

HANDOUT 1

DEFINITION OF STEREOTYPE, PREJUDICE AND BIAS

STEREOTYPE refers to:

An “oversimplified image of a certain group of people”.¹

“A set idea that people have about what someone or something is like, especially an idea that is wrong”.

(Cambridge English Dictionary)

“Something conforming to a fixed or general pattern, (...) especially, a standardized mental picture that is held in common by members of a group and that represents an oversimplified opinion, prejudiced attitude, or uncritical judgment”.

(Merriam Webster Dictionary)

“A stereotype is a fixed general image or set of characteristics that a lot of people believe represent a particular type of person or thing.”

(Collins English Dictionary)

¹ [Addressing Anti-Semitism Through Education: Guidelines for Policymakers](#), OSCE/ODIHR 31 May 2018.

What is bias?

Definition: **BIAS** (also known as explicit bias) is an internalized and unfair favour of or discriminatory behaviour against an individual, a group or a belief, based on race, ethnicity, gender, sexual orientation, class, religious beliefs, age, ability, status and more, usually in a way that is closed-minded or oppressive.

Our minds categorize individuals into groups to make sense of our world. We assign individuals stereotypes associated with their group. Explicit bias means we are aware (i.e., 'conscious') of prejudices and attitudes toward certain groups. For example, making sexist remarks about women to intentionally make them feel of lesser value than you.

What is prejudice?

Definition: **PREJUDICE** is an opinion — usually an unfavourable one — that is formed about an individual or group of people before having evidence based on personal experience with the group to which they belong.

While a stereotype is what the mind thinks about a person or group, prejudice influences how the body feels and what attitudes we have towards another person or group of people. Prejudice is often rooted in the idea that certain types of people have less worth, class or are less capable than others, often leading to discriminatory behaviour.

What is Unconscious Bias?

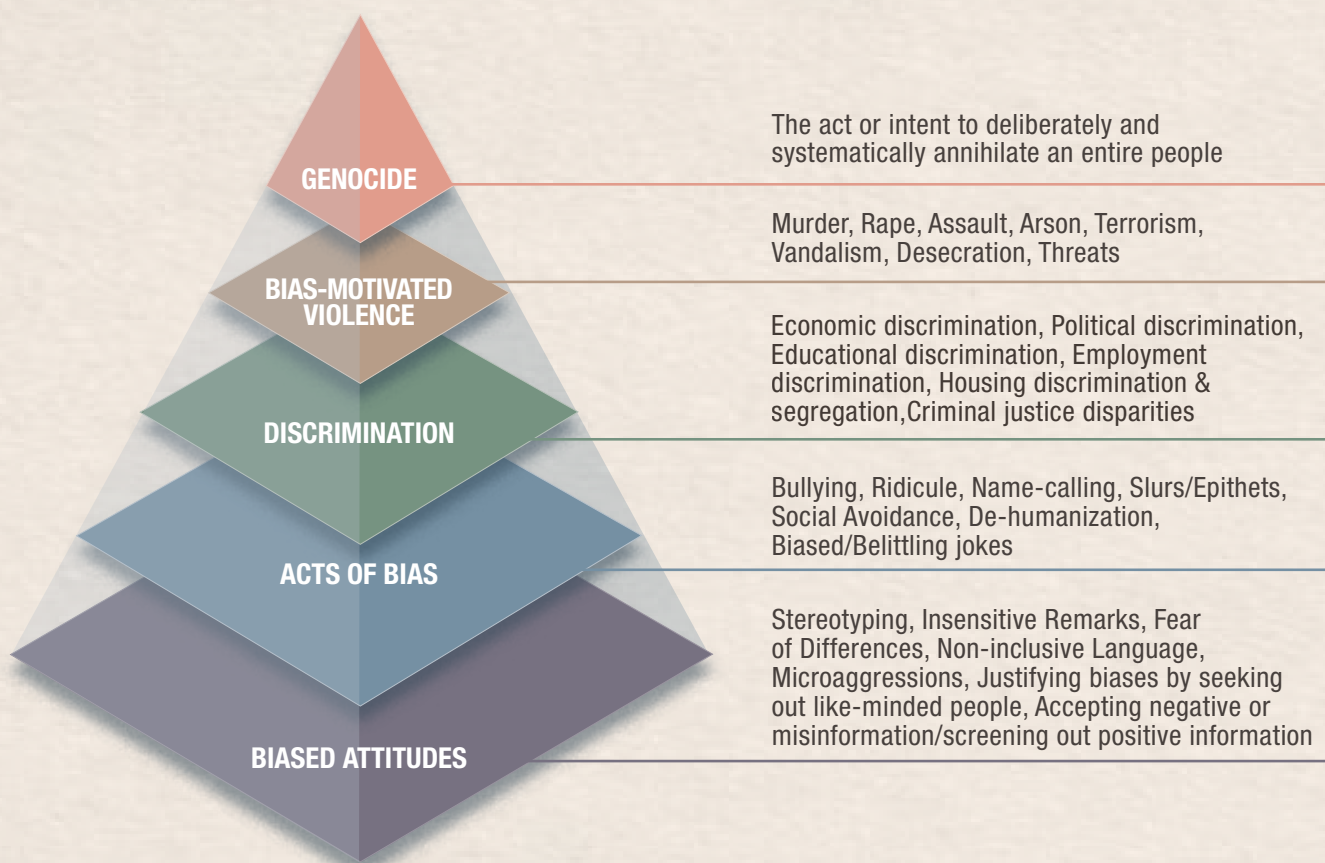
Definition: **UNCONSCIOUS BIAS** (also known as implicit bias) occurs automatically when the brain makes a quick judgment (usually activated by fear, anxiety, or conflict) based on social stereotypes and prejudices learned outside of our own conscious awareness.

We all have unconscious biases. Our unconscious bias informs how we see ourselves versus how we see others. This means what we watch on TV, movies, what we read in magazines and books, the neighbourhoods we live, what music we listen to, who we follow and engage with on social media and the people in our daily lives create fast cognitive shortcuts that help us determine where we sit on the metro, who we eat lunch with at work or school, who we turn to for advice or invite to social gatherings and to whom we choose to offer a helping hand.

HANDOUT 2

THE PYRAMID OF HATE

The Pyramid shows biased behaviours, growing in complexity from the bottom to the top. Although the behaviours at each level negatively impact individuals and groups, as one moves up the pyramid, the behaviours have more life-threatening consequences. Like a pyramid, the upper levels are supported by the lower levels. If people or institutions treat behaviours on the lower levels as being acceptable or “normal,” it results in the behaviours at the next level becoming more accepted. In response to the questions of the world community about where the hate of genocide comes from, the Pyramid of Hate demonstrates that the hate of genocide is built upon the acceptance of behaviours described in the lower levels of the pyramid.

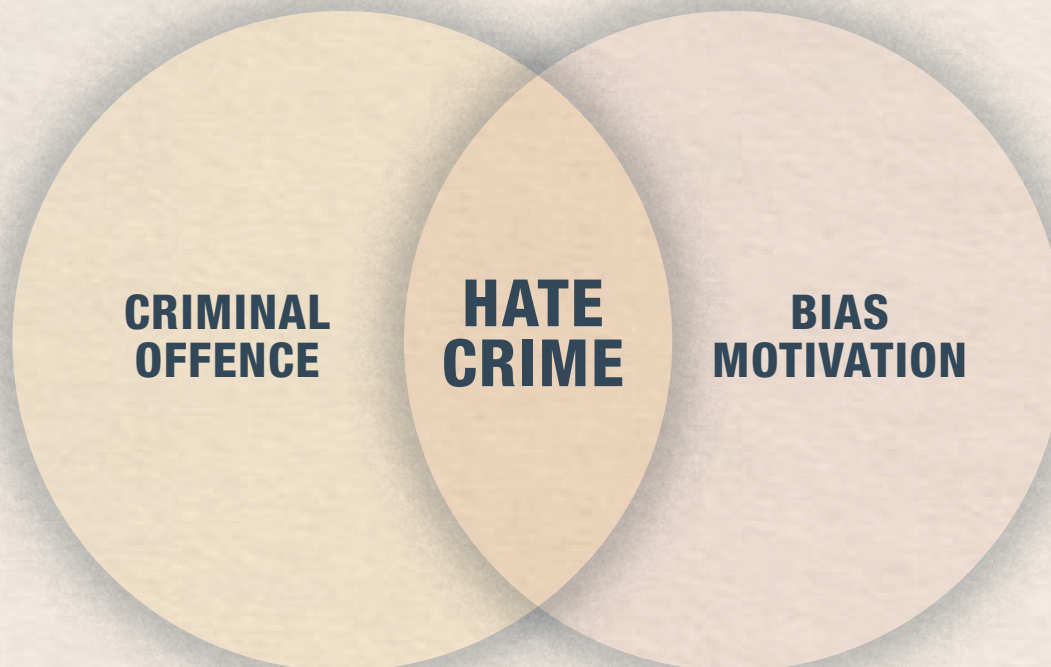


Source: Anti-Defamation League, *Pyramid of Hate*²

² Anti-Defamation League (ADL), *Pyramid of Hate*, see also, *Mini-Lesson: Teaching the Pyramid of Hate*, ADL website.

