

MAKE HATE CRIMES VISIBLE

**FACING
FACTS**

**Guidelines for Monitoring of
Hate Crimes
and Hate Motivated Incidents**

November 2012

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Partnership
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INTRODUCTION

Why guidelines for data collection and reporting on hate crime?

Collecting data, analysing it and reporting on hate crime can provide communities and Civil Society Organisations (CSOs) with a powerful tool with which to present their concerns to government, law enforcement, media and others. Credible data provides the facts needed to advocate for improved public policies to prevent and combat hate crime as well as for services that respond to the needs of victims.

Today across Europe there are huge differences in how data is collected, verified and how CSOs report on hate crime. The diversity of approaches and methodologies is rich but challenging at the same time. This is especially true when trends across countries need to be compared with the aim to design European policies and to encourage EU Member States to push for better national policies.

The following *Facing Facts!* guidelines provide CSOs with methodological advice on how to collect data on hate incidents, how to verify and classify the collected data, and how to report hate crime and hate-motivated incidents. By no means do the guidelines pretend to impose the only possible way of how data can be collected or how hate crime should be reported. *Facing Facts!* draws upon the rich experience of CSOs which have been active for many years in combating hate crime and engaged together in an in-depth reflection about their way of working, the lessons they have learned in the past years and how they can improve further.

CHAPTER 1 - DATA COLLECTION AND VERIFICATION

CSOs are encouraged to report on hate crime in their countries in order to fill the gaps left by governments or to provide a more complete perspective to determine prevention and intervention services. For data on hate crime to be used by governments and their criminal

justice agencies, it should be presented in a way that is compatible with criminal justice standards if it is to be credible. Data collection must therefore rely as much as possible on direct evidence which may also be used for subsequent investigation or verification.

1.1 Standards and guidelines for data collection

The speed with which news of hate crime can spread within communities is one reason why accurate and speedy reporting and recording is so important. It only takes a small number of media news reports of hate crimes against a particular community to generate the sense that a particular group is being targeted. Yet without firm data, it is impossible to know whether a perceived growth reflects an actual increase. If there is an increase, firm data is needed to know where and when the hate crimes take place, what forms they take, and therefore what the policing and community response ought to be.

Data sources might be:

- Victims;
- CSOs who provide reports on hate crime where the victim is unable or unwilling to report an incident in person (known as third party reporting);
- Friends and relatives of a victim;
- Police;
- Newspaper articles and radio and television news items.

Depending upon the needs and resources of the victim group(s) and the risks associated with their coming forward with a complaint, CSOs need to think through the various implications for setting up one or more of the following mechanisms for receiving reports of hate crime incidents directly from victims.

- On-line reporting forms with option of anonymity
- Phone hotline
- Face-to-face meetings

All data collection systems require CSOs to be thoroughly prepared to respond to victims' needs at their level of direct contact with them, and provide the training needed for personnel/volunteers accordingly. More on victim support can be found in Chapter 6 of these Guidelines.

With credible data collection mechanisms, useful reports and an experience of good cooperation between CSOs and law enforcement, the processes of sharing data can be institutionalised through formal contractual agreements. Data sharing agreements allow police to share information on a hate crime, the victim/s and perpetrators. Examples include: a generic data sharing protocol developed by the Association of Chief Police Officers (ACPO), the national police umbrella body in the UK, variants of which have been signed between the CST and the Greater Manchester Police Authority, and Hertfordshire Constabulary; a protocol signed by the government of Catalonia to enable them to share information with local CSOs.

1.2 Data Collection Process

Data collection requires that people actually report their incidents, even anonymously. But for this they need to know about the service, point of contact, and trust that their privacy and pain will be respectfully dealt with. For some victim groups the infrastructure of their community service organisations is well-developed and therefore the challenge of “advertising” the service need not be complicated. However, for some communities, contexts, and perhaps a new CSO, the hardest step might be the first: building trust and motivating victims to report their experience.

- **Advertising** the way to report incidents (hot line, website, center) by leafleting, posters in community centres, media adverts, speaking at community centres and to community leaders. Also, communicate the service with the police and begin requesting that the police share data. Advertising should not alarm communities but it should be factual.
- The **use of pro forma reporting forms** is recommended to enable all relevant information to be captured and retained. Pro forma forms enable accurate classification, and analysis according to the type of hate crime.
- **Reports should be verified**, and witnessed if possible. For example, witnesses to a hate crime should be asked for their perceptions, in addition to the victim themselves. Press and other media reports alone are not sufficient on their own; they should be followed up by interviewing the victim/s, or witnesses.
- Where possible, reports might be discussed with the police, to ensure that they have a **record of the crime** (and recognise its bias nature), and to identify additional relevant information, e.g. information that is lacking from victim’s reporting, any similarity to other crimes, identification of perpetrators.
- Hate crime does not happen in a vacuum. **Incidents of a non-criminal nature** should therefore also be gathered, and analysed. They may indicate a new or developing problem, e.g. the arrival of a racist group in an area. Incidents may also lead to crimes, if the perpetrators are not investigated and deterred.
- **Photographs** should be taken, dated and subject matter identified, where possible.

1.3 Classification of data

Data should be classified according to the type of hate crime or incident (see Chapter 2). Data classification enables trend analysis, i.e. to establish if hate crime is rising, falling, static, regionalised, national. For example, UK data on Antisemitism is not presented in isolation but with previous years' data, and by type, to present trends, which presents a complete picture rather than a snapshot.

There is a direct relationship between the individual incident form, on which the information received from a victim or other source is immediately recorded, and the system of data classification. All of the information found on the incident form can also be found in data reports that allow for the isolation and analysis of data after a period of time. Some of these classification fields will be found common across community groups, and some may well be adapted to specific social/cultural context. The national context and the way in which law enforcement is organised will also impact the classification fields, such as the division of a territory into regions. If the victim had contact with the police already, it would be important to ascertain crime reference numbers and the identity of an investigating police officer.

It is important to have clarity about the bias indicators which the CSO will work with and develop a set of questions that will help to answer the question: was this crime or incident motivated by bias? If incidents fall into several categories, e.g. be motivated by both religious and sexual bias. Both categories should be recorded and an explanation provided.

CHAPTER 2 - CATEGORISATION OF INCIDENTS AND BIAS INDICATORS

A **hate crime** (or bias crime¹) is a criminal act motivated by bias or prejudice towards particular groups of people. A hate crime therefore comprises two distinct elements:

- It is an act that constitutes an offence under criminal law; and
- In committing the crime, the perpetrator acts on the basis of prejudice or bias.

A bias or hate crime/ hate-motivated incident can be based on one of the following **motivations**: race/ethnicity, religion, nationality, age, disability, sex, sexual orientation, gender identity. Legal definitions of hate crime vary a great deal from one State to another and do not necessarily include all violent acts based on the motivations mentioned above. The perpetrator of a hate crime or hate motivated incident selects the victim based on the victim's membership or perceived membership of a particular group.

A **hate-motivated incident** is an act that involves prejudice and bias of the sort described above but does not amount to a crime.

Although hate-motivated incidents do not always involve crimes, such incidents often precede, accompany or provide the context of hate crimes. The incidents can be precursors to more serious crimes. Records of hate-motivated incidents can be useful to demonstrate not only a context of harassment, but also provide evidence of escalating patterns of violence².

To assist CSOs in setting up a structured data collection and reporting system on hate crimes and hate-motivated incidents, this chapter provides:

- A list of different **types of incidents** that may qualify as hate crimes or hate-motivated incidents
- A set of **bias indicators** that signal that a case may involve a hate crime and which should trigger further investigation about the motive for the crime.

2.1 Types of incidents

Ideally, a proficient reporting system on hate crimes and hate-motivated incidents should include both actions that are punishable by law and abusive actions that fall into a grey area of threats and intimidation that are not necessarily a punishable criminal act. Where possible, these should be clearly defined and separated from each other.

It is equally important to keep in mind that the categories of incidents should broadly correspond to crime types so that the crime element of hate crime is always clearly recorded. This will help in negotiations with the police about accepting CSO data as a measure of prevalence and help with gathering information that might be used as evidence for individual victim's cases.

The different types of incidents ('murder', 'serious physical assault', 'assaults') can take place in a range of settings including in public, in someone's home (domestic violence) and in institutions (for example against people with disabilities).

¹ Bias has a broader meaning than hate, and a bias motive only requires some form of prejudice on account of a personal characteristic. Bias can be felt in respect of a person, or a characteristic or an idea (where the victim symbolizes that characteristic or idea).

² Adapted from Hate Crime Laws, a practical Guide, The Office for Democratic Institutions and Human Rights, <http://www.osce.org/odihr/36426> p. 16

Types of incidents

Category	Sub-category	Description
Homicide		<ul style="list-style-type: none"> Any attack on a person that causes loss of life.
Extreme physical violence	Serious bodily harm	<ul style="list-style-type: none"> Any attack on a person that potentially causes serious physical harm. Any attack on property, for example by arson or petrol bombs, where there is the potential for people in the property to be killed, for instance if the building is inhabited or occupied at the time of the attack. Bombs, including letter bombs. This includes any viable device that either detonates or is defused, and therefore was life threatening. It also includes any device which is assessed to have been intended by its sender to be viable, even if after analysis it is found that it was incorrectly constructed and therefore would not have gone off. Kidnapping. Shooting. Attack by weapon or any other object that can be used to harm.
	Sexual assault	<p>An act of sexual violence can be committed by the victim's partner (married or not), previous partner, family member or co-habitator</p> <ul style="list-style-type: none"> Rape⁴. Sexual assault⁵. Sexual exploitation by a helping professional, i.e. sexual contact of any kind between a helping professional (doctor, therapist, carers, teacher, priest, professor, police officer, lawyer, etc.) and a client/patient. Sexual harassment, including unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature. Stalking, including repeated undesired contact (phone calls, emails, letters, show up unexpectedly, etc.), following or laying in wait for the individual, making threats to the individual or her/his family.
Assault		<ul style="list-style-type: none"> Any physical attack against a person or people, which does not pose a threat to their life and is not serious. This would include lower level assaults. Attempted assault which fails, due to self-defence, or if the victim runs away. Throwing of objects at a person or people, including where the object misses its target.

⁴ Rape can be defined as forced sexual intercourse, including vaginal, anal, or oral penetration. Penetration may be by a body part or an object. Rape victims may be forced through threats or physical means. Anyone may be a victim of rape: women, men or children, straight or gay.

⁵ Sexual assaults can be defined as unwanted sexual contact that stops short of rape or attempted rape. This includes sexual touching and fondling.

