

Civil Society Contributions to the ODIHR's Annual Hate Crime Reporting

Factsheet

Introduction

OSCE participating States have recognized the value of working with civil society organizations and groups (CSOs) to effectively respond to hate crime.¹ The OSCE Office for Democratic Institutions and Human Rights (ODIHR) includes information from CSOs among the materials presented on its **Hate Crime Reporting Website** at <http://hatecrime.osce.org>.² The goal of this website is to improve access to the information ODIHR collects on hate crimes from OSCE participating States, civil society, the media and the public in general. It allows users to cross reference and search for data by year, country and bias motivation. It is also a platform for information, news and analysis related to ODIHR's work in countering hate crimes. Information on hate incidents from CSOs on the website provides vital context to official submissions from participating States, and highlights the damaging impact of hate crime on targeted communities. ODIHR also highlights innovative activities conducted by CSOs in monitoring hate crime and providing support to victims.

The purpose of this factsheet is to explain the information that ODIHR needs from CSOs in order for submissions to be included on the website, and to provide further information about ODIHR's work on hate crime.

What is a hate crime?

OSCE participating States recognize that a hate crime is a criminal act committed with a bias motivation.³ To meet this definition, the offence must meet two criteria. The first is that the act constitutes an offence under criminal law. Secondly, the act must have been motivated by bias.

Bias motivations can be broadly defined as preconceived opinions, stereotypical assumptions, intolerance or hatred directed towards a particular group that shares a common characteristic, such as race, ethnicity, language, religion, nationality, sexual orientation, gender, gender identity, disability or any other fundamental characteristic.

Hate crimes can involve threats, property damage, assault, murder or other criminal offences. They do not only affect individuals from specific groups. People or property associated with a group that shares a protected characteristic, such as human rights defenders, community centres or places of worship can also be targets of hate crimes.

1 OSCE Ministerial Council, Decision No. 9/09, "Combating Hate Crime", Athens, 1-2 December 2009, <http://www.osce.org/cio/40695>.

2 The website replaces *Hate Crimes in the OSCE Region: Incidents and Responses*, making hate crime information collected by ODIHR publicly available as tasked in OSCE Ministerial Council Decision No. 13/06, "Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding", Brussels, 5 December 2006; <http://www.osce.org/mc/23114>.

3 Op. cit., footnote 1.

How can I tell if an incident was motivated by bias?

In order to assess whether an incident was motivated by bias, the following *bias indicators* could be used:

- *Time, place and location of the offence*
Did the incident take place during or in close proximity to a significant event, such as a religious festival, commemoration or pride parade? Was the victim in or near an area or place commonly associated with a particular group (e.g., a community centre, or a mosque, church or other place of worship).
- *Victim/Witness Perception*
Do victims or witnesses perceive that the incident was motivated by bias?
- *Comments, Written Statements, Gestures, and Graffiti*
Did the suspect make comments, written statements or gestures regarding the victim's background? Were drawings, markings, symbols or graffiti left at the scene of the incident? If the target was property, was it religiously or culturally significant, such as a historical monument or a cemetery?
- *Racial, Ethnic, Gender, and Cultural Differences*
Do the suspect/s and victim/s differ in terms of their racial, religious, ethnic/national origin or sexual orientation? Is there a history of animosity between the victim's group and the suspect's group? Is the victim a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred? Was the victim engaged in activities promoting his/her group at the time of the incident?
- *Organized Hate Groups*
Were objects or items left at the scene that suggest the crime was the work of a hate group? Is there evidence of such a group being active in the neighbourhood (e.g., posters, graffiti or leaflets?). It is important to underline that, in many cases, hate crimes are committed by individuals not connected to any organized group or those with no previous history of criminal behaviour.
- *Previous Bias Crimes/Incidents*
Have there been similar previous incidents in the same area? Who were the victims? Has the victim received harassing mail or phone calls or been the victim of verbal abuse based on his/her affiliation or membership of a targeted group?
- In cases of attacks against property, the significance of a particular structure or location to communities that face discrimination can be an indicator. The property targeted may have religious or other symbolic importance for a particular community or be a centre of community life – such as a school, social club or shop – for a particular group.

