsen, 2009; Dwyer et al., 2022; Dwyer et al., 2020), the legacy of historical discrimination continues to affect confidence in police and willingness to seek assistance after hate crime victimisation (Berman & Robinson, 2010; Cherney, 1999; Dwyer & Tomsen, 2015; Willett, 2008; Grasso et al., 2026). All these issues contribute to how LGBTIQ+ victim-survivors are more likely to seek assistance from family, friends, or community organisations than from formal services like police (Calton et al., 2015; Farrell & Somali, 2006; Jachimowski et al., 2024; Kuehnle & Sullivan, 2001; Leonard et al., 2008; Merrill & Wolfe, 2000).

LGBTIQ+ people also fear reporting hate crime because they are treated poorly in court systems, and especially because these systems continue to evidence state-sanctioned violence against LGBTIQ+ people. For instance, the notably violent hate-motivated killings of gay male victim-survivors by heterosexual male perpetrators have attracted controversy because perpetrators have been readily acquitted or leniently sentenced by Australian courts (Tomsen 2009). Controversy surrounds the legitimacy of defendants using homosexual panic defence in these cases where the perpetrator argues they lost control and killed the victim-survivor on the basis that the victim-survivor made a homosexual pass towards them (Plumm & Leighton, 2019). Tomsen (2009, 104) argues that the court acceptance of this defence demonstrates the official legitimacy and “potency of claims about the affront to heterosexual manhood that derives from a homosexual pass”. The courts’ approval of homosexual advance defence, also known as the ‘gay panic defence’, suggests panic about a gay person making an unwanted homosexual advance is a legitimate reason to end a person’s life. This defence has been overturned in Australia, but only very recently, with South Australia being the final state in Australia to remove this defence in December 2020. Like sodomy laws and laws targeting cross-dressing, the legacy of these laws cannot be understated because legitimising homosexual panic defence in the highest ranks of official Australian state regulation powerfully implies to police, prosecutors, and the public that it is acceptable to kill a gay person based on a sexual miscommunication. State sanctioned forms of homophobia (Flood and Hamilton 2008) like these

linger in contemporary contexts and a send strong message to LGBTIQ+ people considering reporting a hate crime.

VICTIM-SURVIVOR SUPPORT

There are multiple distinctive elements involved with providing effective support to hate crime victim-survivors broadly (Hardy & Chakraborti, 2016), and particularly the need to provide “victim-sensitive, culturally aware, identity-respectful assistance” (ODIHR, 2022, p. 9). These include proactive victim-survivor outreach, engagement with community, monitoring of hate crime activities, advocacy with decision-makers, cultural competency and awareness, and inclusive retention and recruitment strategies, with a firm need for staff of support services to reflect the people targeted for hate crime (ODIHR, 2022). The ODIHR (2022) also recommends co-operation amongst multiple stakeholders be formalised through collaborative agreements, and that specialist victim-survivor support services be enshrined in law, grounded in the defined needs of victim-survivors, and should align with specific quality standards. They also called for commissioning research about underreporting and hate crime victim-survivor support needs. In terms of structuring up support for hate crime victim-survivors, they argued strongly for nation states to deploy multi-agency coordination mechanisms, not unlike the multidisciplinary hubs mentioned above, and that these structures should include a Hate Crime Action Plan and a National Hate Crime Commissioner (ODIHR, 2022).

All these factors apply similarly for LGBTIQ+ hate crime victim-survivors, but there is an additional critical need to recognise the unique experiences of discrimination, minority stress, and identity-based victimisation faced by LGBTIQ+ communities. LGBTIQ+ hate crime victim-survivors in Australia can access specialist and mainstream support services to address the psychological, legal, practical, and social impacts of victimisation. However, multiple factors make this is a complex, challenging, and sensitive landscape for LGBTIQ+ hate crime victim-survivors, the leading factor being the ‘mainstreaming’ of these services. Many state and territory victim-survivor support services have been established to provide information, counselling, financial assistance, and referrals to other services. Victim-survivors may also be referred to many trauma-informed mental health services, legal assistance, housing and emergency support, and community-based agencies that promote

recovery and social inclusion. However, the key issue with LGBTIQ+ people accessing these services is that they typically *just don't*. This is chiefly because they are mainstream – that is, they have been created in ways that specifically target heterosexual and cisgender victim-survivors rather than LGBTIQ+ victim-survivors specifically. Mainstream services can embody a range of significant, and at times insurmountable, concerns for LGBTIQ+ hate crime victim-survivors which is why these victim-survivors strongly favouring LGBTIQ+-specific services over mainstream ones. The core reason for this are the ongoing negative experiences that LGBTIQ+ people can have with mainstream services. This is strongly linked with the mistrust that LGBTIQ+ people have around mainstream institutions because they have experienced discrimination from them, including police, medical and allied healthcare providers, welfare services, and government agencies. This means that LGBTIQ+ people are more reluctant to seek assistance from mainstream victim-survivor support services, and especially where services are closely linked to criminal justice agencies.

LGBTIQ+ victim-survivors rightfully experience fear about a range of negative outcomes when they consider engagement with mainstream services. These fears can include not having their reports of victimisation taken seriously, being outed, being treated unfairly, being abused, being asked inappropriate questions because service providers lack LGBTIQ+ cultural competency, being dismissed, and being blamed for the victimisation. Mainstream service providers can also unintentionally minimise hate crime experiences, make heteronormative and cisnormative assumptions, misuse names or pronouns, use deadnames, and use pejoratives in their interactions with LGBTIQ+ victim-survivors. They can also fail to recognise the true extent of harm done by hate crimes, and while they may respond immediately to physical and psychological injuries, they can overlook how hate crimes target a persons' identity and have a 'ripple effect' across entire communities. Further to this, the service pathways available are patchy and disconnected, with hate crime victim-survivors often needing to connect with and navigate multiple agencies, including police, counselling services, legal assistance, health providers, and community agencies – and to do all this without coordinated case management. Navigating these complex systems, involving disparate service providers who typically do not communicate with each other or share information, can create a further emotional burden that discourages continued engagement with support services. Finally, the recognition of hate crimes differ across Australian jurisdiction because each

state and territory has different hate crime legislation (see further below), reporting systems, and victim-survivor support arrangements, which creates inconsistent experiences for victim-survivors depending on where the offence occurred and may impact access to justice and specialised support. All these things further compound initial victimisation, and cause secondary victimisation and vicarious trauma, and therefore significantly discourage LGBTIQ+ people from seeking help from mainstream hate crime victim-survivor support services.

A large part of mainstream service provision is also typically closely aligned with, and sometimes inextricably linked with, criminal justice systems. Debate about how, or even if, engagement with criminal justice agencies constitutes a form of support for LGBTIQ+ hate victim-survivors has raged for some time (Peterson, 1991; Mogul, Ritchie & Whitlock, 2011; Ritchie, 2017; Stanley & Smith, 2011). This is reasonable considering criminal justice processes were until very recently the central pillar of punishing same-sex relationships and cross-dressing, including use of the death penalty, and some nation states continue these practices to the present day. As noted above, arguments crucially indicate that criminal legal systems can cause a range of forms of secondary victimisation, including vicarious trauma (Mogul, Ritchie & Whitlock, 2011; Reeves, McGowan & Scott, 2025; Ritchie, 2017; Stanley & Smith, 2011). Some nations, like Russia, have created new criminal justice frameworks to further punish and control LGBTIQ+ people, which has provided licence for an increase in hate crimes against LGBTIQ+ people. One study found that hate crimes against LGBTIQ+ people in Russia increased threefold during the era of the gay propaganda law (Katsuba, 2024). Many commentators therefore reject the notion that it is safe to engage with these systems in any way when a person has been victimised (Mogul, Ritchie & Whitlock, 2011; Ritchie, 2017; Stanley & Smith, 2011). Important alternative community-based responses have begun to develop in this space driven by LGBTIQ+ people of colour who have been, and continue to be, so thoroughly harmed by criminal justice processes right from the gateway of police interactions through to reintegration and rehabilitation.

Counter arguments suggest the importance of keeping perpetrators accountable, and having them punished according to law, as a substantial deterrent for further hate violence against LGBTIQ+ people (Goodall & Walters, 2019). Levy and Levy (2017) found that hate crime laws and other pro equality laws, like laws preventing discrimination in employment workplaces, did reduce the

incidence of hate crimes perpetrated against LGBTIQ+ people. This seems commonsense given the increase in these crimes in Russia when laws were used for the opposite effect, creating a context permitting hate violence against LGBTIQ+ people (Katsuba, 2024). Even so, we cannot overlook the substantial harm produced by criminal legal systems to the already vulnerable people who become caught up in these systems (Mogul, Ritchie & Whitlock, 2011; Ritchie, 2017; Stanley & Smith, 2011).