HANDOUT 3

HATE CRIME DEFINITION



A HATE CRIME IS A CRIMINAL OFFENCE, BASED ON A BIAS MOTIVE. HATE CRIMES ALWAYS COMPRISE TWO ELEMENTS:

1. The first element of a hate crime is that an act is committed which is a crime. Hate crimes always require a base offence to have occurred. If there is no underlying crime, there is no hate crime. Hate crimes could include murder, an act of intimidation, threats, property damage, assault, arson, robbery or any other criminal offence.
2. The second element of a hate crime is that the perpetrator must commit the criminal act with a particular motive, referred to as 'bias'. It is this element of bias motive that differentiates hate crimes from ordinary crimes. The bias motive means that: (i) the perpetrator intentionally chose the target of the crime because of some protected characteristic; or (ii) while committing an ordinary crime, immediately before or after, the perpetrator expressed hostility towards the protected characteristics of the targeted person, group or property.

Hate crimes can target one person, multiple people or property associated with a group that shares a particular characteristic. The perpetrator might target the victim because of actual or even perceived membership in, or association with, a group. For example, a perpetrator may attack someone because they think the victim is Jewish. The attack can still be prosecuted as a hate crime, even if the victim was not Jewish, simply because the perpetrator selected the victim because of a perceived religious or ethnic background.

A protected characteristic is a common feature shared by a group, such as race, ethnicity, language, religion, nationality, sexual orientation, gender identity or any other similar common factor that is fundamental to their identity. As all people have protected characteristics, anyone — both members of majority and minority groups — can become targets of a hate crime.



HATE VERSUS BIAS

A hate crime does not require that the perpetrator feels hate. Instead, it requires only that the crime is committed out of bias motivation. Bias means that a person holds prejudiced ideas about a group. Since hate crimes are committed because of what the targeted person, people or property represent, the perpetrator may have no feelings at all about an individual victim. Hate crimes can be committed for a number of reasons:

- ▶ The perpetrator may act out of resentment, jealousy, peer pressure, or to seek a thrill;
- ▶ The perpetrator may have no feelings about the individual target of the crime, but may have hostile thoughts or feelings about the group to which the target belongs;
- ▶ The perpetrator may feel hostility to all those outside the group with which they identify themselves;
- ▶ At an even more abstract level, the target may simply represent an idea or principle, such as immigration, multiculturalism or diversity, or gender equality, to which the perpetrator is hostile; or
- ▶ A combination of the above or other reasons.

Discrimination refers to the less favourable treatment of individuals in areas such as education, employment and access to goods and services on the basis of group characteristics such as race, religion or ethnicity. Discrimination is most frequently regulated under civil law, and even if criminal penalties are envisioned, these acts (e.g. exclusion from businesses, termination from employment, etc.) are NOT criminal offences without the bias motivation. Additionally, discrimination law is subject to different and very detailed legal principles and jurisprudence. Acts of discrimination are part of a spectrum of behaviours that can lead to hate crimes.

Hate-motivated incidents are acts that involve prejudice and bias but do not amount to a crime. The term describes acts motivated by bias or prejudice ranging from those that are merely offensive to those constituting criminal acts in which the crime has not been proven. Thus, they share the second but not the first element of a hate crime. Although hate-motivated incidents do not always involve crimes, such incidents often precede, accompany or provide the context for hate crimes. Hate incidents can be precursors to more serious hate crimes.

‘Hate speech’ There is no universally agreed legal definition of ‘hate speech’. The UN Strategy and Plan of Action on Hate Speech (2019) defines it as “Any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group based on identity factors such as religion, ethnicity, nationality, race, gender, or other characteristics.” The Council of Europe Recommendation on Hate Speech (2022) provides further guidance on addressing its impact.

The key difference between hate crime and ‘hate speech’ is that hate crime involves a criminal act, while hate speech can include lawful, offensive, or inciteful expressions, some of which may be criminalized in some jurisdictions. Both harm marginalized communities, fuelling discrimination and division.

HANDOUT 4

ONLINE HATE CRIMES

Adapted from training material developed by the UK College of Policing³

Note: the information below focuses specifically on incidents which may reach a criminal threshold and not on the large volumes of hate material that can be found in the online sphere.



ONLINE HATE: GENERAL POINTS

Online hate material presents operational challenges for law enforcement, including:

- ▶ Establishing the jurisdiction of the crime, for example, country and national police force local area where the offender posted the material;
- ▶ The anonymous nature of most offensive material;
- ▶ The unwillingness of, or legal restrictions on, online platforms to disclose user identity;
- ▶ The volume of material online, and on digital devices and determining a proportionate response to this.

However, online hatred can still cause significant distress and can increase community tensions. This can act as a motivator to those with a tendency to commit hate crime by such means.

RESPONDING TO ONLINE HATE CRIMES

The responsibilities of the police when responding to online hate crimes are the same as those for any other type of hate crime.

Specific criminal offences that can be committed online (and thus become hate crimes if committed with a bias motivation) may include e.g., direct threats (some criminal codes refer to threats committed via an IT system or online), harassment, blackmail or similar.

³ [Online Hate](#) webpage, UK College of Policing, last update 14 October 2021.

When an incident does not meet the threshold of a crime, victims can be encouraged to contact their internet service providers (ISP) to ask them to remove the offensive material. Most ISPs have terms of service or acceptable user policies, which prohibit users from posting hateful or illegal material online.

For example, see the advice provided to victims in the UK via the [True Vision reporting platform](#) on how to report online hate.

The following types of specialist officers may be able to provide additional sources of advice for online hate:

- ▶ Digital media investigators
- ▶ Digital forensic teams
- ▶ Counter-terrorism units

Some police forces may also have focal points who liaise with ISPs and mobile device operators. This may help to establish the source of messages sent when this is deemed necessary and proportionate in an investigation.

INTERNATIONAL JURISDICTION

Online hate crime offenders are not limited by national or international boundaries. Computers or mobile devices can be accessed remotely, regardless of the location of the person who is posting, sending, viewing or receiving information online. Wherever the computer or user is located, there will be an electronic audit trail with significant evidential value.

Many websites carrying hate messages in one country are often hosted outside the country where their content may be protected by law, for example in the US where free speech is protected under the First Amendment of the United States Constitution. This means that hosts may be unwilling to pass on user information without a US court order.

COURT JURISDICTION

In some countries the courts have confirmed that the criminal law of their country can apply to material published online even if e.g., the server that is the source of the material is located in another country.⁴ This may not be the case in all jurisdictions.

THREATS TO INDIVIDUALS OUTSIDE YOUR COUNTRY

Where reported online material targets an individual or group outside the country and does not appear to have originated from within the country then the police should refer the report to the country with jurisdiction.

For further information on transferring cases to other jurisdictions police will need to refer to their international liaison department.

