



BUILDING A COMPREHENSIVE CRIMINAL JUSTICE RESPONSE TO HATE CRIME

PROJECT CLOSING CONFERENCE REPORT

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Background information

In February 2017, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) launched a two-year project “Building a Comprehensive Criminal Justice Response to Hate Crime” (hereinafter referred to as “the project”). The project aimed to advance the skills of, and collaboration among, criminal justice professionals within each of four OSCE countries – Bulgaria, Greece, Italy and Poland – and to improve their co-operation with civil society, to contribute to the building of a comprehensive criminal justice response to hate crime in each of these countries.¹

In Bulgaria, the project focused on the development of joint training programmes for police and prosecutors, allowing them to identify and overcome differences in their respective understandings of hate crimes and in their approaches to processing hate crime cases.

In Greece, work focused on the development of a national, cross-governmental protocol on activities and policies by relevant authorities to address hate crime, and on improving the common police-prosecutor database of hate crimes, to help co-ordinate institutional responses to such crimes in the country.

The focus in Italy was on training police officers, prosecutors, judges, lawyers and civil society groups working with hate crime victims at a regional level in Lombardy as well as analysing data on hate crimes collected by the Court of Milan.

The project also designed and tested an innovative methodology for mapping hate crimes by conducting a victimization survey in Poland, focusing on small minority communities, to extract data on unreported hate crimes.

Partners for the project included the Public Prosecutor’s Office and the National Institute of Justice in Bulgaria, the Ministry of Justice, Transparency and Human Rights of Greece, the Catholic University of the Sacred Heart of Milan in Italy, and the Commissioner for Human Rights in Poland. Additionally, the International Association of Prosecutors and the United Nations High Commissioner for Refugees (UNHCR) provided valuable input and contributed to the project’s implementation and promotion. Apart from official partners, during its implementation, the project received support from many other institutions and civil society organizations.

ODIHR presented and discussed the outcomes and experiences of these activities at workshops organized in each of the project countries, which contributed to the development of a comprehensive toolkit on the topic of hate crime. The toolkit includes a manual on conducting joint training for police and prosecutors,² a methodology for developing an inter-agency co-operation protocol on addressing hate crimes,³ a methodology to map unreported

¹ The project “Building a Comprehensive Criminal Justice Response to Hate Crime” is co-funded by the European Union and the United States and implemented by ODIHR.

² *Manual on Joint Hate Crime Training for Police and Prosecutors* can be accessed at: <https://www.osce.org/odihr/402296>.

³ *Developing Interagency Co-operation Plans to Address Hate Crime: A Methodology* can be accessed at: <https://www.osce.org/odihr/402305>.

hate crimes using Respondent-Driven Sampling⁴ and guidance on implementing a comprehensive approach to addressing hate crime at a regional level⁵.

ODIHR presented the project's final products at the closing conference held on 14 November 2018 in Vienna. Ninety-four people (56 women and 38 men) attended the event. The participants represented project partner countries (Bulgaria, Greece, Italy and Poland), donor institutions (European Union and the United States), along with wide presence from the OSCE National Points of Contacts on Hate Crimes, European Union Agency for Fundamental Rights, Council of Europe, International Association of Prosecutors, UNHCR, several OSCE participating State delegations and civil society organisations. ODIHR announced the event on its website and promoted it through social networks such as Facebook and Twitter.⁶

ODIHR also presented the toolkit at the 10th Annual Meeting of the OSCE National Points of Contacts on Hate Crimes, which followed the closing conference in Vienna, on 15 and 16 November 2018.

Presentations and discussions

Opening remarks

Ms. Cristina Finch, Head of the Tolerance and Non-Discrimination Department at ODIHR, moderated the opening session. She welcomed the participants and introduced the speakers.

Ambassador Greta Gunnarsdottir, Senior Political Adviser and the Head of Director's Office at ODIHR, speaking on behalf of Ms. Ingibjörg Sólrún Gísladóttir, ODIHR's Director, provided the opening remarks. She expressed gratitude to the Italian OSCE Chair-in-Office for continuous support to the project, the four participating States delegations for contributing to the project activities and the EU and United States for the financial support. She pointed out that the OSCE recognized manifestation of intolerance and discrimination, such as hate crimes, as threats to security of individuals, social cohesion and possible reasons for conflict and violence undermining international stability and security. Ms. Gunnarsdottir explained that the project is based on a set of commitments adopted by the OSCE participating States to prevent and counter hate crimes and that the project's goal was to create a comprehensive toolkit to aid criminal justice system actors in addressing hate crime. She underlined that the toolkit created within the project did not represent a stand-alone solution to addressing hate crimes and further action on its implementation was necessary. She also announced the launch of the ODIHR Hate Crime Report for 2017 on 16 November 2018 (International Day for Tolerance).

⁴ *Mapping Unreported Hate Crimes Using Respondent-driven Sampling: A Methodology* can be accessed: <<https://www.osce.org/odihr/402314>>.

⁵ *Guide to Addressing Hate Crime at the Regional Level* can be accessed at: <<https://www.osce.org/odihr/402536>>.

