



## What is a hate crime?

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Any criminal offense committed against a person, a society or property that is motivated by prejudice, false stereotypes or negative attitudes towards a particular person or group of people based on racial, ethnic, national, religious, gender, sexual orientation, age, social status, disability and / or beliefs or beliefs is generally classified and categorized as a crime of hate.

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## A motive of hate can take its form as:<sup>1</sup>

- a qualifying attribute (i.e., murder, serious disturbance in person's health driven by hate);
- an aggravating circumstance (i.e., any criminal offense (e.g. theft, violation of public order, etc.) driven by hate).

**An example of a hate crime.** A pregnant woman was threatened to be "locked in the car boot" while her husband, an Indian-origin Irish citizen was called a "Paki", and was ordered to go back to his country and was kicked a few times. This violator has been convicted of a violation of public order and a hate crime. Penalty – restriction on liberty for 2 years and 120 hours of unpaid work;

## Liability

A hate crime is a criminal offense. The penalty for hate crime depends on the crime and aggravating/mitigating circumstances. The maximum penalty for murder because of hate on the mentioned above grounds may be imposed to a life imprisonment.

<sup>1</sup> It should be noted that in some classifications, hate speech is defined as a hate crime. This brochure follows the definition of hate crime of the OSCE Office for Democratic Institutions and Human Rights, which distinguish between hate speech and hate crimes. For more information on hate speech, see the EFHR flyer "Hate speech" (available at <http://en.efhr.eu/efhr-flyers/>)

## Where should you go if you have been a victim of a hate crime or have been a witness of it?

- You can report a crime to the nearest police station or call the general emergency number 112;
- Be sure to tell the investigator that the crime was committed in order to express hate because of age, gender, sexual orientation, disability, race, nationality, language, origin, social status, beliefs, convictions or views.

## Nazi and communist symbols

Article 524 of the Administrative Offense Code of the Republic of Lithuania (hereafter – ANC) states criminal liability for the distribution or demonstration of Nazi and / or communist propaganda. Promotion, distribution and / or demonstration during social meetings, performances, mass events, as well as any other public use of the flag or coat of arms, uniforms and / or objects that include the flag, coat of arms or any other symbols of the Nazi Germany, the USSR or the Lithuanian SSR and other communist organizations (e.g. honorific images depicting leaders of the above organizations, the Nazi swastika, the Nazi SS mark, the Soviet hammer and sickle and the Soviet star alongside all other marks representative and / or related to the repression of Lithuania and its people by the mentioned above Nazi and / or communist organizations), as well as performing the national anthems and / or songs promoting the above, is punishable by a fine of € 150 to € 300.

## Common Characteristics

Crimes of hate (especially those committed in the public domain) in many cases are acted out by groups (usually those sharing extremist views and / or beliefs) and these attacks are often concurrent and / or repeated.

The use of physical violence in hate crimes is often caused by the culprit's prejudice towards the victim's race, ethnic origin, nationality and / or sexual orientation.

Anti-Semitic hate crimes often results in vandalism and / or the destruction of property, religious buildings and even burial sites of the Jewish community as well as propagation of the swastika and other hateful symbols (often in the form of graffiti and alike) around places of public importance to the Jewish community, alongside other degradative actions towards its property and members.

Hatred attacks are often particularly offensive, cruel and impudent and often made public / visible, in order to attract extra attention and hence affecting on a community as a whole as well as threatening public order and security. Moreover, these attacks further intensify false ideas of segregation and shape negative public attitudes (or have the power to do so) towards certain groups of people and / or their members, aiming to



provoke outbreaks of revenge and mass disturbances, this way intensifying the risk of damage to the harmony of a given community and the interconnectedness of its members.

[WWW.EFHR.EU](http://WWW.EFHR.EU)

**VŠĮ EUROPOS ŽMOGAUS TEISIŲ FONDAS**  
(European Foundation of Human Rights)

J. Dobkevičiaus str. 6, Vilnius LT-02189

tel. +(370) 691 50 822

e-mail: [efhr@efhr.eu](mailto:efhr@efhr.eu)

internetcalls: EFHR

skype: EFHR-LT

**Office hours:**

**Monday-Thursday: 8:30 am - 5:00 pm**

**Friday: 8:30 am – 4:00 pm**

The European Foundation of Human Rights (EFHR) provides free legal assistance to people who have become victims of a hate crime. For advice or assistance, please contact us at +(370) 691 50 822 or by e-mail: [teise@efhr.eu](mailto:teise@efhr.eu), or come to our office at J. Dobkevičiaus str. 6, Vilnius.