⁴ E.g. in the UK, the Court of Appeal in *Regina v Sheppard and Whittle*, confirmed that the criminal law of England and Wales would apply even though the relevant server was in a different country. The test the court applied was whether a 'substantial measure' of the activities took place within the jurisdiction

RISK MANAGEMENT

When analysing online hate incidents or crimes reported to you, it is worth considering:

- Is this incident part of a wider pattern of offending (when considered alongside existing intelligence)?
- Does the victim need to be informed about any possible threat to life or health?
- Do the police need to offer support to the intended victim?
- Is it necessary to discuss potential risks with event organisers or operational commanders responsible for policing events where, for example, a threat is related to an upcoming public event?

CRIME RECORDING

It is usual practice in many states for crime recording purposes that the location of the suspect(s) at the time they committed the offence will determine the crime recording location. The nature of the internet means that this location is often unknown until an investigation has been undertaken.

If the location of the suspect (that is, where the offender was when the material was posted) is unclear, the crime should be recorded in the area where the victim resides.

If at the time of reporting, the location of the suspect(s) and victim cannot be determined, police forces should determine an internal policy for the crime recording location.

PROMISING PRACTICE EXAMPLE — DEALING WITH A LARGE NUMBER OF REPORTS OF ONLINE HATE

In the UK, the [True Vision reporting platform](#) for hate crime and hate incident recording.

The law enforcement team at True Vision, on receiving a report:

- Assesses whether it amounts to a recordable crime;
 - Records the complaint centrally, preventing large numbers of unsolvable crimes being held by local forces;
 - Keeps the victim informed about the progress of an investigation and any action taken;
 - Makes provisional enquiries with the ISP to identify the offender;
 - Where enquiries identify the location of the offence, provides an intelligence package to the local force responsible for investigation;
 - Disseminates intelligence to relevant national and local resources as appropriate; and
 - Works with national and international stakeholders to promote problem-solving solutions, including industry self-regulation.
-

ONLINE HATE CRIMES – WHEN ACTION IS REQUIRED

If a report of online hate has any of the following characteristics:

- Targets an individual person with abuse of any nature;
- Is sent directly to any individual, including where it is posted on an individual's own personal account, such as Facebook;
- Targets an identified group whose location is known (for example, Muslims who attend a specific mosque);
- Targets a specific event such as an LGBT+ Pride march, or
- Refers to any other report which requires an operational police response ...

... then it is likely that police will need to **take action** in line with their internal operating procedures.

TRADITIONAL HATE MAIL

The distribution of traditional hate mail does still occur, for example: offensive letters, leaflets, posters or other material delivered by hand or via the postal system.

The impact this can have on a victim should not be underestimated, and should be dealt with sensitively. Often this material is disposed of by the recipient and not reported, where it is reported, it should be treated as forensic evidence.

HANDOUT 5

HATE CRIME LAWS

Note on customization: During the customization process, use the following descriptions of types of hate crime laws to identify the relevant provisions from the national criminal code to be included in this handout.



HATE CRIME LAWS⁵

1. SUBSTANTIVE OFFENCES

Substantive offences are separate offences that include the bias motive as an integral element of the legal definition of the offence. They are the least common form of legislative hate crime provision in the OSCE region but can be the most well-known.

Example of a substantive offence

Provision Article 119 (1) of the Criminal Code of Poland states, “Whoever uses violence or makes unlawful threats towards a group of people or a particular person because of their national, ethnic, racial, political or religious affiliation, or because of their lack of religious beliefs, shall be subject to the penalty of the deprivation of liberty for a term of between three months and five years.”

In these types of legislative provisions, the first element for a hate crime prosecution, the basic offence (“violence” or “unlawful threats”) and the second element, the bias motive (“because of their national, ethnic, racial, political or religious affiliation, or because of their lack of religious beliefs”) are contained within the same provision.

⁵ See OSCE/ODIHR, *Hate Crime Prosecution at the Intersection of Hate Crime and Criminalized ‘Hate Speech’: a Practical Guide*.

2. SPECIFIC PENALTY ENHANCEMENTS

Specific penalty enhancements are provisions attached to particular base offences. These would typically be serious offences against the person, such as murder or bodily harm. In criminal codes, specific penalty enhancements are often construed as subsections to provisions relating to the basic offence and require the imposition of a more severe punishment — for example, by directly increasing the range of sentence for committing the base offence with a bias motivation.

Example of a specific penalty enhancement provision

Criminal Code of Ukraine, Article 115

1. Murder, that is the wilful, unlawful causing death of another person, shall be punishable by imprisonment for a term of seven to fifteen years.

2. Murder:

(14) based on racial, national or religious intolerance, shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment with forfeiture of property in the case provided for by subparagraph 6 of paragraph 2 of this Article.

The first element for a hate crime prosecution, the basic offence of ‘murder’ is contained in Article 115(1) and the second element, the bias motive is contained in the qualifying Article 115(2).¹⁴

In these types of legislative provisions there is the advantage that the provision is easy to find and resembles the substantive offence provisions in that the bias motivation is a constitutive element of the offence. If this type of provision exists police need to be aware of the need to gather evidence of bias to support a successful hate crime prosecution.

3. GENERAL PENALTY ENHANCEMENTS

In principle, general penalty enhancements apply to any crime in the criminal code that does not already encompass bias as one of the constitutive elements.

Example of a general penalty enhancement provision

Article 22 [Aggravating circumstances] of the Criminal Code of Spain

The following are aggravating circumstances: (...)

(4) Committing the offence for racist, anti-Semitic, anti-Roma or any other kind of discrimination related to the ideology, religion or beliefs of the victim, the ethnic group, race or nation to which he/she belongs, his/her sex, age, sexual or gender orientation or identity, reasons of gender, aporophobia⁵⁹ or social exclusion, the disease he/she suffers or his/her disability, regardless of whether such conditions or circumstances are actually present in the person on whom the conduct is committed (...).

In these types of legislative provisions, depending on the type of offence (e.g., assault, theft, homicide, sexual assault, etc.) the first element for a hate crime prosecution, the basic offence, can be found in the relevant part of the code. For example, if the offence is a racist assault, the first element of a hate crime will be the provision that defines physical assaults in the national criminal code. The second element, the bias motive, is contained in the general penalty enhancement provision, in this case, Article 22 of Spain’s Criminal Code.

These types of provisions are often not as visible or well-known as specific penalty enhancements or substantive offences so it is important that police officers are aware if such a hate crime provision exists to ensure that they can still record an offence as a potential hate crime and collect relevant evidence of bias motive.



LEGAL PROVISIONS ADDRESSING CRIMINALIZED ‘HATE SPEECH’

This section outlines two main types of criminalized ‘hate speech’ provisions: ‘incitement speech’ and other forms of criminalized ‘hate speech’. This is not intended to provide guidance on defining criminalized ‘hate speech’ but to assist in identifying and mapping relevant national legal tools for prosecuting criminalized ‘hate speech’ offences and to be able to differentiate them from hate crime provisions.

1. INCITEMENT SPEECH OFFENCES

‘Incitement speech’ is that which publicly incites discrimination, hatred, hostility or violence against a group of people or members of a group defined by a range of protected characteristics.

Example of an ‘incitement speech’ provision

Article 1 [Incitement to hatred, violence and property damage] of Greece’s Law 927/1979, as amended by Laws 1419/1984, 2910/2001 and 4285/2014 and 4491/201763

1. Anyone, who publicly incites, provokes, or stirs, either orally or through the press, the Internet, or any other means, acts of violence or hatred against a person or group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, sexual orientation, gender identity, gender characteristic or disability, in a manner that endangers the public order and exposes the life, physical integrity, and freedom of persons defined above to danger, will be punished by imprisonment of from three months to three years and a fine of €5,000 to €20,000

2. OTHER CRIMINALIZED ‘HATE SPEECH’ OFFENCES

In addition to provisions that support the prosecution of ‘incitement speech’ offences, some national criminal codes may contain provisions to prosecute other criminalized ‘hate speech’ offences such as:

- Offences of denial of genocide, crimes against humanity and gross minimization
- Public dissemination offences
- Offences of defamation
- Offences of bias-motivated insults



OFFENCES AT THE INTERSECTION OF HATE CRIME AND CRIMINALIZED 'HATE SPEECH'

This group of offences includes threatening and harassing behaviour in a public place, causing others fear, alarm and distress. Depending on the context and circumstances, these offences can take place alongside criminalized 'hate speech' offences, including incitement to hatred or violence and can in some circumstances be prosecuted as hate crimes.