<p>Damage to Property/</p>	<p>Attack against property, including desecration</p>	<ul style="list-style-type: none"> • Any physical attack directed against property, which is not life-threatening. This would include any form of desecration. This includes also the daubing of abusive slogans or symbols, or placing stickers or posters on property (e.g. swastikas on Jewish property), including graffiti, or damage caused to property, where it appears that the property has been specifically targeted because of its perceived connection to a targeted community. • Damage to cars or other personal property belonging to members of a targeted community, where it is apparent that they have been targeted for this reason.
	<p>Arson</p>	<ul style="list-style-type: none"> • Arson attacks on property where there is no threat to life, for instance if the building is uninhabited at the time of the attack. • Failed attempts, for instance attempted arson where the fire fails to catch or the arsonist is disturbed
<p>Threats and/ or ? psychological violence</p>		<ul style="list-style-type: none"> • Any clear and specific threat, whether verbal or written. If the threat is not clear and specific then the incident should be recorded as Abusive Behaviour. • Any 'bomb' which is assessed to be a hoax. This would include something that was designed to look like a real device but not intended to be viable, for instance if it does not contain any explosive material. • Stalking, including repeated undesired contact (phone calls, emails, letters, show up unexpectedly, etc.), following or laying in wait for the individual, making threats to the individual or her/his family. • Blackmailing to divulge publicly (or to family members or at work) that a person belongs to a certain target group (e.g. LGBTI). • Restriction of freedom (e.g. locking up a person). • Defamation (e.g. outing the LGBTI identity of someone or his/her belonging to a certain religious group; his/her disability). • Bullying (e.g. at school, at work place).
<p>Hate Speech</p>	<p>Public hate speech</p>	<ul style="list-style-type: none"> • Public hate speech e.g. by politicians
	<p>Cyber Hate</p>	<ul style="list-style-type: none"> • Hate speech channelled via the internet and social media

	Abusive behaviour	<p>This type of behaviour may often fall short of being a criminal offence, however it is important to monitor.</p> <ul style="list-style-type: none"> • Verbal abuse, whether face-to-face or via telephone or answer phone messages. This includes abuse that is mistakenly directed at, or overheard by, people who are not members of the targeted community. • Written abuse, including emails and text messages, as well as targeted letters (that is, those written for and sent to a specific individual). This includes written abuse about a targeted community that is sent to people who are not members of that community. This is different from a mass mailing of abusive leaflets, emails or other publications, which is dealt with by the separate Literature category. • Abusive graffiti or stickers on property that is not connected to the targeted community. Where it is clear that a group of stickers or cases of graffiti were done at the same time and by a single perpetrator, they are recorded as a single incident.
	Literature and Music	<ul style="list-style-type: none"> • Mass-produced abusive literature that is sent to more than one recipient. This covers mass mailings rather than individual cases of hate mail, which would come under the category of Abusive Behaviour or Threats (depending on content). • Literature that is abusive in itself, irrespective of whether or not the recipient is from the targeted community. • Incidents where people are specifically targeted for malicious distribution, even if the material itself is not abusive against their community. This would include, for instance, the mass mailing of neo-Nazi literature to Jewish homes, even if the literature did not mention Jews. • Abusive emails sent to specific people or organisations who, for instance, are members of email lists or online groups. This does not include material that is generally available on websites. • Each mass mailing of literature is recorded as a single incident, rather than recording each different victim as a different incident. However, if the same literature is sent on more than one occasion, then each occasion will be recorded as a separate incident.
Discriminatory incidents		<p>Any form of discriminatory incidents which are not considered to be a hate crime.</p>

2.2 Bias indicators

Bias indicators are objective facts that should be considered in determining the presence of a bias crime. They do not, in themselves, confirm that any incident was a hate offence. However, a bias indicator provides an indication that further investigation with a view to establishing the motive may be required. It is vital to record this information in order to evidence the possibility that an incident was bias motivated. Without this information, investigators are unlikely to take the allegation seriously and international organisations will not report it. This is also important for the purpose of data collection.

In general, it is important to underline that when CSOs prepare a legal case to be brought before a jurisdiction which has hate crime legislation, attention should be paid to the required legal standards and indicators. When a bias hate crime is not covered by legislation, CSOs need to decide on their bias indicators independently from legislation. In such a case the following list of proposed indicators may provide useful guidance.

The following preliminary remarks are important to understand and use the proposed list of bias indicators correctly:

- While it is very important to take a victim's perception of the incident into account, CSOs (and investigators) must be aware that the victim may not recognise the incident as having been motivated by hate or bias. Equally, it is not essential to determine whether the victim is actually a member of a targeted group when identifying bias indicators. The issue of concern is the offender's motive based on his or her perception of who the victim is. Therefore it is important to look for evidence of bias, as opposed to evidence of the characteristics of the victim that s/he belongs to a certain target group/community. Simply stating that the victim belonged to a protected group is not sufficient for the incident to be classified as a bias crime⁶.
- Hostile expressions against members of a certain community may change over time. Also, the nature of hate crime intelligence may not be as obvious as that concerning certain areas of criminality (such as burglary or robbery), and the danger comes when indicators are misconstrued or not interpreted properly. Therefore, it is important for CSOs to remain in close consultation with possibly affected communities to equip CSOs with an understanding of how different groups can be targeted. This includes remaining familiar with the language that is currently being used to express hostility and prejudice against particular groups. Listening to and acting upon all sources of information is also vital to ensure the proper interpretation of hate crime/bias indicators.
- If in a given case only one bias indicator can be detected, the lack of other bias indicators may indicate that no bias hate crime was committed. For example if in a place of worship (e.g. a synagogue or a mosque) or any other place important for certain communities (e.g. gay meeting venue) a theft has happened, and there is no other evidence of bias, it may be that in this given case only a theft has happened.
- It is also important to underline that the perpetrator may also belong to the public authority, e.g. police force, law enforcement agent, etc. In this respect public authorities have a particular responsibility.

For all these reasons, the proposed list of bias indicators has to be understood as an open and indicative list.

⁶ For example, this case, although it may be a very serious bias crime, may not be classified as such because bias indicators such as victim perception and words stated at the time were not included: On April 6th Angela, a transgender was violated by a person with unknown identity, behind the National Theatre of Opera - location where most of transgender community offer sex on payment. The person hit her, punched and wounded with a knife.

Bias indicators	Questions that can help determine if a bias indicator is present
Victim perception	Does the victim perceive that the incident was motivated by bias? Keep in mind that the victim does not always understand that s/he may have been victimized in a bias-motivated attack. Victims often search for other reasons to explain an attack because their group membership represents an aspect of themselves that is not generally possible to change; they will forever be identified as a member of that group and therefore vulnerable to attack.
Witness Perception	Does the witness perceive that the incident was motivated by bias? Victim perception and witness perception may be different. Both need to be considered.
Difference between suspect and victim in terms of racial, religious ethnic/national origin, gender, sexual orientation, etc.	<p>Do the suspect and victim differ in terms of racial, religious, ethnic/national origin, gender or sexual orientation?</p> <p>Is the victim is a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred?</p> <p>Has the victim recently moved to the area in which the incident took place?</p> <p>Is there a history of animosity between the victim's group and the suspect's group?</p> <p>Was the victim engaged in activities of his/her group at the time of the incident?</p> <p>Is the victim, although not a member of the targeted group, a member of an advocacy group that supports the victim's group, or was the victim in the company of a member of the targeted group ?</p> <p>Is the victim associated to a member of the targets group (e.g. married to a member of the targeted group, or a family member of the member of the target group)?</p> <p>Is the victim's religious/ national origin/ sexual orientation/disability, etc. publicly known?</p>
Location	<p>Was the victim in or near an area or place commonly associated with or frequented by a particular group (e.g. a community centre, or a mosque, church, synagogue, or other place of worship; a religious cemetery) or in an informal meeting place for certain communities (e.g. an LGBT bar, venue)?</p> <p>Did the incident happen near locations related to the perpetrator's group (e.g. headquarters of extremist organisations) or any hot spots for hate crimes?</p>
Timing	<p>Did the incident occur on a date of particular significance for the target group of the victim (e.g. religious holiday or ethnic celebration national day; day of LGBT pride march)?</p> <p>Did the incident occur on any significant date for the perpetrator's group or on a date that the perpetrator considers as related to the victim's target group (e.g. Gaza war; 11th September; release of certain types of media messages at the time of the offense)?</p>
Language and word used, including written statements, gestures, graffiti, visible signs of the suspect	<p>Did the suspect make comments, written statements or gestures regarding the victim's background?</p> <p>Were drawings, markings, symbols or graffiti left at the scene of the incident?</p> <p>If the target was property, was it religiously or culturally significant, such as a historical monument or a cemetery?</p> <p>Did/does the suspect wear any visible sign (tattoo, clothes, haircut) to deduce his/her membership to a specific group opposed to the target group of the victim?</p>
Organised hate groups	<p>Were objects or items left at the scene that suggest the crime was the work of paramilitary or extreme nationalist organisations?</p> <p>Is there evidence of such a group being active in the neighbourhood?</p> <p>Did any organized hate group claim responsibility for the crime?</p>
History of previous bias crimes/incidents	<p>Is there a history of similar incidents in the same area?</p> <p>Has the victim received harassing mails or phone calls or experienced verbal abuse based on his/her affiliation or membership of a targeted group?</p> <p>Has the victim been blackmailed that his/her affiliation to a target group will be made public (e.g. the victim's identity as LGBT)?</p>

In case of attacks against property	Is the attacked/damaged property in a structure or location that belongs to communities that face discrimination (e.g. place of worship; school attended by a specific community; meeting venue of a community, such as LGBT venue/bar)? Has the property any religious or other symbolic importance for a particular community or is a centre of community life?
Offender Characteristics	Does the offender have a history of previous incidents/crimes with a similar modus operandi and involving other victims of the same race, religion, ethnicity/national origin, disability or sexual orientation? Does the offender have a prior history involving hate motivated conduct? Is the offender a member of, or associates with members of, an organized/less organized hate group? Does the perpetrator, in post-arrest statements or in the commission of the crime, recognize the victim to be a member of a target group?
Degree of violence	Was the degree of violence used against the victim particularly intense?

Common factors in disability hate crime cases⁷

An overview of disability hate crimes reveals a common trend of extra factors, in addition to the offence itself, such as:

- there have usually been previous incidents;
- opportunistic criminal offences become systematic and regular targeting, either of the individual victim or of their family/friends, or of other disabled people;
- perpetrators are often “friends”, carers, acquaintances, neighbours etc.;
- incidents escalate in severity and frequency;
- multiple perpetrators are involved in incidents condoning and encouraging the main offender(s) - often filming on their mobile phones and sending pictures to friends/social networking sites, YouTube etc.;
- false accusations of the victim being a paedophile or “grass”;
- sustained attacks, excessive violence;
- cruelty, humiliation, degrading treatment, often related to the nature of the disability for example blindfolding someone who is profoundly deaf, destroying mobility aids etc.

Common erroneous assumptions in disability hate crime cases

It can't be disability hate crime because:

- the offender is the victim's carer;
- the offender is disabled too;
- the offender has assaulted other people and they weren't disabled;
- the victim was just in the wrong place at the wrong time;
- the victim isn't in fact disabled;
- the offender was motivated by drink and anger;

None of these factors rules out a disability hate crime. Erroneous assumptions can lead to prosecutors overlooking or misinterpreting information / evidence that is before them, or failing to look for that evidence.

⁷ Source: CPS Guidance on disability hate crime: http://www.cps.gov.uk/legal/d_to_g/disability_hate_crime/#a07

CHAPTER 3 - REPORTING HATE CRIME

Reporting on hate crime is a crucial factor in understanding prejudice against certain communities and in empowering them to proactively tackle the problem of hate crime. Hate crimes are not the only factor contributing to a community's sense of fear, belonging and future; it is likely only the "tip of the iceberg" built on stereotypes, prejudice, discrimination and cultural oppression. The role of the media on public perception of the community may have a strong impact on the escalation process towards hate crime, or it can also be an ally in raising public awareness.

Hate crime reporting is a crucial step for CSOs to advocate for change. The target groups of the report(s), the quantity and quality of the data collected, the social and political

context, and the resources available to the CSO will influence the form and content of report(s); and vice versa. Reporting goals can have an influence on the kind of data collection and data classification systems that are put in place.

First and foremost, CSOs reporting hate crime must understand relevant legislation: whether this is local law, or international instruments and agreements that their governments are committed to. CSOs should also aim to develop their own expertise in understanding local legislation and meeting its requirements. This will be key for classification of data, for criminal prosecution, and for advocating for legislative change.