Regardless of the perspective taken – pro or anti criminal justice systems – one thing is clear: “hate crime cannot be effectively addressed by those working in the criminal justice sector alone, not least as they are often tasked with focusing more on offenders rather than victims” (Duggan, 2014, p. 96). Browne, Bakshi, and Lim (2011) argue effective support requires recognising the diverse ways in which abuse impacts different people within LGBTIQ+ communities, as well as acknowledging that abuse can occur within these communities. Support should extend beyond formal services, such as counselling, therapeutic interventions, and peer support programs, to include recognition of the importance of informal networks and community-created safe spaces that provide opportunities for healing, recovery, and connection. Such approaches ensure that support is responsive to the varied experiences and needs of LGBTIQ+ people. This approach importantly recognises a central feature of support for LGBTIQ+ hate crime victim-survivors: that expertise about how best to support LGBTIQ+ hate crime victim-survivors is embedded in LGBTIQ+ communities themselves, and this expertise is integrated into voluntary, not-for-profit, and community sector agencies. However, this is not without dangers. Moran (2014) contends that strategies grounded in community, that emphasise crime prevention and personal responsibility for safety, simultaneously relinquish the responsibility of the State to prevent these forms of victimisation. Within this framework LGBTIQ+ people are encouraged to adopt measures that reduce their exposure to hate motivated violence, such as developing strategies to navigate public spaces more safely and implementing security measures to protect their homes, businesses, and community venues (Moran et al., 2004; Stanko & Curry, 1997). They are also encouraged to minimise the financial consequences of targeted violence by obtaining insurance against theft and property damage (Moran 2014). All these things provide LGBTIQ+ people with agency in spaces where they are seeking to prevent being victim-survivors of hate violence, but all these things also absolve the State from preventing violence. As such, extensive further resourcing by governments is needed to bolster this vital support system. Furthermore,

policy formulation around these forms of support need to involve *all* agencies including those working at the intersection of experience (e.g. mental ill-health, housing insecurity).

POLICING HATE CRIME

As the gatekeepers to criminal processing systems and prosecution of perpetrators, policing is often positioned as the lynchpin of experiences of hate for LGBTIQ+ people. The assumption is that LGBTIQ+ people can report their victimisation to police and things will improve for them: they can be referred to support services; they can get ‘justice’ because they can subject the actions of the perpetrator to criminal justice scrutiny; and they can feel legitimised as a victim-survivor when the perpetrator is convicted. However, as has been mentioned above, policing hate crime is so much more complex regarding LGBTIQ+ people, and particularly given police have been perpetrators of hate violence towards LGBTIQ+ people (Comstock, 1991; Amnesty International 2005). In Australia alone, the impact of 50+ years of police disregard of deaths of LGBTIQ+ people cannot be understated, especially with trust in police (Asquith et al., 2025). Interestingly, Australian police first began responding to targeted violence in the early 1990s, and for some time their approaches were the envy of international jurisdictions, but paradoxically the policing of hate crime remains a comparatively recent area of practice (Asquith 2014).

Generally, research about police experiences of LGBTIQ+ people suggests interactions are problematic at best, fraught with tension, violence, risk of further victimisation, and fear (Luhur et al., 2021). Narratives of queer harm passed down intergenerationally and across international borders ripple throughout LGBTIQ+ communities just as hate crimes do (Dwyer & Tomsen, 2015; Holmes, 2025). Engagements with police in any space is fraught with tensions and challenges for LGBTIQ+ people given the historical and contemporary violence that LGBTIQ+ people experience in their interactions with police officers (Dwyer & Tomsen, 2015; Riseman, 2019). These forms of engagements typically necessitate certain types of homonormativities when LGBTIQ+ people interact with police, and especially LGBTIQ+ people taking up the position of ‘the responsible homosexual’ (Stanko and Curry 1997) that avoids crime when engaging in anti-violence projects. Stanko and Curry (1997) rightfully advise caution with being coopted into the idea that criminal

processing systems, legitimated and controlled by state authorities, can in any way deliver protection from LGBTIQ+ hate violence.

Studies across the Western world (Dwyer, 2011; Gaynor & Blessett, 2022; Girardi, 2022) describe LGBTIQ+ people declining to report abuse and violence because they expect police to be dismissive, discriminatory, or homophobic, which are often borne out by accounts of officers refusing to investigate, failing to follow up, or treating complaints dismissively. Australian surveys, such as *Private Lives*, show low reporting rates despite high victimisation, and reveal that even where LGBTI police liaison services exist and are widely known, few victim-survivors actually use them. Australian and international research also documents heavy-handed and abusive police conduct—including the notorious 1994 raid on a Melbourne nightclub—and UK data show LGBTIQ+ young people reporting harassment by police at far higher rates than older, employed LGBTIQ+ people, though little is known about what this harassment specifically involves.

LGBTIQ+-SPECIFIC SUPPORT

Some specialist LGBTIQ+ agencies deliver culturally safe counselling, peer support, advocacy, and crisis assistance. However, typically these services are limited in multiple ways. In the first instance, there are very few specialist LGBTIQ+ support agencies, and those available exist only in some jurisdictions, and are concentrated in larger cities, making access to these services uneven across Australia. Victim-survivors living in rural, regional and remote areas often have limited or no access to LGBTIQ+ affirming counselling, legal assistance, or advocacy services. Furthermore, even if these services do exist in their local communities, the attitudinal issues discussed above will mean very few, if any, LGBTIQ+ people in rural, regional, and remote areas will access them because doing so means disclosing their diverse sexuality and/or gender identity in the first instance. Other issues impacting the landscape of support for LGBTIQ+ victim-survivors of hate violence is how these services are substantially under-resourced and under-funded by governments, and most often funded inconsistently. Importantly, this is not a new issue having been unpacked in very early research focused on LGBTIQ+ hate violence (NCAVP, 2010). This not only impacts on the consistency of care that victim-survivors can obtain but also impacts considerably on the service providers who

are more vulnerable to burnout. This consequently means that service providers employed to support LGBTIQ+ hate crime victim-survivors have very high workloads.

The most effective support for victim-survivors of hate crime increasingly adopt holistic, coordinated, victim-centred approaches that recognise the complex and often intersecting impacts of targeted hate violence, including intersectional oppressions LGBTIQ+ people are navigating (Roig-Palmer & Lutze, 2022). Effective responses are grounded in principles of confidentiality, respect, and cultural competency and capability, which ensure that victim-survivors can disclose their experiences without fear of discrimination, secondary victimisation, or unwanted disclosure of their sexuality, gender identity, or intersex status. For LGBTIQ+ victim-survivors, affirming practice involves recognising and validating diverse identities, using inclusive language, respecting chosen names and pronouns, and acknowledging the unique harms associated with identity-based victimisation. Coordinated service models, involving partnerships between victim support organisations, police, healthcare providers, legal services, and LGBTIQ+ community agencies, can improve continuity of care, reduce the burden on victim-survivors to repeatedly recount traumatic experiences, and enhance access to appropriate supports. By embedding principles of safety, dignity, and affirmation throughout service delivery, and working hard to staff workspaces with culturally capable LGBTIQ+ practitioners, these approaches can strengthen recovery, increase trust in formal support systems, and encourage future help-seeking and reporting of hate violence. These approaches collectively reduce the long-term impacts of hate crime upon LGBTIQ+ victim-survivors, community members, families, and friends.

Multidisciplinary hubs

Services that provide the best forms of support for victim-survivors employ what is referred to as a multidisciplinary hub approach (Duggan, 2014). Multidisciplinary hubs have been set up around the world, including Australia, to support victim-survivors through integrated, co-located services, and have been adopted especially in the contexts of family and domestic violence, child abuse and sexual violence, and modern slavery and human trafficking. Rather than focusing solely on immediate crisis responses, these services integrate practical, legal, psychological, health, and social supports while prioritising the safety, autonomy, and wellbeing of the victim-survivor. These could include co-location of police (specialty-trained detectives away from police stations), child protection, legal aid,

forensic medical examiners, prosecutors, psychologists, and housing to offer a single trauma-informed entry point. These services ensure the victim-survivor's safety, dignity, autonomy, and informed choice are centred in service delivery. Furthermore, these types of support structures and service frameworks help minimise secondary and vicarious trauma during investigation processes and support stable, consistent, informed service delivery with victim-survivors facilitated by collaborative information sharing. International evidence suggests multidisciplinary hubs can improve victim-survivor satisfaction, increase access to medical and psychological care, facilitate more timely support, and promote stronger collaboration between criminal justice, health, and community service providers. These approaches are also highly effective even at the most basic level where victim-survivors avoid the intensive work of retelling their trauma to multiple practitioners, as well as preventing repeated travel to and from multiple services in disparate locations. While support for victim-survivors of hate crime has moved towards the adoption of holistic, coordinated approaches (see further below), these services are yet to be structured as multidisciplinary hubs.