1. BIAS-MOTIVATED DISTURBANCE OF THE PEACE AND NUISANCE OFFENCES

This group of offences are speech acts or expressions where the basic, non-aggravated form of the offence will be present in the criminal code, and the content of the speech comprises the entirety of the offence. In some countries, lower-level disturbance or breach of the peace, and other public order and nuisance offences, are categorized as misdemeanours and administrative offences.

2. OFFENCES OF BIAS-MOTIVATED HOOLIGANISM

'Hooliganism' usually entails disruptive, abusive or unlawful behaviour such as vandalism, and violence carried out by groups. The conduct is most associated with violence at sporting events, for example, where football fans travel and attend games in order to act in an abusive and violent manner. Hooliganism can also include, or set the context for bias-motivated crimes.

3. GRAFFITI

While graffiti is not a commonly specified offence in national criminal codes, depending on the context and on their particular features, these incidents can be comprised of hate crimes, bias-motivated insults, threats or criminalized 'hate speech' offences. For example, racist graffiti on a wall might be best qualified as a hate crime, such as 'property damage' in its aggravated form. On the other hand, the content of the graffiti, its context and location, including how this affects its potential dissemination and the likelihood of harm, might suggest a qualification of incitement to hatred or violence. Another possibility, is where racist graffiti on the wall of the victim's apartment was qualified as a bias-motivated insult. Similar targeted graffiti against a particular individual or group could be qualified as a bias-motivated threat. In some circumstances, graffiti can also be a bias indicator for a hate crime offence.

HANDOUT 6

INTERNATIONAL OBLIGATIONS



Hate crime legislation is grounded in international and regional obligations to combat discrimination and to protect and promote equality. According to International Human Rights Law, each state undertakes the obligation to respect and protect the recognized rights of every person in its jurisdiction, without any distinction. Discrimination is prohibited by both international norms and national legal acts.

The following important international acts are worth mentioning with regard to prohibition of discrimination:

- Universal Declaration of Human Rights — “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- ICCPR — Reading the provisions as a whole obligates states to investigate violence committed against individuals and to discharge these duties without discrimination.
- CERD Article 4 (a) — Requires states to make an offence: “all acts of violence or incitement to such acts against any race or group of persons of any colour or ethnic origin”.

The following **international standards** are worth mentioning with regard to **hate crime and hate speech**:

- European Commission on Racism and Intolerance (ECRI) Policy Recommendation 11.
- The Council of Europe Recommendation CM/Rec (2022)16 on combating hate speech.
- The Council of Europe Recommendation CM/Rec (2024) 8 on combating hate crime.
- Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law 2008/913/JHA of 28 November 2008
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

EUROPEAN COURT OF HUMAN RIGHTS (ECtHR) CASE LAW ON HATE CRIMES⁶

The Court has considered states' obligations under the ECHR in relation to crimes based on bias motives on a number of occasions. A number of key principles have emerged from these cases.

These principles build upon each other and provide coherent jurisprudence on the obligation of states to:

- Promptly and effectively investigate bias-motivated crimes, by either state actors or private individuals; and
- Ensure that bias-motivation is uncovered and appropriately addressed by the criminal justice system.

OSCE COMMITMENTS ON HATE CRIME

The OSCE's Ministerial Council has repeatedly asserted that hate crimes not only affect individual human rights to equality and non-discrimination, but also have the potential to lead to conflict and violence on a wider scale.

Ministerial Council Decision 9/09 on Combating Hate Crime remains one of the most comprehensive commitments by the international community concerning state obligations to address hate crime.

Participating States, inter alia, committed themselves to:

- Collect, and make public, data on hate crimes;
- Enact, where appropriate, specific, tailored legislation to combat hate crimes;
- Take appropriate measures to encourage victims to report hate crimes;
- Develop professional training and capacity-building activities for law enforcement; prosecution and judicial officials dealing with hate crimes; and
- Promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership.

In addition, the OSCE participating States have committed themselves to improving support for hate crime victims. Specifically, they have agreed to:

- Take steps to encourage victims to report hate crimes (Ministerial Council Decision 9/09);
- Provide hate crime victims with access to counselling and legal assistance, as well as effective access to justice (Ministerial Council Decision 9/09);
- Promote the capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate ways to respond to bias-motivated crime, in order to increase a positive interaction between police and victims to encourage reporting by victims of hate crime (Ministerial Council Decision 13/06);
- Facilitate the capacity-building of civil society to assist victims of hate crimes (Ministerial Council Decision 13/06).

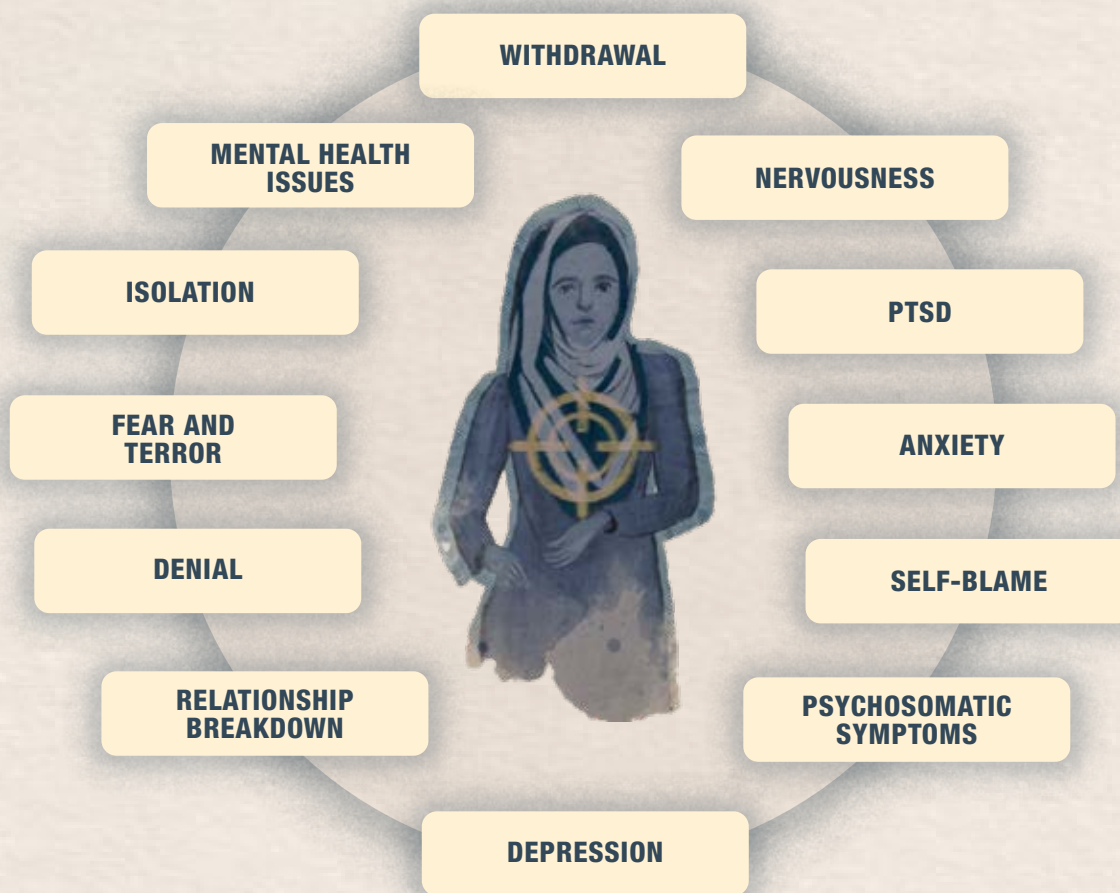
⁶ For more details information see: Analysis of the Jurisprudence of the European Court on Human Rights related to Hate Speech and Hate Crime, OSCE, 29 August 2022 and Unmasking bias motives in crimes: selected cases of the European Court of Human Rights, FRA, 2018.