3.1 Standards/guidelines for setting up a consistent reporting system

Communities and CSOs should ensure that their recording mechanisms, analytical categorisations and published data are of an appropriate standard. The following issues need to be addressed and working protocols agreed:

- **Victim confidentiality:** what victim details will be shared within the community's reporting structure and communal leadership? Furthermore, what details will be given to government, police, media etc.? Will victims be required to sign agreement that their details are passed on to third parties?
- **Legal complications:** what are the legal complications that may arise from reporting within any given jurisdiction? For example, what data protection and freedom of information issues does the victim and community reporting group face? Other examples include:
 - ☑ Is the CSO potentially compelled to divulge all victim details to a court of law and relevant lawyers?
 - ☑ Do victims need to give approval for their phone calls to be recorded?
 - ☑ If the community group or a victim identifies someone as racist/ antisemitic/LGBTI phobic, etc., what protection do they have if challenged for libel?
 - ☑ If a victim provides a photograph (of damage, graffiti or personal injury), can this be shown to third parties? Who holds the rights to the photograph?
 - ☑ If the group makes a public report: what victim's details can or cannot be divulged? How can this confidentiality be protected? For example, if the only synagogue in District X reports an attack, but does not wish this to be publicised – how can it be included (or its identity masked) in a public report or communication with government, police etc?

- **Clarification of purpose:** victims need to know what they can and cannot expect from the reporting process. They need to appreciate what the CSO that is reporting can and cannot do for them. The community/ies as a whole, need(s) to understand the reporting group's goals and methodology. There is little point in community leaders investing in a reporting process if it only has short term impact, with victims losing trust in the project's processes and motivations (such as political or financial).
- **Staff training:** every aspect of the reporting requires the community group to have sufficient training to do the job.
 - ☑ Staff dealing directly with victims may be exposed to traumatic experiences and to victims who are themselves traumatised or otherwise psychologically disturbed. Reporting groups have a duty of care to their staff (be they voluntary or paid) and also to victims. Staff should know what agencies (beyond law enforcement) are locally available to help victims. Staff should also appreciate their own professional and legal limitations in what support and care they can provide for victims.
 - ☑ Staff responsible for report writing, categorisation and analysis need training in how to do these tasks.
 - ☑ Primary reports and any subsequent summaries must be as accurate as possible.
 - ☑ Categorisation must be accurate and consistent.
 - ☑ Analysis must be rigorous and consistent.
 - ☑ Written reports and their presentation to government, media, community leaders etc should be sober. Where necessary, they should be contextualised by reference to other factors, for example: overall quality of life, reference to evidence of discrimination, overall crime rates, hate crimes against comparable communities, government and law enforcement initiatives etc.
 - ☑ Staff must agree to respect the confidentiality of victims; and any other necessary element of their work.

3.2 Monitoring the analysis process, the social context and reporting rates

The longer a consistent reporting system is maintained, the more reliable and cross-comparable its results are likely to be. This is important as reporting rates need to be understood so that escalations (or reductions) can be identified and mitigated against.

Communities should strongly consider asking victims where they heard about the reporting process and what encouraged them to use it. Anecdotal evidence is also useful in this regard. For example, when meeting someone who is regarded as a public advocate for a minority group, does s/he say that s/he has suffered hate crime (e.g. a leading imam, or a spokesperson or public activist for a Roma community)? If they did suffer hate crimes, was it ever reported and to whom?

When trying to identify **reporting rates**, the following should be considered:

- Are there any **relevant opinion polls or population surveys** suggesting what percentages of respondents suffer crime or hate crime; and what percentage of victims actually report to police or any other party? Do these studies suggest means of identifying who does and does not report, and why, and what can be done to encourage better reporting?
- **Public meetings and anecdotal evidence** are also useful in assessing the reporting rate.
- Are there any **relevant local or international data** showing hate crime trends (especially in places with similar socio-political characteristics)? For example, is there a town or community where statistics and reporting mechanisms are relatively well developed, that may provide insight into the experiences of another location or community: either to show what reporting techniques could be applied, or to suggest how complete / incomplete local procedures are. Trend patterns may often be seen in places with similar characteristics to the community in question.
- **Honesty in regard to the success (or failure) of publicity** for the reporting process. Has the process been publicised (either directly, or indirectly as a consequence of high profile news events) and can any correlation be discerned between the publicity and the number of reports received?
- Is there any way of understanding **how much confidence the community has in the reporting process**, or in working with local law enforcement? High confidence in the reporting process will enhance reporting rates. High confidence in local law enforcement could cause victims to contact police rather than the community mechanism. High confidence in the community's relations with local police could cause an escalation in reporting to either or both parties.
- What **communal dynamics** may affect reporting rates? Is there a societal, political, economic, geographical, cultural, religious, linguistic, sexual or other reason as to why victims may not wish to report to the community mechanism? How can this be mitigated?

3.3 Target group(s) of reporting

The purpose of the completed report (be it daily, monthly, annual or even occasional) is to enable communities, government, law enforcement, media, etc to better understand what is happening and to react accordingly.

Not all target audiences can be reached by the same approach. Nevertheless, in general, a summarised version of the report will suffice for most needs and then the complete report can be utilised as necessary.

Victim community: the report should be empowering for the victim community. It should give them a better understanding of what they are facing and provide a valuable tool for constructive engagement with all relevant third parties. It should enhance the respect of others for the victim community and its needs. It is important, however, that the community knows what image it wishes to project and that the report and discussions reflect that. For example, if a minority community does not wish to be defined primarily by hate crime victimhood, then it will need to stress positives at the appropriate times. For example, if media coverage of a minority community mainly occurs when it suffers hate crime, or issues hate crime reports, then the minority community may feel that it needs to promote something more positive about its daily life experience.

Government and public authorities (local, regional): even if government is ultimately unable to stop the vast majority of hate crimes from occurring, the publication of the report provides an opportunity for victim's experiences to be acknowledged; and, for sincere solidarity to be expressed with the victims. This is important for communal morale and the setting of standards, whereby society as a whole is told that the target group is an integral part of the body politic and will be protected as such. Crucially, the report should provide an evidential basis upon which government can take concrete steps, such as helping communal security measures and encouraging better police and prosecution responses. In particular, proper reports should help end the situation whereby some governments and police actually deny that the minority group suffers any hatred whatsoever.

Police and other law enforcement bodies: the report should enable police to better allocate resources for the victim community, regarding crime prevention, crime investigation and the raising of communal confidence and cross-communication.

Media: the report should provide an opportunity (a 'media hook') for the community's concerns to be heard and for others to publicly express support for the victims. Over time, subsequent reports will help improve the media's understanding of the issues. It may also enable victim communities to discuss directly with media representatives in cases where they feel that media coverage of the victim community is increasing hate crimes. (On occasion, perpetrators even refer directly to specific newspaper articles or broadcasts.)

3.4 Report structure

The structure and content of a report will be influenced by the target group as explained above, by the kind of data available, and by the current relationship between the CSO and authorities within the actual social context. A CSO operating in a hostile context without official recognition by authorities, with or without a systematic data collection system in place, may be producing a different kind of report than an CSO representing a well-recognised community with data sharing agreements in place with law enforcement.

What are the goals of the report? To press for political change? For changes in law enforcement policy? To raise public awareness of the community's experience? To raise international awareness abroad in an effort to get external support for a community which is isolated in the national context?

In a situation where there is a lack of quantitative information, it is still powerful to produce hate crime reports that use case studies and provide narrative analysis. Reports can be highly effective with a combination of sources such as anecdotal evidence juxtaposed with survey results, shadow reports, academic input, international agency reports, etc.

Ultimately, hate crime reports are dealing with terrible things experienced by real people likely within a context of accumulated experiences of prejudice and discrimination by those same individuals and the communities to which they belong. The human dimension of the report must never be forgotten. The result should be that people care deeply about what happens.

There are also many risks to credibility that need to be considered in advance. Exaggeration, lack of substantiation and compromising data privacy will have serious consequences for an CSO's credibility long-term, for relationships with authorities and communities, for withstanding eventual legal challenge and finally for achieving recognition for the victims of hate crime.

It is recommended to remain always constructively critical with a view to relationship building and provide as much cross-referencing as possible to government obligations such as national and international agreements.

The analysis of the data and placing that within the wider social context is the obligation and opportunity of the hate crime report.

In a context in which quantitative data is available, and even where it is not, the following recommendations could be helpful in considering the structure of the report.

- ☑ Summary page showing **total number of incidents** and how this compares with previous years. This may well include a small number of specific hate crime summaries to show that each statistic is actually a hate crime involving real victims.
- ☑ Summary page showing **daily, weekly, monthly and/or annual totals**. If possible, individual categories should also be broken down in this manner.
- ☑ **Graphs, bar charts, pie charts**, etc showing trend lines, key dates and events, victims per capita, victims by sex and age, perpetrators by sex and age and colour etc.
- ☑ **Photographs** of different types of incidents, victims and/or perpetrators. Or, images showing discourse supportive of either the victims or perpetrators. All of this makes the report more reader friendly and interesting. (Note, it also risks making it appear less academic, so images need to be chosen sensitively.)
- ☑ Pages showing **types of specific incidents**, placed together by category or timeframe.
- ☑ An explanation of what constitutes a hate crime is to be included in the report. It is also important to explain what does not constitute a hate crime and is not included in the report. Reports may, however, also include the total number of non-hate crimes reported by victims: thereby enabling readers to see that the reporting group is scrupulous in its application of categorisation and analysis; and also to see how many calls, emails etc the group is dealing with each day / week / month/ year. If the report sub-divides hate crime into categories, then these also need explaining.
- ☑ Reports can **sub-divided in many different ways**. For example, victims can be categorised by age, sex, location (e.g. school, synagogue, street, home), geographical area, visibility of victim (e.g. “identifiably” Muslim, Roma, etc.), time of day, time of year (religious festival, public celebration etc). Perpetrators can also be categorised: by their gender, age, (apparent) ethnicity or religion, what they say / write etc. Similarly, assessments may be made as to whether the perpetrators set out with a particular mission or target in mind: or if the hate crime was more coincidental than that (such as an argument between car drivers, in which hate language is directed against the victim).
- ☑ Reports could also include more **general data** to add context. This could show other polling on relevant issues, crime data etc. It could explain the history and current overall situation of the victim community. It could list successful legal actions pursued, or government commitments made, etc.
- ☑ If the community has a particular spokesperson or advocate or support organisation in mind when issuing the report, then it is important that this advocate is happy with the report’s content and appearance. Indeed, such a person should be consulted early in the process to ensure that they have commitment to the project.

CHAPTER 4 - MEDIA MONITORING

Hate crime reporting can be an important instrument to raise awareness of discrimination and the necessity to combat it, both among minority communities and in

the public domain. The media – whether on television, radio, paper or Internet - can play very different roles in this process.

4.1 Media and hate crime – an ambivalent role

As providers of news reports, media are sometimes used as a source for hate crime data. Media can also be a valuable source for the context in which hate crimes take place and trends in public opinion. However media can also hype by over-reporting, or suppress information, thus influencing context by their choice and interpretation of facts and sources – including reports of CSOs. There are four potential roles for the media:

- Source of information
- Channel or vehicle
- Perpetrator
- Confronter

In order to present hate crime data in a way that is credible to government, law enforcement *and* media, it is important to clearly distinguish these roles. But whatever their role, media reports cannot be accepted without questioning. Media are rarely a primary source. Often their reporting is as unreliable as their sources, and their choice of facts and sources contribute to their credibility or lack of credibility.

By extension, the use and treatment of media can reflect on the credibility of a hate crime report of the CSO. Dealing with complaints about hate speech on the Internet and with incidents reported by the media can present challenges due to third party reporting or anonymity of sources. The existence of more than one independent source is a good indicator for credibility, but sometimes the existence of many same-text stories can be attributed to press agencies such as AP or Reuters - which are not infallible. Verification of information, whether provided by victims, witnesses or media, is always a good rule for providing accurate reports.

The following guidelines can assist CSOs dealing with the transmittal of hate speech in the media.

4.2 Guidelines for monitoring media as perpetrator of hate speech

In reporting on incidents of hate speech in the media, it is important to be aware of national legislation on hate speech and to increase knowledge and understanding of this legislation among the public. There is an important distinction between free speech and (criminal) hate speech, and legislation can vary widely across countries.

Most CSOs that monitor hate speech on the Internet do not consider it a good practice to search out incidents themselves, except in the framework of specific research. Generally CSOs deal exclusively with complaints and try to make hate speech removed from the Internet, either directly or - if lacking sufficient human resources - by asking the complainants and the general public to do so.