LGBTIQ+ hate crime third-party reporting

A common space wherein LGBTIQ+ victim-survivors of targeted violence, harassment, and discrimination can seek specialist, community-based support are LGBTIQ+ hate crime reporting charities. Organisations, like GALOP in the United Kingdom, offer safe and affirming avenues for victim-survivors to disclose incidents, including options for confidential or anonymous reporting, and may facilitate third-party reporting to police when victim-survivors are reluctant to engage directly with police (Asquith, 2012). Beyond taking reports and recording incidents, they provide emotional support, safety planning, information about legal rights and reporting processes, referrals to specialist services (counselling, health, housing, advocacy services), and assistance with navigating the complex criminal justice and victim-survivor support systems. Many charities also collect and analyse data on hate crime prevalence and patterns to identify emerging trends, advocate for policy and legislative reform, improve service responses, and increase public awareness of the nature and impact of anti-LGBTIQ+ hate crime (Asquith, 2012). Through education, community engagement, and collaboration with police, government agencies, and other service providers, hate crime reporting charities like this play an important role in improving reporting, reducing barriers to help-seeking, and promoting safer and more inclusive communities. These types of agencies are some of

the most effective forms of safe, affirming service provision for LGBTIQ+ hate crime victim-survivors, but they still fall short of what is offered by the multidisciplinary hub model elaborated above.

LGBTIQ+ police liaison programs

Another key form of victim-survivor support specific to LGBTIQ+ victim-survivors are LGBTI police liaison programs. LGBTI police liaison programs were established within mainstream policing agencies during the early and late 1990s with a view to strengthening relationships with, and providing support for, LGBTIQ+ communities. Police LGBTIQ+ liaison officers can offer support with reporting and navigating criminal justice processes. They can also offer advice to LGBTIQ+ hate crime and other victim-survivors about the process of reporting incidents to police, including helping them decide whether making a report is the most appropriate course of action (Berman & Robinson, 2010). However, the assumption that these forms of support for victim-survivors are simple and effective is a problematic one. Leonard et al. (2008) investigated the extent to which LGBTIQ+ victim-survivors in Victoria reported their experiences of victimisation to police, while also briefly exploring their interactions with the reporting process. Their findings showed that only 26 of the 339 respondents had reported incidents to police, with several describing negative experiences. Of those who reported, only six accessed a Gay and Lesbian Liaison Officer (GLLO), although three-quarters of these people indicated they felt well supported by the liaison officers (Leonard et al., 2008). Another study in Queensland found even less engagement with LGBTI police liaison officers than with mainstream police (Berman & Robinson 2010). Among the 53% of respondents that had experienced victimisation, only 12% sought assistance from police, and just 4% of those contacted a LGBTI police liaison officer. While most LGBTIQ+ victim-survivors that contacted liaison officers described them as supportive, some reported inadequate support. This low level of engagement was noteworthy given that more than half of respondents were aware that liaison officers were available to provide support. Further research in Australia has documented many barriers that stop LGBTIQ+ people from accessing LGBTI police liaison officers (Dwyer et al., 2020; Dwyer et al., 2022), with many of these issues related just to the administrative structures of police agencies (Dwyer, 2020).

Aside from the lack of LGBTIQ+ victim-survivors accessing LGBTI police liaison programs, research has also identified several shortcomings in the operation of these programs. These included frequent

staff turnover, limited availability of liaison officers because rostering was not done in ways that accommodate program needs, excessively large geographic areas assigned to individual liaison officers, the appointment of officers who accepted liaison roles in the absence of genuine commitment to advancing the program, and inadequate training. Interestingly, many of these challenges are common across other police liaison programs targeting diverse people, with research indicating tensions experienced by Australian ‘police auxiliaries’ (Cherney & Chui, 2011, 2010, 2009), including the difficulties encountered by those belonging to ethnic or racial groups that have experienced historically troubled relations with police.

Further victim-survivor support needed

There are many areas of work required to further support LGBTIQ+ hate victim-survivors. One of the foremost concerns is additional funding and resourcing (Gerber, 2026). Addressing the limitations noted above requires greater government investment in LGBTIQ+-specific services, improved cultural competency amongst mainstream service providers, coordinated service delivery, and policies that explicitly recognise the unique harms associated with identity-based violence (Duggan, 2014). Fundamental to being able to do this is having the data to show how and where the funding and resources need to be invested. Alongside routine data gathering processes that strengthen support of LGBTIQ+ victim-survivors are the data gathering and truth telling processes enacted through formal governmental commissions of inquiry (Ellis & Asquith, 2025). These state-led historical inquiry mechanisms can be powerful public engagement processes between governments and LGBTIQ+ victim-survivors when patterns of violence are identified through routine data collection measures already in place (Asquith, Kaladelfos & Steer, 2025). Processes like this can be even more demonstrative when dovetailed with other forms of victim-survivor recognition, such as victim redress and compensation processes, public state apologies, and public memorialisation and awareness education (RMIT School of Law 2026).

Other work that remains to be developed is setting up support for specific victim-survivors within LGBTIQ+ communities. For instance, bisexual hate crime victim-survivors require greater recognition of bisexual-specific forms of prejudice, more inclusive victim-survivor support services, and enhanced data collection that distinguishes bisexual experiences from those of broader LGBTIQ+ populations. Regardless, core principles must be followed to make support for hate crime victim-

survivors meet their expectations (Hardy & Chakraborti, 2016). This includes receiving support without delay, being treated with empathy, respect, and understanding, and obtaining practical assistance (like safety planning, security advice, or personal safety devices). It also includes development and deployment of education campaigns that focus on clarifying what a hate crime looks like (Russell et al., 2025). Victim-survivors most value receiving assistance from qualified and appropriately trained professionals, and this intersects strongly with a preference for a practitioner to also be LGBTIQ+ themselves. Having access to services at flexible operating hours is central to good service provision, and receiving support in the victim-survivors' home environment is valued very highly. Having in-person emotional and psychological support, and receiving this in a safe, secure, confidential location, is crucial, as is the option of having this support via telephone or online. Finally, research suggests that practitioners and criminal justice agencies should recognise and draw on the value of shared identities when responding to LGBTIQ+ targeted violence. This is grounded in the higher levels of empathy that LGBTIQ+ people have when hate violence against LGBTIQ+ people occurs, a kind of 'shared suffering' (Walters et al., 2020). This contributes to a shared sense of identity and consequently encourages supportive behaviours and reduces the tendency to blame victim-survivors (Paterson et al., 2024).

HATE CRIME PERPETRATION

Australian and international studies consistently identify several common characteristics amongst perpetrators of hate crimes against LGBTIQ+ people. Perpetrators are overwhelmingly male and especially young men and adolescent males (Asquith et al., 2025; Franklin, 2000; Gruenewald, 2012; Herek et al., 2002; Kehoe, 2020; McDevitt & Williamson, 2003; Tomsen, 2002a, 2002b; Van der Meer, 2003), and they are more likely to be heterosexual (Anderson et al., 2025). Levin and McDevitt (1993, 71) describe these perpetrators as "more typically 'average young men' without criminal records who come from any of a number of different lifestyles, backgrounds, and social classes'. Harry (1992) argued early that four conditions are necessary for anti-gay violence to occur. First, social norms need to be in place surrounding gender that stigmatise deviations from traditional gender roles, particularly diverse sexualities and gender non-conformity. Second, groups of young men seeking to affirm their masculinity need to be out and about. Third, there needs to be a level of detachment

from conventional moral constraints among these young men. Finally, opportunities to target LGBTIQ+ people need to be available, like queer neighbourhoods or venues.