HANDOUT 7

IMPACT OF HATE CRIMES

DIRECT IMPACT

A well-established body of research⁷ suggests that victims of hate crime are more likely to suffer protracted and higher levels of depression and withdrawal, vulnerability, anxiety and nervousness; an extreme sense of isolation; longer lasting fear; protracted psychosomatic symptoms; significant problems with their job or school work; as well as major problems with family members or friends.



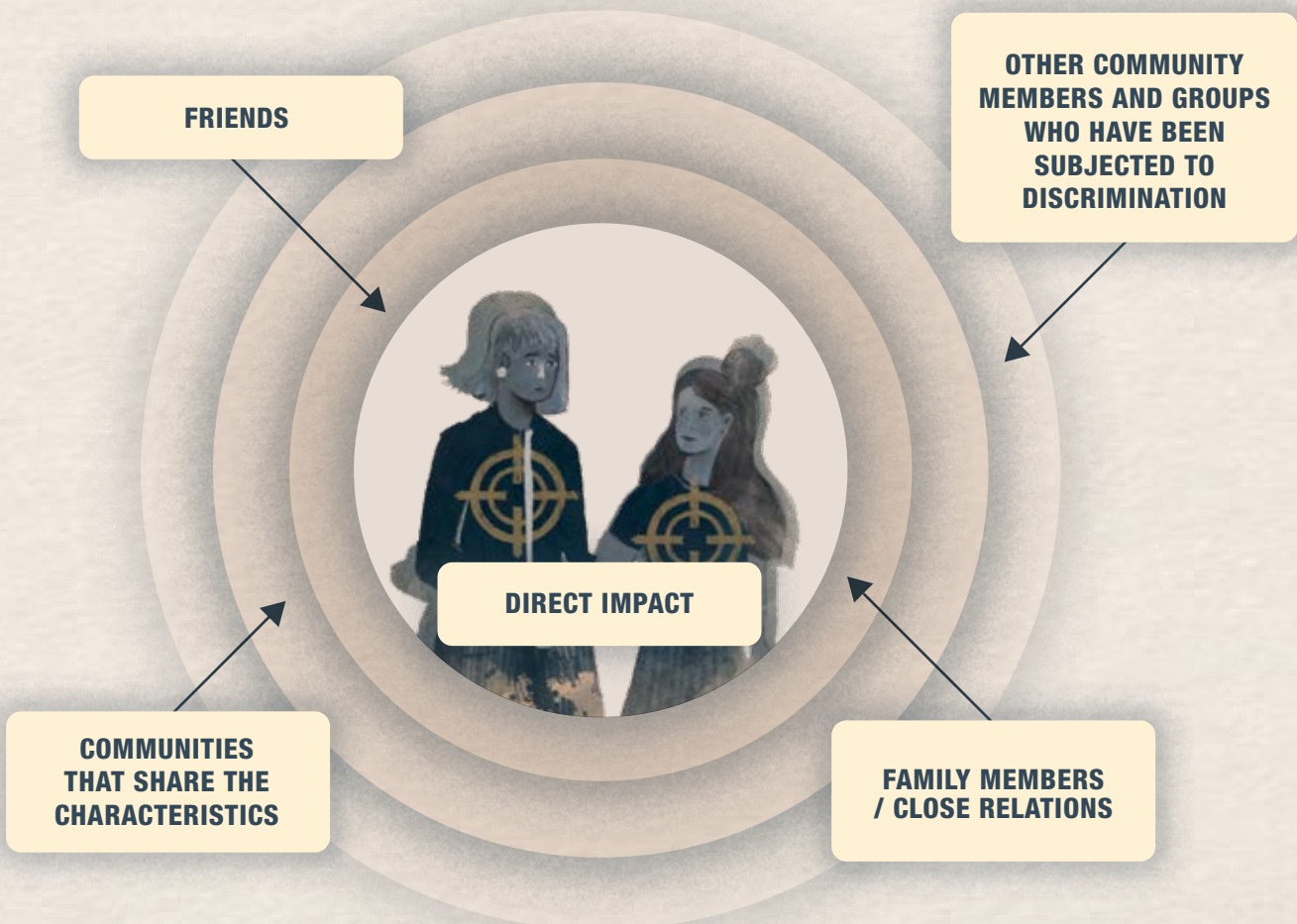
DIRECT IMPACT

⁷ Paul Iganski, Spiridoula Lagou, "The Personal Injuries of 'Hate Crime'" in: Nathan Hall, Abbee Corb, Paul Giannasi, John G.D. Grieve (eds.), *The Routledge International Handbook on Hate Crime* (London/New York: Routledge, 2015), pp. 34-46; Matthew D. Fetzer, Frank S. Pezzela, "The Nature of Bias Crime Injuries: A Comparative Analysis of Physical and Psychological Victimization Effects," *Journal of Interpersonal Violence*, Vol. 34, No. 18, 2019, pp. 3864-3887; and Paul Iganski, "Hate Crimes Hurt More", *American Behavioral Scientist*, Vol. 45, No. 4, 2001, pp. 626-638.

INDIRECT IMPACT

The impact of a hate crime usually goes beyond an individual victim. A hate crime attack sends a message of rejection and devaluation, not only to the targeted person but to the community they represent. The community that shares the characteristic of the victim may experience the attack as if they themselves were the victim. They can experience fear and feel at risk of future attacks. These effects can be multiplied where a community has historically been marginalized and subjected to discrimination or even persecution.

Hate crime can further impact the life, security and public participation of a community. The fear of an attack may prevent communities from organizing their cultural or religious events. Equally, the fear of victimization might force the community and its members to be more cautious, often self-censored, in the public space. In addition, when the hate context is not addressed by the authorities and no clear message is sent to the perpetrators, communities might lose trust in their security and the state authorities. This might require communities to provide security for their premises and events, instead of the authorities, taking funds aimed at cultural and social activities. In some extreme cases, a lack of support from the authorities may force communities to relocate to another place, city or even country.⁸



INDIRECT IMPACT

48 OSCE/ODIHR, *Understanding the Needs of Hate Crime Victims*, p.13.

HANDOUT 8

COMMUNITY POLICING PRINCIPLES



Why can engaging with communities be beneficial to the police?⁵²

Engaging with the public offers police opportunities to:

- Enhance their situational awareness about what is happening in communities and improve their understanding of dynamics, risk perceptions and concerns within communities; this can then serve as a basis for informed and more effective policing;
- Highlight their presence in communities, which can, in itself, both provide reassurance to the public and prevent or disrupt crime;
- Identify critical situations at an early stage in communities and refer them to relevant partners;
- Disseminate information and key messages to the public, including to dispel misperceptions and rumours;
- Raise awareness of relevant issues and mobilize members of the public in support of addressing them;
- Build, over time, trusting and mutually respectful relationships as a basis for further cooperation; and
- Develop arrangements to ensure public participation and cooperate with communities in solving problems, including addressing critical situations.

⁵² Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach, OSCE/ODIHR, 17 March 2014, pp. 127-129.

Which members of the community should the police engage with?