⁶ The news item can be accessed at: <<https://www.osce.org/odihr/402869>>.

Ambassador Luca Fratini, Deputy Permanent Representative of Italy to the OSCE and Chairperson of the Preparatory Committee of the Permanent Council, 2018 Chair-in-Office of the OSCE, welcomed the participants of the conference and expressed gratitude to ODIHR and the donors of the project. He pointed out that hate crime was a serious challenge, violating the principles of equality and non-discrimination. He added that preventing and responding to hate crimes was a priority of the Italian OSCE Chair-in-Office and provided examples of high-level events organized by the Chair-in-Office on that subject. Mr. Fratini also enumerated measures undertaken by Italy in order to address racism, xenophobia and hate crimes on the national level. These included ODIHR's Training Against Hate Crime for Law Enforcement (TAHCLE) and Prosecutors and Hate Crimes Training (PAHCT) trainings, a seminar on awareness raising and hate crime data collection, as well as a workshop for prosecutors' offices. Finally, Ambassador Fratini outlined project activities in Italy and expressed a wish that experience and lessons learned would be widely disseminated and inspire other participating States to implement a comprehensive regional approach to hate crime.

Presentation of the project and the toolkit for comprehensive response to hate crimes

Ms. Cristina M. Finch, Head of the Tolerance and Non-Discrimination Department at ODIHR, noted that hate crimes were message crimes that affected entire communities and could undermine cohesion and cause widespread conflicts. She also pointed out that OSCE participating States undertook commitments to end hate crime and that ODIHR had been long supporting them in that task. Ms. Finch also underlined that the project was a step towards a comprehensive approach to hate crime.

Mr. Tome Shekerdjiev, Project Manager at ODIHR, informed the participants that the toolkit on addressing hate crimes was free to use and encouraged dissemination of its content. He added that ODIHR would upload the documents produced during the course of the project activities onto the project webpage for future reference. He also said that ODIHR would share the project outcomes at the 10th Annual Meeting of the National Points of Contact on Hate Crimes on 15-16 November in Vienna.

Next, Mr. Shekerdjiev guided the participants of the conference through the toolkit on addressing hate crimes. He explained that drafting the *Manual on Joint Hate Crime Training for Police and Prosecutors* resulted from identified needs and gaps in cooperation and communication between the two professional groups and built on actual experience gathered by ODIHR when implementing three pilot trainings in Bulgaria. He underlined the importance of evaluation in the training setup.

Concerning *Developing Interagency Co-operation Plans to Address Hate Crime: A Methodology*, Mr. Shekerdjiev stated that the document explained in detail how to design an inter-agency cooperation plan. He underlined that a wide spectre of stakeholders were involved in the process in Greece, serving as a model for the methodology. He also added that there had been actions addressing hate crimes undertaken by the participants even prior to the signing of the official agreement, such as the appointment of special hate crime

prosecutors in the major prosecutorial offices in Greece and flagging hate crimes in the prosecutor's case processing system.

Additionally, Mr. Shekerdjiev referred to the *Guide to Addressing Hate Crime at the Regional Level*, which was developed based on the project experience in Italy's Lombardy region. He explained that the document presented the advantages and challenges of using a regional approach for the local authorities, who were also interested in providing a secure environment and respect for the human rights of their citizens. He added that participating States should examine incorporating a regional approach to addressing hate crime and promote effective cooperation with local stakeholders. However, governments should not completely separate these initiatives from national level policies. He also outlined other project activities in Italy that consisted of analysing the decisions issued by the Court of Milan in 2016 (approximately 13,000 cases) in order to provide data on the practices of sentencing hate crimes. Based on that research, the Catholic University of Sacred Heart convened a focus group to propose measures to improve the Court's recognition of bias indicators, raise awareness among magistrates, and upgrade the registration of hate crimes in the case management system.

Finally, Mr. Shekerdjiev described the victimization survey in Poland, which laid the foundation for the *Mapping Unreported Hate Crimes Using Respondent-Driven Sampling: A Methodology*. He explained that ODIHR used the Respondent-Driven Sampling (RDS) method in Poland to research small minority communities. The advantage of the method was that the recruitment of respondents was done within the target community and therefore, the respondents trusted the interviewers. He added that the manual guided users through the process of preparation, conducting, and analysing the results of a hate crime-oriented RDS survey. He also thanked the civil society organisations that made the survey in Poland possible.

Panel I: Lessons learned from implementing activities in partner countries

Mr. Sami Nevala, Head of Sector for Statistics and Surveys at the European Union Agency for Fundamental Rights (FRA), who moderated the panel, thanked the organizers for the invitation and opportunity to moderate the panel. He also outlined the work of FRA on hate crimes and informed the participants about the upcoming survey on LGBTI communities, which will also cover issues related to hate crime. He underlined that the project was of great interest to FRA because it addressed many challenges that were common to various countries.