The elements noted above coalesce and create the conditions that facilitate the perpetration of hate violence against LGBTIQ+ people. For instance, in Australia (Tomsen, 2002a, 2002b; Mouzos & Thompson 2000) and elsewhere groups of young males have been involved in spontaneous violence against a more likely older gay man in a typically frenzied attack. They have also been involved in semi-spontaneous attacks against typically older gay men where they plan attacks with a larger group of young people, with these attacks often involving extreme levels of violence and overkill, and peer encouragement. The level of violence of these attacks is noteworthy, with incidents involving repeated kicking and stomping after victim-survivors have fallen, numerous blows inflicted by multiple offenders, prolonged assaults, victim-survivor humiliation during the attack, and excessive force well beyond what would be required to incapacitate the victim-survivor. These people offend either alone or in groups with other young males. They are also more likely to be unmarried and unemployed (Mouzos & Thompson 2000). We also know that LGBTIQ+ hate crime is more prevalent in socioeconomically disadvantaged communities experiencing poorer economic circumstances (Mills, 2021). Socioeconomic disadvantage and economic hardship have also been strongly linked with the increasing visibility of LGBTIQ+ people, suggesting that LGBTIQ+ hate violence may be an expression of frustration or resentment arising from the social and economic pressures in resource deprived communities (Mills, 2021).

Hate crimes are most often motivated by prejudice towards diverse sexualities and/or gender identities, with offenders seeking to reinforce traditional norms of masculinity, heterosexuality, and gender conformity (Kelley & Gruenewald, 2015; Mason, 1993; Smyth & Jenness, 2014; Tomsen, 2002a, 2002b). International research has also found that, if men respond to images of gay men with anger, this facilitates the perpetration of LGBTIQ+ hate violence (Parrott & Peterson, 2008). As a result, one of the most common ways hate violence is perpetrated against LGBTIQ+ people by young gay males is in groups (Kehoe, 2020; McDevitt & Williamson, 2003; Tomsen 2002a, 2002b). Group-based offending most often occurs in public places, where perpetrators may be influenced by peer approval, thrill-seeking, or a desire to demonstrate dominance rather than by deeply held ideological

beliefs. Alcohol and drug use have also been closely associated with some incidents, although they are generally considered facilitating rather than causal factors (Kehoe, 2020).

While organised extremist and radicalised groups are responsible for a small proportion of anti-LGBTIQ+ hate crimes, most incidents in Australia are perpetrated by people who are not affiliated with organised or radicalised hate groups, but who express everyday forms of homophobia, biphobia, and transphobia. Research further suggests that perpetrators often target victim-survivors who they perceive to be visibly LGBTIQ+ or gender non-conforming (Gordon & Meyer, 2007; Smyth & Jenness, 2014), indicating that hate crimes are frequently driven by the social policing of perceived differences and the maintenance of social hierarchies rather than by personal disputes, as Perry (2003) has argued.

Semi-spontaneous or responsive (Gruenewald & Kelley, 2014) and premeditated attacks, or predatory homicides (Gruenewald & Kelley, 2014) involve people deliberately seeking out LGBTIQ+ people (Jacobs & Potter, 1997). This is where groups of typically young males travel together looking, in the main, for gay men and will wait near known gay venues and cruising locations (like beats) to intentionally 'hunt' for potential victim-survivors. These attacks can be coordinated with friends and people involved will often lure their victim-survivors using deception. Whereas in the past these attacks occurred mainly in and around cruising sites (Anderson, 2018; Church et al. 1993), like public bathroom 'beats' (Moore, 1995) and 'cottages' (Ashford, 2007), advances in technology have more recently facilitated different processes and especially the use of hook-up and dating apps, and particularly phone dating and hook-up apps targeted towards men who have sex with men like Grindr (Kolovos, 2006; Sinha-Roy & Ball, 2022).

For instance, in one study in Russia, an analysis of 1000 cases of hate crimes against LGBTIQ+ people found that most of the cases involved premeditated collective violence (Katsuba, 2024). Planning involved in these types of attacks include targeted selection of vulnerable locations, recruiting additional participants, arranging transport, filming assaults and assailants involved, and sharing videos amongst peer networks after the attacks to increase their masculine status. Common motivators of these forms of assault against gay men by young males is excitement, entertainment, boredom, seeking approval from friends, and the 'fun' of confronting someone perceived as

different (Franklin, 2004). In these instances, prejudice combines with sensation-seeking rather than replacing it. Tomsen (2009) argues that these attacks often become collective performances of masculine dominance in which violence escalates through group interaction. Mason (1993, 3) suggests a victim-survivor “serves, both physically and symbolically, the sexual status needs of the offender”. Young men come together in groups to “boost their ‘masculinity’ in each other’s eyes” (Mason 1993, 3) and inflicting serious violence on a gay man provides immature young males “direct and corroborated evidence of one’s virility”, and this violence enables this immediately with “minimal risk of arrest or injury” (Mason 1993, 3).

Rather than a calculated objective to kill, many assaults escalate rapidly because each assailant encourages increasingly severe violence in the context of a larger group (Tomsen, 1996, 2001). There is no doubt that group dynamics like these amplify the violence inflicted, but there is also evidence that violence becomes more severe as the size of the group involved increases. This is because responsibility becomes diffused, participants imitate each other’s behaviours, aggression becomes socially rewarded, and offenders collectively compete to demonstrate their toughness (Franklin, 2000). This explains why attacks involving five or more young male offenders appear especially chaotic and frenzied. Another recurring finding is that offenders often would not have acted alone. Franklin (2000) undertook an influential study of young adults and identified several motivations for anti-gay violence, including peer approval, thrill-seeking, demonstrations of masculinity, and ideological hostility towards diverse sexualities. Peer influence emerged as one of the strongest predictors of participation in anti-gay harassment and violence.

Social psychologists describe this as deindividuation, diffusion of responsibility, group polarisation, and masculine status competition (Franklin, 2000). Tomsen (2009) alternatively describes violent anti-gay attacks as closely linked with ‘male honour’ and public demonstrations of masculine identity, rather than simply private prejudice. Van der Meer (2003) similarly concluded that many offenders viewed ‘gay bashing’ as a way of proving masculinity amongst male peers, with participants in his study often describing fears of appearing weak or being perceived as gay themselves. This means anti-gay attacks by young males can be viewed as a way of not only seeking and attaining masculine status or honour amongst male peers, but also as a way of shoring up and strengthening their masculine identity amongst other young males. These processes help explain

why apparently minor confrontations can rapidly become extremely violent when several young males are involved.

All the circumstances share a similar type of perpetrator: the young male stranger. It is therefore important to note that it would be remiss to take up an entirely 'stranger danger' approach relative to LGBTIQ+ hate crimes. This is because that, while LGBTIQ+ hate is most often perpetrated by young males unknown to the victim-survivor, they are also perpetrated by people they know. An abundance of research demonstrates that LGBTIQ+ people can be frequently subject to violence at the hands of neighbours, classmates, work colleagues, and family members (Herek et al., 2002; Garland et al., 2025).

INTRAFAMILIAL HATE CRIME

Intrafamilial hate crime contrasts significantly with the typified understanding we have of hate violence being perpetrated by young males against sexuality and gender diverse people. These forms of hate violence perpetrated against LGBTIQ+ people can differ from other forms of hate crime not just because of different perpetrators, but because it is often driven by dynamics that more closely resemble honour-based violence (Asquith & Fox, 2016). In these cases, family members may perceive a person's sexuality and/or gender identity as bringing shame or dishonour upon the family by challenging deeply held heteronormative beliefs and expectations (Asquith, 2015). Violence and abuse are therefore used not only to express prejudice but also to enforce conformity, restore perceived family honour, and preserve the family's social reputation within their community. This abuse can occur across a continuum of coercive and controlling behaviours, including emotional abuse, threats, isolation, physical violence, and forced marriage. In some cases, they are also subjected to 'corrective rape', where a person is sexually assaulted under the false belief that sexuality and/or gender identity can be changed through sexual violence (Martin et al., 2009), with as many as one in four LGBTIQ+ people noting they had experienced intrafamilial violence in their lifetime (Galop 2022). Rather than isolated incidents, these acts are often part of a sustained pattern of control intended to punish perceived transgressions, reassert heteronormative and cisnormative expectations, and compel LGBTIQ+ people to conceal or renounce their identities. Importantly, these forms of violence can escalate depending on the socio-cultural context at the time, as was the case

during the COVID 19 pandemic lockdowns in Australia. Of the 2,429 respondents to a survey by Equality Australia, 132 LGBTIQ+ people said they were currently living with someone they feared could be violent, abusive, or controlling toward them (Equality Australia, 2019). Among these 132 people, 38 lived only with a spouse or partner, and 51 lived with their parents (Equality Australia, 2019).

HATE CRIME DETECTION

As noted above, one of the leading issues impacting our understanding of hate crimes perpetrated against LGBTIQ+ people is the lack of data. As there are no international mandates for routinised, standardised hate crime data recording and collection, we are yet to see any consistency in how hate crime data is collected, not only across different regions of a country, but also across different countries globally. Compounding these issues further, however, is the equally challenging issue of hate crime detection. Research suggests that LGBTIQ+ people often do not recognise their experiences as hate crimes (Moran, 2014) and therefore fail to recognise themselves as victim-survivors of hate violence (Donovan et al., 2019; Duggan, 2014). Furthermore, research shows that police and prosecutors are not well equipped to identify hate crimes or connect meaningfully with LGBTIQ+ crime victim-survivors and LGBTIQ+ communities more broadly (Palmer & Kutateladze, 2022). In their study, Palmer & Kutateladze (2022) found that victim-survivors and community members feared retaliation, and some victim-survivor experiences were not recognized as hate crimes. Comments from practitioners collated in this study noted practice development was needed across multiple areas. First, they noted the need to develop clear and comprehensive investigation protocols because hate crimes happen often, but victim-survivors rarely report them, and even when reported, police can fail to identify them as hate crimes. Second, they stated the need to establish interagency hate crime units because organisational structure and heavy prosecution caseloads made it hard to pursue hate crime prosecutions. Third, they suggested improving victim-survivor engagement and understanding of victim-survivor concerns because victim-survivors are often hesitant to participate in hate crime prosecutions, and pressuring them to cooperate can discourage engagement even further. Fourth, they recommended informing the public through improved communications and community relations because a lack of accessible information and

insufficient police engagement with community continue to limit hate crime detection. Fifth, they urged the need for improved and expanded police training related to hate crimes and specific victim-survivor groups because bias and unfamiliarity with LGBTIQ+ communities among police undermines community cooperation and successful prosecution. Sixth, they argued strongly for the need to improve data collection, reporting, and analysis because hate crimes are not tracked systematically or in depth, especially after the crime is initially reported. Finally, they encouraged the strengthening and expansion of laws and statutes pertaining to hate crimes because existing laws can unintentionally hinder hate crime prosecution. All these developments are required if we are to better detect hate crimes being perpetrated against LGBTIQ+ people in future (Palmer & Kutateladze, 2022). These initiatives can only be effective, however, when they are designed and implemented not only with involvement of LGBTIQ+ hate crime victim-survivors (Pickles, 2022), but also alongside hate crime prevention strategies (Millington & Robinson, 2024).

HATE CRIME PREVENTION

Preventing violence targeting LGBTIQ+ people requires addressing the underlying prejudice that sustains it because research shows that legislating to prevent hate crime is not effective on its own (Cogan, 1996; Christou et al., 2024; Domínguez-Martínez & Robles, 2019; Proudman & Obrebska, 2026). This involves confronting negative attitudes towards LGBTIQ+ people, challenging heterosexism as a broader social system, and recognising the ways it causes harm to individuals and communities (Mason, 1993). For instance, young LGBTIQ+ people who experience online bullying targeting their LGBTIQ+ identity are more likely to live in areas wherein LGBTIQ+ people experience higher levels of hate violence (Hatzenbuehler et al., 2015). Efforts to prevent violence *must* dispel beliefs that sexuality and/or gender diversity is immoral, abnormal, unnatural, or inferior to heterosexual and cisgender identities, and undermine rigid gender norms that reinforce inequality (Mason, 1993). Ultimately, reducing anti-LGBTIQ+ violence depends on eliminating the social acceptance of ridicule, harassment, discrimination, and abuse directed at sexuality and/or gender diverse people. When prejudice is no longer reinforced through cultural expectations or embedded within religious, legal, and political institutions, violence loses much of the social legitimacy that enables and justifies it (Mason, 1993). This means preventing these forms of violence is a complex,

challenging task likely requiring a range of multifaceted and multidisciplinary activities and strategies, including upstander education initiatives (Rios-Gonzalez et al., 2023). This is especially the case if we are going to reduce hate crimes against people navigating intersecting identities (Sugarman et al., 2018).

PERPETRATOR REHABILITATION

There is no single intervention that reliably rehabilitates people who perpetrate targeted hate attacks against LGBTIQ+ people, which means multifaceted and multidisciplinary approaches are required (Herek, 1989). Research suggests that the most effective approaches depend on *why* the violence occurred. Young people who engage in hate-motivated violence are a heterogeneous group: some act out of deeply held prejudice, while others are strongly influenced by peers, some seek status or excitement, and others have histories of trauma, family violence, and antisocial behaviour, all of which may influence their involvement in these forms of violence. Consequently, rehabilitative interventions tend to be most effective when they are individually assessed and tailored to the individual perpetrator (Steinberg et al., 2003). The strongest existing evidence supports what is called a risk-needs-responsivity (RNR) approach, which is widely used in youth justice in Australia and internationally (Hamad, 2017). This begins with a comprehensive assessment of the young person's risk factors, criminogenic needs, cognitive functioning, mental health, family circumstances, peer relationships, and motivations for the offence. Rehabilitation and treatment are then matched to the individual's level of risk and specific needs rather than relying solely on generic anti-bias education alone, which is the most common form of intervention recommended. Evidence suggests it is imperative to consider the explicit intersectional context that LGBTIQ+ victim-survivors may be navigating (Roig-Palmer & Lutze, 2022).

One of the strongest bodies of evidence we have about rehabilitation of hate motivated perpetrators lies with cognitive behavioural therapies (CBT) reducing offending by young people. CBT helps young people recognise distorted thinking, challenge beliefs that justify violence, improve emotional regulation, develop empathy, and learn alternative responses to conflict. For hate crime perpetrators especially, CBT can also address stereotypes, dehumanisation, hostile attribution biases, and moral disengagement that contribute to prejudice-motivated violence.

As many anti-gay attacks are perpetrated in groups, rehabilitative interventions should also address peer influence. As noted above, research on youth hate crime shows that group offending often involves conformity, status seeking, and diffusion of responsibility rather than a strong ideological commitment to hatred (Walters et al., 2016). Effective rehabilitation therefore focuses on helping young people resist peer pressure, develop independent decision-making, building prosocial friendships, and understand how group dynamics can escalate aggression.

Family-based interventions can also be effective working with young people that offend using violence. Programs like the Functional Family Therapy (FFT) and Multisystemic Therapy (MST) demonstrate significant evidence for reducing serious offending amongst young people. These interventions work with parents and guardians to improve communication, supervision, problem-solving, and family functioning while also addressing school engagement and peer relationships.

Programs that address masculinity and gender norms, and especially ideas informed by heteronormative and cisnormative assumptions, may also be valuable (Ward, 2026). Research noted above has made links between anti-gay violence among young males and the policing of masculinity, fear of appearing gay, and pressures to demonstrate toughness within male peer groups (Franklin, 2000; Tomsen, 2002a, 2002b; Van der Meer, 2003). Interventions that promote healthy masculinities, emotional literacy, and respectful relationships may reduce these risk factors.

Many programs also incorporate prejudice reduction and diversity education (McDevitt et al., 2019), although evidence suggests these are most effective when combined with wider behavioural interventions rather than delivered as stand-alone workshops. Successful programs encourage participants to critically examine gender norms, masculinity, homophobia, discrimination, and real-world consequences of hate crime. For instance, in Canada, a project focused on reducing unsafe conditions and violence perpetrated against LGBTIQ+ people used story-telling and educational sharing activities to help hate crime victim-survivors heal, build courage within LGBTIQ+ communities, and encourage greater reporting of crimes to police. It also aimed to reduce prejudice more broadly by humanising LGBTIQ+ people through a video shown to secondary school students. *Courage in the Face of Hate* was a 29-minute video collaboration involving Egale Canada (Perry & Dyck, 2014a) that far exceeded expectations, becoming mandatory curriculum in some parts of

Canada, and enthusiastic uptake in elementary schools, community agencies, and police services. Structured opportunities to learn about LGBTIQ+ people can reduce prejudice, especially when they involve meaningful, positive engagement with LGBTIQ+ communities rather than just lectures or workshops (Sugarman et al., 2018). Other programs have sought to support LGBTIQ+ students in the context of the school environment. One program doing this in Australia is the Safe Schools program that equips schools with resources and training to build understanding of LGBTIQ+ diversity, helping students to engage in respectful conversations across differences in culture, belief, sexuality, and gender (VicGov, 2026). These types of interventions create a safer environment where young people can thrive with confidence and resilience (Ward, 2026).

Moving away from reliance upon retributive justice processes, victim-survivor awareness and restorative justice approaches may also play a role when the young person participates in ways that are voluntary and appropriate relative to the individual incident (Walters et al., 2016). Carefully facilitated restorative justice conferences can help young offenders understand the emotional, psychological, and community harms caused by hate crimes. An organisation called Why me? undertook a five-year project examining how restorative justice works with LGBTIQ+ hate victim-survivors and perpetrators (Millington, 2024). While multiple barriers and challenges were identified, like low awareness, referrals requiring formal reporting to police, and reluctance of victim-survivors to meet perpetrators face to face, restorative processes were found to be very effective. Successful processes involved partnership with LGBTIQ+ agencies to build referral pathways, and creative alternatives to direct conferencing, including shuttle mediation and the use of proxies. Although restorative processes are still not widely used, evidence suggests they are effective not only for repairing the harms to the victim-survivor, but also to shifting the perspective of perpetrators involved (Braidwood, 2018; see also Bertan & Galesso, 2025; Domínguez, Roiha & Jubany, 2023). However, these approaches should only occur with the informed consent of victim-survivors and when there are appropriate safeguards in place to prevent further harm.

Overall, the available evidence suggests that the most effective rehabilitation to reduce hate crime violence combines multiple components rather than relying on a single intervention (Farrell & Lockwood, 2023), with an especial focus on educating young people in ways that build empathy

towards LGBTIQ+ people (Mitchell, Gray & Beninger, 2014). Policy makers and service providers need to work towards a multifaceted approach that integrates:

- ➡ individual assessment using RNR,
- ➡ CBT targeting violent and prejudiced thinking,
- ➡ family-based interventions like MST and FFT,
- ➡ programs addressing peer influence and group offending,
- ➡ prejudice reduction combined with empathy and victim-impact awareness,
- ➡ trauma-informed mental health treatment where needed,
- ➡ restorative justice in appropriate cases', and
- ➡ long-term support through education, employment, mentoring, and community integration.

The most important idea emerging from research is that many young perpetrators of violence against LGBTIQ+ people are not committed ideological extremists (Gruenewald & Kelley, 2014). Rather, their violence is often opportunistic, peer-driven, or linked with broader patterns of antisocial behaviour. This means rehabilitation and intervention should focus not only on reducing prejudice but also on addressing the wider developmental, social, and criminogenic factors that contribute to violent behaviour, in addition to building empathy and understanding (Paterson et al., 2019). Furthermore, when young perpetrators have experienced trauma, neglect, abuse, substance misuse, or mental ill-health, these issues should be addressed alongside offending behaviour. Trauma-informed care recognises that unresolved trauma can contribute to aggression and poor emotional regulation, although trauma should never be viewed as excusing hate-motivated violence. Finally, it is abundantly clear that far more resourcing and funding of comprehensive intervention and prevention programs is urgently needed, as is research evaluating these programs.

HATE CRIME LAW REFORM

Legislation seeking to recognise crimes motivated wholly or partly by prejudice or bias against a person's actual or perceived protected characteristic (e.g. race, ethnicity, religion, sexuality, gender identity, disability) are called hate crime laws. They provide formal legal recognition of victim-survivor status that implies a person is entitled to specific rights, and that the severity of sanctions

imposed on perpetrators is seen as representative of the extent to which society values the victim-survivor (Mason, 2014). As these forms of law were primarily motivated by figurehead cases of hate crimes (e.g., James Byrd, Matthew Shepard, Stephen Lawrence; see Thorneycroft & Asquith, 2017), early legislative formats typically targeted identity characteristics (e.g. race, sexuality). This means that one of the core problems with these forms of legislative protections are their lack of inclusiveness. Set in a context of voracious public debate (Gellman & Lawrence, 2005; Plumm & Leighton, 2019), the most common approach governments have applied to amend this problem is expansion of laws to include additional recognised protected attributes (Mason, 2014). This can be challenging because it can set up circumstances where some protected attributes are seen as more important than others, especially when additional protected characteristics are added to laws later. More importantly, significant challenges underlie these forms of legislation, not the least which include difficulties regarding identifying these crimes, problems identifying motivations of offenders, and the need for consistently collected data (Plumm & Leighton, 2019). For instance, as recently as 2019, 20 U.S. states still did not specifically recognise sexuality and gender identity as protected characteristics in their hate crime laws, making it very difficult to compare rates of bias-motivated violent crime across states (Plumm & Leighton, 2019).

Despite the challenges circulating around the implementation and revision of hate crime laws, we do know that these, and other types of laws that legislate the protection of protected groups, impactfully reduce the overall perpetration of hate crimes against LGBTIQ+ people. For instance, Pettis, Valencia, and Williams (2022) examined whether legalising same-sex marriage influenced rates of hate crime perpetrated against LGBTIQ+ people, and they did find that promotion of these laws were associated with a reduction in these hate crimes, and especially violent offences. Their research found that the decline was strongest in the first year post-announcement, suggesting that progressive policy changes can temporarily reduce hate-motivated violence against LGBTIQ+ people. Interestingly, research by Valcore and Dodge (2019) found the converse in an analysis of media around the commencement of hate crime laws, with inclusion of LGBTIQ+ people in hate crime legislation not contributing positively to how the group is socially understood or represented.

These types of laws also set up the social and cultural groundwork that facilitates productive responses to legal decisions that work to discriminate further against LGBTIQ+ people and deprive

them of their liberties, with these decisions often motivating social justice organisations to lobby for further change and protections (Sheyn, 2009). Ultimately, hate crime laws are only effective when they are utilised by nation states to prosecute and convict offenders, which even at this point is relatively rare. For instance, in the United Kingdom, only around 1% of hate crimes motivated by a victim-survivors' diverse sexuality are ultimately confirmed as hate crimes by the courts, even though during 2014-2015 alone, 7000+ hate crime offences were recorded. These statistics show significant numbers of crimes and very few successful prosecutions (Antjoule 2016).

LEGAL ANALYSIS OF WHAT WORKS

One of the key strategies that work to reduce the incidence of hate crimes against LGBTIQ+ people is comprehensive hate crime legislation, which explicitly recognise sexuality and gender identity as protected attributes within hate crime legislative frameworks. These laws are effective because they acknowledge greater individual and social harms caused by hate motivated offending, allow courts to impose enhanced penalties or recognise prejudice as an aggravating factor (see further below), improve the collection of hate crime data, and send a symbolic message that hate violence perpetration against LGBTIQ+ people is unacceptable. However, legislation alone has a limited impact if police fail to identify a crime as hate-motivated or if prosecutors rarely apply hate crime provisions.

Another core area of state investment in preventing LGBTIQ+ hate crime is having strong anti-discrimination and human rights protections. Legal protection is most effective when hate crime laws operate alongside anti-discrimination legislation, equal opportunity laws, human rights protections, and mechanisms for civil complaints. This creates multiple legal pathways for victim-survivors depending on whether conduct constitutes a criminal offence or unlawful discrimination. Together, these frameworks contribute to changing social norms and reducing structural discrimination that underpins hate crime.

A further way that jurisdictions seek to reduce hate violence targeting LGBTIQ+ people is the implementation and operationalisation of specialist police responses. One of the strongest findings in international research is that legal protections are significantly more effective when supported by specialist policing initiatives (Asquith 2012; Asquith 2014). Effective approaches include LGBTIQ+

police liaison officers, mandatory training to recognise indicators of hate motivation, trauma-informed interviewing practices, confidential reporting mechanisms, and consistent collection of data around hate motivation. These measures increase victim-survivor confidence, improve evidence collection, and enhance the likelihood that hate crime laws are appropriately applied. They also support sending a 'message' to LGBTIQ+ communities that police and nation states want to prosecute hate violence against LGBTIQ+ people and to support LGBTIQ+ hate crime victim-survivors. Importantly, though, research about the effectiveness of these measures is still limited and cultural factors endemic to police agencies can significantly limit effectiveness. For instance, Pyatt et al. (2026) recently analysed documentation related to hate crime response procedures sitting within police agencies in the United States and found there is considerable inconsistency in the resources and organisational practices that officers use when responding to LGBTIQ+ hate offences. The study suggests both structural and cultural factors influence reporting and investigation of these crimes. While some police agencies have implemented structural reforms, such as updated institutional policies, these changes are not always matched by improvements in officers' attitudes towards LGBTIQ+ communities. Pyatt et al. (2026) argue strongly that organisational policies need to be aligned with cultural change to more effectively improve police responses to LGBTIQ+ hate violence. Further, hate crime procedures across police agencies need to be more consistent to strengthen reporting and classification of these offences. Even then, however, LGBTIQ+ people can be reticent to report hate violence to police (Grasso et al., 2023).

Another area that helps to support LGBTIQ+ hate crime victim-survivors when they are the targets of hate violence is having accessible reporting mechanisms available. Legal protections cannot operate effectively when victim-survivors do not report offences. Research consistently demonstrates that reporting increases when jurisdictions provide third-party reporting centres, anonymous reporting options, online reporting systems, culturally safe services, and they do this in partnership with LGBTIQ+ community agencies (Asquith 2012; 2014). These approaches reduce the various barriers associated with fears of discrimination, being 'outed', secondary and vicarious victimisation, and negative police experiences.

Specialist prosecution and sentencing is also a measure that states and governments can implement to better support LGBTIQ+ hate crime victim-survivors (Palmer & Kutateladze, 2022). Effective legal

systems ensure prosecutors understand hate crime legislative frameworks and can present evidence demonstrating how crimes and violence are bias motivated. Forms of good practice in this space include specialist-trained prosecutors, prosecution guidelines for hate crimes, judicial education, and sentencing remarks that explicitly recognise the wider community harm caused by hate crimes. Recognising the broader social impact of LGBTIQ+ hate crimes reinforces the expressive function of criminal law by affirming that attacks on LGBTIQ+ people also intimidate wider LGBTIQ+ communities.

Another crucial response for nation states and government is designing and deploying consistently funded victim-centred legal processes. Legal systems are more effective when they minimise secondary victimisation through trauma-informed interviewing, privacy protections around sexuality and/or gender identity, access to legal advocacy and representation, witness support services, and coordinated referrals to counselling and practical assistance. All these measures improve victim-survivor wellbeing and increase engagement throughout criminal justice proceedings. Importantly, these elements also reduce the secondary and vicarious victimisation that can be caused by reporting to, and engagement with, criminal justice processes in the first instance.

One of the more effective processes that have been implemented recently are multi-agency responses, as noted above (Duggan, 2014). Research increasingly supports integrated response mechanisms, most often in the form of a multidisciplinary hub, that include stakeholders from across police, prosecutions, victim-survivor support agencies, LGBTIQ+ community services, health services, and local government. Multi-agency partnerships involving these stakeholders improve information sharing across agencies, provide holistic support to victim-survivors, and ensure victim-survivors receive assistance beyond criminal justice processes alone, which we know in isolation are unable to effectively address LGBTIQ+ hate crime.

Finally, a core element of any program of activities seeking to reduce hate crimes against LGBTIQ+ people must be prevention through education and rehabilitation. Legal responses are most effective when complemented by preventative strategies aimed at reducing prejudice and hate before violence occurs. Interestingly, despite research strongly demonstrating the need for these activities (Perry & Dyck, 2014b; Sugarman et al., 2018; Walters et al., 2016), and something noted in very early

research on these issues (Herek, 1989), this is an area that is yet to be implemented with sustained, concentrated investment by governments and nation states. Evidence supports school-based inclusion programs, anti-bullying and anti-violence initiatives, community education and awareness campaigns, upstander intervention training, and rehabilitation programs for offenders; all of which contribute to addressing prejudice, improving empathy, and shifting ingrained heteronormative and cisnormative social ideas (Ward, 2026). As noted above, there is an especial need for these forms of interventions amongst young perpetrators. While criminal sanctions remain important, prevention strategies address the underlying attitudes and group dynamics that contribute to anti-LGBTIQ+ offending.

SPECIALIST LEGAL PROVISIONS

There are a range of specialist legal provisions that have enabled the better protection of LGBTIQ+ people and the legal prosecution of LGBTIQ+ hate crimes. These include hate crime penalty enhancements, aggravated sentencing provisions, and standalone hate crime laws (Mason & Dyer 2013; Australian Hate Crime Network 2020; Chalmers & Leverick 2017; Walters et al. 2018; Walters et al. 2017). Importantly, though, contemporary legal scholarship argues that hate crime legislation alone cannot eliminate anti-LGBTIQ+ violence (Fields & Wotipka, 2022). Criminal law responds after harm has occurred and cannot, by itself, address the structural inequalities, stigma, and discrimination that create the conditions for hate crime. The most effective jurisdictions therefore combine criminal justice responses with broader equality measures, community partnerships, and victim-centred services like those initiatives noted above. This integrated approach reflects international best practice by recognising that reducing LGBTIQ+ hate crime requires accountability for offenders and systemic efforts to promote inclusion, trust, and equal protection under the law.

Hate crime penalty enhancements are legal provisions that increase the severity of criminal penalties when an offence is motivated wholly or partly by prejudice or hostility towards a protected characteristic, such as race, religion, sexuality, gender identity, disability, or ethnicity (Mason 2021). Rather than creating new offences, these laws recognise that bias-motivated crimes inflict harm beyond the immediate victim-survivor by targeting entire communities, generating fear, reducing feelings of safety, and undermining social cohesion (Meli 2014). Importantly, these penalty

enhancements are different to aggravated sentencing provisions (see below) because penalty enhancements denote a structural change to law, where the law is explicitly reclassified or is revised to elevate the severity of the specific crime if a bias motivation is proven. This process legally expands the maximum prison time or fine available for that specific offence category (Mason 2021; Mason & Dyer 2013). This forces a higher benchmark for punishment by altering the legislative framework of the crime itself rather than relying purely on judicial discretion, as is the case with aggravated sentencing provisions.

The primary aims of penalty enhancements are to denounce prejudice-based offending, provide proportionate punishment that reflects the additional social harm caused, deter future hate-motivated violence, and reinforce the state's commitment to equality and human rights (Iganski & Lagou 2014; Walter et al. 2018). In jurisdictions where they are implemented effectively, penalty enhancements also encourage the identification and recording of bias motivation during criminal investigations and sentencing, improving the visibility of hate crime with criminal justice systems and processes. Consequently, many researchers argue that penalty enhancements should be complemented by specialised police training (Israel et al., 2013), victim-centred support services and broader prevention initiatives to maximise their impact. Importantly, in their study with LGBT+ people in the UK, Walters et al. (2020) found that there was stronger support for restorative justice approaches to hate crime victimisation rather than penalty enhancements.

Aggravated sentencing provisions are a common legal mechanism used to recognise the increased seriousness of hate crimes by imposing more severe penalties where an offence is motivated by hate, animus, bias, or prejudice (Maher et al. 2015; Quill 2010-11; Provost-Yombo & Loudon 2020). This type of sentencing provision is different to penalty enhancements because it is discretionary, which means judges can apply or not apply the provisions based on the circumstances of the crime. As such, applying these provisions is typically undertaken by a judge who weighs up hate or bias motivation as an aggravating factor during the sentencing phase of a hate crime prosecution. This means these provisions are applied after the court process has determined that bias motivation was a significant factor influencing the commission of the crime. Furthermore, like penalty enhancements, aggravated sentencing is also rationalised on the idea that hate crimes hurt more and cause harms that ripple across communities that share the targeted characteristic (Mason &

Dyer 2013; Iganski & Lagou 2015; Walters et al. 2018). The benefit of aggravated sentencing provisions is that the judge has the discretion to decide how much extra weight to give to the prejudice motivation based on the specific facts of the case. Like penalty enhancements, aggravated sentencing provisions work in the interests of imposing more serious penalties where a person has committed a crime motivated, wholly or partly, by prejudice or hostility towards a protected characteristic. Importantly, the effectiveness of aggravated sentencing heavily depends on the ability of police and prosecutors to identify, investigate, and present evidence of bias motivation, and on courts consistently recognising and applying these provisions during sentencing. However, it is important to note that there is not consensus as to either the effectiveness or jurisprudential basis on which enhanced sentencing occurs, including the issue of proportionality in law theory (Al-Hakim & Dimock 2012).

Standalone hate crime laws—or the substantive offence model (Mason 2014b)—are legislative provisions operationalised by a government to create specific criminal offences for conduct motivated by prejudice or hostility towards protected characteristics. This differs from aggravated sentencing and penalty enhancement provisions because these laws do not treat bias motivation solely as an aggravating factor during sentencing (Owusu-Bempah 2018). Like the other legal provisions above, these laws similarly recognise that hate crimes hurt more in how they cause distinct harms by targeting people because of their actual or perceived identity and by creating fear and insecurity across entire communities of people that share that specific characteristic. However, standalone offences may apply to behaviours such as hate-motivated assault, threats, stalking, criminal damage, public incitement to hatred, or the display of hate symbols (e.g., Nazi symbols), depending on the jurisdiction. By explicitly identifying bias motivation as an element of the offence, standalone laws enhance the visibility of hate crime within criminal justice systems, improve data collection and monitoring, and communicate a strong societal condemnation of prejudice-based violence (Schweppe et al. 2026). Proponents argue that these laws increase recognition of victim-survivors' experiences and strengthen accountability for offenders. Conversely, critics contend that proving bias motivation beyond reasonable doubt can be evidentially challenging and may result in lower prosecution rates if investigators lack the training or resources to identify and gather evidence of prejudice motivation (Camp 2021; Mathis 2018).

Legislative protections in Australia remain limited, with most jurisdictions lacking substantive offences for hate crimes, with Western Australia and, more recently, Queensland being notable exceptions (Asquith et al., 2025; Asquith 2014). Instead, most rely on sentencing provisions that allow bias motivation to be treated as an aggravating factor (Mason & Dyer, 2013). Dedicated police capability to identify and respond to hate crime is also limited across the country, with specialist police service enhancement approaches largely confined to New South Wales and Victoria, and more recently Queensland. Without adequate training to recognised indicators of bias motivation, together with crime recording systems that capture whether an offence is hate-motivated, police may fail to document crucial evidence. This, in turn, restricts prosecutors' ability to apply the limited sentencing provisions available for bias-motivated offending. If police are unable to consistently identify and record hate motivation in serious offences such as homicide, it is even less likely these details will be captured in cases involving non-fatal violence (Asquith et al., 2025).

HATE SPEECH VILIFICATION

Hate speech and vilification refer to forms of expression that target people or groups on the basis of protected characteristics, such as sexuality, gender identity, race, religion, ethnicity, disability, or other recognised attributes. While definitions vary across jurisdictions, hate speech generally encompasses communication that incites, promotes, or justifies hatred, discrimination, hostility, or violence against a protected group. Vilification is more specifically concerned with public conduct that encourages or incites hatred, serious contempt, revulsion, or severe ridicule towards people because of a protected characteristic (Bleich 2011; Waldron 2012; Sellars 2016; Gelber & Murphy 2026). Hate speech and vilification can occur in face-to-face interactions, public speeches, print media, broadcast media, and increasingly through online platforms and social media (Hubbard 2020). Beyond causing psychological distress to targeted people, these behaviours contribute to wider climates of fear, exclusion, and social marginalisation, reinforcing prejudice and increasing the risk of discrimination and hate-motivated offending (Lawrence et al. 1993; Langton 1993; Gelber & McNamara 2015a). Consequently, many jurisdictions have introduced civil and, in some cases, criminal laws to prohibit the most harmful forms of hate speech and vilification while seeking to balance these protections with the right to freedom of expression (Gelber 2021; Gelber 2011).

It is important to note from the outset that laws prohibiting speech are highly controversial given the capacity for these laws to impinge on free speech (Butler 1997; Brown 2015; Howard 2019; Brown & Sinclair 2020; Mchangama 2015; Gleber 2011; 2012; 2021; Gelber & McNamara 2015b). While Australia has no constitutional right to free speech apart from that linked to the free flow of ideas during elections, the issues raised by speech regulation in jurisdictions with constitutional commitments to free speech point to the slippery slope that is enabled by the regulation of hate speech and vilification (Brink 2001; Jacobs & Potter 1997; Maclure 2017). The anonymous context of online hate speech and vilification makes regulation even more difficult whilst simultaneously not foreclosing the free distribution of ideas (Banks 2010; Brison & Gelber 2019; Kallaris 2024).

Hate speech and vilification can take many forms, ranging from overt abuse to more subtle expressions that reinforce prejudice and discrimination, many of which deploy similar themes such as dehumanisation, pathologisation, criminalisation, sexualisation, expatriation, and threats (Asquith 2007; 2009; 2010; 2013). Verbal hate speech includes slurs, derogatory language, threats, harassment, and demeaning comments directed at protected characteristics of a person or group. Written and online hate speech may occur through social media posts, emails, text messages, forums, or websites that spread dis- and misinformation, hateful narratives, conspiracy theories, or calls for exclusion or violence. Visual forms of vilification include hateful symbols, graffiti, posters, memes, and images designed to intimidate or incite hostility. Public acts of vilification can involve speeches, demonstrations, chants, or publications that encourage hatred, serious contempt, or severe ridicule of a targeted group. Hate speech may also be expressed indirectly through coded language, stereotypes, misinformation, or dehumanising rhetoric that portrays a group as dangerous, inferior, or undeserving of equal rights. While these forms vary in their severity and legal treatment across jurisdictions, they share the common purpose or effect of fostering hostility, reinforcing social exclusion, and creating environments in which discrimination and hate-motivated violence are more likely to occur.

LGBTIQ+ people are targeted for hate speech and vilification across a wide range of settings, reflecting broader patterns of discrimination and prejudice. It frequently takes place in public spaces, including streets, parks, public transport, shopping centres, and entertainment precincts, where perpetrators may target people they perceived to be LGBTIQ+. Online environments are another

major setting, with social media platforms, gaming communities, messaging applications, and online forums enabling the rapid spread of abusive language, threats, harassment, and coordinated campaigns of hate (Ștefăniță & Buf 2021; Hubbard 2020; Arcila Calderón et al. 2024). LGBTIQ+ people can also experience hate speech in educational settings, such as schools, universities, and vocational institutions, through bullying, derogatory language, or exclusion by peers. They can also be subject to hate speech and vilification in their workplaces, wherein discriminatory comments, jokes, harassment, or hostile organisational cultures create unsafe environments. In addition, hate speech may occur within families and communities, including from relatives, neighbours, or members of religious or cultural groups, particularly following disclosure of a persons' sexuality and/or gender identity. Other settings include sporting venues, healthcare services, and institutional environments, where prejudice or discriminatory attitudes may be expressed by peers, service users, or even professionals. Research consistently demonstrates that these experiences are often cumulative, occurring across multiple settings throughout the life course, and contribute to poorer mental health, reduced feelings of safety, social isolation, and lower levels of trust in institutions.

Many jurisdictions have criminalised serious forms of hate speech and vilification to protect individuals and communities from conduct that incites hatred, discrimination, or violence based on protected characteristics (see, for example, the recent flurry of legislative reform in Australia in relation to Nazi symbols and serious vilification). Criminal laws generally target the most harmful forms of expression, including public acts that intentionally or recklessly threaten, intimidate, or incite violence against protected groups, rather than merely offensive or unpopular opinions (Gelber 2012; Gelber 2011). The threshold for criminal liability is typically high, requiring proof that the conduct was likely to encourage serious hostility or violence, thereby balancing protection from harm with the right to freedom of expression. Penalties may include fines, community-based orders, or imprisonment, depending on the seriousness of the conduct and the legal framework in the relevant jurisdiction. By criminalising the most severe forms of hate speech and vilification, these laws seek to deter harmful conduct, promote public safety and social cohesion, and affirm the equal dignity and rights of historically marginalised communities, including LGBTIQ+ people.

LGBTIQ+ people are subjected to a broad spectrum of hate speech and vilification that targets their sexuality, gender identity, gender expression, or intersex status. This abuse can involve overt acts,

such as homophobic and transphobic slurs, threats of violence, harassment, and public calls for exclusion or discrimination. It can also take more subtle forms, including derogatory stereotypes, demeaning jokes, misgendering, deadnaming, and language that portrays LGBTIQ+ people as immoral, unnatural, or dangerous (Zochniak et al. 2023; Anderson 2026). Vilification may occur in public spaces, workplaces, educational settings, sporting environments, religious contexts, traditional media, and increasingly throughout online platforms and social media, where anonymity and rapid dissemination can substantively amplify harmful content (Dias Oliva et al. 2020). LGBTIQ+ people may also be subjected to coordinated online harassment, hate campaigns, doxxing, and the spread of misinformation that seeks to stigmatise or dehumanise sexuality and/or gender diverse communities (Ellis, 2025a; 2025b; 2026; Dias Oliva et al. 2020; Arcila Calderón et al. 2024). For transgender and gender-diverse people in particular, hate speech often focuses on denying the legitimacy of their gender identity, questioning their right to access public spaces or healthcare, or falsely portraying them as a threat to others (Anderson 2026). These forms of hate speech and vilification reinforce prejudice, legitimise discrimination, contribute to fear and social exclusion, and create a wider social and cultural climate that makes more serious forms of violence more permissible. Importantly, hate speech and vilification are associated with psychological distress, reduced wellbeing, and an increased risk of hate-motivated victimisation.

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