Accurate and reliable registration of hate speech and effective reporting can be achieved through:

- Explicit definitions of what constitutes a hate crime, including in hate speech:
 - ♦ Examples of what is and what isn't hate speech;
 - ♦ Consistent and repeated use of symbols to quickly identify specific types of prejudice in reports.
- Explicit procedures for dealing with sources and double checking media reports, e.g. using incident report forms with spaces for source 1 and source 2.
- If using media reports: naming sources (newspapers, TV-reports, investigation by staff e.g. by seeking police confirmation), checking for source's possible ties with political/religious etc. organisations and stating these.
- Trying to find original sources: rather than relying on media reports, check (summaries of) the original polling/research agencies, naming these, giving understandable and honest information on number of respondents, methodology and possible limitations; naming experts, naming courts or sentences.
- Empathic examples of the impact of hate speech on (anonymous) victims' lives⁸, direct quotes/ screenshots rather than descriptions of hate speech.
- Reporting on court sentences on hate speech; rather than leaving last year's stories, show that Internet hate speech can be punished.

8 <http://www.guardian.co.uk/society/2012/feb/19/dominic-crouch-homophobic-bullying-suicide>

4.3 Role for CSOs in Combatting Cyberhate

The internet can be a vehicle to facilitate the reporting of hate crimes to CSOs but it is also the global delivery method for spreading hate. This content manifests itself in different forums, including, dedicated hate sites, media, social networking, blogs and email. When CSOs discover hate on-line or receive reports of hate content online, there are several strategies that can be employed to respond. These will vary depending upon the context and nature of the content. Reports of cyberhate require investigation and follow up with the website or internet service provider.

When incidents of internet hate are reported every effort should be made to preserve the email or text message, video, blog or forum posting. These images will bolster the credibility of reports to internet companies, regulators and police. Reports of hate on the internet should be treated with the same level of priority as all other hate incidents that come to the attention of CSOs.

Cyberhate: What is it?

CyberHate is the use of electronic communications technology to spread antisemitic, racist, bigoted, extremist or terrorist messages or information. These electronic communications technologies include the Internet (i.e., Web-sites, social networking sites, "Web 2.0" user generated content, dating sites, blogs, on-line games, instant messages, and E-mail) as well as other computer and cell phone-based information technologies (such as text messages and mobile phones).

The definition of "hate speech" varies across jurisdictions. CSOs should consider adopting a definition to ensure that reporting is consistent and in synch with local laws. Given the global nature of cyberhate, reporting should distinguish whether the incident is local or foreign.

Legal Guidance

The legalities surrounding cyber hate speech vary from country to country. It is critical for CSOs to be familiar with local laws with respect to hate crimes, hate speech, incitement, stalking and harassment. All incidents of cyberhate should be part of ongoing hate crime reporting, even though the response by local authorities will vary by jurisdiction. Reporting will raise awareness and can successfully restrict hate content on some sites.

For a detailed look at various national laws against Cyberhate, and for more information about international Cyberhate, please see the Web site of the International Network Against CyberHate (INACH) www.inach.net INACH can also act as an important resource for CSOs seeking to combat instances of hate on the internet.

Dedicated Hate Web Sites

Many reports of cyberhate involve complaints about dedicated hate websites. Since these sites are the source of the hate content, complaining directly to the owner of the site or the individual who posted offensive user generated content is not likely to be helpful. Dedicated hate Web sites belonging to antisemites, racists, neo-Nazis, Holocaust deniers or other extremists are not concerned if their rhetoric offends others and complaints to these individuals will be unproductive.

In some cases, a complaint may even provide satisfaction to the hate Web site owner. In a worst-case scenario it can turn the complainant into a target of abuse.

Most Web sites are “hosted” by an Internet Service Provider (ISP), a company that provides the access to the Internet for the Web site. Because of this, one key to dealing with hateful content is to report the site to that ISP. In many cases, ISPs have their own rules about what kinds of sites and content it is willing to host, and if the offensive Web site violates those rules, it may choose to remove the Web site. Contacting the ISP directly will be more effective.

Response Steps

Find the web site’s ISP by either entering the web site’s name into a service such as www.Domaintools.com for example, which lists the ISP as the “IP Location”. Verify what conditions the ISP imposes upon the sites they host. Look for a Terms of Service, Community Guidelines or Acceptable Use Policy, if there is one on the ISP’s Web site. It is often helpful to check areas on the ISP Web site marked “legal, policies, about use or user information” in the navigation bar.

For example, one major ISP includes in its Terms of Service that it will not allow users to “disseminate or transmit any material that, to a reasonable person may be abusive, obscene, pornographic, defamatory, harassing, grossly offensive, vulgar, threatening or malicious”. You might think, for example, that the Web site you are concerned with posts “grossly offensive” information. Of course, the ISP may disagree with your definitions, your analysis or your conclusions. Write directly to that ISP or host with your complaint.

When complaining to an ISP or hosting company you must be specific about the relevant offensive material. Supply the Web site’s name, URL (Web address) and a screen image. If possible indicate the specific section of the Terms of Service, Community Guidelines or Acceptable Use Policy the Web site violates. Include the URL for the Terms of Service or Acceptable Use Policy sections you are citing.

Provide all relevant information to make it as easy as possible for the ISP or host to understand and respond to your complaint quickly. Clarity is essential when communicating with Internet companies. Internet companies deal with thousands of complaints every day, so users need to explain exactly what upsetting them, including a precise explanation of where the offensive content is located and why it is offensive even if it appears to be obvious.

Do not assume that because you know that a certain word or idea or symbol is deeply troubling or offensive to you or your community that the person reviewing it knows that. Explain carefully, analytically and with references if possible.

Finally, while this is less than ideal, it is reality: assume that the person who is reviewing your information has only a very short period of time – seconds even – to consider your claim. Precision and an economy of words can go a long way to communicating your point.

Complaints should be calm, polite and to the point. Use the format or form specified by the ISP if one is provided. Be very clear and tell them exactly what you are asking them to do to remedy the situation. Specifically request a response.

Complaining to a hosting company does not guarantee results. Enforcement of the Terms of Service, Community Guidelines or Acceptable Use Policy is, legally, likely to be solely at the discretion of the ISP and is a matter, generally, between Web site owner and the ISP. Additionally, it does not assure that the Web site or offensive material will not find another ISP and reappear elsewhere on the Internet.

Websites with Anonymous Registration

Many hate websites are registered anonymously, making it more difficult to determine where they are being hosted. They are designed to provide Web site owners with privacy by preventing others from knowing who owns (who has registered) the site.

A registration service – called a proxy registration service – registers the domain name on the user's behalf and acts like a post office box: E-mail messages and other correspondence are sent to the proxy registration service, which then forwards the messages to the actual owner. Web site owners use anonymous registration services to hide their identity in order to avoid taking responsibility for hateful, inflammatory, misleading or distorted content.

In these cases the company providing the anonymous registration should be contacted. To do this, identify the registration privacy service, proxy registration or anonymous registration service. **Go to www.whois.com or www.betterwhois.com to determine the "registrant" of the Web site.** Once you determine who the registrant is, go to the anonymous registration service's Web site and see if its own Terms of Service are being violated. In any event, the anonymous registration service should be made aware in clear, concise and simple examples how the site is abusing their anonymous registration service.

Comments Posted on Media Websites

Offensive and hate filled comments on the websites of newspapers and major media websites is comment. Report the content to the newspaper or media company. Do not contact the person who posted the comment directly.

Most newspapers have Terms of Service or Acceptable Use policies for the use of their sites as well as a place to contact the editors and Webmaster. Send them an E-mail copying the offensive post(s) and setting out the specific reasons why the Terms of Service has been violated. Specifically request a response from the paper.

Online Threats, Incitement to Imminent Violence and Harassment

The internet is an ideal medium for incitement to the targeting of individuals. E-mail or postings which convey an intention to commit acts of racially motivated violence could implicate local criminal laws and require notification of local police. Personal safety must remain a priority consideration.

Social Networking Sites

Abuse, bullying and hate speech are known to occur on social networking Web sites. When investigating complaints it is essential to read the Web site's Acceptable Behavior, Terms of Service, Community Guidelines and/or Acceptable Use Policy. Most sites have a process for reporting abuse and for responding to complaints.

Hate speech on a social networking Web site should be reported to the host Web site immediately. Complaints are most effective when they are submitted by Web site members. However, CSOs should monitor the process and contact the web site if the response is inadequate. Social networking Web sites are generally very responsive to such complaints.

Online Hate Videos

Video-sharing Web sites such as YouTube, Google video are services that allow users to upload videos and make them available for public viewing on the Internet. In some cases, these videos are hosted by a video-sharing Web site. In other cases, video-sharing Web sites only link to outside content hosted on other Web sites or computers. Most video sharing sites have Terms of Service for the use of their sites as well as a place to contact the owners of the site. Send the company an E-mail (or fill out their "report abuse" form) with the URL (address) of the offensive video and set out the specific reasons you believe they violate the Terms of Service.

Be very specific and include, if you can, the time in the video at which the offensive activity happens. When specific material is prohibited, these Web sites are usually responsive to complaints. Certain Web sites will not remove videos outright, but rather post a content warning on videos that have been the subject of complaints. The video may be removed if complaints continue. Video-sharing Web sites, however, are sometimes slow to respond to complaints due to the sheer volume of videos they process. Videos that are the subject of a complaint usually require a manual review, which can be time consuming.

Useful Web Addresses

www.inach.net
www.domaintools.com
www.whois.com
www.betterwhois.com

HATE CRIME REPORTING, GOOD PRACTICES EXAMPLES

The following list of 'good practices' provides different examples of how hate crime and hate incidents can be reported, including different ways of 'categorising' incidents. The chosen examples include 'reporting forms' which may relate only to certain types of hate crimes/incidents (e.g. LGBTI-phobic violence, antisemitic incidents etc.) to take account of certain specificities. However they can obviously serve as examples to record a hate crime/incident based on any motivation.

- **OSCE/ODIHR**

The Office for Democratic Institutions and Human Rights (ODIHR) has been tasked by OSCE participating States to serve as a collection point for information and statistics on hate crimes, and to make this information publicly available through its Tolerance and Non-discrimination System, and its annual hate crime report. ODIHR has conducted a number of activities in this area such as police training and capacity building with CSOs, including a guide entitled, *Preventing and Responding to Hate Crimes: a resource guide for CSOs in the OSCE region*.

ODIHR has also created a reporting form for CSOs to record and report incidents of hate crime: http://tandis.odihr.pl/content/documents/hcr2011_CSO_format.pdf

This can be used for local and regional advocacy purposes as well as for submitting information for inclusion in ODIHR annual hate crime report. For more information about ODIHR's work and resources, please refer to the Tolerance and Nondiscrimination Information System (TANDIS).

- **Community Security Trust⁹**

The Community security Trust (CST), has recorded antisemitic incidents in the United Kingdom since 1984, as part of its wider work providing security assistance and advice to British Jews. CST published in 2010 *A Guide to Fighting Hate Crime*. The guide contains useful advice on reporting hate crimes, working with the police, and supporting the victim. The guide includes also a typology of hate crimes and hate incident and report forms that can be used to record the details of hate crimes or incidents, suspected perpetrators of hate crimes or incidents and any vehicles they may have used.

The CST annual report on Antisemitic Incidents provides an illustrated Executive Summary, explanation of how data is captured and the use to which it is put, expanded descriptions of serious incidents, separate notes on victims and perpetrators, notes on discourse and motives which promote antisemitic incidents, notes differences between incidents occurring in different locations, charts and graphs. It is available at: www.thecst.org.uk/docs/Incidents%20Report%202011.pdf

Another recommended Jewish community report is that of the **Service de Protection de la Communauté Juive (SPCJ)** in France. It is available at: www.spcj.org

- **ILGA Europe handbook on monitoring and reporting homophobic and transphobic incidents**

The aim of this handbook published in 2008 is to contribute to increased and better reporting of homophobic and transphobic incidents by providing tools and a methodology to document and report violence motivated by hatred against LGBT people in a systematic and factual manner.

The handbook provides detailed model questionnaire to help describe an incident as factual, objective, clear, consistent and reliable a manner as possible. It is a template which is designed to be used in a variety of settings (online questionnaire, interviews). Individuals and organisations are invited to consider carefully their own objectives and the specific needs in their own country, and make adaptations as necessary. The handbook also provides an indicative framework for semi-structured interviews with victims of human rights violations incidents:

http://www.ilga-europe.org/europe/publications/non_periodical/handbook_on_monitoring_and_reporting_homophobic_and_transphobic_incidents

- **“Assisted Reporting Scheme” – GALOP, London, United Kingdom**

The London-based LGBT organisation Galop developed an “assisted reporting” scheme in conjunction with the Metropolitan Police Service (MPS) to increase the level of reporting of LGBTI-phobic hate crime. Users who do not wish to report directly to the police can report via Galop’s website through an online report form (see: <http://www.galop.org.uk/online-report-form/> and <http://www.galop.org.uk/wp-content/uploads/2009/05/reportform.pdf>) or its Shoutline, a helpline and casework service providing advice, support and ongoing casework for victims of homophobic and transphobic crime, sexual and domestic abuse, and those who have issues with the police.

The online report form includes questions on the time and location of the incident, the type of injury, loss or damage to property, as well as information about the victim and the perpetrator. The assisted reporting scheme leaves users the choice as to whether:

- they would like to be contacted by a Galop caseworker, but do not want my contact details passed onto any other agencies (including the Police)
- they want the police to investigate and want their contact details to be given to the police
- they wish to remain anonymous and do not want the police or Galop to contact them.

Depending on the users’ choice Galop will pass details directly to the police, pass on anonymous reports, or act as an intermediary so that the police do not have the victim’s details but can follow up via Galop. Galop also indicates that the information users have provided will be anonymously logged by Galop to produce statistics that, where relevant, will be shared with other agencies to help prevent other incidents in the future. The Metropolitan Police Service’s website also refers to this ‘assisted reporting scheme’: (http://www.met.police.uk/communities_together/docs/reporting_crime.pdf)

CHAPTER 5 – VICTIM SUPPORT

Since hate crime involves the premeditated attack on a victim on the basis of his/her real or presumed identity (age, race, faith, gender, sexual orientation, gender identity or disability - hate crime), its implications for the victim are more severe than other types of crime, such as coincidental, etc. This is particularly because victims of hate crime have less chance for preventing an attack without having to first profoundly change their identity.

Hate crime can take place anywhere – at home, in the streets, on public transportation, at work, school, etc. Incidents may involve physical assault, property damage, bullying, harassment, verbal abuse or insults, and offensive graffiti or letters (hate mail).

This chapter aims to assist CSOs in establishing basic standards for the process of supporting victims of hate crimes and the process of finding ways for cooperation with relevant key stakeholders.

In most countries there are several models of different victim support bodies. Either official (based on legislation, state-supported, financed), non-governmental or voluntary.

All should cooperate and support each other in order to provide the best synergy in the services for the victims to feel safe. While the state has its obligations, the role of CSOs should be to support the victim of hate crime. CSOs can assist immediately after the incident with practical advice and psychological help. Furthermore, some CSOs can provide a whole range of support; up to professional pro bono legal services and/or specialized training programmes for officials (e.g. police officers).

Whilst there are fundamental human rights accords, the current state of legislative and practical measures related to the support for victims of hate crimes differs across the EU member states. The proposed set of guidelines aims to facilitate the implementation of a common set of principles and good practices for victim support.

These guidelines, however, are by no means a comprehensive victim support manual. Victim support is a huge task which has many implications in terms of the readiness of CSO, its staff and volunteers, to undertake such serious responsibilities.

5.1 Victims' Rights and Basic Standards

Within the process of reporting and investigating the hate crime, a victim needs the greatest amount of support possible. It is important to pay attention to the **victims' rights** throughout the entire process. Rights that are particularly relevant to victims of hate crime include:

- Right to courtesy, compassion and respect
- Information about services and remedies
- Access to services
- Information about trial process
- Protection from contact with perpetrator
- Victim anonymity
- Victim impact awareness
- Information on victim compensation

Whether or not these rights are formally acknowledged in national legislation and protocols, CSOs should respect several basic standards and process steps. The recommended basics are as follows:

Proper Documentation

Good documentation saves time, enhances efficiency and provides transparency of the CSOs. CSOs should therefore develop protocols for document and information handling (in line with national legislation and voluntary compliance standards). If there are no existing standards or legislation concerning compulsory documentation, the organisation should have a stable form with relevant data on victims and incidents.

Most importantly in this type of work, however, are the primary requirements of anonymity and data protection (see below point B).

Victims should also be properly informed about risk management and who all the parties involved in the process are (victim, community, the CSO receiving the complaint and others).

Confidentiality Policy

Data protection is defined in most national legislation. Yet this does not resolve the issue of confidentiality of the relationship between the victim and aid provider in the CSO. In order to foster the climate of informal trust, CSOs may wish to develop a more formal agreement between the two parties that is signed at the beginning of the interview or similar contact. As a general practice, to reinforce the organisational culture of confidentiality, it is also recommended to include a clause in volunteer agreements at the beginning of their service with the CSO.

Ethics Code

CSOs can develop a code of ethics that contains key human rights clauses related to social inclusion, fair treatment and non-discrimination, conflict prevention, and concrete procedures for reporting mistreatment. The code should not be taken as mere formality, but be publicised among staff and dealt with in regular staff development programmes. The code of ethics and moral standards should be translated into the day-to-day work of the CSO. In order to achieve this, however, the standards should be sensitive to the local culture and customs (e.g. in case of multinational institutions, customs in one country should not necessarily be taken for granted in another country).

Clarity of Expectations

We suggest that the key areas of support be clearly defined, but that the overall emphasis should be placed on the utter openness of the CSO to deal with each individual case. Presenting highly normative listing of types of support may be off-putting and officious, and thus unattractive to the victims who turn to the CSO for support.

At the same time, the CSO should very clearly manage the victims/clients expectations and plainly articulate the possibilities, chances, potential obstacles to avoid, as much as possible, disillusion in later stages of the process of investigation.

- Division of Labor: Agreed Roles and Responsibilities Between CSO and Police**

Any relationship between the CSO and the police should be one based on mutual consent that recognises individual responsibilities and actual powers (what can each most effectively achieve - contact with the victim in dealing with the trauma, information gathering in the process of crime investigation, prevention work, etc.). In order to achieve optimal synergy, however, it is advisable that a memorandum of agreement be signed between the CSO and the police authority if possible.

The relationship between the CSO and police is very much influenced by the political culture of each country. In some countries, the relationship is extremely sensitive in the sense of building trust. So the informal links are much more important than the formal ones.

- Professional Development and Training**

In order to assure effective support and pre-empt further undue damage to the victims, first response workers require constant professional development that particularly entails training in first contact practices, interviewing techniques and relevant types of primary, first instance counselling and referrals. A training period of six months is not an uncommon practice amongst CSOs providing victim support.

- Feedback and Review**

Regular review of cases should take place above and beyond data collection (which should combine quantitative and qualitative data). Large CSOs may wish to hold regular staff meetings, e.g. monthly, where they review the key cases. This can be tied with professional development programmes and/or peer monitoring (often more effective than a formalised management review and audit).

- Clear Operating Procedures**

The CSO should develop the essential guidelines about the operating procedures, ideally a step-by-step manual with key contact numbers, a checklist and a filing system in order to speed up the process and assure that at least the core procedures are met and recorded for further reference and review.

- Solidarity with other Victim Groups**

This refers to the contextualisation of hate crime that plays a major role in prevention as well as post traumatic victim and community recovery. Moral solidarity with other victim groups also helps create better understanding of the types of psychological damage that cuts across the spectrum of victims. Victims should be helped with coming to terms with their own identity and seeking the best realisation of the potential derived from their identity for wider society.

5.2 Services Provided for Victims of Hate Crimes

Procedures should be based on and reflect the victim needs. The type and amount of resources available depends essentially on the type of the CSO concerned.

Legal aid clinics (e.g. citizen rights centres or advocacy CSOs) channel resources to the provision of legal services. Thus they allocate the core of their resources - time, expertise, financial, etc. - to all kinds of legal aid.

Human rights CSOs tend to either specialize in different human rights issues or combine this expertise with social care provision. The latter may be more appropriate as the first port of call. They are often well resourced for supporting victims through short- to long-term processes.

Social service CSOs often have a range of highly professional tools at their disposal, but may be unable to effectively provide adequate legal support. In all cases, therefore, synergy between all stakeholders is the optimal source of a comprehensive support network.

5.2.1 Basic advice (practical help)

CSOs often serve as the first port of call for victims. They should therefore be prepared to provide qualified advice or at least referrals for the following victims needs:

- Medical assistance
- Psychological support
- Legal service
- Mediation with authorities
- Financial compensation
- Victim support groups
- Social services (e.g.: childcare)
- Relocation support (e.g.: shelters)
- Friendly Media

Legal services

Given the complexity of issues involved, CSOs may wish to opt for a provision of elementary legal information or for a more elaborate legal aid. If the latter is beyond the scope of the CSO concerned, it should be able to provide a referral to an external legal counsellor, ideally based on a long-term partnership with the CSO, as this increases the trust by the victim in each organisation involved.

- Most CSOs provide legal advice. This tends to be short-term, used in the early stages of the case.
- Some CSOs specialise in legal representation in litigation, at court and other relevant bodies. This often entails highly specialised work and a long-term relationship with the client. It can also incur considerable costs, often beyond the means of the victim. This type of legal assistance is therefore often provided by law firms on a pro bono basis.

Assistance (e.g. when they come to report the incident, during the inquiry, at the hospital) CSOs can be highly effective in supporting victims in reporting the incident by being the first point of contact and, equally, by providing an aid worker (either a staff member or a trained volunteer) to accompany the victim in dealing with the authorities. Even if not directly speaking with them, the presence of the same person – the companion – in all procedures, even if waiting outside the office or surgery, can be vital for greater self-confidence and alleviation of the psychological pain of the victim.

Mediation with authority (school, housing, etc.)

CSOs have traditionally been highly skilled and effective in acting as mediators with authorities. Developing a network of relevant contacts – at schools, in housing authorities, police and public bodies – gives CSOs a vital tool that enables them to effectively deal with the case concerned. Long-term relationships between these stakeholders are also instrumental in crime prevention and victim empowerment.

Psychological support (for the victim and relatives, if necessary)

Some CSOs are professionally qualified to provide relevant psychological support and counselling. They need to have well-trained first-contact workers (staff or volunteers). Whilst victim-focus is a must from the first instant and throughout the case, the relatives of the victims are often ignored. Yet they can play a major role in alleviating the effect of the crime and contributing to the overall recovery of the victim, as well as in prevention of further crime. CSOs should therefore address the relatives of the victims as well, either through specialised focus groups or informal clubs (a highly effective tool particularly in the stage of long-term recovery, or even in reconciliation).

Financial compensation

A number of CSOs, such as citizen advice bureaus, provide elementary information on financial compensation. It is, however, a matter that is best dealt with by specialised law firms and authorities (particularly through the court rulings). CSOs, , may prove highly supportive in cases when additional financial aid is needed to help restore the pre-crime state (for instance when the property was entirely destroyed, when the victim has suffered major physical injury and requires mobility support, or when relatives of the crime victim are left without financial support originally provided by the victim who is permanently or temporarily out of work or has suffered a lethal injury).

5.2.2 Victims outreach and publicising the CSO

Every CSO, including the ones dealing with victim support, has to pay attention to victims outreach and developing the most effective means for advertising their organisation. However professional the organisation is, if the victims are not aware of its existence, it will not serve its purpose. Below, you find a list of some effective communication channels and tools used by successful CSOs, which do not require a significant amount of finances.

Communication channels:

- Social networks – online (highly cost- and time-effective tool, and great multiplier)
- Live – in situ (whilst more cost-demanding, this is an important tool to directly address the potential victim groups) in the locations most visited by potential victims and victim groups
- Media and public information campaigns – best in local media, use of public education adverts, schools (public education and inclusion in school curricula), employers, public spaces such as cultural facilities, community centers, public libraries, public authorities, places of worship, pubs, stadiums, and public events.

Communication tools:

Word of mouth is often the best publicity among victims, particularly among hate crime victims where one's own community (cultural, ethnic, faith, gender, sexual orientation, etc.) is often the key source of credibility and trust. Involvement of other members of such a community can help the CSO improve the understanding of the mentality and customs of the community members.

Cooperation with local cultural and artistic associations can raise awareness as to the phenomenon of hate crime with theatrical performances and documentaries.

The use of posters, leaflets and billboards to promote awareness and the CSO services should not be underestimated.

VICTIM SUPPORT, GOOD PRACTICES EXAMPLES

- **People against Racism (PaR)**

PaR is a CSO fighting primarily against right-wing extremism. PaR is famous for its campaigns, public education and support of victims. The organisation is mainly a voluntary based organisation. The support of victims is based mainly on legal support.

PaR builds up a network of volunteers operating on the local level in all vulnerable places, e.g. clubs, schools. Besides standard methods such as a hotline and website, they have the network of so called *first touch agents*: people who identify potential or real victims of attacks and offer them help/cooperation. The victim is then contacted by the PaR lawyer, who provides a victim full counseling in a case, including their presence in police interrogation. PaR has prepared guidelines of the most common cases/issues/incidents and recommendations to the victims on “how to behave and what to do in certain situations”.

- **Hedviga Malinova Case**

Hedviga Malinova was a Slovak Hungarian university student who was attacked by neo-nazis for having a phone call in the Hungarian language. She was beaten up, insulted and the attackers left the written message on her blouse saying “Hungarians go behind the Danube”. The former Minister of Interior accused Hedviga of being misleading at the first press conference. The story became the elementary case at the domestic and international level, causing passions on both the Hungarian and Slovak sides. The case underwent every lawsuit instance possible, including the European Court for Human Rights. In the end, the Slovak Republic had to apologize to Hedviga and she was proved right – she never lied on any point of the accusation.

The positive outcome in this case is a result of strong pressure from the CSO and media coalition that gave legal, media and personal support to Hedviga over 7 years and helped her to not give up on her rights.

CHAPTER 6 – MODELS OF COOPERATION BETWEEN CSOs, POLICE, LOCAL AUTHORITIES AND GOVERNMENT

6.1 Defining Service Levels

It is essential that when a CSO seeks to assist victims of hate crime, it must decide which services it wishes to offer and which it will not. Key to this decision will be an understanding of resources available, the organisations' standing in the community, existing infrastructure and the willingness of criminal justice agencies to recognise and respond to hate crime. A new organisation will be best placed if it identifies a gap in service provision, rather than replicating services which already exist.

In order to position the service it would be invaluable to understand the nature of the problem. This can be achieved by consulting with affected communities or, where these exists, examining academic and government studies of hostility and hate towards the target community, whether that be a single group or a broad geographical area covering many victim groups.

Another important part of planning is the establishment of goals and values. It should be clear to all what an organisation stands for, who it seeks to support and most importantly, what are its moral principles. Whilst it may be desirable to offer a service only to one section of the community, it is vital that an organisation is clear that it will openly condemn all types of hate crime and will work with partners who may face similar challenges within another section of the community. Real success is more likely when groups work together to advance services for all victims of hate crime regardless of their background.

There are various models of service offered by CSOs ranging from public data analysis only, to organisations that offer a holistic service including reporting facilities, victim advocacy and educational activity, aimed at reducing the hostility within the broader community. How an organisation forms relationships with authorities will very much depend on this chosen remit.

6.2 Establishing Relationships

Key to an organisations' success will be the relationships it builds with key stakeholders. It is possible to offer a service without cooperative relationships, however real value will arrive as a result of trusting relationships with all those agencies who have a role to play in reducing the harm caused by hostility and hate and also with existing community groups.

The stakeholder groups may be local or national and could include;

- **Existing community groups:** Depending on the target community, it may be that existing groups are already operating whether they be based on theological, social, cultural or any other basis. Some have found success by cooperating with like minded organisations whose expertise is in another area such as health, housing or education. CSOs are likely to find that those groups will have heard accounts of any hostility and are likely to see the benefit of collaboration.
- **Individuals of influence:** Thought should be given to identifying individuals who can assist, some have achieved success through the support of powerful individuals such as community leaders, academics, religious leaders or high-profile victims of crime and their relatives, who may want to use their profile to prevent the tragedies they suffered from occurring to others.

- **Sporting organisations:** Sports is often an arena where hate is demonstrated but it can also be a source of positive influence when initiatives are agreed with the clubs who have a moral and economic motivation to make the sport accessible to all sections of the community. Sports personalities can be invaluable if they are willing to speak out against negative attitudes.
- **Police and Prosecutors:** It is essential to understand the criminal justice system if an organisation intends to support victims through the reporting and prosecution stages. The variation between States in terms of definitions, structures and even commitment to hate crime is huge. If the chosen remit includes encouraging reporting to authorities then it is important that the reporting structures developed reflect the standards and practices that already exist.
 - Some organisations will have data exchange policies and CSOs need to consider what information they will pass and what confidentiality agreements are available to victims and witnesses. In some more mature partnerships data has also been shared by officials, this is desirable as sharing data increases the overall understanding of the nature of a problem and allows for more effective responses, but it will only happen when each side gains the trust of the other.
 - Some organisations use 'victim release' forms to seek their approval for sharing information with the authorities on their behalf.
- **Other State Organisations:** There are many other State organisations who will play a role in combating hate crime from local educators to national government. Once the new organisation has a clear idea on the scope of its services, it is important to work out which of these national or local agencies would make valuable partners. Examples would include health, housing, transport and education agencies who may have a valuable role to play dependent on the nature of the hate crime suffered by victims. Some areas may already have partnerships in place to facilitate joint working to promote community safety. These partnerships may provide an ideal vehicle for building relationships.
- **Media:** Constructive use of mass media can significantly help to promote knowledge and confidence in groups who suffer hate crime and to encourage victims to come forward. New organisation should consider the best ways of gaining the attention and support of local or national media. It is often best to have prepared evidence of the extent of the problem, details of notable crimes or testimonies of willing victims as these will more likely gain the attention of journalists.
- **Political:** When an organisation has been operating successfully and has robust data, it will need to choose how it would seek to use it. The data is valuable to influence policy by highlighting the nature of the problem. Reports that summarise the data can be shared through individual relationships with politicians, the media or international organisations such as EU fundamental Rights Agency or Organisation for Security and Cooperation in Europe. The CSO will need to decide whether it wants to lobby on a local, regional, national or international stage.
- **States** have a responsibility to provide an equality or human rights body that examines anti-discrimination measures and this could be a valuable partner to challenge where services are not sufficiently adequate.

6.3 Operating Without Cooperative Partnerships

There are occasions when some CSOs will not find willing partners in the criminal justice system or the political landscape and this will very much change the emphasis of the CSO.

Some such groups have found that:

- Police authorities are reluctant to recognise the hostility that fuels hate crime;
- That politicians deny the existence of such hostility;
- There is overt or covert hostility towards the group from within authorities;
- That the hostility towards the targeted group is widespread in the community;

In such areas the CSO will find it tougher to operate and is likely to find that much of their effort is needed to ensure the confidentiality to the victim, to build constructive relationships even if with individuals within organisations and attempting to promote positive relationships within the community.

If an organisation has qualified lawyers they may choose to seek remedies through legal recourse, including the monitoring of similar cases in national or international courts. If not, consider building a relationship with friendly lawyers on a pro bono basis.

There is no doubt that operating in hostile or non-cooperative environment requires greater skill, knowledge and resources but victims in such areas are likely to have the greatest need of support.

New CSOs are likely to receive support from established organisations who have encountered similar problems. Often international agencies and multi-national CSOs would be able to point towards organisations who have achieved some degree of success in similar circumstances.

6.4 Methodology: Models of operation

6.4.1 Reporting Crimes

The following three models or a combination could be considered, dependent on available resources and the extent of the problem;

Model 1 - Reporting of public data only: This option needs the least resources. It does not seek to directly support victims or provide reporting facilities, but it directs to existing reporting structures. It collates data from existing sources such as the media, relationships with the bodies and professional agencies. The main role of this response would be to highlight the extent of the problem and to use the data to influence those responsible for policy, legislation or service delivery. This option can assist in environments where officials do not recognise, or deny the existence of hate crime against an individual group or in society in general.

Model 2 - Encouraging reporting through existing channels: This option is perhaps the most popular and requires that the CSO has a strong base within the affected community. It is valuable where victims are reluctant to report to authorities. Victims are often more willing to talk to an informal community-based group who are able to report to authorities on their behalf or assist them to do so by offering information, support and advocacy throughout the reporting and prosecution process. The resources required for this option will depend on the nature and extent of the target group and the key challenge is to ensure that the service is known to victims. This can be achieved by effective use of local publicity, public events and by building a reputation for effective support, as victims will share information with peers about the services received.

Model 3 - A reporting structure to allow victims to report directly to CSO: This third model builds on the above but is the most intensive in terms of resources. In addition to encouraging reporting it seeks to offer a holistic service which includes direct reporting, victim support and advocacy and assistance through the criminal justice process. It should ideally have two-way communications with agencies. Funding for such a broad organisation can, in rare circumstances be found from within affected communities or from philanthropic benefactors, however more often it derives from State funding where the organisation can convince authorities that they can offer a service on behalf of the State.

6.4.2 Sharing Data

It is vital that the organisation has a knowledge of local data protection legislation and has clear rules on data sharing. This will ensure that victims and authorities have clear understanding of what will happen to the information they give. Remember: an organisation can be severely damaged if confidential information is leaked, so the security of information should be considered together with what circumstances the information will be shared.

As trust builds between organisations and agencies, the type of information shared will become more valuable and lead to better responses, both on an individual case basis and in terms of policy and operational influence.

Supporting Victims: Organisations need to decide on the level of service they wish to offer to victims. Long-term support of traumatized victims can be a very intensive and costly procedure which can go on for many months. It will be necessary to map current victim services and to decide whether organisations seek to steer victims towards existing services or provide support directly. There are occasions where CSOs have been able to act as a commissioned service delivery mechanism for existing victim support agencies, where the agency funds a culturally appropriate service, targeted to the victim group. They can also accompany victims during the reporting and prosecution processes.

Influencing Policy: Once an organisation has information on the nature or extent of targeted hostility they may be able to influence and local, national or international policy by lobbying politicians and officials for a better service. The organisation will need to decide which arena it intends to operate and target its influence to those who have political power or direct influence over policy. This may be a collaborative relationship but successful organisations will also need to challenge poor performance, either within those relationships or in extreme cases in the public and political arena.

Prevention: CSOs have an important role to play in preventing hostility and hate crime. Activity could include educational programmes, offender rehabilitation, or even community engagement ahead of high-risk events such as 'Pride' marches.

MODELS OF COOPERATION, GOOD PRACTICES EXAMPLE

- **United Kingdom – True Vision**

In order to provide a single reporting route for hate crime in the UK, the police, Government and partners have cooperated to develop an online reporting facility called **True Vision** (www.report-it.org.uk) which as well as providing information to victims, allows any victim or community organisation to report directly to the relevant police authority. This information can be provided anonymously if necessary but allows CSOs to operate without significant expenditure on information technology. It also provides the police with a single dedicated reporting structure regardless of which organisation submitted the report.

- **Denmark – The Danish Institute for Human Rights**

In connection with the EU funded project Tracing and Tackling Hate Crimes Against LGBTs in 9 EU member states, **The Danish Institute for Human Rights** asked for meetings with The Danish Ministry of Justice, The Danish Security and Intelligence Service, The National Police and the police in Copenhagen. As a result of the meetings, the City Police in Copenhagen was appointed by the Chief of the National Police as “partner” of the project. Selected staff of the police station were subsequently trained in the handling of hate crimes. The City Police was also asked to allow researchers from the Danish Institute for Human Rights to do a study at the station on the handling of hate crimes by the police in practice. As a result of the study, and the training, which was undertaken for and together with the police, close cooperation with the police has been established and a trust has been built.

This cooperation led to the establishment of police training in all districts in Denmark with the participation of the police and prosecution as trainers and with the Danish Institute and Danish Intelligence Service as organizers. The national guidelines for the police on how to handle hate crimes have subsequently been revised by the Director of Public Prosecutions

- **Catalonia, Spain – Casal Lambda**

The Catalanian police protocol against homophobic and transphobic hate violence addresses underreporting and preventing LGBT hate crime.

Innovative actions have been undertaken in cooperation between the Catalanian government authorities and associations such as **Casal Lambda**, a group advocating for the rights of lesbian, gay, bisexual and trans (LGBT) people. Casal Lambda is still dealing with the day-to-day problems of LGBT people, offering legal and psychological services to the community. Casal Lambda has collected evidence that many LGBT-phobic aggressions are not reported: many still believe that the authorities would not pay attention, or would not be trained to adequately deal with their case.

In September 2006, the autonomous Catalan government approved an “interdepartmental plan against discrimination of homosexual and transgender people”, which is a transversal roadmap shared by all ministerial departments. At judiciary level, a Prosecutor against Homophobia and Transphobia was created in 2008 to coordinate actions by the judiciary and the autonomous police (The Mossos d’Esquadra) in dealing with all crimes that could include a homophobic or transphobic dimension. His role is also to make sure that aggravating circumstances and other principles of penal law are firmly and fully enforced. A police protocol on “Police Procedure on crimes motivated by hatred or discrimination” was also adopted. From 2010 on, it covers all forms of hate crimes. One of the results of these policies and of police/CSO cooperation is that it is now possible to record hate crime incidents.

CSOs and public authorities became aware that cooperation is fully necessary to make a change in the authorities and the public’s approach to LGBT-phobic hate crime. A stable communication channel was established between the police and the associations: permanent phone contacts and safety recommendations dissemination actions. As a matter of fact, the police protocol on hate crimes includes the need to establish a direct relation between police services and LGBT associations. This confidence building process also implies that the police are present at all public demonstrations linked to the LGBT community, and that they recognised the sexual diversity of their officers, including LGBT police officers.

The prosecution services are now in charge of articulating procedural requirements and communication with the police on homophobic and transphobic cases, while the police forces of Catalonia produce a yearly report on LGBT-related hate incidents. Both also sponsored the creation of an advisory group, which includes representatives of Casal Lambda and several other LGBT rights defenders organisations, as well as representatives of the regional and local governments. The advisory working group follows up on all the incidents reported, and on the way the prosecution and the judiciary deal with them.

According to Casal Lambda, these initiatives, including cooperation with CSOs, have had important consequences. As an example, the police have published guidelines on how to report homophobic incidents. Another important improvement is that the attention paid to the victim has grown. The police also provide training on sexual and cultural diversity amongst its officers, and are engaged in prevention actions: interventions in schools on bullying, dissemination of thematic information on existing hate crime law provisions, prevention in the area of sport.

Both the LGBT associations and the public authorities recognise that their capacity to meet and have a structured dialogue is a key achievement, and the condition to further steps in the combat against LGBT-phobic hate crimes.

CHAPTER 7 - HOW CAN ADVOCACY HELP TO COMBAT HATE CRIME?

According to the “Facing Facts!” project description, the objectives pursued by the partners include work to standardise criteria for comparable hate crime data collection as well as training of civil society organisations

representing victims to gather, analyse and report in order to **advocate on prevention and intervention measures**, with the aim to improve cooperation between authorities and CSOs.

The relationship between data collection, reporting, advocacy and the elaboration of efficient policies to tackle hate crime can be defined as follows:

- **The adoption of consistent legislation and policies is the ultimate goal of civil society** victim support and community organisations, together with a strong political will to actually enforce such legislation and policies. In fact, only a strong response by public authorities can effectively tackle hate violence;
- **Advocacy is the action or set of actions that CSOs undertake to promote the adoption of such legislation and policies.** Reliable and comparable data in turn is a key element in such actions, since **evidence-based advocacy strategies** have, understandably, higher chances of success. As a result, advocacy, data collection and support to victims are often interrelated;
- **To increase its chances of success, advocacy needs to be planned, and cannot consist in reactions** to political opportunities or threats. Planning is also important to determine which type of data is needed and shall be collected. It must be highlighted that efficient advocacy strategies require standards and skills, just as much as data collection or support to victims;
- **Advocacy can be seen as a long-term investment and includes the mobilisation of resources** which CSOs could have used for other useful actions. This is why CSOs engage in serious advocacy strategies because they consider them as a solution to improve the general context in which they operate, and in which the communities they represent live. CSOs need to find the right balance between advocacy and their other activities.

Evidence-based advocacy can prove to be powerful in a democratic society. It is for example important that the general public and the media become aware of the nature and of the prevalence of hate violence against certain communities. The capacity of community based CSOs to mobilise the public opinion in support to calls for actions by public authorities can indeed be a way to ensure that action will be undertaken.

In order for appropriate policies to be adopted, civil society organisations also need to sensitise governmental institutions, from the national level (including parliament and government ministers) to the local level. Intergovernmental organisations at international level can also be helpful in some instances, where they provide a forum for discussion and adoption of policy commitments.

It is equally important that the police, prosecutors and judicial officers, as well as other bodies such as health and education authorities are provided with enough data to recognise the gravity of the situation and to build the capacity to devise useful working policies. Again, the capacity of CSOs to engage in sustainable dialogue and cooperation with these bodies will be reinforced when they come as the result of evidence-based advocacy initiatives.

However, CSOs only have access to limited human and material resources. As a result, they need to prioritise between various types of actions, and to make realistic choices. This is a reason why strategizing and defining the main advocacy objectives to be met is a key task, which should not be undertaken only after data has been made public. The way data is collected, analysed, edited and published must be carried out consistently with the political aims of the civil society organisations.

7.1 Conditions to be met to devise efficient advocacy strategies

This section looks at the various types of strategies that community based CSOs can develop and back by data collection reaching the standards defined by Facing Facts! The following tables list various possible advocacy options and identifies the conditions for advocacy strategies to meet their objectives.

The options that appear in italics may be considered as more advanced advocacy standards, as they can require the use of additional resources.

The other items shall be considered as key steps to devise an advocacy strategy. However, civil society organisations need to feel free to make a flexible use of this chapter, using it according to their national or local context and according to the resources they can make available

A. Identification of advocacy targets	
Possible advocacy objectives	Conditions for efficient advocacy
Adoption of legislation on hate crime (e.g. criminal legislation, legislation on the rights of victims)	<ul style="list-style-type: none"> - Identify the competent institution(s); - Understand the decision-making processes within the competent institution(s) and identify decision-makers; - Identify potential allies and opposition within the competent institution; - Understand the interaction between competent institutions, as well as between these institutions and others; - Check organisational capacity of the advocating CSO.
Adoption of policies for prevention and confidence building between public authorities and victimised communities (e.g. training schemes for public officials, liaison schemes, awareness raising campaigns)	
Adoption of policies aiming at facilitating reporting of incidents to public authorities and at victim support (e.g. reporting schemes, development of victim support services or support to victim support organisations)	

B. Definition of advocacy tools and resources		
Advocacy targets	Possible advocacy tools (Message's vehicle)	Use of resources and data (Tailor the message)
Public opinion and media	<ul style="list-style-type: none"> - Awareness raising campaign; - Press articles and interviews. 	<ul style="list-style-type: none"> - Use well-defined concepts and reliable data; - Consider using individual stories when feasible; - Consider using statistics when available.
Parliament, government, local authorities	<ul style="list-style-type: none"> - Awareness raising campaign; - Use of policy papers/briefing notes ; - Engagement and meetings with decision-makers. 	<ul style="list-style-type: none"> - Use well-defined concepts and reliable data; - Show understanding of the institution's language and context; - Make use of all existing commitments made by the State or the local authorities, including international agreements or international organisations recommendations approved by national ministries for foreign affairs; - Consider using individual stories when feasible; - Consider using statistics when available; - Make use of opinions issued by national or European ombudsmen, equality bodies, etc.
Specialised public authorities and related professional bodies (police, prosecution, judiciary, health and education system...)	<ul style="list-style-type: none"> - Use of policy papers/briefing notes; - Engagement and meetings with decision-makers (including supervising authorities); - <i>Participation in training schemes.</i> 	<ul style="list-style-type: none"> - Use well-defined concepts and reliable data; - Show understanding of the profession's language and missions; - Use all existing relevant commitments made by the State or the supervising authorities, including commitments made at international level.

In order to identify whether victims willing to accept that their stories are used in an advocacy message, it is important to read this chapter in conjunction with Chapter 5 on Victim Support and Victim support, good practices examples. Sharing human experiences can be a powerful advocacy tool. However, even when victims are willing to engage in activism, protection and support are still needed, all the more since there is public exposure. Safeguarding the victims' privacy becomes a challenge. In that respect, all decisions relating to the use of their stories need to be made carefully, and making sure that people understand and accept the potential consequences of their going public.

In order to adequately use statistics and data, it is important to plan advocacy actions and data collection consistently. For that purpose, this chapter should be read in conjunction with Chapter 1 on data collection and verification, Chapter 3 on Reporting hate crime, and Hate crime reporting, good practices examples.

C. Work towards advocacy coalitions

Coalitions can be built with both institutional partners or with other civil society organisations. These two options are not exclusive. However, it is important to bear in mind that they represent different coalitions strategies, and that they have to be handled taking into consideration the respective nature of the partners.

Coalition building, when it is part of an advocacy strategy, shall be planned as early as possible. All the elements of the advocacy strategy, including the various steps to be undertaken or the language to be used, must indeed be thought of together with coalition partners.

Possible advocacy targets	Coalition strategizing
Public opinion and media	<ul style="list-style-type: none"> - Identify potential institutional allies (e.g. equality body, ombudsperson); <li style="text-align: center;">AND/OR - Identify potential allies in the media and in the wider public, including civil societies (e.g. other CSOs, personalities); - Joint engagement and work in coalition.
Parliament, government, local authorities	<ul style="list-style-type: none"> - Identify potential allies within the institutions (e.g. political groups); <li style="text-align: center;">AND/OR - Identify potential allies in the wider public, including civil society (e.g. CSOs, personalities); - Joint engagement and work in coalition.
Specialised public authorities and related professional bodies (police, prosecution, judiciary, health and education system...)	<ul style="list-style-type: none"> - Identify potential allies within the institutions and their supervising authorities (when relevant), <li style="text-align: center;">AND/OR - Identify potential civil society allies (e.g. other CSOs working on different discrimination strands or on human rights); - Joint engagement and work in coalition.

7.2 Methodology: planning and evaluating actions on the basis of available resources

Civil society organisations work with limited resources. As a result, efficiency and success depend on their capacity to plan actions that can be developed consistently and in a sustainable way. This form of thinking must be developed from the very first steps of advocacy strategies (identification of objectives). It must then continue to apply at all stages of advocacy.

The adoption of an advocacy plan can be a way for CSOs to engage in such a process, identifying ambitious yet realistic priorities and choosing action means.