Mr. Sava Petrov, Prosecutor at the International Department of the Supreme Cassation Prosecutor's Office of the Republic of Bulgaria, explained that the Bulgarian Prosecutor's Office adopted hate crime as one of its priority issues to address. Thus, the Prosecutors Office introduced a number of measures over the past years, including desk research focusing on case law in judicial practices, which resulted in the creation of methodological guidelines and trainings for prosecutors. Mr. Petrov noted that there was room for improvement in addressing hate crimes in Bulgaria, confirmed by the rulings from the European Court of Human Rights and the criticism that country faced from international civil society

organizations. He quoted the findings from an internal study issued by the Supreme Cassation Prosecutor's Office of Bulgaria in 2016⁷ that showed that the main reason for underreporting of hate crimes in Bulgaria was the lack of awareness by the criminal justice professionals and the society in general. As a result of that report, Bulgarian prosecutors were encouraged to look for bias motives in their cases. Mr. Petrov outlined the project activities in Bulgaria, consisting of three joint police and prosecutor trainings in Sofia, Veliko Tarnovo, and Plovdiv, and described the organisational challenges related to selection of participants who would present a similar level of experience in hate crimes and finding balance between the two professional groups. He pointed out that the great value of the training was the fact that the curriculum relied upon real-life cases from Bulgaria, which contributed to raising awareness and would result in involving some of the participants in further cascading the trainings across the country. He expressed his opinion that messages focusing on victims would address hate crimes more effectively and that state institutions must rely more on civil society organisations.

Ms. Maria Giannakaki, Secretary General of Transparency and Human Rights at the Ministry of Justice, Transparency and Human Rights of Greece, outlined the Ministry's role in the project, consisting of designing an inter-agency agreement on addressing hate crimes, working on recording and retaining data on hate crimes, and training prosecutors. She informed the participants that prior to the signature of the inter-agency agreement, a working group encompassing representatives of the national administration, the judiciary, prosecution services and civil society was established. She added that the inter-agency cooperation agreement was signed on 6 June 2018 in Athens and was followed by a workshop aimed at presenting project successes in Greece and gathering feedback from the representatives of the civil society organisations, as well as from the national administration and international organizations.

Ms. Giannakaki explained that the agreement constituted a legal basis for coordinated effort against hate crimes in Greece, by providing awareness raising, capacity building (workshops, trainings, seminars), improving registering and data recording systems, ensuring protection and support for the victims, providing guidelines and consultation on legislative matters, supporting research, and surveying victims.

She added that a meeting regarding the practical implementation of the agreement had already taken place and that the parties would meet on a regular basis. Moreover, the signatories plan to sign a separate agreement on recording and retaining data in order to reorganize the complex and fragmented system existing in Greece.

Ms. Giannakaki explained that the main obstacle in drafting the agreement was the reluctance of competent agencies to undertake new tasks due to the lack of dedicated resources. Due to

⁷Report on the results from the study and analysis of the judgments of the European Court of Human Rights finding that the Bulgarian authorities have not complied with their obligation to carry out an effective investigation, as well as of the cases, in which they are rendered, and the measures required to remedy the established omissions, Supreme Cassation Prosecutor's Office of Bulgaria, 2016.

this fact, the level of commitment of specific actors varied considerably. Thus, respect for institutional goals and limitations needed to be secured when drafting this kind of agreement.

Ms. Giannakaki also informed the participants about the PAHCT training of trainers session that took part on 1-3 December 2017 in Athens and the planned follow up of this activity (continuous training), as well as about the planned trainings on hate crimes to law enforcement specialists. She also mentioned that the General Prosecutor of the Supreme Court of Greece had appointed 24 special prosecutors on hate crimes across the country, which proved that the involvement of senior-level leadership was crucial to address the issue of hate crimes.

Mr. Mattia Ferrero, Project Advisor and Lecturer at the Catholic University of Sacred Heart in Milan, Italy, informed the participants that the project activities in Italy took place in Lombardy, a densely populated and large region of Italy. He also described the trainings carried out in Milan as part of the project: PAHCT for prosecutors, judges and honorary judges (justices of peace, called to deal with minor offences); TAHCLE for law enforcement, and two trainings for lawyers and civil society organisations with the aim of establishing a helpdesk for victims of hate crimes by the Milan Bar Association. He also described the research on decisions of the Court of Milan aimed to detect potential hate crime cases which were not properly addressed. He mentioned that more training for all the criminal justice stakeholders, including data entry clerks, would be beneficial. Mr. Ferrero expressed hope to continue collaboration on further projects.

Mr. Adam Bodnar, Commissioner for Human Rights of Poland, explained the role of the Office of the Commissioner for Human Rights in Poland in the research aimed to evaluate the real scale of hate crimes in Poland and their character. He explained the Polish legal provisions related to hate crimes (both hate violence and hate speech) and the legislative practice. He also provided background to the study, i.e. the fact that in 2015 the migration crisis coincided with the election campaign in Poland, which caused more anti-Muslim incidents and hate speech in the public discourse. At the same time, he explained, the official figures gathered by the government agencies were not displaying this phenomenon, hence the attempt to verify the data.