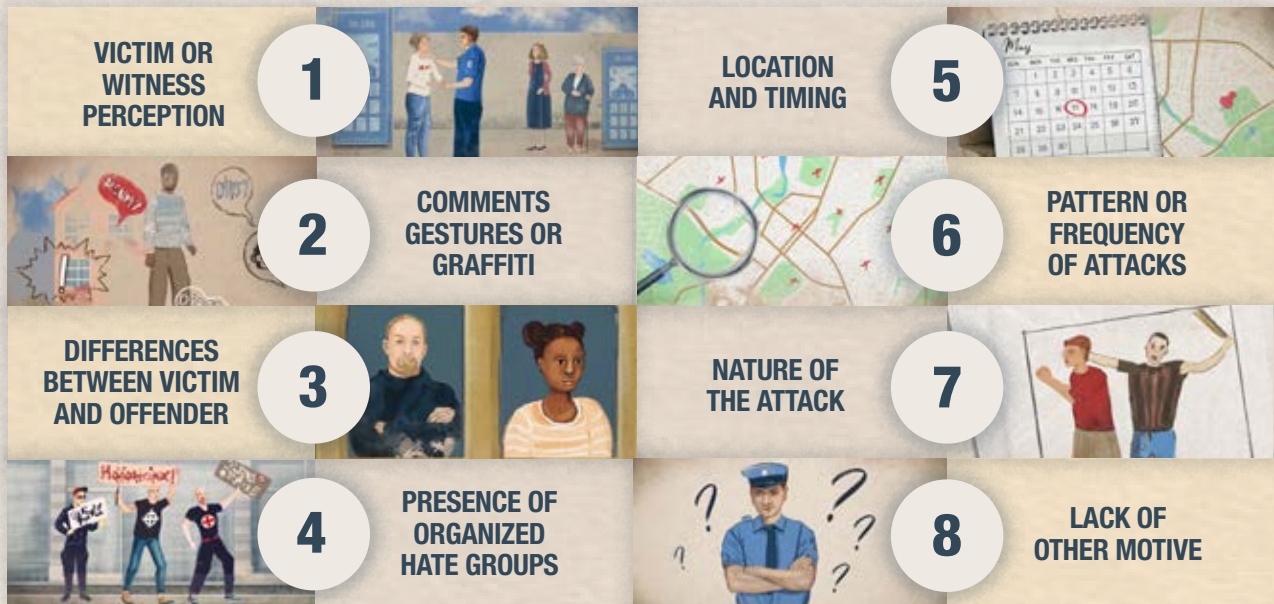
- In principle, police engagement with the public should be inclusive, reaching out to all communities and to a cross section of members within communities, including at the grass-roots level. The police should be careful not to engage only with particular groups, self-proclaimed community representatives or only with interlocutors sympathetic to them; and
- The police should strive to engage, in particular, with individuals or groups that are marginalized, hard to reach, or who display risk behaviours.

The success of police-community engagement will be further facilitated if:

- Police officers have or develop the required set of skills, specifically communication, empathy, sensitivity, perceptiveness and self-awareness;
- Police officers base their engagement on preliminary observation, reflection and self-evaluation. In particular, police officers need to be aware of the different reasons why people's attitudes or behaviour towards the police can be quite negative. In these circumstances, police officers need to proceed with care, recognizing that extra efforts and reassurances will need to be provided in order to gain the trust and cooperation of communities;
- Police officers listen to community concerns, recognize local people's perceptions of problems and do not try immediately to reframe or redefine the problem to suit the police agenda;
- Police officers clearly explain their role, their legal and organizational mandate and what they can and cannot do;
- Police officers keep a record of concerns that are raised, clarify their understanding of the issues and report back to the community within a specified period on what has been done to try to address these issues;
- Police officers refrain from giving blanket assurances that problems will be solved (when they might not be) or to exaggerate their influence or ability to change unpopular policies or procedures over which they have little control;
- Police officers should make every effort to deliver on any commitment made to the community and inform its members about difficulties they may encounter in doing so; they should monitor the impact of any policy change or intervention made to address a particular problem;
- Police officers provide, whenever possible, accurate and up-to-date data to communities to illustrate either the scale of a problem, the effectiveness of police intervention or the need for community cooperation for obtaining a more accurate picture of the problem; and
- Police officers provide follow-up information, to the extent legally permissible and consistent with security concerns, on actions taken and progress made in addressing issues raised by community members. This will help to ensure that community members remain confident that their efforts are valued, taken seriously and result in concrete and appropriate action by public authorities.

HANDOUT 9

BIAS INDICATORS



It is important to note that the existence of bias indicators does not automatically prove that the criminal act was a hate crime, although some may be used in court as evidence. Bias indicators should be analysed and understood in their context and in relation to each other. The existence of bias indicators should prompt investigators to ask the necessary follow-up questions, and investigate potential bias motivation further to enable and support a hate crime prosecution. In addition, investigators should record bias indicators in the case file, as with all evidence.

1. VICTIM/WITNESS PERCEPTION



Even in the absence of other bias indicators, how victims or witnesses perceive the crime they experience or witness is of vital importance. While they may initially not be able to pinpoint the factors that make them see the actions of offenders as bias-motivated, their impression of the attack cannot be discarded. In fact, investigators will often find other bias indicators to confirm their perception.

- Do the victim or witnesses perceive that the criminal act that occurred was motivated by bias?

2.

COMMENTS, WRITTEN STATEMENTS, GESTURES OR GRAFFITI



The perpetrators of hate crimes frequently make their prejudices clear before, during or after the act. Those who commit hate crimes generally want to send a message to their victims and to others, and these messages, from shouted insults to gestures to graffiti, are powerful indications of bias motivation.

- Did the suspect make comments, written statements or gestures regarding the victim's membership or perceived membership in a group?
- Were drawings, markings, symbols⁹ or graffiti left at the scene of the incident?

3.

DIFFERENCES BETWEEN PERPETRATOR AND VICTIM ON ETHNIC, RELIGIOUS OR CULTURAL GROUNDS



Differences between perpetrators and victims can be a bias indicator. This is particularly true when victims can be visibly identified as members of a certain group. These identifiers can include skin colour, religious dress, such as a Muslim woman wearing a headscarf, or other identifying clothing such as wearing a rainbow flag in support of the LGBTI equality movement.

- Do the suspect and victim differ in terms of their racial, religious or ethnic/national background or sexual orientation?
- Is there a history of animosity between the victim's group and the suspect's group?
- Is the victim a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred?
- Was the victim engaged in activities promoting his or her group at the time of the incident?
- Was the victim visibly identifiable as a member of a minority group?

4.

PRESENCE OF ORGANIZED HATE GROUPS



While not all hate crimes are perpetrated by organized groups, members or associates of such groups are often involved in the commission of such crimes.

- Is there evidence that such a group is active in the neighbourhood (e.g., posters, graffiti or leaflets)?
- Did the offender use behaviour associated with membership in a hate organization, such as using Nazi salutes?
- Did the offender have clothing, tattoos or other insignia associating him/her with a particular extremist or hate group?
- Did a hate group recently make public threats towards a particular group?
- Does the suspect's background or online presence indicate possible links with a hate group?
- Did the incident occur during or shortly after a rally of such group?

⁹ See the ADL Hate symbols database.

5.

LOCATION AND TIMING



Where and when an incident happened can be a significant bias indicator. This can include specific locations and timing relevant for, or connected with, a particular targeted community. As hate crime offenders can perceive their actions as justified by nationalist ideologies, significant dates and localities connected with the dominant culture, religion or even national celebrations can also provide the context for hate crimes.

- Did the incident occur on a date of particular significance for either the victim's group or the perpetrator's (e.g., a religious holiday or national day)?
- Did the incident occur during a specific part of the day, when other members associated with the victim group frequent the area when the incident occur (e.g., during prayers)?
- 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 mosque, church or other place of worship)?
- Did the incident occur only a short time after a change in a minority's presence in the area (e.g., the first minority family to move into the area, the opening of a refugee centre)?
- Did the incident occur at the time of a demonstration or protest related to a particular group (e.g., an LGBT Pride March, a demonstration in support of refugee rights, a demonstration in support of women's rights)?
- If the target was property, was it an object, facility or place with religious or cultural significance, or a community facility, such as a cultural centre or a historical monument?

6.

PATTERNS/FREQUENCY OF PREVIOUS CRIMES OR INCIDENTS



If an individual victim was previously targeted in a bias-motivated crime, potential bias motivation should be seriously considered. If a similar modus operandi was observed before in a given area, if there is a spike in bias-motivated incidents or a particular group has received threats, these too should trigger suspicion of a bias motive. Likewise, if the suspects have a history of involvement in crimes motivated by bias, this should be considered a bias indicator.

- Have there been similar incidents in the same area against the same group?
- Has there been a recent escalation of incidents against the same group, beginning with low-level harassment and non-criminal activity to more serious criminal conduct such as vandalism or assault?
- Was there a previous incident that may have sparked a retaliatory response against the targeted group?
- Has the victim or community recently received threats or other forms of intimidation in the form of phone calls, text messages, letters or emails or online messages?

7.

NATURE OF THE ATTACK



Because hate crimes are message crimes, the degree of violence, damage and brutality tend to be serious. As an expression of superiority over and rejection of the targeted group, hate crimes can also involve degrading treatment aimed at diminishing the dignity of victims.