Is it still a hate incident if there are other motives involved?

Yes. These are sometimes called “mixed motive” incidents. In many cases, individuals who have been targeted because of prejudice or bias have also had items of value, like money or mobile phones, stolen from them in the course of these attacks. If bias indicators are present then these incidents can also be recorded as hate incidents and submitted to ODIHR.

How does ODIHR decide what information from CSOs to include?

ODIHR analyzes submitted CSO reports and publishes relevant information as “incidents”. This is because CSO reports cover a broad spectrum of acts and ODIHR is not in a position to verify whether all CSO reported incidents reach the necessary threshold to be recorded as criminal offences. As a result, CSO incidents are not necessarily comparable to officially registered hate crimes. There are a number of other reasons why CSO and official numbers differ. For example, some incidents are only reported to CSOs, not the authorities, or the two bodies may use different monitoring definitions.

In order to be included in the annual reporting, information from CSOs must relate to criminal acts committed with a bias motivation, and must have taken place within the relevant timeframe.

Does ODIHR collect information on other forms and expressions of intolerance, like hate speech and discrimination?

Some hate speech or cases of discrimination may be criminal offences under national law. Promotion of a racist movement, incitement to hatred, racist speech by a politician or the restriction of access to services on religious grounds are all examples of acts which may be criminalized in some jurisdictions. ODIHR does not publish information about such incidents of discrimination or hate speech because there is no consensus across the OSCE region about whether these acts should be criminalized.

What information does ODIHR need in order for an incident to be included?

The following list provides a basic overview of areas that ODIHR considers when analysing information submitted.

- *Date, Time and Location of the Incident*

- *Source of Information*

The best sources are interviews with victims and witnesses. The media can also be useful sources of information about hate incidents; however, it is important to assess the reliability of the source and to cross-check the information as much as possible.

- *Type of Crime*

What type of crime was committed? While other types of crimes can also be included and described, ODIHR reports primarily on the following crimes:

homicide; physical violence; damage to property; theft/robbery; arson; vandalism; desecration of graves; attacks against places of worship; threats/threatening behavior

– *Bias motivation*

ODIHR reports on a number of bias motivations:

racist and xenophobic crimes; crimes against Roma and Sinti; anti-Semitic crimes; crimes against Muslims; crimes against Christians and members of other religions; crimes against other groups, including LGBT people, persons with disabilities and members of other groups

When collecting information it is important to report on all possible characteristics that may have formed the basis for the bias-motivated criminal conduct and to be aware of the possibility of *multiple biases*.

– *Perpetrator(s)*

Information on suspected perpetrators (their age, ethnicity and relationship to victim) can be important indicators in determining whether the incident was a hate crime.

– *Brief Description of the Incident with Bias Indicators*

Please explain why you consider the incident to be bias motivated. Bias indicators can be used to help identify hate crimes. Briefly describe the incident in using bias indicators.

– *Response of Local Authorities*

This could include statements by public officials, press releases and/or meeting with representatives of the targeted community.

– *Impact on the Victim(s) and the Community*

The victim's view on the response and treatment by government and non-governmental bodies. Any reactions of the local community (e.g. issuance of a press release), the perception of the targeted community (e.g. fear for safety) and the impact on the security situation (if any).

How can CSOs submit information about hate incidents to ODIHR?

Information about hate crimes and hate incidents that took place **during 2014** as well as information about activities of civil society groups to end hate crime can be sent to tndinfo@odihr.pl, by **30 April 2015**, indicating in the subject line:

"HCR 2014 [NAME OF CIVIL SOCIETY ORGANIZATION/GROUP]"

Please note that ODIHR can also receive relevant reports published by CSOs. Please send the report's URL, including a brief description of the data collection methodology.

How will the data be used?

Data on incidents that meet ODIHR's criteria together with data submitted by OSCE participating States and Inter-Governmental Organizations will be published on the **ODIHR Hate Crime Reporting Website** at <http://hatecrime.osce.org>. Prior to publication, all contributors are consulted for review. Data on the previous year will be published every year on the International Day for Tolerance (16 November).

For additional documents, please consult ODIHR's *Tolerance and Non-Discrimination Information System TANDIS* <http://tandis.odihr.pl>.