The study conducted in Poland concentrated on three distinct vulnerable communities: Ukrainians (due to high numbers of Ukrainian economic migrants in Poland), Muslims (religious context, links to migration crisis) and sub-Saharan Africans (due to their colour of skin). Mr. Bodnar said that the study consisted of two research modules: the formative study, aimed at checking the feasibility and gaining insights into the researched communities and the Respondent-Driven Sampling (RDS) study. The latter rested upon an idea of respondents recruiting their peers to participate in the study. Mr. Bodnar shared that some 600 individuals had been interviewed on hate crimes they experienced. The results showed that 18% of Ukrainians, 8% of Muslims and 43% of sub-Saharan Africans experienced incidents having features of a hate crime. Moreover, 95% of hate crimes had never been reported for a number of reasons: victims feeling that it was not worth reporting, lack of trust to the police, lack of evidence, fear of secondary victimization and difficulties in communication.

In addition, Mr. Bodnar explained that 18-23% of the persons exposed to hate crimes experienced symptoms of depression or Post-Traumatic Stress Disorder (PTSD) and over 50% changed their daily routines because of this experience. According to Mr. Bodnar, the research demonstrated the general lack of trust in public institutions in Poland and emphasized the role of education and raising awareness about human rights. He added that he would present the report at a hearing of the Commission for National and Ethnic Minorities of the Parliament of Poland in December 2018.

Discussion

Mr. Nevala asked Ms. Giannakaki whether the inclusion of extraordinary actors, such as Ministry of Health and Ministry of Shipping and Island Policy in Greece brought any new opportunities in addressing hate crimes.

Ms. Giannakaki informed the audience that the two mentioned ministries were examples of stakeholders that lacked understanding in the very beginning of the process, but realised their critical role given their involvement with victims and refugee population. She expressed an opinion that medical staff must be trained in Greece in order to be able to address hate crimes more adequately.

Mr. Nevala asked Mr. Bodnar whether the study brought any new ideas on how to address underreporting.

Mr. Bodnar replied that the good cooperation of the political world and law enforcement was crucial, and this was the element lacking in Poland. He added that the police should be able to present a success story in the field of hate crimes, to raise the confidence in institutions.

Mr. Bastiaan Winkel-Boer, Policy Advisor, Ministry of Security and Justice of the Netherlands, informed the participants about the ongoing public discussion related to hate crimes and employment of instruments such as civil and administrative law, besides the criminal law in addressing that phenomenon.

Mr. Ferrero replied that the project focused on criminal justice systems, but there were civil and administrative remedies available in Italy and the trainings for lawyers and civil society organisations held under the auspices of the project addressed them. He agreed that preventive measures are available outside the criminal law.

Mr. Bodnar added that certain groups not protected under the Polish law (LGBTI community) were using civil defamation suits to address hate speech. He invoked an important case of a man who successfully sued his school for negligence and inability to provide safe environment.

Mr. Petrov informed the participants that prosecutors in Bulgaria had the possibility to redirect cases to an administrative body, i.e. Commission for Protection Against Discrimination, and agreed that it would be possible to develop good practice in that sphere.

Ms. Giannakaki outlined the legal provisions in Greece aimed at addressing hate speech.

Ms. Halisa Skopljak, National Legal Officer at OSCE Mission to Bosnia and Hercegovina, asked about potential impact assessment mechanisms introduced in the project setup.

Mr. Shekerdjiev explained that every publication of the project included a chapter on monitoring and evaluation. In addition, the TAHCLE programme and the project itself were currently in the process of evaluation by independent experts.

Ms. Petya Karayaneva, Protection Officer at the UNHCR in Bulgaria, praised the cooperation with ODIHR and said that UNHCR was interested in the subject because the refugees constituted one of the most vulnerable communities.

Panel II: Best practices of civil society inclusion in policies to address hate crimes

Ms. Finch, Head of Tolerance and Non-Discrimination Department at ODIHR, introduced the panel and thanked the UNHCR for cooperation.

The panel was moderated by Ms. Karayaneva, who stated that hate crimes affected the most vulnerable communities and largely remained invisible for the general public. Therefore, she added, it needed the response of the government, in cooperation with civil society and the targeted communities, who should play a role in monitoring the situation and policymaking.

Ms. Tina Stavrinaki, Assistant Coordinator at the Racist Violence Recording Network (RVRN), Greece, described the development of the organisation since its creation in 2011 under the auspices of the UNHCR and the National Commission of Human Rights. She emphasized that the network, which was a good practice in itself thanks to its inclusiveness, expanded to 46 organisations working with victims. She presented the network's efforts in recording hate crimes, based on testimonies of the victims, which resulted in over 950 incidents recorded and seven annual reports. The methodology used by the RVRN allowed collecting reliable data on hate crimes, identifying barriers to justice and recording hate crimes against human rights defenders. It also allowed for establishing and documenting interconnection between the phenomena of hate speech and hate crime in Greece.

Ms. Stavrinaki informed the participants of the involvement of network's members in legal procedures and in monitoring anti-racist legislation. She also confirmed that their involvement in the working group on the inter-agency agreement on hate crimes allowed civil society to present the point of view of the victims. She defined practical implementation, sustainability of the agreement's provisions and government actors' engagement independent of political circumstances, securing technical support, and transfer of expertise from top to bottom as the biggest challenges ahead. She expressed the opinion that the implementing institutions should aim at higher standards for victim rights, improved coordination and setting specific objectives for each meeting. The expectation of the network members was to define clear obligation to all parties involved in the implementation of the agreement's provisions. The commitment of the network members was to secure constant provision of data and information.

Ms. Karayaneva said that the UNHCR would be interested in replicating the experience and establishing a network such as RVRN in Bulgaria.

Mr. James Omolo, President of Africa Connect, and Vice-President of PADLINK (Persons of African Descent Resource Center) in Poland, mentioned his contribution to the project. He also explained that persons of African descent were not a monolithic group and consisted of a diversified population. In his opinion, the researchers in general should address the intersectionality problem better, although there was an attempt to disaggregate the data within the research made in the project. At the same time, he added, hate crimes against persons of African descent had specific traits in Poland: men were more prone to physical assault and women to sexual violence. He explained that underreporting should be addressed by eliminating obstacles and building more confidence to the authorities to reduce the fear of dismissive treatment and reprisal on part of the victims. Previous experience of the community in Poland and little action to bridge that gap by the police was the cause of mistrust. The fact that the perpetrators were often neighbours of the victims caused the fear of reprisals. Mr. Omolo also said that the political rhetoric and lack of funding undermined the work of civil society in Poland. He recommended the systematic cooperation of the law enforcement with civil society and to bring more focus to the local authorities, who should support the victims.

Ms. Silvia Belloni, Councilperson at the Milan Bar Association (MBA) in Italy, informed the participants that the training at the MBA would find practical use for the benefit of the victims of hate crimes. She explained that starting in 2007, MBA had been providing legal information that were available to the public free of charge. She added that there had been an increased number of lawyers (around 300 lawyers supporting 10,049 citizens since 2010) and legal information, including hate crimes. In addition, she added, MBA had been educating schoolchildren about the culture of lawfulness, performing outreach activities across the region of Lombardy, and designing online services.

Mr. Abdul Jabbar Koubaisy, Director of the Muslim Cultural Centre in Warsaw, thanked all the persons involved in the project and agreed that the three main problems related to hate crime in Poland were the lack of confidence in the police, missing education on diversity, and domestic politics.

Ms. Anna Łukjanowicz, Culture and Education Coordinator at the Muslim Cultural Centre in Warsaw, Poland, listed the activities of the Centre focusing on education and culture treated as hate crime preventive measures. She expressed her opinion that both hate speech and hate crime were a result of upbringing, therefore she organized visits, educational activities and cultural awareness raising events. Then, she described her personal involvement in the victimization research conducted in Poland, in the course of which she acted as a consultant on cultural matters and an interviewer. She noted that the Muslim community in Poland, although very small, was highly diversified. The interviewees displayed different levels of awareness on what constituted hate crime. According to Ms. Łukjanowicz, several reasons for underreporting were uncovered; fear of one's legal status and religious motives being the most important ones. She also said that the Muslim Cultural Centre was able to network with

other organizations dealing with the problem in the course of the project and called for improved cooperation between institutions.

Discussion

Ms. Daphne Kapetanaki, representative of UNHCR in Greece, underlined the importance of synergies between the national, international and refugee institutions in facilitating the civil society organizations that gave voice to the victims.

Mr. Winkel-Boer asked whether the implementers in the four project countries took into consideration measures against hate crimes related to civil and administrative law.

Ms. Belloni replied that she had mentioned education projects implemented by the MBA at schools, which dealt mainly with general aspects of the law.

Ms. Stavrinaki replied that the RVRN tried to address the lack of data and the lack of access to justice and that these activities helped the network to take part in policymaking. The participation of the network allowed them to have an impact on the drafting of the plan for the National Council Against Racism and Xenophobia working under the auspices of the Ministry of Justice. That plan was devoted to issues like education and prevention, apart from criminal law. She added that the RVRN addressed also underreporting.

Ms. Blagorodna Makeva, Deputy Director of the National Police and Chairperson of Equality Committee at the National Police, noted that obtaining legal help was possible in Bulgaria. She underlined that different groups were vulnerable to various extent and that working along the civil society was important to understand these differences. She also said that in case no criminal element could have been established, all state institutions in Bulgaria were obliged to refer the case to a competent administrative body.

Mr. Andriy Chesnukov, Counsellor at the Permanent Mission of Ukraine to OSCE, asked whether the project implementation identified any gaps in addressing hate crimes.

Ms. Łukjanowicz replied that the Muslim Culture Centre had no expertise in law and relied on those who had it.

Ms. Stavrinaki said that in her opinion gaps referred to the practical implementation of the law, rather than the lack of legal provisions.

Ms. Belloni replied that law in Italy functioned, but needed correct application. She also added that the information services provided by the MBA helped in delivering legal aid to the citizens by providing basic information on the requirements to access justice.

Mr. Omolo replied that the motivation of a perpetrator lacked clear definition in the Polish penal code.

Mr. Bodnar added that the biggest problem in Poland was the lack of protection for certain groups. He agreed that the penal code did not specify the bias motivations and applied rather an open system.

Ms. Karayaneva thanked all the panellists and expressed an opinion that civil society and authorities should work together closely to jointly address hate crimes.

Mr. Shekerdjiev added that all OSCE participating States could ask ODIHR to provide legal opinion on criminal code provisions related to hate crime and discrimination. He also said that Bulgaria used such an opportunity during the course of the project.

Panel III: Using the toolkit to jointly address hate crimes on national level

Ambassador Ioannis Vrailas, Permanent Representative of the European Union to the OSCE, moderated the panel. He underlined that implementation of the existing laws is a crucial aspect of the criminal justice response to hate crimes. He stated that addressing hate crimes was a priority for the European Commission and the project enabled to shift a focus to experience sharing among the states.

Mr. Stefano Chirico, Lieutenant Colonel of the Italian National Police at the Observatory for Security against Acts of Discrimination (OSCAD) in Italy, presented OSCAD's work and its statutory aims. He noted that since 2013, the institution has been collecting data on hate crimes on the national level and submitting them to ODIHR for the Annual Hate Crime Reports. This fact influenced the improvement of the OSCAD data collection methodology and provided a good example on how international institutions could provide useful data.

Mr. Chirico also described OSCAD efforts in capacity building. Since 2012, the institution has trained more than 10,000 officers and collaborated with ODIHR on TAHCLE implementation in 2014. In 2017, OSCAD supported ODIHR in project activities related to conducting trainings for the national police officers and the Carabinieri from the Lombardy region. He endorsed the manual on joint training for police and prosecutors, stating that it would help build the capacities and improve the communication between these two professional groups on addressing hate crimes. Mr. Chirico also informed the participants about the upcoming TAHCLE training of trainers refreshing seminar planned in Rome on 27-29 November 2018.

Ambassador Vrailas asked whether the numbers of hate crimes had increased in Italy and whether it were the raw figures or rather the result of better reporting.

Mr. Chirico responded that it was not possible to correlate these factors statistically, but in his opinion, the impulse of participating in ODIHR's annual reports improved the OSCAD's recording mechanism.

Ms. Karen Stevens, Senior Counsel at the Civil Rights Division of the United States Department of Justice, informed the participants that reducing violent crime was one of the top priorities in the U.S. as specified by the Attorney General, who had at his disposal 93 prosecutorial offices across the country, as well as two offices focusing on research and statistics. She explained that raising awareness on hate crimes was a goal for the Civil Rights Division.

She also said that community oriented policing was being developed, with a strong focus on mediation after a hate crime incident occurs. Furthermore, she said that other initiatives, such as bringing together law enforcement and civil society, improving data collection, training and online tools,⁸ had been developed. Ms. Stevens also informed the participants of a large two-year study commissioned at the University of New Hampshire, encompassing 3,000 law enforcement professionals and 250 prosecutors and focusing on hate crimes. She underlined the need to have a strategy to address hate crimes and a monitoring mechanism. She also said that, similarly to the regional approach presented in the project, U.S. authorities are considering launching pilot strategies in various regions of the U.S. She expressed the opinion that the presented toolkit would be beneficial for the U.S. Department of Justice in designing its own policies.

Mr. Benn van Alphen, Project and Community Manager at the International Association of Prosecutors (IAP), presented the IAP and its work. Between 2008 and 2010, the IAP participated in preparation of a practical guide on hate crimes with ODIHR. Within the project, IAP reached out to its members promoting the project activities. Mr. van Alphen expressed his opinion that addressing hate crimes was an essential area of development for prosecutors and a hope that the newly created toolkit will be used. He also expressed hope for future cooperation with ODIHR.

Discussion

Ms. Xenia Dimitriou, General Prosecutor of the Supreme Court of Greece, thanked ODIHR for its assistance in addressing hate crimes in Greece. She expressed her opinion that the criminal law was not enough, and addressing hate crimes should follow a holistic approach. She gave an example of Greece, where a number of initiatives had been recently pursued: trainers on hate crimes had been prepared, cascading of the trainings had started, trainings were given to the students at the National School of Judges, and senior leadership at the Prosecutor's Office had been trained. In addition, Ms. Dimitriou mentioned that she had appointed 24 specialized prosecutors across the country to address hate crimes in all the regions. Moreover, she issued instructions on flagging hate crimes in the criminal justice system. Ms. Dimitriou also informed the participants of the conference about other training initiatives undertaken in Greece, such as trainings on hate crimes against LGBTI persons and hate crimes against labour migrants. Finally, she mentioned a series of human rights training courses delivered by U.S. and Greek prosecutors at schools in Greece. In her opinion, there was need for more synergies and partnerships on addressing hate crimes.

Ms. Stevens informed the participants about the "stop bullying" initiative designed in the U.S. aimed at securing access to education to all the children regardless of their background. She added that this had become important after the 2001 terrorist attacks, when Muslim and Sikh children faced discrimination.

⁸ The webpage www.justice.gov/hatecrimes includes a searchable table of resources for law enforcement, civil society organizations, researchers and the general public.

Ambassador Vrailas repeated the need of further work on addressing hate crimes and thanked all the panellists.

Closing remarks

Ms. Finch, Head of the Tolerance and Non-Discrimination Department at ODIHR, thanked all the participants of the conference. She hoped that the conference and project sent a strong message that hate crimes would not be tolerated. She expressed the need to work together to find solutions, but also the need to support words with concrete actions. She urged the participants to use the newly produced toolkit. Ms. Finch also drew attention to the fact that the project caused many unintended good consequences going beyond its original scope, such as appointment of specialized hate crime prosecutors in Greece or launching the helpdesk activities on hate crimes by Milan Bar Association. She reassured the participants of ODIHR's continuous will to provide support to the participating States. She also informed the participants about the publication of the annual Hate Crime Report for 2017.

Conclusions

Participants of the closing conference of the project "Building a Comprehensive Criminal Justice System Response to Hate Crime" were acquainted with the newly published toolkit, consisting of a manual on conducting joint training for police and prosecutors, a methodology on developing an inter-agency co-operation protocol on addressing hate crimes, an innovative methodology to map unreported hate crimes and guidance on implementing a comprehensive approach to addressing hate crime on a regional level. They also had a chance to exchange experiences and hear about the lessons learned from the participants of the project activities in the four countries.

The overarching themes of the conference revolved around the central idea of building synergies and coalitions to address hate crimes, both on national and international level. Secondly, many participants confirmed the need to involve the civil society on all stages of policy-making and policy delivery. Thirdly, they emphasized the need to focus on implementation and to secure the sustainability of the project results. Moreover, the need to focus on practical implementation of the existing legal provisions was also underlined. Finally, participants agreed that there was a need to construct narratives that would present success stories in addressing hate crimes and build confidence in public institutions.

Several participants expressed strong interest in further engagement with ODIHR on upcoming initiatives.

Basing on the project activities, the representatives of partner institutions proposed the following actions:

- In Bulgaria, the participants of joint police and prosecutors trainings may be engaged in further trainings across the country. Moreover, it was proposed to develop a good

practice of forwarding cases not having a criminal component to the Commission for Protection Against Discrimination to better address the root causes of intolerance.

- In Greece, the signatories of the inter-agency agreement on hate crimes will sign an additional agreement on recording and retaining data. Representatives of partner institutions also proposed further trainings across the country, including medical personnel and the staff of the Ministry of Shipping and Island Policy.
- In Italy, based on the analysis of the judgments of the sentences issued by the Court of Milan, the Catholic University of Sacred Heart convened a focus group aimed at proposing measures to facilitate sorting the files of the Court in the future. More training on hate crimes for criminal justice stakeholders, including data entry clerks, is proposed.
- Also in Italy, hate crime expertise would continue to be included in the activities of the helpdesks run by Milan Bar Association.
- In Poland, the Commissioner for Human Rights will present the results of the survey on unreported hate crimes at a hearing of the Commission for National and Ethnic Minorities of the Parliament of Poland in December 2018.
- ODIHR will continue to provide support to participating States in their work addressing hate crimes, including sharing expertise, and providing training and legal reviews.

Annex 1 – Closing conference agenda

BUILDING A COMPREHENSIVE CRIMINAL JUSTICE RESPONSE TO HATE CRIME

CLOSING CONFERENCE

**VIENNA, 14 NOVEMBER 2018
HOFBURG, RAATSAAL**

- 9:30 - 10:00** **Registration of participants (welcome coffee)**
- 10:00-10:30** **Opening remarks:**
Greta Gunnarsdottir, Senior Political Adviser/Head of Director's Office at ODIHR
Ambassador Luca Fratini, Deputy Permanent Representative of Italy to the OSCE and Chairperson of the Preparatory Committee of the Permanent Council, 2018 Chairmanship of the OSCE
- 10:30-11:00** **Overview of the purpose of the project and presenting the toolkit for a comprehensive response to hate crimes**
Cristina M. Finch, Head of the Tolerance and Non-Discrimination Department at ODIHR
Tome Shekerdjiev, Project Manager at ODIHR
- 11:00-12:00** **Lessons learned from implementing activities in partner countries**
Moderated by the Sami Nevala, Head of Sector Statistics and Surveys, European Union Agency for Fundamental Rights
Sava Petrov, Prosecutor at the International Department of the Supreme Cassation Prosecutor's Office of the Republic of Bulgaria
Maria Giannakaki, Secretary General of Transparency and Human Rights at the Ministry of Justice, Transparency and Human Rights of Greece
Mattia Ferrero, Project Advisor and Lecturer at the Catholic University of Sacred Heart in Milan, Italy
Adam Bodnar, Commissioner for Human Rights of Poland
- 12:00-12:30** **Coffee break**

12:30- 13:30 Best practices of civil society inclusion in policies to address hate crimes

Moderated by Petya Karayaneva, Protection Officer at the United Nations High Commissioner on Refugees, Bulgaria

Tina Stavrinaki, Assistant Coordinator at the Racist Violence Recording Network, Greece

James Omolo, President of Africa Connect, Poland

Silvia Belloni, Councilperson at the Milan Bar Association, Italy

Abdul Jabbar Koubaisy (Director) and Anna Łukjanowicz (Culture and Education Coordinator), Muslim Cultural Centre in Warsaw, Poland

13:30-14:30 Lunch

14:30-15:30 Using the toolkit to jointly address hate crimes on national level

Moderated by Ambassador Ioannis Vrailas, Permanent Representative of the European Union to the OSCE

Stefano Chirico, Lieutenant Colonel of the Italian National Police at the Observatory for Security against Acts of Discrimination, Italy

Karen Stevens, Senior Counsel at the Civil Rights Division of the United States Department of Justice

Benn van Alphen, Project and Community Manager at the International Association of Prosecutors

15:30-16:00 Concluding remarks

Cristina M. Finch, Head of the Tolerance and Non-Discrimination Department at ODIHR

Short reception

Annex 2 – Short biographical notes of moderators and panellists

Lessons learned from implementing activities in partner countries

Mr. Sami Nevala is the Head of Sector for Statistics and Surveys at the European Union Agency for Fundamental Rights. His areas of expertise include survey research management, statistical analysis and data quality, as well as violence against women. During the project, Mr. Nevala shared FRA's experience and provided his outlook on the victimization survey conducted in Poland.

Mr. Sava Petrov is the Prosecutor at the International Department of the Supreme Cassation Prosecutor's Office of the Republic of Bulgaria. Serving as a focal point for the project activities conducted in Bulgaria, Mr. Petrov was instrumental in conducting the three joint police and prosecutor trainings in Sofia, Plovdiv and Veliko Tarnovo. Mr. Petrov contributed significantly to the design of the training manual for police and prosecutors intended for Bulgaria.

Ms. Maria Giannakaki is the Secretary General of Transparency and Human Rights at the Ministry of Justice, Transparency and Human Rights of Greece. She is also the Chair of the National Council against Racism and Intolerance. Ms. Giannakaki, representing ODIHR's partner in Greece, was leading the coordination effort that led to signing of the inter-agency agreement on addressing hate crimes.

Mr. Mattia Ferrero is the Project Advisor and Lecturer at the Catholic University of Sacred Heart in Milan, ODIHR's main project partner in Italy. Mr. Ferrero served as a contact point for all the project activities implemented in the Italian region of Lombardy, including the trainings for prosecutors, analysis of court judgments and trainings for lawyers and civil society on hate crimes.

Mr. Adam Bodnar is the Commissioner for Human Rights of Poland. Mr. Bodnar, a PhD holder in Law, has been extensively involved in the work of the civil society sector in Poland prior to taking his office. In 2018 he received a prestigious Professor Thorolf Rafto Memorial Prize. He supported the design and implementation of the victimization survey in Poland and hosted the presentation of its results.

Best practices of civil society inclusion in policies to address hate crimes

Ms. Petya Karayaneva is the Protection Officer at the UNHCR in Bulgaria. She has been involved in UNHCR work since 1999 and previously worked with the Bulgarian Helsinki Committee.

Ms. Tina Stavrinaki is the Assistant Coordinator at the Racist Violence Recording Network (RVRN) in Greece. The RVRN is a network of 45 civil society organizations joined together in reporting hate crimes under the same platform. The RVRN was a member of the working group and provided invaluable contribution from the civil society to the inter-agency agreement on addressing hate crimes.

Mr. James Omolo is the President of Africa Connect Foundation and the Vice-President of PADLINK (Persons of African Descent resource centre). As a civil society activist, Mr. Omolo actively works to address hate crimes against persons of African descent. He contributed to the victimization survey that ODIHR conducted in Poland.

Ms. Silvia Belloni is the Councilperson at the Milan Bar Association (MBA) in Italy. The MBA supported the project by providing premises for the trainings for lawyers and civil society organizations working with victims of hate crimes in Milan. Moreover, inspired by the project, the MBA considers including hate crimes as one of the subjects of its free legal helpdesk in Milan.

Mr. Abdul Jabbar Koubaisy is the Director of the Muslim Cultural Centre in Warsaw. Along with Ms. Anna Łukjanowicz, who is the Culture and Education Coordinator, he represents one of the main Muslim institutions in Poland, which helped to reach out to the Muslim community in order to participate in the victimization survey in Poland.

Using the toolkit to jointly address hate crimes on national level

Ambassador Ioannis Vrailas is the Permanent Representative of the European Union to the OSCE and the Deputy Head of the Delegation. Mr. Vrailas is a Greek diplomat with extensive experience in issues related to international security.

Stefano Chirico is the Lieutenant Colonel of the Italian National Police at the Observatory for Security against Acts of Discrimination in Italy. OSCAD provided ODIHR with its expertise and support when planning and conducting the trainings for the State Police and the Carabinieri in Italy.

Ms. Karen Stevens is the Senior Policy Counsel at the Civil Rights Division of the U.S. Department of Justice. She is the National Point of Contact on Hate Crime for the United States.

Benn van Alphen is the Project and Community Manager at the International Association of Prosecutors. Mr. van Alphen secured the support to the project's activities and contributed to the overall visibility of ODIHR's project work within the prosecutors' community.

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