

HATE CRIMES IN THE OSCE REGION

Incidents and Responses

Civil Society Contributions to OSCE-ODIHR Hate Crime Reporting Website

Civil society plays a crucial role in monitoring and reporting hate crimes. Data provided by civil society groups and organizations form an important part of OSCE-ODIHR's¹ hate crime data collection and offer indispensable context to participating States' reporting on hate crimes.

OSCE's Office for Democratic Institutions and Human Rights (ODIHR) helps raise awareness of hate crimes among civil society and international organizations. It provides information about the characteristics of hate crimes and their impact on the stability and security of the community. ODIHR also supports civil society efforts to monitor and report hate crimes, NGOs outreach efforts in their communities and foster relationships between community groups and law enforcement so that victims feel confident to report crimes. ODIHR also encourages civil society advocacy for better hate crime laws.

¹ OSCE - Organization for Security and Co-operation in Europe

INTRODUCTION

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) provides data and information on hate crimes in the OSCE region on its Hate Crime Reporting website hatecrime.osce.org. The objective of this website is to improve access to the information ODIHR collects on hate crimes for 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.

OSCE participating States have recognized the value of working with civil society organizations and groups (CSOs) to effectively respond to hate crime.¹ 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 Info Leaflet is to explain the information that ODIHR needs from CSOs in order to be included on hatecrime.osce.org, and to provide links to further information about ODIHR's work on hate crime.

¹ OSCE Ministerial Council, Decision No. 9/09, "Combating hatecrime", Athens, 1-2 December 2009, osce.org/cio/40695.

What is a hate crime?

OSCE participating States recognize that a hate crime is a criminal act committed with a bias motivation.² 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 negative 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, disability or any other fundamental characteristic.

Hate crimes can include threats, property damage, assault, murder or another criminal offence. 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.

² OSCE Ministerial Council, Decision No. 9/09, "Combating Hatecrime", Athens, 1-2 December 2009, op. cit., note 1.

How can I tell if an incident is 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?
- **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 which 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 suggests the crime was the work of paramilitary or extreme nationalist organization? Is there evidence of such a group being active in the neighborhood (e.g. posters, graffiti or leaflets?). It is important to underline that in many cases hate crimes are committed by individuals nor connected to any organized group, even with no previous history of criminal behavior.
- **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? 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).
- 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 is 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 on hatecrime.osce.org?

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 a criminal offence. 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 on hatecrime.osce.org, information from CSOs must relate to criminal incidents committed with a bias motivation, and must have taken place within the relevant time frame.

USING DATA TO SHED LIGHT

The importance of recording and reporting

A Roma child is sprayed with acid in the streets on the margins of a protest. An African student is harassed. These events can be seen as random attacks. Linking them together can shed light on the problem.

The victims of these crimes remain invisible unless they are reported to OSCE participating States with a clear bias motivation. ODIHR acts as a central point for the collection and analysis of this information supplied by government websites, police services, inter-governmental organizations and NGOs. All of these have different approaches to hate crimes. It is essential for governments to have a clear picture of the problem in order to counter it. Develop a strategy and support victims in the most efficient way.

Read further:
hatecrime.osce.org/infocus/using-data-shed-light-imp

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

Some speech crimes 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 restricting access to services on religious grounds are all examples of acts which may be criminalised 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 criminalised. In addition, these acts are not hate crimes under the OSCE definition because without the bias element, they would not amount to a criminal offence. In other

words, the base offence component of the OSCE definition is missing. It is important that these incidents are either not included in CSO submissions, or they are clearly separated.

What information does ODIHR need in order for an incident to be included on hatecrime.osce.org?

The following list provides a basic overview of areas that ODIHR considers when analyzing information for hatecrime.osce.org.

- **Date, Time and Location of the Incident**

- **Source of Information**

The best sources are interviews with victims and witnesses. The media can also be a useful source 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? ODIHR reports on the following crime types:

homicide; physical violence; damage to property; vandalism; desecration of graves; attacks against places of worship; threats/threatening behavior; other crimes can also be included and described

Reporting hate crimes

of Naples. A kosher grocery store is ransacked, attacked in a Łódź club. Taken separately, these two incidents paint a wider picture of hate crimes.

As these incidents are recorded, ODIHR is working to get the overall picture. OSCE participating States have provided data on hate crime, and the Office accomplishes its mandate and civil society on the Hate Crime Reporting website and civil society groups all provide data. Each country has its own approaches and priorities in collecting information on hate crimes. The access to all of this information, painting a clear picture of hate crimes, and the available data help governments identify challenges.

Importance of recording and reporting hate crimes

- **Bias motivation**

For the purposes of hatecrime.osce.org, ODIHR reports on a number of bias motivations:

racist and xenophobic crimes; crimes against Roma and Sinti; antisemitic crimes; crimes against Muslims; crimes against Christians and members of other religions; crimes against other groups, including LGBT, 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.org for hatecrime.osce.org?

CSOs that want to submit recent information about hate crimes and hate incidents or information about activities of civil society groups in the area of combating hate crime can email to tdinfo@odihr.pl, indicating in the subject line:

HCR [YEAR] [NAME OF CIVIL SOCIETY 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 OSCE-ODIHR Hate Crime Reporting website at 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).

What does ODIHR do?

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination. ODIHR observes elections, reviews legislation and advises governments on how to develop and sustain democratic institutions. The Office conducts training programmes for government and law-enforcement officials and non-governmental organizations on how to uphold, promote and monitor human rights.