- Did the incident involve unprovoked and extreme violence or degrading treatment?
- Was the incident carried out publicly or in a way to make it public, such as the recording and posting on the internet?
- Did the violence involve mutilation or racist symbols or did the property damage involve symbols meant to defile or desecrate, such as excrement or animal parts?

8.

LACK OF OTHER MOTIVE



Hate crimes often target victims as ‘representatives’ of their group. The selection of the target can, therefore, appear random and, given the lack of connection between the offender and the victim, no motive may be apparent. In these cases, the possibility of a bias motivation should not be dismissed

- Considering other potential bias indicators, such as the nature of the violence or the difference between the victim and the perpetrator, was there no other apparent motive for the crime?

HANDOUT 10

SENSITIVE AND RESPECTFUL TREATMENT

SECONDARY VICTIMIZATION

Secondary victimization occurs through inappropriate treatment of victims by those who come into contact with them. In order to prevent secondary victimization of hate crime victims, it is fundamental that anyone coming into contact with a hate crime victim is aware of their own biases and understands the impact of hate crime on victims and communities as well as a victim's vulnerability to repeated victimization.

SENSITIVE & RESPECTFUL TREATMENT IN PRACTICE

A police officer's initial contact with a hate crime victim is one of the most important and critical moments in a victim's interaction with the criminal justice system.

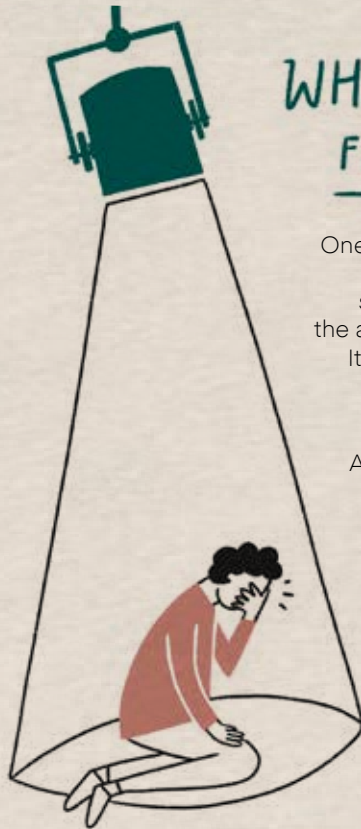
The conclusions a victim draws from that first meeting can affect their perception of the entire justice system and influence their willingness to report their case, to co-operate and to share crucial, sometimes intimate factual details.

WHY IS THIS SO IMPORTANT FOR HATE CRIME VICTIMS

One of the reasons why hate crimes are under-reported is the victim's perception they will not be taken seriously. Many hate crime victims may also fear that the authorities will have the same biases as the offender. It is imperative that criminal justice professionals take positive actions to ensure hate crime victims are treated in a respectful and sensitive manner.

All criminal justice professionals working with victims of hate crime have a responsibility to ensure victims are treated with respect and sensitivity. Therefore, building a culture of sensitive and respectful treatment requires the involvement of all agencies and actors.

Sensitive and respectful treatment can help to increase trust and contribute to a victim's positive overall experience of the criminal justice process, empowering them to give their best evidence and preventing their re-victimization both within and outside the process.

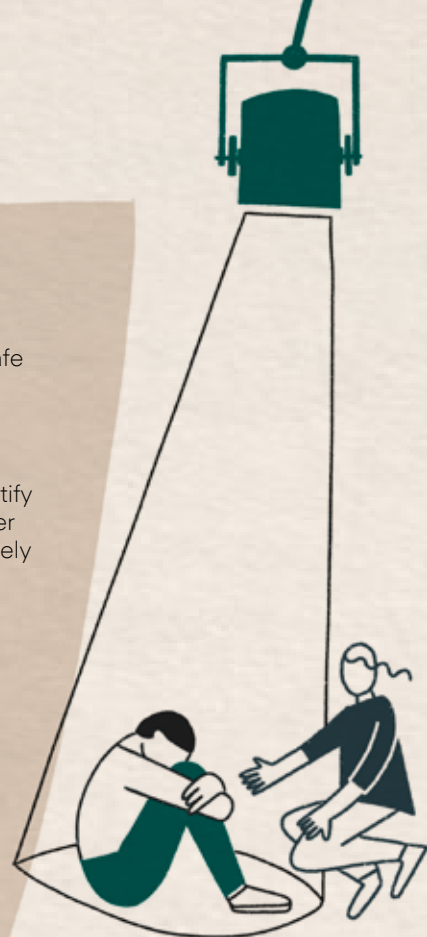


When dealing with a potential hate crime case, law enforcement officers at all times should:

- ✓ Be aware of protected characteristics and how multiple characteristics often intersect, to ensure the proper identification of hate crime victims.
- ✓ Apply a victim-centred approach when responding to hate crime incidents.
- ✓ Respect the victim's perception of having been targeted by a bias motivated offender.
- ✓ Presume higher protection needs on the basis of the victim's perception.

The essentials of sensitive and respectful treatment for law enforcement upon first contact with a hate crime victim:

- ✓ Ensure the victim is separated from the offender and is in a safe and private environment.
- ✓ Inform the victim of their rights and the support available to them as a victim of hate crime.
- ✓ Initiate the individual needs assessment (INA) process to identify immediate security and safety needs, identify the risk of further victimization, intimidation or retaliation and refer to appropriately trained professionals to provide support.
- ✓ Identify any communication needs. Ensure respect for the victim's right to have an interpreter, lawyer and/or other person of the victim's choice present during the interview and at all stages of the criminal justice process.
- ✓ Obtain an exact record of the victim's account, including any perception of the offender's bias motivation. Encourage the victim to tell their story in their own words.
- ✓ Inform the victim about probable next steps in the investigation.



The following communication practices should be adopted in an effort to mitigate potential re-victimization:

- ✓ Law enforcement officers must remain mindful at all times of their tone of voice, body language and the type of language they are using, and how this may be perceived.
- ✓ Choose your words carefully at all times and do not use any discriminatory or abusive language, including inappropriate "slang" terms or "jokes".
- ✓ Refrain from making assumptions about an individual's marital, socio-economic or residency status, and be careful not to make assumptions about their behaviour based on perceived notions of their religion, belief or culture.
- ✓ Ask the person how they wish to be addressed, instead of assuming a person's gender identity, and use inclusive language.
- ✓ Communicate with the victim in accessible language and answer any questions the victim may have.
- ✓ Employ active listening and demonstrate interest in the situation of the victim, such as by not interrupting but, rather, facilitating a victim's free narrative.



To learn more please refer to EStAR's [Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System](#) and [the Sensitive and the Respectful Treatment of Hate Crime Victims: Training Course for Criminal Justice Professionals](#).



The project "Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR)" is co-financed by European Union's Rights, Equality and Citizenship Programme (2014-2020) and the Federal Government of Germany.



This leaflet was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). The content of this leaflet represents the views of the author only and is its sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

HANDOUT 11

SENSITIVE AND RESPECTFUL TREATMENT ESSENTIALS



SENSITIVE AND RESPECTFUL ESSENTIALS DURING THE CRIMINAL JUSTICE PROCESS¹¹

THE BASICS:

- ✓ Familiarize yourself with the list of protected characteristics and understand how characteristics often intersect to ensure the proper identification of hate crime victims.
- ✓ Be aware of personal biases related to a victim's culture, religion or belief, sexual orientation, gender identity or lifestyle.
- ✓ Do not assume that a person's physical appearance is connected to a specific religion, belief or culture, and be careful not to make assumptions about their behaviour based on perceived notions of their traditions or culture.
- ✓ Sensitive and respectful verbal and non-verbal communication should be the foundation of all interaction with a hate crime victim.
- ✓ Be aware of and actively avoid any discriminatory language or conduct.
- ✓ It is necessary to apply active listening skills when interacting with hate crime victims, so they feel heard and understood.
- ✓ Acknowledge that victims might require information or need to gain trust before they are comfortable in reporting.
- ✓ Always ask a person how they wish to be addressed instead of assuming a person's gender identity based on their appearance, marital status, etc.
- ✓ Respect the victim's perception of having been targeted by a bias-motivated offender.
- ✓ Take the victim's report of the hate crime seriously.
- ✓ Do not ignore a victim when you arrive at the crime scene.