Monitoring advocacy actions is necessary to keep track of progress and enable action plans and practices to be adjusted in response to unexpected changes, incidents or information in a manageable manner. As advocacy targets respond, it may indeed be important to adjust tactics, even when the objectives remain unchanged.

Monitoring and adjustment can be made easier if advocacy plans contain indicators. Indicators should be thought of consistently with the available resources, in order to be at the same time meaningful and easily measurable. They can also be used to evaluate advocacy strategies *ex post*, for example at the end of a project.

Each organisation will normally need to draw up for itself a model of what their monitoring and evaluation processes may contain. The evaluation of the following items can provide indicators to monitor an organisation's advocacy strategy and measure its successes, or potentially redress its shortcomings:

- Involvement of relevant stakeholders within the CSO and outside the CSO (in particular in the cases of advocacy coalitions, but not only);
- Quality of all advocacy meetings and of all reactions to public communication initiatives (campaigns, press articles, reports published, events organised for campaign purposes);
- Maximised use of political or community calendar opportunities (e.g. Jewish holidays, IDAHO for the LGBTI community);
- Reasons for success or failure of the various advocacy actions;
- Time needed to achieve progress, compared to the objectives defined in the advocacy plan;
- Amount of change within the advocacy target(s) in comparison to the initial advocacy objectives.

GLOSSARY

Advocacy

The deliberate process of influencing those who make or have responsibility for implementing policy decisions. As such, the word 'advocacy' is quite pliable and is used variously to suit organisational agendas. It is understood in terms of the work an organisation does and the fundamental mission of the organisation.

Bias indicators

Criteria that can assist law enforcement professionals in determining whether a particular crime should be classified as a bias/hate crime. These criteria are not all-inclusive, and each case must be examined on its own facts and circumstances.

Bias motivation

A bias or hate crime or hate-motivated incident can be based on one of the following motivations: race/ethnicity, religion/faith, nationality, age, disability, sex, sexual orientation, gender identity, or other grounds.

CSO

Acronym for Civil Society Organisation

Documentation

The term documentation can have different meanings, depending on the geographical context or the field in which it is employed. It is important to stress that documenting is a process that includes different steps, which can vary depending on the goal of the documentation. But generally, documentation consists of:

- **Data collection:** determining what information is needed and establishing means for acquiring it. Monitoring is a key means of collecting data and information in the case of incidents that occur at specific events (such as LGBT pride marches; particular religious holidays). Other methods (interviews, questionnaires, etc.) may be more appropriate to collect data about an individual incident, such as an attack on the street or a bullying incident at school. Where and when possible, it is a good idea to collect information through both monitoring and fact-finding activities. This allows for a more complete picture to be drawn and to cross-check the information.
- **Organising and analysing the data** to make them more accessible. This step could mean elaborating statistics, charts and graphs to make findings more visible.
- **Reporting:** disseminating the information to actors (government authorities, European/international institutions, human rights institutions, etc.) who can take action. In order to be effective and successful, it helps to have a dissemination strategy, i.e. to think about who we want to send the information to at an early stage.

Hate crime (or bias crime)

Hate crime are criminal acts motivated by bias or prejudice towards particular groups of people. This could be based, inter alia, on gender, gender identity, sexual orientation, ethnicity, religion, age or disability. A hate crime comprises two distinct elements:

- It is an act that constitutes an offence under criminal law; and
 - In committing the crime, the perpetrator acts on the basis of prejudice or bias.
- Thus, the perpetrator of a hate crime selects the victim based on the victim's membership or perceived membership of a particular group. Where the crime involves damage to property, the property is chosen because of its association with a victim group and can include such targets as places of worship, community centres, vehicles or family homes.

'Terminology referring to hate crime, hate speech and hate incidents has been adapted from OSCE/ODIHR publications including, Hate Crime Laws, a practical guide, the Office for Democratic Institutions and Human Rights, <http://osce.org/odihr/36426> and Preventing and responding to hate crimes: A resource guide for NGOs in the OSCE region, <http://www.osce.org/odihr/39821>.'

Hate-motivated incidents

An act that involves prejudice and bias of the sort described above but does not amount to a crime is described as a “hate-motivated incident”. The term describes acts motivated by prejudice ranging from those that are merely offensive to those constituting criminal acts in which the crime has not been proven. Although hate-motivated incidents do not always involve crimes, such incidents often precede, accompany or provide the context of hate crimes.

Hate speech

Forms of expression that are motivated by, demonstrate or encourage hostility towards a group or a person because of their membership of that group. Since hate speech may encourage or accompany hate crimes, the two concepts are interlinked. States differ considerably as to which forms of expression constitute hate crimes. Direct and immediate threats of violence, as well as incitement to violence, are crimes in all OSCE participating States, hence these crimes can be prosecuted even without a bias motive. Beyond this, however, there is no consensus on what other forms of speech should be prohibited.

Human Rights Defenders

“Human rights defender” is a term applied broadly to a person who acts to promote or protect human rights, individually or in concert with others. Human rights defenders, whether individuals or members of CSOs, are identified, above all, by what they stand for and what they do. Human rights defenders and others who actively oppose discrimination and hatred are also among the victims of hate crimes, as they are sometimes targeted for their association and solidarity with the victims of discrimination.

LGBTI

Acronym for lesbian, gay, bisexual, trans and intersex people.

Monitoring

A broad term describing the active collection, verification and use of information to address human rights problems. Human rights monitoring includes observing and gathering information about incidents and events (elections, trials, demonstrations, etc); it has a temporal quality as it generally takes place over an extended period of time. In the specific context of hate crime, the purpose of monitoring is to document violence motivated by hatred and to draw the attention of national authorities or international organisations to the violation of recognised human rights. Monitoring ultimately aims to collect sufficient evidence of hate crimes to convince authorities and the public that something has to be done to improve the situation.

Monitoring of media

The systematic recording of radio and television broadcasts, the collection of press clippings from print media, and data from online information sources.

Recording of hate incidents

In the context of hate incidents recording means the police is keeping a log, or record, of all hate crimes/ incidents that have been experienced and reported by people. It involves taking down key information that relates to these incidents, such as when they occurred and a description of what happened. Normally recording should be done by police whenever a person reports a hate incident, regardless of whether a crime has been committed or not and irrespective of whether there is any evidence to identify the hate element.

Risk assessment

At all stages, from initial notification of a hate crime/ hate-motivated incident to the conclusion of any investigation, there may be risks to the safety and well-being of victims and witnesses. An important risk factor (for police and CSOs) is the identification of potential further victimisation. The perceptions of victims and witnesses of their own risk are necessary considerations.

Standards

Commonly agreed guidelines which define the specifications, characteristics and forms of application of the essential aspects of a process or a method.

Third Party Reporting

The aims of having third party reporting is to increase reporting of hate crime and to increase the flow of intelligence from the different communities whose members suffer from hate motivated incidents/crime. These are achieved by providing members of the public with an alternative point of contact, which is different from the police. There are a number of initiatives that encourage and assist victims and witnesses to report hate-motivated incidents and crime, these include:

- *Self-reporting schemes*, allowing victims to make direct reports of incidents/crimes without having to speak to the police.
- *Assisted reporting scheme*, involving a third party such as an voluntary organisation, who take details of a incident or crime and pass the report to the police.

Victim perception

The perception of the victim or any other person is the defining factor in determining a hate incident. The apparent lack of motivation as the cause of an incident is not relevant as it is the perception of the victim or any other person that counts. The prejudice or hate perceived can be based on any identifying factor including disability, age, faith, sexual orientation, gender identity and race. A victim of a hate incident does not have to be a member of a minority group or someone who is generally considered to be vulnerable. For example, a heterosexual man who is verbally abused leaving a gay bar may well perceive that it is motivated by homophobia although he himself is not gay. Therefore effectively anyone can be the victim of a hate incident. The deciding factor lies in the perception of the victim or any other person.

Repeat Victimisation

A person, who becomes the victim of a hate crime or incident, may already have been the victim on a number of occasions. Previous incidents may not have been reported to the police for a variety of reasons and as such, when an incident is reported, it may be the culmination of a lengthy course of victimisation.

Secondary Victimisation

When a person is the victim of a hate crime and they perceive a lack of commitment or understanding in the response from the police, this can have the effect of victimising them for a second time. Whether they are in fact receiving such a level of response is immaterial, as the victims personal reaction is based on their immediate perception.

Victim of a hate crime/ hate-motivated incident

A victim of a hate motivated incident/hate crime is a person that has suffered of any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate based upon race, religion, sexual orientation, faith, disability, etc. The perception of the victim or any other person is the defining factor in determining a hate incident.

GLOSSARY of organisations

Council of Europe (CoE)

The Council of Europe is Europe's oldest political organisation, founded in 1949. It groups together 47 countries. The headquarter is in Strasbourg, France. The Council was set up to:

- defend human rights, parliamentary democracy and the rule of law (clear separation of powers, legal certainty and equality of all before the law);
- develop continent-wide agreements to standardise member countries' social and legal practices;
- promote awareness of a European identity based on shared values and cutting across different cultures.

Main tasks:

- acting as a political anchor and human rights watchdog for Europe's post-communist democracies;
- assisting the countries of central and eastern Europe in carrying out and consolidating political, legal and constitutional reform in parallel with economic reform;
- providing know-how in areas such as human rights, local democracy, education, culture and the environment.

Main convention adopted:

European Convention on Human Rights (ECHR)

The European Convention on Human Rights (formally the Convention for the Protection of Human Rights and Fundamental Freedoms) is an international treaty to protect human rights and fundamental freedoms in Europe. It was drafted in 1950 and the convention entered into force on 3 September 1953. Rulings at the European Court of Human Rights are based on the Convention.

European Union (EU)

The European Union is an economic and political union of 27 current Member States in Europe. The EU origins from the European Coal and Steel Community formed in 1951 and the Treaty of Rome from 1957. Since then, it has grown in size through enlargement, and in power through the addition of policy areas.

European Commission (EC)

The European Commission is appointed for a five year period by agreement between the EU countries, subject to approval by European Parliament. The Commission acts with complete political independence. Its job is to uphold the interest of the EU as a whole, so it must not take instructions from any member state. The Commission is also the only institution that has the right to propose new EU legislation, and it can take action at any stage to help bring about agreement both within the Council and between the Council and Parliament. The Commission is largely responsible for managing the EU's common policies, such as research, development aid, regional policy etc. It also manages the budget for these policies. The Commission is assisted by a civil service made up of 36 "Directorates-General" (DGs) and services, based mainly in Brussels and Luxembourg. Unlike the secretariats of traditional international organisations, the Commission has its own financial resources and can therefore act quite independently.

Fundamental Rights Agency (abbr. FRA)

Formally called The European Union Agency for Fundamental Rights, the FRA is based in Vienna, Austria, and was formed in 2007. The scope of the Agency concerns the respect of the European Convention of Human rights and the Charter on Fundamental Rights from EU countries.

NGO

A non-governmental organisation (NGO) is a legally constituted organisation created by natural or legal persons that operates independently from any government. The term originated from the United Nations, and is normally used to refer to civil society organisations that do not form part of the government and are not conventional for-profit business.

OSCE

The Organisation for Security and Co-operation in Europe (OSCE) is the largest regional security organisation in the world with 56 participating States from Europe, Central Asia and North America. It originates from the Conference on Security and Co-operation in Europe (CSCE) in 1973, and it changed name in 1995 to OSCE. The General Secretariat is situated in Vienna, Austria, but also has offices in Prague, Copenhagen, The Hague, Geneva and Warsaw.

The dimensions of the work of OSCE:

- Politico-military dimension (arms control, border management, combating terrorism, conflict prevention, military reform and policing)
- Economic and environmental dimension (economic activities and environmental activities)
- Human dimension (human trafficking, democratization, education, elections, gender equality, human rights, national and international CSOs, media freedom, minority rights, hate crime)

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