Racism, xenophobia and other forms of intolerance continue to threaten security

in the increasingly diverse societies across the OSCE region. ODIHR has developed a collection of resources and programmes to raise awareness about discrimination, hate crimes, anti-Semitism and other forms of intolerance, including against Muslims, Christians and members of other religions. Through advising on policy and the training of law enforcement personnel and educators, the Office works to build the capacity of governments in preventing and responding to this problem. ODIHR also works to increase the ability of civil society to monitor and report on hate crimes and incidents.

What is TANDIS?

TANDIS (Tolerance and Non-Discrimination Information System) was developed by the ODIHR's Tolerance and Non-Discrimination Department. In order to share and promote practices and initiatives and to provide information on issues related to tolerance and non-discrimination throughout the OSCE region, TANDIS gives access to:

- Information received from the OSCE participating States, specialized institutions and other organizations;
- Country pages providing information on country initiatives, legislation, national specialized bodies, statistics, and other information;
- Thematic pages with information related to different key issues;
- International standards and instruments;
- Information from intergovernmental organisations including country reports and annual reports.

Co-operating to challenge antisemitic hate crime

Shocking in its many forms, from crude cartoons to murder, antisemitism is far from being a problem of the past. Governments and civil society must co-operate to effectively oppose this contemporary challenge.

A worrying number of antisemitic threats and attacks have been reported across the OSCE region during the summer of 2014. Some CSOs contributing to ODIHR hate crime reporting have noted that the number of reported incidents that took place during the summer of 2014 was significantly higher than at the same time during the previous year.

Antisemitism often begins with chants or insults. Then it can escalate, moving from seemingly minor incidents to hate crimes. This horrifying spiral can lead to brutal attacks on people, including murders.

Read further: hatecrime.osce.org/infocus/co-operating-challenge-anti-semitic-hate-crime

TWO TO TANGO

Police and hate crime campaigners dancing in step

When hate crime victim Kazeem Busari was asked about the effectiveness of the Polish authorities in investigating and prosecuting racist incidents, he reaches for a dancing metaphor: it takes two to tango.

"If you are the victim of a hate crime, but you don't report it to the authorities, there's not much they can do about it," the Warsaw-based African-community activist said during a break in a women of African descent workshop organized by ODIHR in 2014.

The 38-year-old Nigerian, who is currently helping with an ODIHR-supported drive to encourage immigrants to report hate crime incidents, knows what he is talking about.

"White power" meets its match

When a group of youths started taunting Busari with monkey grunts and shouts of "white power" as he was vacationing in the Polish countryside last year, he knew exactly what to do. He went straight to the local police station to file a complaint.

"The young police officer I talked to was friendly, but he didn't really think there was much he could do as none of the guys had actually hit me," Busari recalls. So Busari - aware that Polish law categorizes certain forms of speech as a hate crime - asked to see the officer's superior, who turned out to be a graduate of TAHCLE (Training Against Hate Crimes for Law Enforcement), a programme established by ODIHR in 2012 to help police improve their skills in recognizing, understanding and investigating hate crimes. Even though Busari would have been content if the troublemakers had been let off merely with a warning, the senior officer was insistent: This was a hate crime, and the case had to go to court.

The youngsters were found guilty and fined.

Busari attributes the positive result to lessons he learned at a 2012 ODIHR-hosted seminar for Africans resident in Poland. "We called the meeting to thrash out the problems these people were facing, and one of the issues that we dealt with was: What constitutes a hate crime, and what you can do about it if you are a victim?" said Larry Olomofe, ODIHR Adviser on Combating Racism and Xenophobia. "The fact that he went on to put theory into practice gave me great satisfaction."

Read further:

hatecrime.osce.org/infocus/two-tango--police-and-hate-crime-campaigners-dancing-step

Where do I get more information?

- ODIHR Tolerance and Non-discrimination Department
osce.org/odihr/tolerance
- OSCE - osce.org
- Hate Crime Reporting website - hatecrime.osce.org
- More information on Hate Crime
hatecrime.osce.org/what-hate-crime
- Preventing & responding to hate crimes: Resource guide for NGOs
osce.org/odihr/39821
- Hate Crime Laws - A Practical Guide
osce.org/odihr/36426
- Hate Crime Data Collection and Monitoring: A Practical Guide
osce.org/odihr/datacollectionguide
- In Focus Stories - hatecrime.osce.org/infocus
- Tolerance and Non-Discrimination Information System (TANDIS)
tandis.odihr.pl

UNITED Info Leaflets

- Who, If Not You?
How you can intervene when witnessing racist assaults
- Hate Crimes

find these publications at:

www.unitedagainstracism.org > publications > information leaflet

Contact to ODIHR's Tolerance and Non-Discrimination Department

OSCE Office for Democratic Institutions and Human Rights (ODIHR)
Tolerance and Non-Discrimination Department

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UNITED for Intercultural Action

European Network against nationalism, racism, fascism and in support of migrants and refugees

UNITED for Intercultural Action is the European network against nationalism, racism, fascism and in support of migrants and refugees. More than 560 organisations from a wide variety of backgrounds, from all European countries, work together in common activities, such as European-wide campaigns. Like-minded organisations have the opportunity to meet each other at

conferences and elaborate specific projects. UNITED is and will remain independent parties, organisations and states, but seeks an active co-operation with other anti-racist initiatives in Europe. Information is received from more than 2700 organisations and mailings go out to about 2300 groups in Europe. Let us know if you want to get involved! And add UNITED to your mailing list!

UNITED IS SUPPORTED BY: more than 550 organisations from 48 European countries, many prominent individuals, private supporters and long-term volunteers from Aktion Sühnezeichen Friedensdienste, Austrian Holocaust Memorial Service and the EVS, Grundtvig and Leonardo Programmes of the European Union.

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