¹¹ Sensitive and Respectful Treatment of Hate Crime Victims: Training Course for Criminal Justice Professionals, OSCE/ODIHR 17 February 2022, pp. 81-84.

FIRST CONTACT WITH THE VICTIM:

- ✓ Ensure the victim is in a safe, private environment when conducting questioning.
- ✓ Separate the offender from the victim and get them out of sight and earshot of each other.
- ✓ Inform the victim of their rights and the support available to them as a victim of hate crime, and refer them to available support services.
- ✓ Obtain an exact record of the victim's account, including any perception of the offender's bias motivation.
- ✓ Provide support and materials available in a relevant language, or refer them to a service provider where they can access information.
- ✓ Immediately assign the case to a member of the hate crimes special unit, if one exists, and in accordance with policy.
- ✓ Initiate the individual needs assessment (INA) process. Conduct an initial assessment to identify immediate security and safety needs, identify the risk of further victimization, intimidation or retaliation, and refer to appropriately trained professionals to conduct a further in-depth assessment.

CONDUCTING AN INTERVIEW:

- ✓ If the victim requests it and if possible, try to ensure the police officer who conducts the interview is of the same gender, ethnic origin, etc.
 - ✓ Identify any communication needs. Ensure respect for the victim's right to have an interpreter, lawyer and/or other person of the victim's choice present during the interview and at all stages of the criminal justice process.
 - ✓ Ensure that appropriate support and protection measures have been discussed with the victim and initiated before the interview.
 - ✓ Inform the victim about their right to privacy and data protection, to prevent reluctance to share personal details. Discuss any available options to restrict the offender's access to the victim's personal information in the file.
 - ✓ Reassure the victim that information is not provided to the victim's family or to other non-parties to the proceedings, nor to the media.
 - ✓ Explain whether other state authorities outside the criminal justice system (e.g., immigration authorities) will have access to the case file. Discuss whether the proceedings may affect the victim's residency status, if relevant.
 - ✓ Encourage the victim to tell their story in their own words. Facilitate the victim's free narrative and let them finish speaking.
 - ✓ Let the victim approach at their own pace. Accept that there might be questions they are not yet ready or willing to answer.
 - ✓ Ask the victim what they think motivated the perpetrator. Avoid any questions that might be interpreted by the victim as suggesting they were to blame for the crime.
 - ✓ Keep the interview length, the number of interviews and interviewers to a minimum.
-

INFORMING ABOUT THE INVESTIGATION AND NEXT STEPS:

- ✓ Explain that the incident has now been recorded and is being investigated as a possible hate crime.
 - ✓ Inform the victim about probable next steps in the investigation and manage expectations as to the case outcome. Clarify the factors that influence how sentences are determined or how the decision is made to apply restorative justice or suspended sentences.
 - ✓ Describe the evidential requirements necessary for successful prosecution of both the base offence and the hate element. Explain that in some hate crime cases only the base offence will be prosecuted if there was not enough evidence to prove the hate element.
 - ✓ Stress that any decision in favour of options that do not lead to the prosecution of the suspect or to the hate element of the crime being prosecuted does not mean that the victim is not believed.
 - ✓ Provide information about whether the victim has the right to request specific investigative steps or to appeal any decision made at the investigation stage, and how to exercise this right.
 - ✓ Describe the options a prosecutor typically has in terms of dropping the case, plea-bargaining, opting for restorative justice or prosecution.
 - ✓ Determine how a victim would prefer to be contacted and what they would like to receive communications about. If they want to remain engaged, follow up with the victim regularly and inform them about new developments.
 - ✓ Proactively share updates on the case with the victim, if they so wish. Equally, respect the victim's wish to not receive any information.
 - ✓ When all investigations are concluded, inform the victim of how the case is proceeding, including the grounds for next steps.
 - ✓ Reassess the victim's needs and refer them to, or offer information on, support organizations at any point where circumstances change and at any stage of the criminal proceedings.
-

HANDOUT 12

POLICE RESPONSE TO HATE CRIMES

This material is adapted from Responding To Hate Crimes: A Police Officer's Guide To Investigation and Prevention, IACP, and see also, Responding to hate crimes of UK College of Policing.



FIRST RESPONSE



Police officers arriving on the scene should act immediately to:

- Secure the scene;
- Stabilize the victim(s) and request medical attention when necessary;
- Ensure the safety of victims, witnesses and perpetrators;
- Preserve the crime scene; collect and photograph physical evidence such as:
 - o Hate literature
 - o Spray paint cans
 - o Threatening letters
 - o Symbolic objects used by hate groups (e.g., swastikas, crosses)
- Request the assistance of translators when needed;
- Conduct a preliminary investigation; record information on:
 - o Identity of suspected perpetrator(s)
 - o Identity of witnesses, including those no longer on the scene
 - o Prior occurrences, in this area or with this victim
 - o Statements made by suspects – exact wording is critical
- Arrest the perpetrator(s) if probable cause exists.

Note: In the presence of the victim, the officer should neither confirm nor deny that the incident is a hate crime; that determination will be made later in the investigative process.

FOLLOW-UP ACTION



After taking immediate action, police officers should:

- Assign only one officer to interview the victim(s) whenever practical in order to minimize trauma;
- Protect the anonymity of the victim whenever possible;
- Explain to the victim and witnesses the likely sequence of upcoming events, including contact with investigators and the possibility of media coverage;
- Refer the victim to support services in the community, providing written resource lists when possible;
- Tell the victim how to contact the police department to obtain further information on the case;
- Report the suspected hate crime to the supervisor on duty;
- Depending on department policy, refer media representatives to the supervisor on duty or public information officer;
- Document the incident thoroughly on department report forms, noting any particular hate crime indicators and quoting the exact wording of statements made by perpetrators; and
- Assist investigators in making any other reports that may be required under federal or state guidelines and laws.

INVESTIGATION



When conducting a thorough follow-up investigation, officers should:

- Interview victims(s) and witnesses thoroughly and respectfully;
- Secure evidence by taking photos of offensive graffiti or other symbols of bias;
- Document the circumstances and apparent motives surrounding the event;
- Locate and arrest any suspected perpetrators not apprehended at the scene;
- Provide police supervisors or public information officers with information that can be responsibly reported to the media;
- Inform the victim of what is likely to happen during the continuing investigation;
- Appeal to witnesses to come forward by canvassing the community;
- Offer rewards for information about the incident when possible;
- Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved; and
- Collaborate with the responding officers to complete any written reports required by their department and state agencies.

VICTIM SUPPORT



Effective ways for police to support victims while investigating the crime:

- Remain calm, objective and professional;
- Express your regret to the victim that he or she was the target of a crime;
- Request the assistance of translators when needed;
- Let the victim defer answering questions if they are too distraught;
- Ask the victim(s) if they have any idea why this happened to them;
- Reassure the victim that they are not to blame for what happened;
- Voice support of any actions the victim took to protect themselves and defuse the situation;
- Allow the victim to vent feelings about the incident or crime;
- Encourage victim to tell the story in their own words;
- Ask the victim to recall, the best of their ability, the exact words of the perpetrator(s);
- Ask the victim if they have family members or friends who can support them;
- Inform the victim of what efforts can be made to enhance their safety;
- Reassure the victim that every effort will be made to protect their anonymity during the investigation;
- Tell the victim about the probable sequence of events in the investigation; and
- Provide information about community and department resources available to protect and support victim, their families and members of the community.

HANDOUT 13

EVALUATION FORM

1. Gender

- Woman Man Non-binary Prefer not to say

2. Has your understanding of hate crimes changed as a result of the training?

- Yes No

If yes, please specify:

3. Has your understanding of the role of police in hate crime cases changed as a result of the training?

- Yes No

If yes, please specify:

4. Do you intend to use the skills and knowledge obtained during the training in your work?

Yes

No

If yes, please specify:

5. Please identify three key strengths of the training:

6. Please identify three key weaknesses (areas you would propose for further improvement/revision) of the training:

7. Please provide below any other comments on the training, including tips for improvement:
