

Training Against Hate Crime for Law Enforcement (TAHCLE)

Trainer's Manual



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Acknowledgements

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Training Against Hate Crime for Law Enforcement, (TAHCLE), Trainer's Manual

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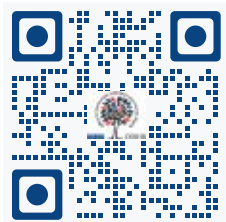
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ACRONYMS

ECtHR	European Court of Human Rights
OSCE	Organization for Security and Co-operation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
pS(s)	Participating States of the OSCE
CSO	Civil Society Organization

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INTRODUCTION

Law enforcement plays a **key role in efforts to address hate crime**. When equipped with the tools and knowledge to recognize, identify and record hate crime cases, the police are able to investigate effectively and ensure that hate crime victims receive appropriate support and protection. Hate crimes are especially harmful, because they target victims simply for being who they are. When hate crimes are investigated and prosecuted as such, victims and their communities receive a clear message that their efforts to report hate-motivated attacks are not in vain and that the criminal justice system will provide redress for the harm caused.

ODIHR's Training Against Hate Crime for Law Enforcement (TAHCLE) programme has been designed to improve law enforcement responses to hate crime cases by giving police the **knowledge and skills to recognize, understand and effectively investigate hate crimes, whilst taking a victim-centred approach**. This Trainer's Manual builds on ODIHR's experience of implementing the TAHCLE programme across the OSCE region since its launch in 2012¹ and incorporates further guidance on hate crime victim support² and practical recommendations on working at the intersection of hate crime and criminalized 'hate speech' developed by ODIHR in 2024.³ This updated Trainer's Manual is being made available publicly for the first time, to encourage the development of training programmes on hate crime for law enforcement and supplement existing training agendas. ODIHR works together with national authorities to develop and customize training programmes to ensure they meet identified needs and respond to relevant challenges.

To ensure sustainability and quality, ODIHR recommends that hate crime training should ideally be **accompanied by the development of a police instruction or Standard Operating Procedure (SOP)** on hate crime cases. Hate crime training should be embedded at the institutional level and in policy and strategic documents with the necessary resources guaranteed. The development, customization and delivery of hate crime training should be based on, and in cooperation with, the **work and resources of Civil Society and community-based organizations** who, by virtue of their closeness to their communities, play an essential role in understanding and responding to hate crime victimization. Finally, to ensure an effective national response to hate

1 At the time of publication, TAHCLE has been implemented in 18 participating States: Armenia, Bulgaria, Croatia, Estonia, Finland, Georgia, Iceland, Italy, Latvia, Lithuania, Malta, Montenegro, North Macedonia, Poland, Romania, Slovakia, Spain and Türkiye, and regionally in Valencia and Kosovo.

2 See ODIHR's [ESTAR](#) and [STARS](#) project pages.

3 [Hate Crime Prosecution at the Intersection of Hate Crime and Criminalized 'Hate Speech': a Practical Guide](#), OSCE/ODIHR, 15 November 2024.

crime, training for police **should also be complemented by training for prosecutors and the judiciary**. Prosecutors are central to an effective response to hate crime. They are key in coordinating with the police to ensure effective investigation of hate crimes and in supporting the courts to consider the nature of the offence and the factors, such as bias motive, that can aggravate the sentence. ODIHR's Prosecutors and Hate Crime Training (PAHCT) programme provides guidance on training for prosecutors and judiciary.⁴

ABOUT THIS MANUAL

The full programme included in this manual is designed as a two-day course. Police officers aiming to develop hate crime specialization would benefit from the full programme. However, a shorter programme incorporating core modules can be delivered in basic training for all levels of police (sample agendas are included below). The recommended group size for a specialist course is **15-20 people**; gender parity is recommended.

The course is designed to be delivered by a team of two trainers/facilitators, including at least one trainer with a law enforcement background. However, adjustments can be made to meet the needs of each group and the availability of trainers.

The training methodology is based on the principles of **human rights education**, ensuring that the content places equal emphasis on:

- Acquiring and understanding new concepts (knowledge);
- Methods of application (skills); and
- Ways of thinking (attitudes).

This approach seeks to build on participants' existing knowledge and experience and integrate it via participatory learning (learning from peers). The training is very interactive, combining exercises of self-reflection with discussions in small groups and presentations, all of which are then applied to resolving case studies.

The training applies a **victim-centred approach**, acknowledging that, although people might share a particular social identity and personal characteristics, each person is unique. The content of this manual aims to reflect the needs and experiences of different members of society through **intersectional perspectives**. This approach captures the multidimensionality of people's experiences and identities, and is at the heart of a victim-centred approach in responding to hate crime.

⁴ Prosecutors and Hate Crimes Training (PAHCT) Programme Description, OSCE/ODIHR, 29 September 2025.

Structure

The proposed course set out in this manual is modular, allowing trainers to select a combination of modules to fit the specificities of each group and the time available. However, trainers are recommended to read the whole manual before selecting individual modules, as some do follow on from earlier modules and should therefore be delivered in sequence.

Each module includes:

- Summary
- Learning objectives
- Outline (overview of activities with timings)
- Materials checklist
- Training instructions, with detailed learning and discussion points, notes and training materials
- Handouts
- Additional resources

Trainers may also face some difficult questions while delivering training on this topic. Some questions and sample answers can be found in [Annexe I.](#)

Important note: *Some activities use case studies and statements that are, to a large extent, based on real-life examples. Other examples are based on the facts of several real cases, combined to provide a more comprehensive learning experience. These materials often contain discriminating and offensive language that might cause discomfort for both the trainers and the trainees. To avoid publishing offensive material, in the published version of this manual, slurs that target members of different groups have been replaced by generic descriptions (e.g., 'racist slur', 'misogynist slur', etc.). Where a term is used pejoratively by the speaker, but is not negative in its character (e.g., 'woman', 'Jew', etc.), they have been spelled out in full. Trainers are encouraged to replace these generic terms with the real words when delivering training. In addition, trainers should also provide similar examples from their national context, as real examples are a much more powerful training tools than generic language. Given that the actual offensive terms will be used by trainers, they should warn participants each time that such language is being used solely for training purposes and they must be responsive to participants' sensitivities.*

PREPARATION FOR DELIVERING A TAHCLE TRAINING COURSE

Needs assessment

Ideally, any hate crime training course should be preceded by a needs assessment process in order to establish:

- The extent of hate crimes taking place
- The most commonly targeted groups
- The experiences of victimized communities in general
- The level and accessibility of reporting of hate crimes to police
- The current mechanisms and structures in place within law enforcement for recording and responding to hate crimes and supporting hate crime victims
- Information about national legislation

The needs assessment should also aim to identify the gaps and training requirements for law enforcement and produce recommendations to ensure that key messages are delivered during any TAHCLE training.

The following should be consulted: law enforcement representatives (including those responsible for training), other criminal justice system representatives (e.g., prosecutors, judiciary), civil society representatives, representatives of impacted communities (including diverse voices from within these communities), national human rights institutions and equality bodies, among others.

On receiving a request to implement TAHCLE training, ODIHR completes a detailed needs assessment before adapting and customizing the programme to local needs.

Customization

Training materials that require prior substantive customization, are highlighted in pink in the 'Materials checklist' for each module and, where helpful, within the instructions. The customization process should include translation into the local language(s).

The following materials would benefit from customization:

- Module 1: Activity 1.2 — Hate crime case study
- Module 2: Training Material 2.2 — Experiences of the community
- Module 4: Handout 3 — National hate crime legislation
- Module 4: Training Material 4.1, 4.3 — Case studies
- Module 6: Activity 6.1 — Case study on the role of police
- Module 7: Training Material 7.1 — Bias indicators case studies
- Module 7: Activity 7.3 — Copy of local police incident recording form
- Module 10: Activities 10.1 and 10.2 — Case studies

While this manual provides sample materials (such as community statements and case studies), the key to the success of the training will be adequate customization to the national or local context. It is recommended to customize the following parts of the manual:

Community Statements (Module 2)

It is vitally important to collect factual and anecdotal information on the nature and extent of hate crimes and non-criminal incidents of bias in the national or local context. This information comes from civil society organizations (CSOs) and community representatives.

Collecting accounts of hate crimes and incidents allows the trainers to:

- Gather information on the nature/extent of hate crimes and bias incidents that occur in the country or region where the training will be delivered;
- Reduce the defensiveness of any participants who may not believe that hate crimes exist in their community; and
- Enhance the credibility of the trainer by presenting information that is directly relevant to the local context.

Community statements include accounts of harassment, jokes, degrading statements and expressions of prejudice towards a variety of communities. Community statements are used in Module 2 and are referred to throughout the training.

Local legislation (Module 4)

Module 4 puts the hate crime concept used by OSCE into the context of the national legislation. It is vital that trainers understand what the law is and how hate crime provisions are used by the police in relation to recording and investigating hate crimes.

Police crime recording forms (Module 7)

To ensure the practical application of hate crime investigation tools covered in Module 7 the customization should take into account use of the real crime recording form or database used by police.

Preparing case studies (Module 10)

Case studies are a crucial component of the training materials. Before the training begins, trainers should prepare case studies that are relevant to the country or region where the training is taking place. Case studies should illustrate specific issues that are highlighted in the modules. Ideally, the trainers should base their case studies on actual hate crimes and hate incidents that have occurred in the country or region. Case studies will enable participants to:

- Apply the knowledge gained during modules in the course to analyse specific cases; and
- Practice the skills acquired during the training to master responses to specific cases.

Case studies should cover a variety of issues that are difficult to resolve, so that the participants are required to think through and engage with different aspects of hate crime investigation and response. Some cases might have facts that could be interpreted in different ways. Most importantly, case studies should also include scenarios raising difficult questions that police officers need to resolve (e.g., the victim is afraid/ does not want to report, the victim does not speak the national language, potential media interest, intersecting or multiple possible indications of bias).

Modules 4 and 7 include shorter examples, while Module 10 includes more extensive case studies with annotations and instructions on facilitation. These can be used in any training if there are no equivalent or more appropriate national or local case studies.

Presentation

An important part of the training materials is the accompanying PowerPoint presentation. Relevant parts of this presentation will also need to be customized in line with the above.

Video Materials

ODIHR has developed training videos which include interviews with hate crime victims, civil society representatives working with hate crime victims, a police officer and a prosecutor. Some videos can be shown in full (see instructions in specific modules), while others only in part, to fit the allotted time for each exercise. For the full list and descriptions of all the videos included in the Trainer's Manual please see [Annexe II](#).

PRACTICAL ARRANGEMENTS

Materials

Prepare all of the materials sufficiently in advance, including:

- Customized and translated materials as listed above
- Presentation (customized where appropriate)
- Videos (including translated subtitles)
- Sufficient copies of all handouts
- Copies of *The Sensitive and Respectful Treatment of Hate Crime Victims*
- *Understanding the Needs of Hate Crime Victims*.

Set up and Equipment

The training should preferably be held in a large, comfortable room with tables arranged in a U shape (with the trainers presenting from the open end of the U).

There should be a laptop projector available and a table for workshop materials. Ideally there should be space for participants to stand up and take part in smaller group activities, or a second room available for smaller breakout group activities.

The following supplies and equipment should be available:

- Computer with Internet connection and screen to show presentations (including videos with sound)
- Four flip charts with paper and sets of markers
- Name tags/stickers
- Blank cards or pieces of paper (three for each participant)
- Pencil or pen (one for each participant)
- Sticky tape (to be used to stick paper on walls)
- Coloured sticky notes (at least two different colours)

Preparations on the day

On the day of the training, trainers should:

- Arrive at least 60 minutes early;
- Set up the equipment and ensure that the presentation can be displayed on the big screen;
- Check that videos can be projected onto the screen and the sound and subtitles are working;
- Rearrange chairs and tables as necessary; and
- Prepare flipcharts and distribute the materials for Module 1: Introduction and Overview.

SAMPLE AGENDAS

The full programme in this manual is intended for a two-day training workshop. The timing for each module and the overall training is calculated based on ODIHR's experience of delivering it. Two sample agendas are provided below. However, adjustments can be made to reflect the specifics of each group and the time available.

Two-day training

DAY 1

09:00 – 09:45	Module 1 — Introductions and Overview (45 mins)
09:45 – 10:45	Module 2 — Experiences of the Community (60 Mins)
10:45 – 11:00	<i>Break</i>
11:00 – 11:45	Module 3 — Stereotypes and Unconscious Bias (45 mins)
11:45 – 13:00	Module 4 — Hate Crime Definition, Part 1 (70 mins)
13:00 – 14:00	<i>Lunch Break</i>
14:00 – 14:30	Module 4 — Hate Crime Definition, Part 2 (30 mins)
14:30 – 15:30	Module 5 — Impact of Hate Crimes (60 mins)
15:30 – 15:45	<i>Break</i>
15:45 – 16:30	Module 6 — Role of Police in Responding to Hate Crimes (45 mins)

DAY 2

09:00 – 09:45	Module 7 — Identifying, Recording and Investigating Hate Crimes: Bias Indicators (45 mins)
09:45 – 10:30	Module 8 — Barriers to Investigating Hate Crimes and How to Overcome Them (45 mins)
10:30 – 10:45	<i>Break</i>
10:45 – 12:00	Module 9 — Sensitive and Respectful Treatment of Hate Crime Victims (75 mins)
12:00 – 13:00	Module 10 — Response and Investigation (60 mins)
13:00 – 14:00	<i>Lunch</i>
14:00 – 15:00	Module 10 — Response and Investigation and Case Studies (60 mins)
15:00 – 16:00	Module 11 — Conclusions and Evaluation

Half-day training

Where police departments have less time available and need to train a larger number of people on core hate crime concepts, the training can be adapted to focus only on the key modules. In this case, some materials will need to be adapted by trainers to cover the key points in less time.

DAY 1

09:00 – 9:30	Module 1 — Introductions and Overview (30 mins)
9:30 – 10:00	Module 2 — Experiences of the Community and Stereotypes (30 Mins)
10:00 – 10:30	Module 4 — Hate Crime Definition and National Legislation (30 mins)
10:30 – 10:45	<i>Break</i>
10:45 – 11:30	Module 7 — Identifying, Recording and Investigating Hate Crimes: Bias Indicators (45 mins)
11:30 – 12:00	Module 9 — Sensitive and Respectful Treatment of Hate Crime Victims: Preventing Secondary Victimization
12:00 – 13:00	Module 10 — Response and Investigation and Case Studies



MODULE 1

INTRODUCTION

AND OVERVIEW

MODULE 1

INTRODUCTION AND OVERVIEW

SUMMARY

During this first module, participants will get to know each other and meet the trainers. Introductions will help establish group dynamics and set a friendly atmosphere. Everyone will also have a chance to state their training expectations and possible concerns. Participants, together with trainers, will set some ground rules and will hear an initial example of a hate crime case and begin to understand why dealing with hate crimes is important.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Describe the objectives of the training;
- Identify the ground rules for the training;
- Identify some of the basic elements of hate crime cases and the potential for escalation; and
- Explain why dealing with hate crimes is important.

OUTLINE

Time	Activity	Key Points
30 minutes	Activity 1.1 <i>Introductions</i>	Participants introduce themselves, outline their training expectations and agree ground rules.
15 minutes	Activity 1.2 <i>Objectives and introduction to hate crimes</i>	Participants discuss some of the key elements of hate crime cases and the need for effective responses.
Total: 45 minutes		

MATERIALS CHECKLIST

- 2 flip charts with paper
- Coloured sticky notes
- 3-4 marker pens
- Training Material 1.2
- 1 piece of blank A4 paper per person
- Slide 2

ACTIVITY 1.1 — Introductions

PURPOSE: To introduce participants to each other, establish group dynamics and learn about the different levels of prior experience in dealing with hate crimes. To share expectations and possible concerns. To agree on the ground rules for the duration of the training.

TIME: 30 minutes

INSTRUCTIONS:*Introductions*

1. As participants arrive, try to greet everyone, introduce yourselves informally, and ask everyone (including trainers) to write their name with a marker in large clear letters on a blank piece of A4 paper. When they choose a place to sit, ask them to stand it on the table in front of them. You can also have all name tags printed in advance and just hand them out.
2. Trainers introduce themselves, their experience in training law enforcement, and their experience of working on hate crimes. Introductions allow trainers to establish their credibility as workshop leaders.

Introduction of participants

3. Ask participants to introduce themselves very briefly, providing the following information:
 - Name/surname
 - Their function/role within the police
 - What they bring to the training course, i.e., what they can **'give'** (e.g., their experience, willingness to participate, being a leader, raise the difficult questions, etc.)
 - Their expectations of the training, or what they hope to **'take'** from it
 - Lastly, an interesting thing from outside the training that they would like to **'share'** (e.g., favourite activities, a recent accomplishment — personal or professional, etc.)

The other trainer records participants' answers on the flip chart, under 'Give', 'Take' and 'Share' columns.

Note: *It is important that everyone gets time to speak. If participants don't know each other, the start of a training course, particularly on a difficult subject, generally makes people tense. Allowing them time to speak will make them feel their participation is important and will build confidence and trust within the group. This is a vital element of the training in this and later modules and must not be skipped. It is also important to not make any judgement about any of the answers, just record them accurately. If helpful, ask for clarification if something is not clear. Thank each participant for their introduction.*

4. Ask participants if they have anything else they would like to say or share (concerns, etc).
5. Summarize the statements about expectations ('Take') and highlight what will definitely be covered, what will only be touched upon, and what will need to be dealt with in another setting. Things that might be dealt with during the course could be noted on a 'Parking Lot' flip chart sheet. Participants can use this sheet during the training to 'park' issues to come back to, ideas for follow up, etc.

Ground Rules

6. Explain that participants should agree together on the ground rules so the training runs smoothly and productively. Give a couple of examples.
7. Ask participants to propose rules for the training. As they speak, the other facilitator records the answers on a flip chart sheet marked 'Ground Rules'. The following should be included (mention them if participants don't include them):
 - Listen, and 'hear' what is being said.
 - Be respectful. No insults.
 - Try not to speak too often or for too long. Allow others to speak.
 - Mobile phones on silent during the sessions. Leave the room if you urgently need to talk.
 - Raise your hand if you want to speak.
 - Respect the agreed timings.
 - Look after each other.
 - Contribute to making it a peaceful and safe environment.
 - What is shared in the room stays in the room (sensitive things, not key learning points).

8. Ask participants for any comments or reservations about the ground rules. Note the importance of all participants feeling comfortable with the rules and committing to respecting them. Tell them that the ground rules will hang in the room throughout the workshop. Hang the list in a visible place.

ACTIVITY 1.2 — Objectives and introduction to hate crimes

PURPOSE: To help participants understand the objectives of the training. To start to understand that hate crimes can lead to wider security threats and threaten social cohesion and why the police response is so important in such cases.

TIME: 15 minutes

INSTRUCTIONS:

Objectives of the training

1. Briefly explain the main objectives of the training (show Slide 2). Explain that the purpose of the training is to provide police officers with the skills and knowledge to recognize and investigate hate crimes and provide effective support to victims. Also explain that this training is NOT about participants' personal views about any group. Rather, the training is about providing practical support to police in upholding their professional obligations and the rule of law, which can, in turn, benefit communities and society.
2. Present a hate crime case that is familiar to you or use one of the examples from Training Material 1.2.

NOTE ON CUSTOMIZATION: *Ideally this case study should be customized to the national context, or the trainer can use a story/case study of their own choice that fits the national context. It should demonstrate the potential for escalation in hate crime cases and the importance of early police responses. This example can also be useful in subsequent modules to refer to other elements of hate crime cases. Ideally, the trainer should use a presentation with photos or real examples from news reports to demonstrate the case.*

3. Based on the case study, introduce the role of police in responding swiftly and robustly to hate incidents and crimes, and explain that they pose a security risk. Since they tend to escalate, it is important to identify potential risks and to react quickly to prevent outbursts of violence from spreading to entire communities and societies.
4. Point out that hate crimes violate the principle of equal rights enshrined in domestic law and international human rights law. States have a positive duty to protect all their citizens from crimes, which means not only prevention but also effective investigation and punishment of offenders, as well as providing effective support to victims.

5. By investigating and responding to hate crimes, police can **play a role in de-escalating tensions** and sending a message to would-be perpetrators that bias-motivated crimes are not accepted in society. This, in turn, can contribute to strengthening the prevention of further crimes

CONCLUSIONS

- ✓ Conclude by explaining that this was just an introduction to the topic, and that throughout the training course we will be breaking down the root causes of hate crimes as well as our own biases. We will also go into more detail on how to recognize hate crimes, how to investigate and record them, and how to provide effective support to hate crime victims.
- ✓ Mention that dealing with hate crimes — contrary to what some police officers may believe — is not ‘extra’ work. The training may give participants a different perspective and will provide them with specific tools to recognize and deal with this type of crime.
- ✓ Outline the main parts of the agenda and clarify any questions.

Note: *There may be a misperception among some participants that training on hate crime is meant to tell police officers what they are ‘allowed’ to think about different groups. It should be emphasized at this stage, if needed, that the training is NOT about individual officers’ personal views about any group, but is, in fact, about the police fulfilling their core duties to protect all members of the community no matter what their personal opinions may be.*

TRAINING MATERIAL 1.2 – *Hate crime case studies*

Note: While some of the following case studies are no longer recent, they contain all the elements required to demonstrate the risks around hate crime cases and the importance of early police responses to prevent escalation and retaliation.

If older case studies are used, trainers can also ask participants at the end whether they think this type of incident could still take place today and if there is a risk of something similar happening in their national context..

Note: This case demonstrates how a dispute between two individuals can escalate into a conflict between ethnic groups by exacerbating pre-existing intergroup tensions. Non-Roma residents used the horrific murder of a non-Roma boy to express their hatred towards and attack the Roma residents of Jabuka. The prompt reaction of the authorities helped to prevent further escalation.

Case Study 1: Jabuka⁵

Unrest against Roma in the village of Jabuka (Serbia). From online dispute to ethnic unrest.

On 10 June 2010, in the village of Jabuka, Serbia, a 17-year-old boy was murdered, allegedly by a Roma teenager following an argument and threats on Facebook related to a theft.

Hundreds of non-Roma residents gathered in front of the village school and stoned the houses of Roma people. As the protests continued over a number of days, groups of non-Roma residents began threatening and verbally abusing the local Roma population. Fearing for their safety, Roma in Jabuka did not leave their homes for three days.

In an effort to prevent further escalation, the authorities organized police patrols of the village and offered to protect every Roma household. The local population were warned that the police would investigate the incident.

In the end, the authorities arrested five people suspected of spreading racial, religious and ethnic hatred. High-level state representatives condemned the unrest and called on the criminal justice authorities to punish those responsible.

⁵ Case taken from *Hate Crime Laws a Practical Guide*, OSCE/ODIHR, 23 September 2022, p. 23.

Case Study 2: Kondopoga⁶

Kondopoga riots (Russia): From bar fight to ethnic riots

In the town of Kondopoga in the Republic of Karelia, Russia, during the night of 29 to 30 August 2006, a minor fight in a café was followed by an attack carried out by people of Chechen ethnicity, during which two ethnic Russians were murdered. Three days of rioting followed, resulting in the destruction of a café, a street market and several shops owned by people of Chechen and Azerbaijani origin. Thousands took to the streets demanding the expulsion of all non-Russians. Some far-right activists from other cities travelled to the town to join in these events.

Chechen families fled or were evacuated as the violence continued unabated. The State *Duma* (parliament) called for a formal investigation into the events, while the local mayor agreed to protesters' demands to check the identity documents of all ethnic Chechens in the town and to expel any whose papers were not in order. Twelve Russians involved in the riots were found guilty of damaging private and municipal property and received three-year suspended sentences.

Case Study 3: Racist and anti-migrant riots in the UK⁷

From rumours to riots in the UK. Online misinformation leads to full scale disorder in the aftermath of a violent attack.

On 29 July 2024, a stabbing attack at a Taylor Swift-themed children's dance party in Southport, United Kingdom, killed three young girls and injured several more. The tragedy was alleged to have been perpetrated by a local 17-year-old boy, whose motive was unknown.

Self-described 'news' accounts rapidly began spreading false information about the perpetrator. One viral narrative falsely named him as 'Ali al-Shakati', a Muslim migrant new to the UK. The police later confirmed this information to be incorrect. Nonetheless, false claims surrounding the attack quickly garnered millions of views online, galvanized by anti-Muslim and anti-migrant activists and promoted by social media platform algorithms.

Even in the absence of any verified information about the identity or motives of the attacker, what was supposed to be a vigil for victims was hijacked by violence, with more than 50 police officers reported injured at a protest organized by far-right extremists. Far-right accounts blamed the government and other institutions for the violence, claiming their attacks were a legitimate response to perceived uncontrolled migration.

Following this, anti-migrant violence and protests spread to other cities across the UK, including Liverpool, Hull, Blackpool and Bristol, that had no connection to the initial incident. Online incitement to violence was seen on a large scale with some channels encouraging arson

⁶ *Ibid.*, p. 22.

⁷ Based on From rumours to riots: How online misinformation fuelled violence in the aftermath of the Southport attack, Institute for Strategic Dialogue, 31 July 2024; and 2024 United Kingdom riots, Wikipedia.

against migrants, Muslims or associated locations. One white nationalist channel repeatedly posted messages, including calls to “burn it f-ing down” and “arson against migrants.” On 2 August, rioting took place in Sunderland and other towns, and the most severe rioting took place over the weekend of 3-4 August, when anti-immigration protesters clashed with police and counter-protesters, attacked homes and businesses owned by immigrants, and attacked hotels housing asylum seekers. From 6 August the unrest began to abate; counter-protests consistently and considerably outnumbered far-right protesters, and were followed by large anti-racist rallies across the country on 7 August. Many people were prosecuted for their role in the disorder and violence and for online posts inciting violence against refugees and other communities.

Case Study 4: Racist and anti-migrant riots in Ireland⁸

From misinformation to riots in Ireland. Rumours spread online lead to an escalation in racist incidents and attacks on police.

In November 2023, there were reports of a serious assault near a school in central Dublin. It soon emerged that three children and two adults, including the attacker, had been injured in the incident.

Police believed the stabbing incident was a random attack. Various news sources claimed the alleged attacker was an Irish citizen, originally from Algeria, living in Ireland for 20 years.

A number of passers-by, including a Brazilian delivery driver, intervened to subdue the attacker and prevent him from injuring anyone else.

Many people started to discuss the unfolding events online. Rumours gained traction before the truth had time to emerge. Much of the conversation online related to the attacker’s nationality and motive. Anti-immigration rhetoric had been gaining support in the preceding months — including in violent protests outside the Irish parliament in September. Organizers of the protest used hashtags like #IrelandIsFull and #EnoughIsEnough.

A number of social media posts incorrectly referred to the attacker as an ‘illegal immigrant’. Under one Facebook post about the stabbing, commenters said it was ‘reported’ that the suspect was Romanian. Certain accounts were encouraging people to go to the city centre and attack *gardaí* (Irish Police), immigrants and politicians. Some messages encouraged people to target buildings housing refugees. A hotel in the centre was set ablaze by vandals, because they believed immigrants were inside.

As misinformation spread online, tensions at the scene of the stabbing quickly escalated. A group of people approached the *gardaí* cordon, and some started to shout insults and throw items such as bottles. This group slowly began to grow to between 30 and 40 people. After

⁸ Based on reporting, including, [How misinformation and far-right groups sparked a riot in Dublin after the stabbing of three children at a school](#), European Digital Media Observatory, 28 November 2023.

6pm, rioters set a *gardai* car on fire. The situation then spiralled further; a number of cars, buses and a tram were set alight, resulting in public transport being suspended in the city. During the unrest, some rioters started to break into shops. Many members of the crowd followed them in and left the shops carrying armfuls of clothing, some throwing them in the air. By the evening, riot police were engaged. After the central area was cleared, rioting continued in the south side of the city; the windows of some businesses were damaged, and riot police were also deployed there.

MODULE 2

EXPERIENCES OF THE COMMUNITY



MODULE 2

EXPERIENCES OF THE COMMUNITY

SUMMARY

During this module, participants will start to reflect on the level of bias, prejudice and discrimination in their own environment and consider the impact this has on individuals and society overall.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Describe the extent and impact of bias, prejudice and harassment in societies;
- Describe the extent and impact of degrading language, slurs and jokes;
- Explain that the level of bias and discrimination experienced by some communities may be higher than perceived; and
- Describe the extent of diversity in their own environment, and understand it may be more diverse than perceived.

OUTLINE

Time	Activity	Key Points
10 minutes	Activity 2.1 <i>Assessment</i>	Participants assess the extent of bias, prejudice and harassment in their own environment.
25 minutes	Activity 2.2 <i>Experiences of the community</i>	Participants hear examples of the kind of discrimination, bias and hate-motivated incidents and crimes faced by different individuals and communities.
25 minutes	Activity 2.3 <i>Exploring diversity (optional)</i>	Participants discover the extent of diversity in their own environment.
Total: 35 minutes (or 60 minutes incl. Activity 2.3)		

MATERIALS CHECKLIST

- Flip charts
- Flip chart paper, prepared in advance for Activities 2.1 and 2.3
- 3-4 markers
- Training Material 2.2 — Experiences of the community** (individual statements cut out in advance)
- Sticky tape
- Video 1: *Experiences of the Community*. Excerpt for this module: 00:00-07:20.
- Laptop connected to the Internet, projector/screen/speakers.

ACTIVITY 2.1 — *Assessment of bias, prejudice and harassment in your environment*

PURPOSE: To increase awareness of the level of discrimination, harassment, prejudice and bias present in our societies, and to understand that individuals may experience this in different ways depending on several reasons, including their personal identity characteristics.

TIME: 10 minutes

INSTRUCTIONS:

1. Tell participants they are going to make an assessment of the extent of bias, prejudice and harassment in their community on a scale of one to seven (one being very low and seven being very high). Emphasize that there is no correct answer to this question, but that you are looking for their collective impressions.
2. Have the word 'ASSESSMENT' written in large capital letters at the top of a flip chart and numbers one to seven from top to bottom down the left side of the paper (prepared in advance).
3. Tell participants that you will now distribute coloured sticky notes, and they should write the number they feel describes the level of bias, prejudice and harassment in their community from 1 to 7. Ask them to stand up and stick their notes next to the relevant number on the flip chart. The number chosen by the majority of participants will be clearly visible. You can ask them to remain standing for the brief discussion to follow, to get them out of their chairs.
4. Ask participants to share the number they chose and a brief explanation of why. Usually, participants will have assessed the seriousness of prejudice and harassment in different ways. Emphasize again that there is no correct way to assess this issue.
5. Conclude by explaining that, in the next activity, we will take a different approach to examining the level of prejudice and harassment in a community and that we will come back to the issues raised here.

Note: *If you have the impression that some participants may feel intimidated at revealing their rating (because of the size or the composition of the group), you can collect the scores and stick them on the flip chart yourself.*

An alternative and more active way to do this (if you have space in the room) is to place large cards with the numbers 1-7 written on them in a line on the floor (or stuck with tape to the wall) and ask people to go and stand next to the number that they have chosen as their rating. This can be followed by the same discussion as above with participants still standing by the number they have chosen.

Alternatively, you can also use an online survey tool in which participants use their mobile phones to provide their rating, and then you can show the chart with the live results on the projection screen (e.g., Mentimeter, Slido).

ACTIVITY 2.2 — *Experiences of the community*

PURPOSE: To understand the experiences of hate and discrimination faced by victimized individuals and communities, and how this affects their lives. To understand the extent and impact of degrading language, slurs and jokes; and that words are often the first step in a cycle of violence; and that it is important to distinguish the impact of statements from their intent.

TIME: 25 minutes

PREPARATION: Print and cut out statements collected from civil society organizations or other sources and/or use selected statements from [Training Material 2.2](#). Make sure that the prepared materials contain at least one inappropriate joke to discuss the intent and impact of biased comments.

INSTRUCTIONS:

1. Warn participants that this part of the workshop requires them to listen and respond to some potentially offensive statements. Explain how the community statements were compiled. In particular, if you are using customized materials, explain that, as part of preparation for the training, you have reached out to the CSOs or community-based organizations in your area to collect real statements about the genuine experiences of members of minority communities. If you are not using your own examples, you can explain you are using the genuine statements of real-life examples collected by trusted organizations (e.g., ODIHR). Explain that these statements will be used in this activity and that they contain hurtful and degrading comments and examples of hate crime cases.

2. Give each participant one statement and ask them to read their statements aloud in turn.
3. Allow for a brief moment of silence after the last statement has been read. Ask the participants to describe how they feel after hearing these statements. What is their emotional or gut reaction to the statements? Ask if these statements were surprising or whether they have heard some of these comments before.
4. Refer back to the assessment from Activity 2.1 and ask the following question: How do they think the individuals who were the targets of these statements would have rated the seriousness of the problem of bias, prejudice and harassment? Generally, participants will answer this question with 'seven'. Suggest to them that the number of people in any community who are experiencing life as a 'seven' may be larger than any of us would like to think. Ask participants how they think it feels for people to live their lives in this way?
5. Emphasize that not all of the examples from the community statements are hate crimes, and explain that we will talk about the specific differences in the following modules. Some statements contain examples of 'hate speech', discrimination or unfair treatment. But all these behaviours have an impact on individuals and communities.
6. Ask participants where or from whom people learn that it is acceptable to make discriminatory comments and jokes. Responses usually include the media and popular culture, family, friends and leaders (political and religious).
7. You can also ask:
 - How do you feel as a police officer after hearing all this? [Bear in mind that some police officers will themselves be from a minority background].
 - Are you aware as police officers of how your local communities feel? Do you think they feel safe?
8. If an offensive joke has been presented during the activity, discuss the difference between the speaker's **intent and the impact that words have on those individuals who are targeted**. Ask participants why people would tell offensive jokes. Mention, for example, that people often do not intend to make people feel hurt or degraded. Rather, they use degrading language and jokes to gain approval from others. Suggest that there may be language that people don't realize is inappropriate, and that it is important to note that the 'appropriateness' of specific phrases and words can change over time. Add that using such language often trivializes victims' experiences. The victims may let go things that are seen as trivial, but they are affected, nonetheless.
9. Ask participants to identify the groups that are most vulnerable to being targeted with hate crimes in their country. Explain that, even if there is no official data or crime statistics related to hate crime in their country, this does not mean that hate crimes are not happening. It simply means they are not being reported to police or recorded by police as a separate category of crime. You can begin to mention some of the barriers to reporting hate crimes and the reasons for the high level of under-reporting (for example, there may be a lack of trust in the system or a belief that nothing will happen even if the incident is reported), which will be covered further in Module 8 on barriers.

Note: Depending on the size of the group, you may not want all participants to read a statement. To facilitate this exercise, ensure that each printed statement is numbered so you can choose relevant statements from the list and call on participants to read out their statements by number.

10. To conclude this activity, underline that minority groups often experience stereotypes and biases every day. Hate crime victims have most likely experienced a number of bias-motivated hate incidents over an extended period, and it is important to keep in mind the cumulative effect of such incidents. It is critical that our own perception does not downplay the perception and experiences of others. This is why believing the victims of hate crime and their experiences is key to ensuring sensitive and respectful treatment.

Note: *This is an emotionally charged activity, and it often has a significant impact on participants as they are given real examples of hate incidents that have taken place in their country. It is possible that participants may laugh or express approval at some of the statements. You can explain that some participants may be nervous or uncomfortable listening to the statements. This might make some participants want to laugh. You can say that it is understandable, as sometimes people mask discomfort by laughing. But it also needs to be stressed that there may be participants in the room who have heard similar words being said to them or to family members or friends in their communities. Ask the participants how it would make someone feel, who has been harassed, to hear others laugh during this activity. Thus, it is important not to laugh at any of these examples.*

It is also important to take time over this activity and not comment on every remark from participants. Give participants time to react. It is normal for there to be moments of silence before some participants speak as they reflect on what they have heard.

11. In addition to Activity 2.2, or as an alternative to reading out the community statements, you can show **Video 1: Experiences of the Community**. Full running time: 13:26 minutes. Excerpt for this module: 00:00-07:20. (Stop when Katerina says: "...you can never get used to it."). Before you start, give the following background:
- The video presents testimonies of members of minority communities talking about their everyday experiences of biases, prejudices, stereotypes and how these experiences impact them. For full details of all the available videos see Annexe II.
 - The speakers include:
 - o **Paya Ndiaye**, Social Justice Trainer, Paris, France. While not a victim of hate crime herself, Paya talks about her own daily experiences and links this to the experiences of other members of her community and others from a minority background.
 - o **Sarian Jarosz**, Researcher on LGBTI rights and migration, Warsaw, Poland. Sarian was the victim of an anti-LGBTI hate crime in 2019 and, during the video interviews, he talks about his experience of reporting the incident to police as well as his wider experiences of discrimination and harassment and the effect this has had on his life.

- o **Dr. Mark Brookes MBE**, Advocacy Lead, Dimensions UK, London, United Kingdom. In the videos, Mark talks about the daily experiences of people with autism and learning disabilities from his perspective and provides recommendations to the authorities on how to work with hate crime victims from this group.
 - o **Kateřina Gamal Richterová**, Social Media Content Manager, HateFree Culture Project, Prague, Czech Republic. In the videos, Kateřina talks about her experiences of being targeted in a hate crime, her experiences with the criminal justice system and the impact this has had on her.
12. Following the video, ask for any further reflections on this activity. Thank the group for their work and summarize the key takeaways from the discussions.

ADDITIONAL RESOURCES

To further demonstrate issues around under-reporting of hate crimes (point 9 above) you can:



- Consult the country pages of ODIHR's hate crime reporting website to see the official data and statistics reported by states and to see individual hate incidents reported to ODIHR by civil society: <https://hatecrime.osce.org/>.



- For further information consult the **hate crime** webpage of the EU Fundamental Rights Agency, whose surveys are conducted on a regular basis and provide data on the experiences of different groups related to discrimination, harassment, hate incidents and hate crimes.

TRAINING MATERIAL 2.2 — *Experiences of the community — statements*

NOTE ON CUSTOMIZATION: *The following are examples of genuine statements collected by ODIHR during its multiple needs assessment visits for hate crime training courses held across the OSCE region. Ideally these statements should reflect the reality in the country of the training and should be researched and customized to the local context through cooperation with civil society organizations working with affected communities. Examples from other countries can also be included to demonstrate that hate incidents happen everywhere.*

Racist and xenophobic bias

“Coming back from work, I found a sign near my home. It said, ‘No Blacks allowed’.”
(Portugal)

“A group has been harassing a family. Every time they pass something happens. Three days ago, they came and were kicking the door ... Today they broke the window and the door. At first, they threw bottles, and then they broke the glass with stones and threw the stones inside, and then they started kicking the door ... They wear black clothes and ... hoods and they do these things ... ” [A migrant’s woman home was attacked numerous times.] (Greece)

A woman experienced a man making faces at her on the underground train. She tried to move away from him, but he wouldn’t stop. After a while, she said he confronted her directly, saying, “Get out of here. Go back to China. I don’t want none of your swine flu here.” (United States)

A man of African origin was wearing traditional dress and was approached by a group of youths, who called him, “[racist slur]” and told him to go back to his country. (Malta)

“[Anti-Arab slur], you take bread from our children’s mouths — we will exterminate all of you. [Anti-Arab slur], get out of this country or the night will swallow you up.” Each message included an image; the first of a gallows and the second, a bloodied knife, with the word ‘choose’. (Croatia)

Bias against Roma and Sinti

“When I was little, I was told that [anti-Roma slur] would come and take me away if I misbehaved.” (North Macedonia)

A man ran after four women of Roma origin, in a visibly aggressive manner, yelling, “I will **** you [Anti-Roma slur]. Go back to where you came from, [misogynist slur]!” They hid in the store to avoid further verbal and physical attack. (Romania)

A ‘joke’ : Three men arrive at a hotel, but there is only one double room available. They are told that one of them has to stay in the stable. So, one man goes to the stable and comes back after a minute, saying that there is a cow in the stable and he cannot sleep there. Another man goes there and also comes back a minute later, saying that he cannot sleep there because there is a pig. So, the third man goes to the stable. A minute later the cow and the pig come to the room, saying that they cannot sleep in the stable with that [anti-Roma slur].

From a police press release about an incident: “The men verbally insulted the baby’s parents and attempted to remove the child from the pram. When the father opposed this, both men threatened him with physical harm. At the same time, the men were repeatedly giving the Nazi salute. The assailants insulted the father in racist terms, shouting at him, “[anti-Roma slur], do you want a punch in the face?” (Czech Republic)

Anti-Semitic bias

“While we spent our time trying to understand the crime, it was shameful to observe the criminal investigators, who passed the buck to their colleagues, claimed they weren’t responsible for such things, and refused to investigate anything beyond their narrowly prescribed remit. Obvious and clear associations with other attacks like Christchurch were diminished.” From a victim of the Halle synagogue attack. (Germany)

A young man was posting unlawful threats in respect of members of the Jewish community via instant messenger: “Your ancestors used to be burnt in ovens and processed into soap bars”, “You’ll be burned one day too, you Jewish [misogynist slur], just like your granny was”, “Hitler will **** you all”, etc. (Poland)

An 11-year-old boy was verbally abused by fellow pupils from his school and then physically assaulted. The children made statements such as “Burn all Jews” and “Hitler was the ****ing greatest”. The abuse continued over a number of months and culminated in a physical assault on the boy on the school’s playing field. (United Kingdom)

“My family left Morocco because of anti-Semitism, and it is worrying to see what is happening now in Montréal. This is horrible”, said a Jewish student, aged 21. She also said that there has been “an enormous number of threats” online against the community. To reduce the tension within the Jewish community, the local authorities deployed law enforcement officers in front of Jewish schools. “Levelling up the security is not what worries me; it is the rise in anti-Semitic threats that does”, said one of the mothers. “We are a community that wants to live in peace.” (Canada)

“I’m terrified to admit that I’m Jewish. I’ve stopped going to the Temple and celebrating Jewish holidays. When people ask me if I’m Jewish I go to any length to deny it. Every day is a constant struggle to hide my religion from the world ... I’ve lost my religion and my identity. All because one person said I deserve to burn like the rest of my kind. I’m burning on the inside. I hope they’re happy.” (United States)

A man received a call on his cell phone from an anonymous number. A stranger started shouting things at him, such as, “You’re a Jew, aren’t you? Cancer Jew!”, “Should I come and shoot you?”, “You’re a crook!” and “I hate Jews!”. (The Netherlands)

“I hear about many incidents and have concerns about myself and family. We are often on edge at the synagogue or other Jewish events, worrying about what might happen. However, my personal experience as a kippa-wearer has been very good. At the same time, I still do not feel comfortable in less Jewish areas, i.e., nearly everywhere else.” (Luxembourg)

Bias against Muslims

Two girls, both under the age of 16, were walking along a pathway. Both were wearing headscarves. A young woman confronted them with a verbal attack. They tried to walk away as racist slurs were hurled at them, but the woman persisted, and the attack escalated to physical violence. One girl was pushed, punched in the face, kicked in the stomach and had her hijab torn off. The second girl wasn't physically assaulted. (Romania)

A woman had her picture tweeted, with the accompanying text: "You burqa-wearing [misogynist slur]." (France)

A mosque was sent violent messages: "**** ISLAM! We will murder every [anti-Muslim slur!] We have a right to defend ourselves from the terrorists! ****ing Islam! The police will take our side. Islam will not defeat us. We have the guns to do a Christchurch all over again in our office. We have ... soldiers who have experience as snipers. **** ISLAM!" (United Kingdom)

A man talked about how his children had also been targeted by anti-Muslim abuse in schools. He noted, "Other pupils call them names like '[racist slur] get lost', swearing, 'go back home', 'you don't belong here', '[anti-Muslim slur]'. Other pupils have pulled their headscarves." (Austria)

In a shopping mall in Louhólar a woman shouted racist slurs at three Muslim women, chased them to a parking lot and shouted at them that they should take off their burqas and that they did not belong in Iceland. (Iceland)

In Banja Luka, in Bosnia and Herzegovina, unknown perpetrators broke windows, destroyed the wall and desecrated the Sefer-beg Mosque. The incident took place during Ramadan and distressed many Muslims living in the area. The mosque had been renovated in 2004 following destruction during the war. (Bosnia and Herzegovina)

When a Muslim woman got on a bus in Warsaw, a Polish woman left the bus, saying that the Muslim lady definitely had a bomb in her bag and that she did not want to get the same bus as a terrorist. Nobody in the bus intervened. (Poland)

A Muslim girl was bullied at school. A boy told her to take off her headscarf and started touching her. (Malta)

Bias against Christians

Two Jehovah's Witnesses were peacefully carrying out their Christian ministry in a town. After a friendly conversation with an interested lady, her son went after them and physically attacked them in front of an apartment building. One of the two, a woman, was beaten unconscious. (Bulgaria)

Six teenagers were throwing stones at the facade and windows of the building of a Lutheran church in Berlin. The group fled the scene crying "Allahu Akbar!" According to the police the building was damaged. It was not the first time this church had been subjected to such acts. The church was known to support refugees and ran multiple projects to assist them. (Germany)

Unknown perpetrators entered a church, opened a holy water container and removed several crosses from the wall onto the floor. In addition, dog waste was deposited on the altar carpet. (Germany)

Bias against members of other religions or beliefs

In February 2019, a member of the Sikh community was targeted by a man because of his long beard and turban. "A man came up to me as I was about to cross the road, took a lighter, flicked the lighter and said various expletives, and said I burn people like you", he said. "He then pointed to my beard and came about a metre closer, flicked the lighter again. I couldn't believe it." (United Kingdom)

A woman climbed onto a stupa (dome-shaped Buddhist monument) and destroyed it with a sledgehammer. A witness tried to convince her to get down and stop the act of vandalism, but she continued to destroy the Buddhist monument, saying that she "did not respect Satan". After that, she tried to break the stupa fence and spat on the torn ribbons. (Russian Federation)

According to a 2009 Sikh Coalition report, 41 per cent of Sikhs surveyed in New York City had been called derogatory names, such as ‘Osama bin Laden’ or ‘terrorist’. According to the same report, nine per cent of Sikh adults have been physically assaulted since 9/11 because of their religious identity. (United States)

A Hindu priest, wearing religious clothes, was walking down the street near his temple when a man came up behind him and started beating him. The priest suffered injuries all over his face and body and was taken to the hospital. People who attend the temple heard the attacker screaming, “This is my neighbourhood” during the incident.” (United States)

Bias based on sex or gender

“The Editor-in-Chief and TV-programme producer where I was an editor often used sexist character expressions, such as ‘Be quiet woman’ or ‘All women are fools’ and refused to invite women onto the programme.” (Poland)

A young Ukrainian woman carrying flowers was stopped by the driver of a passing car and asked where she had bought them. When the woman replied that she could not explain exactly because she was not from that country and the driver made sure that the woman was from Ukraine, he told her, “Get in the car.” When she didn’t know what to answer, he made an offensive gesture to explain what he meant. He told her, “You’re gonna have sex with me!” His friends, who were also in the car, burst out laughing. The woman reported the case to the police. The man initially pleaded guilty and apologized, although reluctantly. Two days later he denied everything and claimed that the woman had made everything up. (Czech Republic)

A woman was walking home when one of three men she passed exclaimed, “Look at that [misogynist slur] in a skirt.” Then, two of them held her while the third hit her in the face, leaving her with a black eye. The men then fled. (France)

“When it comes to women of foreign origin, Icelandic men see themselves as above these women. Prejudice against women of foreign origin is based on them not being Icelandic; they don’t have as much respect for those women. These are women who don’t have as many connections in Icelandic society, don’t know as many people, that no one will believe them because they’re not Icelandic. All this. Add to this being young. There’s this outlook among young women that no one will believe you, you won’t dare to talk about what happened to you, and if you do, no one will believe you. It’s as if you don’t matter as much.” Foreign-born woman. (Iceland)

A young woman was attacked on the street. When the police arrived, they commented, “It’s the woman’s fault that she was attacked. She was wearing a short skirt.” (Montenegro)

“I worked for a company and the salary was too low to be able to cover basic living needs, so I decided to resign. I informed the manager of the company who told me, ‘Instead of spending time looking for a better paid job you should try to find a rich man who marries you and all your troubles will finish!’” (Albania)

Bias based on sexual orientation or gender identity

A transgender woman was beaten by her brother, demanding that she leave the town and accusing her of bringing shame on the family. (Armenia)

A transgender woman was walking downtown and was approached by two men who said, “You damned [anti-transgender slur],” pushed her around and then walked away. (Iceland)

“I uploaded a picture on my Facebook account. You could see me and my partner kissing each other in the picture. I felt that I wanted to share my happiness with other people. As I woke up the next day and checked my phone, I was surprised about the amount of news popping on my home screen. There were already hundreds of comments. Most of the comments were clearly hate comments, written by people I didn’t know. ‘You should be burned.’ ‘You should be thrown into the gas chambers.’ ‘You should be exterminated. Kill them.’ Those are just a few examples from hundreds of hate comments I found under the picture I uploaded. I was stunned. I couldn’t feel safe anymore.” (Georgia)

'Joke': Question: Why can gays not get AIDS? Answer: Even the virus has some dignity.

"If I walk on the street holding my boyfriend's hand, I hear quite often: '[Homophobic slur], **** you, you are not our nation, go away!' If I try to respond, the perpetrators get very aggressive." A young man. (Latvia)

A young lesbian girl was badly beaten up by her parents when they found out about her sexual orientation. She went to police to report the case (bruised and bleeding), but the police officer told her that she had to listen to her parents, that they had done the right thing and had told her the right thing. (North Macedonia)

Bias against people with disabilities

While crossing at a pedestrian crossing, some young people shouted at him, "Here comes the [disablist slur]." (Ireland)

"My neighbour was abusive and called me and my family benefit scroungers because of our child with disabilities. The insults got worse and worse in front of our children." (United Kingdom)

"... at about 12 noon he was there with his friend, who is in the seventh grade, and an older boy from the seventh grade of the same school arrived together with two men, unknown to him, who were playing with a ball. A person who is disabled and has had problems from birth and who lives in a block of flats in the street was playing between the buildings. At one point, the older boy lit a cigarette, approached the disabled person and burned his right hand several times, after which they all ran away because he started to shout." (Croatia)

"A few years ago, whilst out shopping with a friend, a complete stranger approached me in my wheelchair, invaded my personal space and told me I'm 'like this' because I don't believe in God." (United Kingdom)

ACTIVITY 2.3 — *Exploring diversity (optional)*

PURPOSE: To demonstrate that diversity within a group may be much greater than is perceived by members of a group. This illustrates the point made in Activity 2.2 about the difference between intent and impact. Speech or actions that are not intended to be harmful can have a wider impact than we think.

PREPARATION: To ensure you can start this activity straight away, it is best to prepare the flip charts before the participants arrive for the course.

TIME: 25 minutes

INSTRUCTIONS:

1. Write the following headings on four pieces of blank flip chart paper:
 - Nationality or ethnicity
 - Religion or belief
 - Gender and sexual orientation
 - Physical or intellectual disability
2. Tape each sheet of paper to the walls of the training room or leave on flip chart stands in different locations around the room. There should be enough space around the flip chart for several participants to work at the same time.
3. Place three markers of the same colour next to each sheet.
4. Explain that the headings represent the major categories covered by most discrimination and hate crime laws.
5. Ask participants to think of their extended family and friends in as broad a way as possible; not only the people who live in their homes, but cousins, nieces, nephews, aunts, uncles, in-laws, their children's partners, spouses and girl- or boyfriends, as well as their own friends. Emphasize that they should include the friends they have made in their work or community, as well as friends who are from different nations or regions.
6. Ask participants to think of all of the groups that are represented in their extended family or circle of friends under the categories listed on the sheets. Tell them that they will be using the markers to indicate the groups in which they have family members or friends. They will do so by standing up and moving from one flip chart to another, in no specific order. Allow 10 minutes for this task, and be ready to assist participants who may need help.

Note: *This exercise is useful in countries in which the composition of the group appears to be not very diverse at first sight or where there is a lack of understanding around issues of diversity or minority groups in general. In some contexts, it may not be necessary to demonstrate this, and this activity can be skipped.*

- Show them, by way of example, how you would fill out these sheets. Go to two of the sheets and write down categories that are represented in your extended family. For example, if you have members of your extended family who are Muslim and Christian you would write each of those words in a column on the sheet labelled 'Religion or Belief'. If you have members of your extended family who are e.g., wheelchair users, wear a hearing aid or have learning disabilities, you would write each of those words on the sheet labelled 'Physical or Intellectual Disability'.
 - Explain that participants should place a tick or check mark by a group name if someone else has already written that group on a sheet. For example, if the word 'Christian' has already been written on the sheet labelled 'Religion or Belief', then the participant would place a check mark next to the word 'Christian' if they also know someone from that group. The next participant who has a Christian in his or her extended family would place a second check mark next to the word 'Christian' and so on. Participants can add group descriptors if they have not already been added to the sheets.
 - Even if the participant has many members in his or her extended family from that group, they should place only one check mark by a group name. For example, if a participant has 15 members in his or her extended family who are Italian, the participant would place only one check mark next to the word 'Italian' (and not 15 check marks).
 - Explain that, to reduce the amount of time this activity will take, more than one person can write on the same sheets of paper at the same time.
7. When everyone has completed the exercise and has returned to their seats, ask whether any of them found it difficult to list groups under some of the categories.
8. Ask participants to look at the sheets and assess whether they, as a group, are more or less diverse than they would have expected.

Note: Try to control the group in a sensitive way as they move around the room to ensure that they are focused on the task (and not, e.g., moving away or talking to each other about other issues in small groups).

Note: Some participants may talk about how difficult it is to write down groups under the category 'Physical or Intellectual Disability'. You can mention that, while some of us experience a disability that is visible, many of us have a non-visible disability that is not immediately apparent to others (such as chronic illnesses, learning disabilities or hearing and vision impairments).

9. Explain that the diversity represented among the participants is likely to be similarly broad across society (and most likely to a much larger extent than within the police). Stress that this diversity leads to an important point about harassment: that the number of people personally impacted by degrading language, slurs and jokes may be much greater than expected. Many people who are hurt, upset or otherwise impacted by such language may not be viewed by others as targets or victims. Unknown to others, the individual who has a family member who is in the targeted group may be upset or distraught by the comment.
10. It is also important to note what may be missing from the charts. Often participants do not write what they consider to be the 'norm' based on the majority groups, e.g., heterosexual, or the local nationality, ethnicity, etc.

Note: Experience shows that in most training groups, there is generally a significant amount of diversity within all four of the categories, even among groups that appear to be homogeneous. You can emphasize this diversity for particular categories. For example, in a group that appears to be primarily from one nationality, you may want to point out the number of participants who have extended family members from different backgrounds.

CONCLUSIONS

Conclude this module by thanking the group for their work and recapping the key points:

- ✓ Bias, harassment, discrimination, hate incidents and hate crimes may be more prevalent in our societies than perceived;
- ✓ The impact of such everyday bias on individuals and communities can be significant and cumulative; and
- ✓ Our own environment may be more diverse than we perceive it to be.

Explain that in the next module we will discuss more about stereotypes and our own personal biases.



MODULE 3

STEREOTYPES AND

UNCONSCIOUS BIAS

MODULE 3

STEREOTYPES AND UNCONSCIOUS BIAS

SUMMARY

During this module participants will discuss stereotypes and where they come from, learn about the concepts of conscious and unconscious bias, and consider how these concepts relate to hate crimes.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Explain the impact of stereotypes;
- Describe the difference between conscious and unconscious bias;
- Identify their own biases; and
- Apply their understanding of this when dealing with hate crime victims.

OUTLINE

Time	Activity	Key Points
20 minutes	Activity 3.1 <i>Understanding stereotypes</i>	Trainers explain the differences between key concepts of stereotypes, prejudice and bias.
25 minutes	Activity 3.2 <i>Case study on conscious and unconscious bias</i>	Trainers present a case study to help participants understand the difference between conscious and unconscious bias.
Total: 45 minutes		

MATERIALS CHECKLIST

- Flip chart
- Slides 3, 4, and 5
- Handouts 1 and 2
- Laptop connected to the Internet, projector/screen/speakers

ACTIVITY 3.1 — Understanding stereotypes

PURPOSE: To understand where stereotypes come from and that they are the building blocks of hate crimes.

TIME: 20 minutes

INSTRUCTIONS: Explain that in this Activity and Activity 3.2 we will look in more detail at the source of the bias and prejudice demonstrated in the experiences of the communities we heard about in the previous module.

1. Pick a trait or characteristic that you have (e.g., a beard, blonde hair) and ask what stereotypes people might have about you based on that trait or characteristic.
2. Ask the group to provide some examples of:
 - Negative stereotypes about people from their country
 - Negative stereotypes about the police
 - Positive stereotypes about people from their country
 - Positive stereotypes about the police

Record their answers on a flip chart.

3. Ask participants to reflect on a time when they or a member of their family was stereotyped and to think about what the impact of that stereotyping was. Ask some participants to share how this made them feel.

Note: Do not pick a characteristic that has stereotypes that you think might be hurtful to participants who share that characteristic.

Note: This exercise needs to be facilitated sensitively to ensure that any gathering of negative stereotypes about different groups is not used as an opportunity for prejudice or further confirming known stereotypes about particular groups. See the additional resources section at the end of the module for more background information and alternative training activities.

4. Ask participants:
 - Do stereotypes give an accurate description of individual groups?
 - What are the possible consequences and dangers of stereotyping for any group?

For minority groups, stereotypes can foster prejudice, discrimination and division, leading to systemic inequalities and harming individuals' well-being and opportunities. Stereotypes can also manifest as subtle forms of discrimination, known as microaggressions, which can take a psychological toll on individuals and communities over time, as we have seen in the examples in the previous module.

Stereotypes about police can lead to lack of trust and unwillingness by victims to report to the police.

5. Connect the discussions to the definition of a stereotype as an “oversimplified image of a certain group of people” or “a set idea that people have about what someone or something is like, especially an idea that is wrong”.⁹ Mention that stereotypes are generalizations about entire groups of people, often based on limited or inaccurate information, and that all of us have stereotypes about individuals or groups. Note how the example from the video (if shown) or name the person who provides the examples (Sarian and Paya) also shows how individuals adapt their behaviour to avoid being stereotyped.
6. Explain that stereotypes are the building blocks of hate crimes. The community statements read earlier and the hate crimes that will be discussed during the day are based on stereotypes. Most of these stereotypes are inaccurate and generalized assumptions about a group. All stereotypes are very poor predictors of the conduct of any single individual and reduce their identity to one aspect that is seen as unchangeable and usually inferior.
7. Share the definitions of bias and prejudice on [Slide 3](#) and [Handout 2](#), and discuss the differences between these terms. Note that hate crimes are also often called bias-motivated crimes and that we will come back to this in the module on hate crime definition.

⁹ Cambridge English Dictionary.

ACTIVITY 3.2 — *Unconscious bias*

PURPOSE: To understand that unconscious biases exist in our societies, the difference between explicit (conscious) and unconscious bias, and that we all have our own biases.

TIME: 25 minutes

INSTRUCTIONS:

1. Explain that everyone has biases. For this reason, this training is also meant to provide a safe place for participants to reflect on and challenge their own personal biases. This requires us to learn how stereotypes and beliefs shape our thoughts, communication patterns and actions. Through understanding our own personal biases, we can identify where bias influences our behaviour, so that we can adjust our responses and thereby potentially reduce disrespectful and insensitive patterns of behaviour and provide sensitive and respectful treatment for hate crime victims.
2. Explain that there are two types of bias. First, there is **conscious bias** (or explicit bias). This is when individuals are fully aware of their prejudices and attitudes towards certain groups. One example of this is overt racism (e.g., racist or discriminatory comments about a particular group).
3. Second, there is **unconscious bias** (also known as implicit bias). This occurs automatically when the brain makes a quick judgement (usually activated by fear, anxiety or conflict) based on social stereotypes and prejudices learned outside our conscious awareness. Show **Slide 4** — definition of conscious and unconscious bias.
4. Explain that you will use a hate crime case study to demonstrate the difference between conscious and unconscious bias and the possible real-life consequences of such biases. Start with a warning, as the upcoming case study contains descriptions of violence.
5. Read aloud the following case study, or ask participants to take turns in reading it out, paragraph by paragraph.

Note: As an introduction to the concepts explained in the following points (and to build on Activity 3.1 on stereotypes) one option is to prepare some generic photos of different people and ask participants to describe who they think the person in the photo is. For example, if you show a photo of a woman, participants may make assumptions, based on common gender stereotypes, that she is a mother/caregiver or works in a specific profession. To demonstrate that our brains often make quick judgements based on stereotypes and on our conscious and unconscious biases, you can then explain that the person in the picture is actually something different to what they assumed (e.g., the woman is an airline pilot and has a female partner).

Case Study : Marwa El-Sherbini¹⁰

In 2005, Marwa El-Sherbini came to Germany together with her husband, the geneticist Elwi Ali Okaz. Their son was born in 2006. In 2008, Okaz obtained a doctoral research position at the Max Planck Institute of Molecular Cell Biology and Genetics, and the family moved to Dresden.

At a playground in Dresden in August 2008, after she asked a man (Alex Wiens) to let her son sit on a swing, Marwa El-Sherbini was verbally abused by him and called an “Islamist”, “terrorist” and a “slut”. She refused to be intimidated. The attacker then threatened her that if her son sat on the swing, he would swing him to death. Other parents intervened and supported her. One parent called the police. The perpetrator also insulted this man, asking how he, “as a German”, could protect this woman. He said that ‘they’ are not human beings, that Muslims should be banned from having children at all, because after all they would just become terrorists and blow everyone up. When the police arrived, the perpetrator tried to convince them of his racist attitudes, thinking they would sympathize with him, and he claimed that Marwa El-Sherbini had started the argument.¹¹ Wiens was charged with threats and insult and eventually ordered by the courts to pay a 780 EUR fine.

However, both Wiens and the public prosecutor appealed against the judgement. Wiens believed he had been wrongly convicted, and the public prosecutor wanted to push for a more severe punishment. On 1 July 2009, Marwa El-Sherbini appeared at Dresden Regional Court as a witness in the appeal case. She was accompanied by her husband and their son. According to witnesses, they were worried about being in court at the same time as the perpetrator and whether they would be forced to face him.

During the court proceedings, Wiens (a Russian-born ethnic-German with white nationalist leanings) presented himself as a staunch anti-Muslim advocate and stated that he would vote for any political party that would end the Muslim presence in Germany. He also told the court, “I cannot be accused of insulting a person, because people like her are not really human.”¹²

Following her testimony, El-Sherbini (who was three-months pregnant at the time), her husband and their three-year-old son were about to leave the courtroom, when they were suddenly attacked by Wiens. Wiens jumped on El-Sherbini and stabbed her 18 times with an 18-centimetre blade knife; she and her unborn child died immediately. Her husband, who was trying to intervene and stop Wiens, was also critically wounded in his neck, face and upper body.

There was no police presence in the court room itself, but as soon as an emergency alarm was activated, several officers entered the court. When they entered the room, they saw two men wrestling over a knife. They shot at El-Sherbini’s husband, assuming him to be the perpetrator.

10 A short summary of the case can also be found [here](#).

11 [Anti-Muslim violence against women: The murder of Marwa El-Sherbini](#), Against us, no date, (in German).

On 11 November 2009, the Dresden Regional Court sentenced Alex Wiens to life imprisonment for murder.¹³ It was during this trial that anti-Muslim racism was for the first time acknowledged as the main motive for the crime.

In October 2009, at the request of El-Sherbini's husband, an investigation was initiated against the federal police officer who fired the shot at him. The investigation was closed within two months. He was not accused either of intentional or negligent killing.

6. Ask the following questions:
 - How was conscious bias demonstrated in the case study?
 - How was unconscious bias demonstrated in the case study?
7. **Conscious or implicit bias** was demonstrated when the attacker verbally abused Sherbini with racist and anti-Muslim comments. The murder of Sherbini's wife was racially motivated. **Unconscious bias** was demonstrated by the police officer who acted quickly and likely made assumptions due to his biases that Marwa's husband (the darker-skinned of the two men) was likely the attacker and therefore shot at him.
8. Further discussion questions:
How can your own biases affect your work as a police officer in general? And specifically in relation to hate crime victims?

CONCLUSIONS



Explain that this case helped to illustrate what we mean by conscious and unconscious biases. We all have unconscious biases, due to the fact that we have been socialized within the dominant societal norms of our immediate surroundings. In other words, what we watch on TV or at the movies, what we read in magazines and books, the music we listen to, who we follow and engage with on social media platforms and surround ourselves with 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 who we choose to offer a helping hand. These biases influence the way we think and act.

¹² German man on trial for courtroom killing of Muslim, *The Telegraph*, 26 October 2009.

¹³ Anti-Muslim violence against women: The murder of Marwa El-Sherbini, Against us, no date, (in German).

Note: Alternatively, you can use the Facing Facts interactive presentation of the 'pyramid of hate': <https://www.facingfacts.eu/pyramid-of-hate/>.

- ✓ Highlight that being aware of our own biases strengthens our ability to recognize how bias, prejudice and harassment are expressed in society; it can allow police to question their own biases and change their behaviour in relation to their treatment of hate crime victims.
- ✓ Close this module by discussing the escalation that can occur from stereotypes to hate incidents to hate crimes and even to mass civil disorder, ethnic cleansing or genocide.
- ✓ Show **Slide 5** on the 'Pyramid of Hate' or distribute **Handout 2**. Use the 'Pyramid of Hate' diagram¹⁴ to describe the potential escalation from stereotypes and bias to discrimination and violence. This underlines the need for a law enforcement response at the earliest possible stage. Refer back to the case study used in **Module 1** to demonstrate this.

14 The concept of the 'Pyramid of Hate' was developed by Harvard's G.W Allport in his book 'The Nature of Prejudice' in 1954 and has subsequently been adapted by the Anti-Defamation League in the example diagram included in Handout 2 and the presentation slides.

ADDITIONAL RESOURCES

- ODIHR's specialized teaching aids to support teachers to address anti-Semitism, while focused on anti-Semitism, provide good general guidance and materials on stereotypes, prejudice and unconscious bias:
 - [*Addressing Anti-Semitism through Education: Overcoming Unconscious Biases. Teaching Aid 2*](#), OSCE/ODIHR, 4 December 2019.
 - [*Addressing Anti-Semitism through Education: Addressing Anti-Semitic Stereotypes and Prejudice. Teaching Aid 3*](#), OSCE/ODIHR, 4 December 2019.
- The University of California, San Francisco Office of Diversity and Outreach provides [videos and research resources](#) for Unconscious Bias Training, covering the science behind unconscious bias and assessing and addressing biases.
- Council of Europe Manual, [*Policing hate crime against LGBTI persons: Training for a Professional Police Response*](#), Module 2, pp. 33-34, provides further resources on stereotyping.
- Matthew Williams, *The Science of Hate: How prejudice becomes hate and what we can do to stop it*; Faber&Faber Ltd, London, 2021.

HANDOUT 1

DEFINITION OF STEREOTYPE, PREJUDICE AND BIAS

STEREOTYPE refers to:

An “oversimplified image of a certain group of people”.¹⁵

“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)

¹⁵ [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?

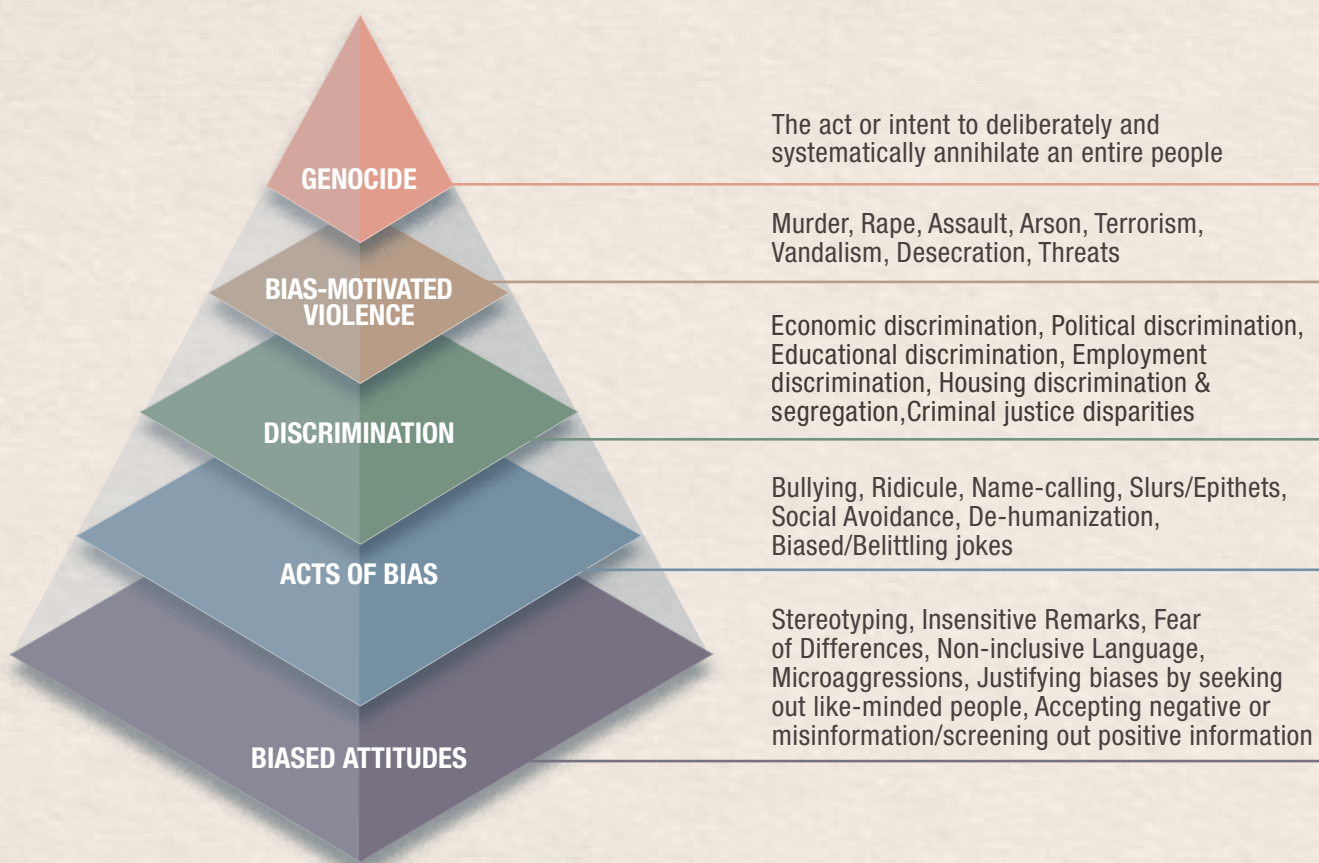
Definition: **UNCONSCIOUS BIAS** (also known as implicit bias) occurs automatically when the brain makes a quick judgment (usually activated by fear, anxiety, or conflict) based on social stereotypes and prejudices learned outside of our own conscious awareness.

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*¹⁶

¹⁶ Anti-Defamation League (ADL), *Pyramid of Hate*, see also, *Mini-Lesson: Teaching the Pyramid of Hate*, ADL website.

MODULE 4

THE HATE CRIME

CONCEPT



MODULE 4

THE HATE CRIME CONCEPT

SUMMARY

This module introduces participants to the concept of hate crimes, makes participants aware of similar but related concepts, and outlines the differences. National legislation on hate crime and forms of 'hate speech' which are criminalized in the jurisdiction of the training are presented along with international obligations to investigate hate crimes

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Define and explain the concept of hate crimes;
- Explain the key differences between hate crime and related concepts such as hate incidents, criminalized forms of 'hate speech', 'hate speech' and discrimination;
- Apply the hate crime concept to case studies;
- Recognize hate crime laws relevant to their national context; and
- Identify international obligations related to hate crimes.

OUTLINE

Time	Activity	Key Points
15 minutes	Activity 4.1a <i>Hate crime definition</i>	Trainers introduce a common framework and definition for hate crimes.
10 minutes	Activity 4.1b <i>Is this a hate crime?</i>	Participants analyse some short case examples and try to determine if they are hate crimes within the definition as presented.
15 minutes	Activity 4.2 <i>Hate crime is not...</i>	Trainers explain concepts which are similar or related to hate crimes but fall outside of the hate crime concept.
20 minutes	Activity 4.3a <i>Is this a hate crime?</i>	Participants analyse some short case examples and try to determine if they are hate crimes or not.
10 minutes	Activity 4.3b <i>Hate Crime Quiz (Optional)</i>	Participants answer some short quiz questions to recap the hate crime definition
15 minutes	Activity 4.4 <i>Hate crime laws</i>	Trainers present the national hate crime laws in place in the country of the training.
15 minutes	Activity 4.5 <i>International obligations</i>	Trainers present key international obligations related to hate crimes and why they are important for police.

Total: 100 minutes (or 90 without the quiz)

MATERIALS CHECKLIST

- Flip chart and markers
- Handouts 3, 4, 5 and 6
- Slides 6-13
- Case studies for Activity 4.1b and 4.3 (prepared in a presentation if needed)
- Sticky notes
- Quiz for Activity 4.3b (in online format if preferred)
- Video 2: What is a hate crime? Full running time: 10:40 minutes. Excerpt for this module: 00:00-02:03.
- Laptop connected to the Internet, projector/screen/speakers

ACTIVITY 4.1a — Hate crime definition

PURPOSE: To introduce the concept of hate crime and to understand some of the key characteristics of this type of offence.

TIME: 15 minutes

INSTRUCTIONS:

1. Ask participants to pair up and discuss, for 2-3 minutes, how they would define hate crime and what the central elements of this concept are.
2. Invite the group to share their working definitions. Keep track of the key components of the definition by recording them on a flipchart sheet marked 'Hate Crime Definition'. For the sake of time, ask the groups not to repeat elements, just add new elements not yet mentioned. The feedback will likely fall into three categories (see below), and it may be useful to organize the elements into these three categories (see the diagram below).

3. The feedback received from the group will likely fall into the following three categories: Organize the flipchart into those three categories.

I. Core definition of hate crime: Participants will likely mention concepts that fall under the core definition: criminal acts committed with a bias motive based on the targets' protected characteristic(s).

II. Identifying bias motives: These are usually questions, concerns and more specific issues that are raised by the participants that should be reserved for exploring more specific aspects of hate crime through national legislation. Participants may mention what types of groups should be covered; whether the person has to be an actual member of the group, or whether the perpetrator only needs to perceive the target as a belonging to a particular group; whether 'hatred' is required; and whether other motives, such as economic motives or greed, can play a part in hate crime.

III. Related concepts outside the hate crime definition: participants may mention concepts and ideas that fall outside the hate crime definition. While many states may have laws that criminalize discrimination and/or speech that incites hatred, violence or discrimination, or speech that defames or insults a group (also commonly referred to as 'hate speech'), those are separate concepts from hate crime. This will be explained further in Activity 4.2.

I. Core Definition

- Motives based on bias and prejudice
- Criminal acts targeting people or property
- Based on the protected characteristics of the target (e.g., 'race', religion, sexual orientation, etc.)

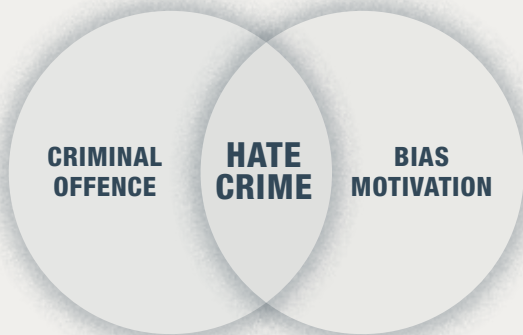
II. Identifying Bias Motivation

- Types of groups affected
- Targets associated with a group
- Targets perceived to be part of a group
- Does it require hate or bias?
- Can there be more than one motive?

III. Related Concepts Outside the Hate Crime Definition

- Acts of discrimination
- 'Hate speech'
- Incidents that are not crimes

Note: In different jurisdictions the list of protected characteristics will be different. This will be covered in Activity 4.5 but you can ask participants to start thinking about which groups they know are protected in their legislation.²⁰



4. Show Slide 6 and give participants Handout 3 for reference after the module. Explain that according to the OSCE definition, hate crimes are criminal offences committed with a bias motivation.¹⁷ A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of one or more identity traits, such as 'race',¹⁸ language, religion or belief, ethnicity, nationality, sex, gender, sexual orientation, gender identity, disability or other common feature that is fundamental to identity. Slide 6 breaks down the definition further.
 - Hate crimes are always comprised of two elements: a criminal offence and a bias motive.
 - The first element is the criminal offence: the act must be an offence under ordinary criminal law. ODIHR's guidance refers to this criminal act as the 'base offence'. Due to variations in legal provisions from country to country, there is some divergence in the kind of conduct that amounts to a crime. In general, however, most countries criminalize the same type of violent acts. Almost any crime contained in a criminal code can be a hate crime; but without the base offence there is no hate crime.¹⁹
 - The second element is the bias motive: the criminal act must be committed with a particular motive, a 'bias'. The motive manifests itself either in the **selection of the target** or in hostility expressed during the crime.
5. In order to qualify as such, hate crimes need to target one or more members of, or the people or property associated with, a group that shares a common characteristic. These are referred to as protected characteristics.
6. Show Slide 7. Explain that a **protected characteristic** is a fundamental or core characteristic shared by a group, such as 'race', ethnicity, language, religion, nationality, sexual orientation, gender identity, disability or another characteristic.

¹⁷ OSCE Ministerial Council Decision No. 9/09 on combating hate crimes, OSCE, Athens, 1-2 December 2009.

¹⁸ The use of the term 'race' in this guide shall not imply endorsement by OSCE/ODIHR of any theory based on the existence of different races. It is a term widely used in international human rights standards, as well as in national legislation. This guide uses the term to ensure that people who are misperceived as belonging to another 'race' are protected against hate crimes.

¹⁹ See OSCE/ODIHR, *Hate Crime Prosecution at the Intersection of Hate Crime and Criminalized 'Hate Speech': a Practical Guide*.

²⁰ Protected characteristics are usually chosen by legislators and policymakers. There is no precise answer as to which characteristics should be included, but they are usually ones that are apparent or noticeable to others and thus more easily targeted by perpetrators. See: OSCE/ODIHR, *Hate Crime Laws: A Practical Guide*, pp. 46-57.

7. Show Slide 8. **The target of a hate crime** can be a person, people or property associated with a group that shares a protected characteristic. Usually, minority or more vulnerable groups are targeted by hate crimes, but anybody can be the victim of a hate crime.
- When police are recording details of a potential hate crime, the **key concern** is the possible bias motive of the perpetrator to commit such a crime, and not the identity of the victim.
 - If a perpetrator wrongly perceives the victim as belonging to a group with a protected characteristic, the crime would still be a hate crime. For example, if a perpetrator attacks a man because he believes the man is gay, the crime can still be recorded and investigated as an anti-LGBTI hate crime, even if the perpetrator was mistaken and the victim is heterosexual.
 - The identity of the victim also does not matter in cases of **hate crime by association**. For example, if a white woman is attacked because she is in a romantic relationship with a Black man, a hate crime with a racist motive has occurred. Another example of hate crime by association would be an attack on a human rights defender because of their work to protect minority rights.
 - In both cases — **mistaken perception or association** with a protected group — the perpetrator committed the crimes because of bias.
 - Property associated with different groups, e.g., places of worship, cemeteries, community centres, CSO offices, schools and monuments, can also be the targets of a hate crime.
 - Further note that some hate crimes might be driven by prejudice against intersecting aspects of a person's identity, i.e., **intersectional hate crimes**, recognizing that personal characteristics do not exist in isolation, and that individuals are often targeted because of how these traits combine and interact in their social context. At times, victims of intersectional hate crimes feel misunderstood, because institutions often fail to recognize the full scope of the intersecting biases.
8. In a hate crime, the bias motive of the perpetrator does not need to be the only motive for the crime. A hate crime can also be committed with mixed motives. One example would be a perpetrator who targets a Jewish shop in a robbery because they think Jews are wealthy. In this case, the perpetrator has financial motives, but there is also an anti-Semitic bias motive. Police need to be vigilant, and look for a possible bias motivation even where it is not immediately evident. (Note: This will be discussed further in Activity 4.5 on international obligations).
9. Explain the **difference between the emotion of hate and a bias motivation**. A hate crime does not require that the perpetrator feels hate. Instead, it requires only that the crime is committed with a *bias motive*. 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.

10. Taken literally, the phrases 'hate crimes' or 'hate motive' can be misleading. 'Hate' is a very specific and intense emotional state, which may not properly describe most hate crimes. In many hate crime cases, the perpetrator neither feels 'hate' towards their target nor is driven by their experience with the victim. Rather, the perpetrator is **motivated by their stereotypes, preconceived ideas or intolerance towards a particular group of people** and the protected characteristic(s) they share. 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.
11. Point out that hate crimes can also take place online. Specific criminal offences that can be committed online (and thus become hate crimes if committed with a bias motive) include direct threats, harassment, blackmail or similar. (Note: Some criminal codes refer to threats committed via an IT system.) For further advice on dealing with online hate crimes see [Handout 4](#).

ACTIVITY 4.1b — *Is it a hate crime?*

PURPOSE: To briefly test understanding of the key parts of the hate crime definition (criminal offence plus bias motivation).

TIME: 10 minutes

PREPARATION: Ahead of this module prepare two flip charts on two different sides of the room. One flip chart should say 'yes' (in green) and the other should say 'no' (in red) in large letters.

INSTRUCTIONS:

1. To briefly test participants' knowledge of the basic hate crime concept, ask them to stand up and read out the following examples in turn.

Note: You may wish to also prepare the examples in a presentation with illustrative photos.

2. After you have read out each example, ask participants to stand next to the chart that says 'yes' if they think it is a hate crime or to stand next to the chart that says 'no' if they think it is not a hate crime. You can ask participants to explain their choices. The aim here is to identify as 'yes' the cases that appear to have both of the basic elements: a criminal offence and some indication of bias motive. If there is no space to stand near the flip charts, you can just ask participants to remain in their places and stand up for 'yes' and remain seated for 'no'.

Case 1. A Black Muslim woman (wearing a hijab) was yelled at by a man as she was waiting for a tram. He called her racist names and demanded she take off her hijab. When she entered the tram, the man started to choke her with her hijab and punched her.

Answer: Yes — potential hate crime

Explanation: The base criminal offence is a physical attack, and we have indication of bias that was expressed before the incident (the racist insults). We also have multiple protected characteristics that have potentially been targeted — the victim is a Black, Muslim woman.

Case 2. *Juden raus!* ("Jews out!" in German) was graffitied on the side of a Jewish community facility.

Answer: Yes — potential hate crime

Explanation: Base offence = damage to property/vandalism with biased graffiti content. Repeat that property can also be the target in a hate crime.

Case 3. An unidentified individual threatened the life of an LGBTI activist on social media following a demonstration in support of LGBTI rights at which the activist had been highly visible. The perpetrator threatened to 'track down' the activist and to kill him and used homophobic slurs.

Answer: Yes — potential hate crime.

Explanation: The base offence is a threat (despite the fact that it took place online it is still a direct threat), and there are indications of bias. Use this example to discuss how a threat can be verbal or online, but that does not mean that it is 'hate speech' — direct threats are usually criminalized, whether they are bias-motivated or not, so a 'base offence' is present. This could also be a hate crime by association or mistaken perception. We do not know the identity of the victim, so this could be a hate crime by association.

Case 4. A Sikh man was seriously injured when a driver in a pickup truck ran him over on a public street and dragged him 10 metres. Only moments earlier, the driver had used racial slurs against him, calling him an “Islamic terrorist” and telling him to “go back to your country.”

Answer: Yes — potential hate crime (mistaken perception)

Explanation: There is a clear violent offence against the victim. The insults shouted also indicate an anti-Muslim (and racist) bias, even though that is not an identity characteristic of the victim, and this is a case of mistaken perception.

***Note:** All the cases are indicated as ‘potential hate crimes’ because while participants may recognize that at first sight these cases do appear to have the two elements, they are likely to say that they do not have enough information to confirm whether it is a hate crime and the case would require further investigation. In addition, the use of bias indicators as a tool for recognizing the bias motive will only be discussed in Module 7, so participants may not yet be able to determine exactly how the bias motive is manifested and may only recognize the identity of the victim as an indicator.*

3. You can also recap the main points of the definition by showing **Video 2: What is a hate crime?** Excerpt for this module: 00:00-02:03. This contains a short animation to explain the key parts of the definition.

ADDITIONAL RESOURCES

- Short video: [What is a hate crime?](#) by Facing Facts, (1.25 minutes)
- ODIHR [Hate Crime Factsheets](#)

ACTIVITY 4.2 – *Hate crime is not...*

PURPOSE: To outline the difference between hate crimes and similar, but related, concepts including hate incidents, criminalized ‘hate speech’, ‘hate speech’ and discrimination.

TIME: 15 minutes

INSTRUCTIONS:

1. Explain the difference between hate crimes and related concepts: hate incidents, criminalized ‘hate speech’, ‘hate speech’ and discrimination as outlined below. Note that, while connected, these are different manifestations of prejudice and require different responses.²¹
2. Show Slide 9.
3. Note that there is no universally agreed legal definition of ‘hate speech’, and that 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.”²² The Council of Europe Recommendation on Hate Speech (2022) provides further guidance on addressing its impact.²³ ‘Hate speech’ thus includes a wide range of criminal and non-criminal acts.
4. The criminalization of ‘hate speech’ is limited by the obligation to balance the right to equality and non-discrimination with the right to freedom of expression. Different forms of ‘hate speech’ are criminalized across the OSCE region, e.g., in some jurisdictions, speech insults against certain groups are penalized. Offences of incitement to violence, discrimination and hatred (or ‘incitement speech’ offences) are considered to be criminalized forms of ‘hate speech’ and are always criminal offences in line with international obligations.²⁴
5. Explain or summarize the key differences between hate crime and ‘hate speech’ using the information on the slide and in the table below:

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

22 UN Strategy and Plan of Action on Hate Speech (2019).

23 Council of Europe Recommendation on Hate Speech.

24 Article 20, paragraph 2 of the ICCPR states, “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

Note: This table refers to both criminal and non-criminal forms of 'hate speech'. When discussing the different types of national legislation in Activity 4.4, it will be important to explain the differences between different types of criminalized 'hate speech' in more detail, depending on the jurisdiction of the country of training.

Hate Crime

A **criminal offence** committed with a **bias motive**

Specific target/direct victim: people or property of/associated with a particular community/individual belonging to a particular community (harm caused can be wider)

Always involves an **underlying crime** (e.g., assault, threats, vandalism)

Key technical question: proving that the offence was motivated by bias (we already know a crime has occurred)

Object of protection: the physical or psychological integrity of the individual(s)

Criminal law is the main instrument for responding

Often there is an 'aggravating circumstances' provision in the criminal code as well as other specific provisions

'Hate Speech'

No **universally agreed** legal definition but referenced in some international obligations.

Criminalized²⁵ in some forms in many jurisdictions.

Public in nature: Aim is to mobilize/incite others to hatred or violence against a specific group/person based on a protected characteristic

Not always criminalized. Can also include **lawful** but offensive or inciteful expressions

Key technical questions: deciding whether an act meets the threshold of criminal behaviour; deciding whether the hateful expression goes beyond freedom of expression protections and can be a criminal act

Object of protection: public order and security; the security of targeted communities

Criminal law is not the *only* instrument for responding

Often there is a specific and substantive provision in the criminal code (when criminalized)

25 Offences of incitement to violence and hatred are universally prohibited. Criminalization of other forms of speech (insults, defamation, Holocaust denial, distribution of material, etc.) differ from country to country. Within the EU, the Framework Decision (2008) on combating certain forms and expressions of racism and xenophobia by means of criminal law is prescriptive on what should be criminally prohibited. Other OSCE states have different frameworks.

6. Mention that the key difference between hate crime and 'hate speech' is that hate crime involves a criminal act, while hate speech can also include lawful, offensive, or inciteful expressions. Note that both hate crime and criminal and non-criminal 'hate speech' harm marginalized communities, fuelling discrimination and division, and therefore both need to be addressed. 'Hate speech' is often the context for hate crimes. However, due to the differences outlined above, both phenomena require different approaches in terms of responses by the criminal justice system. There are also consequences for how the crime is recorded and the support provided to the victim, as hate crimes are likely to have a direct victim.
7. The starting point for a hate crime is that it has been established, subject to a full investigation and evidence gathering, that a basic criminal offence has been committed, such as a threat, assault, murder or damage to property. The key technical question — and challenge — is proving that the offence was motivated by bias. We will look into this in more detail in the next modules.
8. The usual starting point for 'incitement speech' or 'hate speech' offences is that the presence of bias or hate towards a protected characteristic is clear from the content of the expression. The technical question is whether there has been a crime; in other words, whether the hateful expression goes beyond freedom of expression protections and passes the criminal threshold. A decision on whether a criminal threshold has been reached may need to be taken by a specialist prosecutor.
9. The question to ask in distinguishing between these two types of crime is: if the biased speech or expression is removed, is the incident still a crime (i.e., is there a 'base offence')? If 'yes', then we are likely dealing with a potential hate crime. If not, then we are likely dealing with a case of 'hate speech' that may or may not be criminal depending on the jurisdiction.
10. Explain that it is recommended that hate crime offences are recorded by police as a distinct category of crime separate from criminal 'hate speech' or incitement offences in order to provide better data on the extent and nature of hate crimes taking place²⁶. In addition, the type of offence is relevant as it has a bearing on the type of evidence that needs to be collected by police in order to complete an investigation or prepare for a prosecution and it will also be relevant in terms of victim support.

Note: One reason why there can be confusion about whether to treat an incident as a criminalized 'hate speech' offence or a hate crime offence is where the speech or expression itself is in fact evidence of a bias or discriminatory motive. For example, where a perpetrator utters racial slurs before, during or after physically attacking a victim (e.g., in Case 1 in Activity 4.1b). This will be covered in Module 7 on bias indicators.

²⁶ See Recommendation 6 on p.19 of [Hate Crime Data Collection and Monitoring: A Practical Guide](#), OSCE/ODIHR, 29 September 2014.

11. Explain that some crimes, such as **threats**, can also involve biased expression and can be committed via speech. However, threats to commit a criminal offence, such as physical harm, death threats or threats against property, are still a crime in all criminal codes, whether the biased expression is present or not, so would still constitute a hate crime (and not 'hate speech') when the bias motive is present.
12. Explain that in cases of 'incitement to hatred, violence and discrimination' (i.e., cases that fall under criminalized 'hate speech' provisions), law enforcement may need to work closely with specialist prosecutors because of freedom of expression considerations. Other forms of commonly criminalized 'hate speech' include:
- Defamation
 - Bias-motivated insults
 - Public dissemination of racist communications
 - Denial of genocide, crimes against humanity
 - Online hate or 'cyberhate' (when it does not reach the level of a direct threat)
13. Explain that some cases may fall at the intersection of hate crime and 'hate speech' and can be difficult to qualify. These include cases of:
- Bias-motivated public order/disturbance of the peace/nuisance
 - Bias-motivated hooliganism
14. Explain that we will consider more of these cases in later modules and in case studies.
15. Point out that there are also other, similar and related forms of intolerance that do not fall within the OSCE hate crime definition:
- A. Hate-motivated incidents. Show **Slide 10**.
- Bias or hate-motivated incidents: Explain that hate-motivated incidents are acts that involve prejudice and bias but do not amount to a crime. The term describes acts motivated by bias and 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 of hate crimes. These incidents can be precursors to more serious crimes.

Note: Further explanations of the different types of legislative provisions can be found in Handout 5 on hate crime laws.

Note: Cases will need to be dealt with according to the legislation of the country of the training.

Note: This training does not focus on 'hate speech' per se, and further training and guidance for police may be required in this area.

Police records of hate-motivated incidents that do not reach the criminal threshold can be useful in demonstrating the context of harassment and providing evidence of escalating patterns of violence.

B. Discrimination

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.

Note that there are a number of other concepts that are also closely related to hate crime. Nevertheless, these are distinct concepts, and legislation or policies related to these concepts should not be confused with hate crime. In addition to discrimination, these concepts include genocide, terrorism and domestic violence.

16. While cases of **terrorism** and **violent extremism** may also be motivated by bias, terrorist crimes are usually aimed at exerting pressure on governments and achieving political goals, while most hate crimes lack such objectives. The policy framework in terrorist cases may also be very different and require a different type of response. In hate crime cases the primary focus is to uncover and reflect the bias motivation in the course of criminal proceedings, as well as to provide adequate victim protection and support.
17. Acts of **genocide** differ from hate crime. While both are rooted in prejudice and bias, genocide, in contrast to hate crime, is committed *with the specific intent* to destroy, in whole or in part, a protected group (racial, ethnic, religious, or national) — in other words, to eradicate the group. While hate crimes are prosecuted under domestic criminal law, genocide is recognized as a crime under international law, carrying obligations for prevention and punishment under treaties such as the 1948 Genocide Convention.²⁷

²⁷ Convention on the Prevention and Punishment of the Crime of Genocide, UN GA resolution 260 A (III) of 9 December 1948.

18. Conclude the slide by noting that hate crimes and **domestic violence** can intersect when acts of violence within intimate or family relationships are motivated by bias against a person's identity, such as their gender, sexual orientation, ethnicity, religion or disability. In such intersections, victims face compounded harm — as domestic abuse and identity-based violence reinforce each other inside the private sphere, where institutional visibility is often low and support systems may not recognize a hate motivation.
19. In case of specific questions related to these concepts you can refer also to 'Answering Difficult Questions' in Annexe I.

ADDITIONAL RESOURCES

- For an explanation of how **genocide** provisions are related to hate crime, see *Hate Crime Laws: A Practical Guide*, p.24. You can also refer back to the 'Pyramid of Hate' from Module 3 and Handout 2.
- For further details on terrorism and violent extremism and how they differ from hate crime, *Hate Crime Laws: a Practical Guide*, pp.24-26.
- ODIHR factsheet on *Gender-Based Hate Crime*.
- For more details on work at the intersection of hate crime and criminalized hate speech see *Hate Crime Prosecution at the Intersection of Hate Crime and Criminalized 'Hate Speech': a Practical Guide*. See also, ODIHR *Trainer's Manual for Prosecutors (PAHCT)*, Module 3.

ACTIVITY 4.3a — *Is this a hate crime? Applying the definition*

PURPOSE: To use short case studies to apply the hate crime definition and identify whether the example has the main elements of a hate crime case or whether it is more likely to be ‘hate speech’ or criminalized ‘hate speech’ or another form of discrimination or intolerance.

TIME: 30 minutes

PREPARATION: Prepare short case studies from Training Material 4.3, or customize the examples to the national context. Also, prepare two flip charts on two different sides of the room. One flip chart should say ‘yes’ (in green) and the other should say ‘no’ (in red) in large letters.

INSTRUCTIONS:

1. As in Activity 4.1b, ask participants to stand up and read out the case studies from Training Material 4.3 in turn.
2. After each example, ask participants to stand next to the flip chart that says ‘yes’ if they think it is a hate crime or to stand next to the flip chart that says ‘no’ if they think it is not a hate crime. They can stand in the middle if they are not sure. You can ask participants to explain their choices. The aim here is to identify if the case appears to have the two basic elements: i.e., a criminal offence and some indication of bias motive or if it is in fact a case of ‘incitement speech’, ‘hate speech’ or discrimination. Use the trainer’s notes from the examples in Training Material 4.3 to give feedback on participants’ explanations.
3. Conclude by explaining that these were very basic examples to help demonstrate the main points of the hate crime concept, and, in a real investigation, more information would be required before drawing any conclusions. Explain that we will cover how to recognize a hate crime and how to collect relevant evidence in a hate crime case in Module 7.

Note: You may also wish to prepare the examples in a presentation with illustrative photos.

Note: This exercise could also be done with an online voting survey tool that participants can access via their mobile phones.

TRAINING MATERIAL 4.3 — *hate crime case studies (with explanations)*

Case 1. A family home was burnt down after a death threat was painted in red on their house. The writing said: “You will die, [anti-Roma slur]!” The cause of the fire was unclear, but the investigator’s report did not rule out that the fire was started intentionally.

Answer: Yes — potential hate crime.

Explanation: Arson is the base offence, as is damage to property. The graffiti also includes a direct threat. The anti-Roma slur used could also be an indicator of the potential bias motive. Further investigation is required. We will look at bias indicators in more detail in Module 7.

Case 2. *Juden raus!* (“Jews out!” in German) was graffitied on the side of a Jewish community facility.

Answer: Potential hate crime.

Explanation: In Activity 4.1b this case was also included and noted as having a clear base offence in the damage to property/vandalism with biased graffiti content. At this stage you can now also discuss the possibility that graffiti might also fall under an incitement speech provision²⁸ depending on the content of the graffiti and whether it reaches a particular threshold.

Case 3. An anonymous bomb threat was posted to the offices of a local mosque. The letter also directly threatened named religious leaders and used anti-Muslim slurs and insults.

Answer: Potential hate crime.

Explanation: The base offence is a threat, and there are indications of bias. Use this example to discuss how a threat can be verbal, online or (as in this case) received by post but that does not mean that it is ‘hate speech’ — direct threats are usually criminalized, whether they are bias-motivated or not.

Case 4. A coffee house employing people with Down’s syndrome was opened in a big city. The manager was asked by some clients to ensure they were served by waiters with no disabilities, because “the clients were experiencing discomfort” as they put it. Some other clients asked whether Down’s syndrome was infectious.

Answer: Discrimination and ‘hate speech’.

Explanation: The offensive speech may or may not be criminal depending on whether bias-motivated insult is an offence in the country of training.

²⁸ Convention on the Prevention and Punishment of the Crime of Genocide, UN GA resolution 260 A (III) of 9 December 1948.

Case 5 A woman experienced a man making faces at her on the underground train. She tried to move away from him, but he wouldn't stop. After a while, she said he confronted her directly, saying, "Get out of here. Go back to China. I don't want none of your swine 'flu here."

Answer: 'Hate speech'

Explanation: The speech may or may not be criminal depending on whether bias-motivated insult is an offence. This could also be a case of harassment that may or may not meet a criminal threshold depending on the jurisdiction or further circumstances of the incident.

Case 6 A post on Facebook read: "We must kill the [people from that country]! It does not matter whether a woman, a child, an old man. We must kill everyone we can and whoever they may be. We should not feel sorry; we should not feel pity. If we do not kill them, our children will be killed."

Answer: Incitement to violence, hatred or discrimination

Explanation: Cooperation with specialist prosecutors may be required to determine if the case would meet the threshold for criminal prosecution. With incitement offences prosecutors need to prove reasonable probability that speech or expression would succeed in inciting violence or hatred even if the act(s) itself is / are never committed.

Case 7 The offices of an LGBTI rights organization in the centre of the city were vandalized on numerous occasions. On one occasion, the perpetrators threw a brick through the window, tried to break into the premises and shouted homophobic slurs at the staff.

Answer: Potential hate crime case (by association)

Explanation: Damage to property/vandalism would be the base offence. The insults shouted at the staff can be seen as an indicator of the potential bias motive (and not necessarily an offence in themselves. It should be noted that, in some jurisdictions, such insults may be a form of criminalized 'hate speech'. We do not necessarily know the identity characteristics of the staff so this could also be a hate crime by association.

Case 8 A Molotov cocktail was thrown into a kebab bar owned by a migrant from another country. Firefighters were able to put out the fire and nobody got hurt. A couple of days earlier, two men had insulted the owner and his family and spilt ketchup and mayonnaise on the entrance door in what is believed to have been related to a financial dispute.

Answer: Potential hate crime case (mixed motives)

Explanation: There is clear damage to the property. The only indication of bias is the identity of the victim, but this is not evidence of a hate crime. There are also some details about potential mixed motivations for the crime. This incident would clearly need further investigation of the possible bias motives.

ACTIVITY 4.3b — Short quiz on hate crime definition (optional)

PURPOSE: To recap, and test whether participants have understood the key elements of the hate crime definition and concept.

TIME: 10 minutes

PREPARATION: You may wish to prepare the quiz via an online survey tool such as Mentimeter or Kahoot or similar or put the questions in separate presentation slides.

Note: correct answers are given in blue.

QUIZ:

1. What is a hate crime?

- a. A crime committed in anger because you hate someone
- b. A crime against property
- c. A crime that is not reported
- d. A crime motivated by bias against a protected group

2. Can hate crimes have multiple bias motivations? i.e., can victims be targeted in a hate crime due to the presence of more than one protected characteristic?

- a. Yes
- b. No
- c. Don't know

3. Can property be the target in a hate crime?

- a. Yes
- b. No
- c. Don't know

4. Does the victim of a hate crime have to belong to the targeted group that is attacked by the perpetrator?

- a. Yes, the perpetrator selects the target based on their real identity
- b. No, a target can be selected based on the mistaken perception of the perpetrator that they belong to a particular group or their association with a protected group
- c. The perpetrator does not always know who they are targeting
- d. Don't know

5. Are bias-motivated insults a hate crime?

- a. No, they are usually classified as 'hate speech' but in some countries they may be criminal offences when the bias is present
- b. Yes, because they are criminal offences
- c. Don't know

6. Can there be more than one motive in a hate crime?

- a. No, there can only be a bias motive
- b. Yes, there can be other motives present at the same time, e.g., financial
- c. Don't know

7. Does the perpetrator need to feel 'hate' in a hate crime?

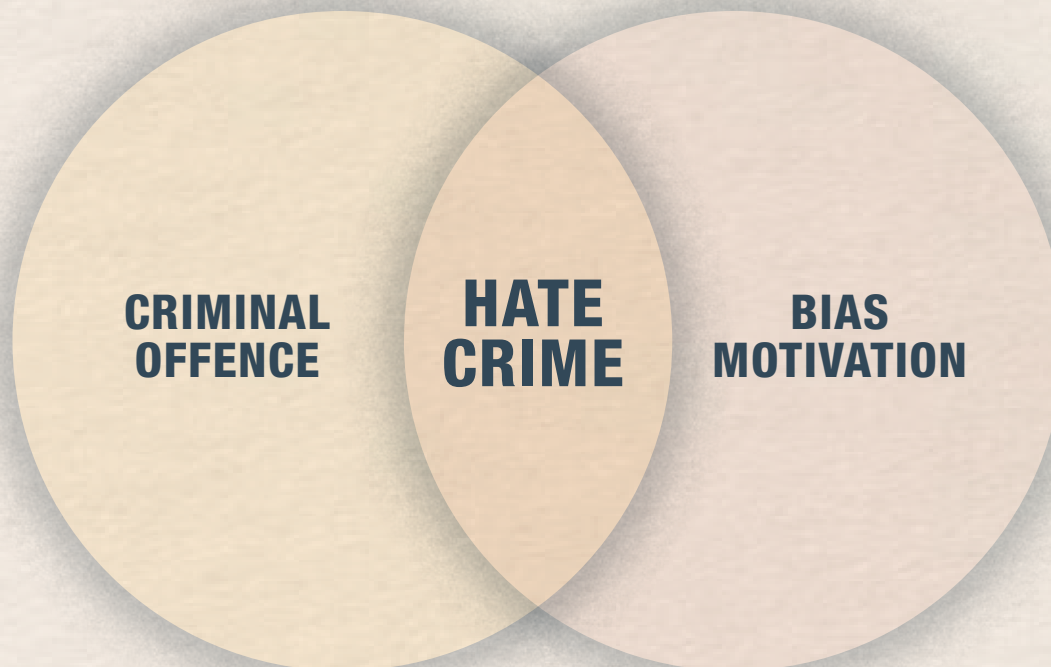
- a. Yes, that is why it is called a hate crime
- b. No, the hate in hate crime means that the perpetrator holds prejudiced or biased views about a group and does not refer to the emotion of hate
- c. Don't know

8. Why is it necessary to distinguish between hate crimes and hate speech?

- a. It's not necessary. We can look at both types of crimes in the same way
- b. They are different types of crimes and require different responses
- c. Hate speech is not as harmful as hate crime
- d. Don't know

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 Policing²⁹

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.

²⁹ [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.³⁰ 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.

³⁰ 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.

ACTIVITY 4.4 — National hate crime laws

PURPOSE: To understand the national law related to hate crimes and become aware of the relevant national provisions.

TIME: 15 minutes

PREPARATION: As part of the customization process the national hate crime provisions will need to be added to Handout 5 and the presentation slides.

INSTRUCTIONS:

Note: It is important for police officers to be aware of the relevant legislation, even if they do not have a role in the qualification of crimes. In order to record a crime in the correct category, officers may need to know the relevant provisions in the criminal code.

Note: If there is no case law, see, for example, Case 6 on p.71 of *Hate Crime Prosecution at the Intersection of Hate Crime and Criminalized 'Hate Speech': a Practical Guide*.

1. Provide a brief description of the national laws on hate crimes.
2. Ask participants why they think is important for the country to have hate crime laws. When hate crimes are treated like other crimes and not recognized as a special category of crime, they are often not dealt with properly. This can lead to investigators disbelieving the victim or failing to investigate properly allegations of bias motive. Prosecutors may minimize the offence when choosing charges, and courts may fail to apply their powers to increase sentences to reflect the motives of the perpetrator. Codifying the social condemnation of hate crimes into law is important for affected communities, can help build trust in the criminal justice system and repair social fissures between various groups and communities.³¹ Show Slide 11.
3. Comment on the provision of law that contains a general penalty enhancement, if such a provision exists. Explain that this provision permits prosecutors to argue that hate crimes should receive enhanced sentencing. Legislators have added this provision because of the profound impact that hate crimes can have on victims.
4. If there have been cases in the country in which courts have handed down enhanced sentences because of bias motivation, provide examples of these.

31 OSCE/ODIHR, *Hate Crime Laws: A Practical Guide*, Revised Edition, p.28.

5. If the police or the government has an explicit policy, national action plan or guidelines on hate crimes, point out that these guidelines can be a crucial part of effective application of the legislation. Guidelines also reflect the commitment by police to enforce hate crime legislation in a robust way.
6. If there are any provisions of law concerning criminalized forms of 'hate speech', mention these and explain why they are different to hate crime provisions. Show Slide 12.

Note: You can mention that hate crimes can also be recorded by police based on a wider definition — one developed for monitoring purposes and policy implementation at the national level, rather than just based on the definition in the legislative provisions:

“ Adopting a common, comprehensive and simple monitoring definition of hate crimes to be used by police, prosecutors and the courts is the first step to collecting more consistent data across the criminal justice system. It allows for better tracking and comparisons, both nationally and internationally.” ³²

A broader monitoring definition allows police to record information about the wider scope of potential hate victimization (including against groups that are not protected by hate crime legislation) and adapt their responses accordingly.

Participants may also ask about identity characteristics that are not protected or are protected in different ways. For example, participants may discuss how they are often targeted with anti-police slogans (e.g., ACAB³³). Allow this discussion to take place, but make sure it is clear why being a police officer is not a protected characteristic within the hate crime concept and how frontline responders are often protected under different legislation. See also Annexe I, questions 7 and 8.

³² See Hate Crime Data Collection and Monitoring: A Practical Guide, OSCE/ODIHR, 29 September 2014, pp. 12-13.

³³ ACAB stands for "All Cops Are Bastards" (You may also see its numeric alternate, "1312," with numbers substituted for letters. See ADL website.)

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 LAWS³⁴

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.

³⁴ 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.

ACTIVITY 4.5 — *International obligations related to hate crimes*

PURPOSE: To make participants aware of the international obligations to investigate hate crimes, including those in UN treaties and conventions, OSCE commitments and the decisions of the European Court of Human Rights (ECtHR) and understand why these are relevant to police work on hate crime.

TIME: 15 minutes

INSTRUCTIONS:

Note: Not all levels of police will be interested in the details of these international obligations, but it is important that they are aware of the key message on their duties and obligations.

1. Explain that there is an obligation to align national legislation with international human rights standards. You can mention some of the international standards that are most relevant to discrimination and hate crimes and distribute Handout 6.
2. Ask participants what the consequences might be for their country if they do not comply with international obligations on hate crimes, e.g., a case may be brought to the ECtHR resulting in reputational damage.
3. Draw attention to particular ECtHR judgements to make the point that if hate crimes are not adequately investigated and prosecuted by national authorities, the country may face rulings against it by international courts.
4. Key ECtHR judgements that can be mentioned include:

In *Nachova and Others v. Bulgaria*, the ECtHR held that states have positive obligations under the European Convention on Human Rights and Fundamental Freedoms to **investigate the potential racial motivation of crimes**. In particular, they have a duty **to investigate possible bias motivation behind acts of violence committed by state authorities, as well as by private individuals**.³⁵

While the Court did not demand the introduction of specific legislation against hate crime, it explicitly recognized that hate crimes require a criminal justice response proportionate to the harm caused. The Court applied these principles in *Šečić v. Croatia*, a case involving an attack by skinheads on a Roma man, reiterating that:

³⁵ *Nachova and Others v. Bulgaria*, application nos. 43577/98 and 43579/98, Council of Europe: European Court of Human Rights (ECtHR), 6 July 2005, paras. 160-168.

Note: These are just some of the obligations resulting from ECtHR judgements. See *Additional Resources* for further case studies. If there is an ECtHR hate crime judgement from the country in which the training is taking place, then it is important to make sure this case is highlighted. If there is no case from the country of the training, discuss the examples above that resulted in specific obligations on states. This will demonstrate the practical consequences on police work in this area.³⁸

“[...] when investigating violent incidents, State authorities have the additional **duty to take all reasonable steps to unmask any racist motive** and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights.”³⁶

In the case of *R.B. v. Hungary*, the Court later extended the same principles, applicable to acts of physical violence, to cases of direct threats. Elsewhere, it elaborated on the need to use bias indicators to “unmask racist motives”, and the Court additionally indicated the possible application of these principles in the online space, especially on social media.³⁷

5. Show Slide 13, which summarizes the obligations in relation to hate crime cases resulting from ECtHR judgements.

36 *Šečić v. Croatia*, application no. 40116/02, ECtHR, 31 May 2007, para. 66.

37 *R.B. v. Hungary*, application no. 64602/12, ECtHR, 12 April 2016, paras. 53-102; *Balázs v. Hungary*, application no. 15529/12, ECtHR, 20 October 2015, paras. 21 and 75; and *Beizaras and Levickas v. Lithuania*, application no. 41288/15, ECtHR, 14 January 2020, para. 155.

38 Examples to use can be found in *Unmasking bias motives in crimes: selected cases of the European Court of Human Rights*, FRA, 12 December 2018.

ADDITIONAL RESOURCES

- *Hate Crime Laws: A Practical Guide. Revised Edition*, OSCE/ODIHR, 23 September 2022.
- *Hate Crime Prosecution at the Intersection of Hate Crime and Criminalized ‘Hate Speech’: a Practical Guide*, OSCE/ODIHR, 15 November 2024.
- *Unmasking bias motives in crimes: selected cases of the European Court of Human Rights*, FRA, 12 December 2018.
- *Analysis of the Jurisprudence of the European Court on Human Rights related to Hate Speech and Hate Crime*, OSCE, 29 August 2022. This publication includes in depth review of the case-law of the European Court on Human Rights (ECtHR), in regards to hate speech and hate crimes.
- The Council of Europe *Recommendation CM/Rec (2022)16* of the Committee of Ministers to member States on combating hate speech.
- The Council of Europe *Recommendation CM/Rec (2024) 8* on combating hate crime, which outlines necessary measures Member States should take to prevent and combat hate crime and support victims, in cooperation with civil society and other stakeholders.

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 CRIMES³⁹

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).

³⁹ 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.



MODULE 5

IMPACT OF HATE

CRIMES

MODULE 5

IMPACT OF HATE CRIMES

SUMMARY

This module starts by looking at the ways in which hate crimes are different to other crimes and then goes in to more detail on the physical and emotional impact of hate crime and hate incidents on individuals.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Explain how hate crimes are different from other crimes;
- Understand the direct psychological and physical impact of hate crimes and hate incidents on individuals and on the communities in which they live; and
- Identify the wider effects of hate crimes on society and the potential for escalation.

OUTLINE

Time	Activity	Key Points
15 minutes	Activity 5.1 <i>What makes hate crimes different?</i>	Participants consider why hate crimes are different from other crimes.
25 minutes	Activity 5.2 <i>Fragments of identity</i>	Through this interactive exercise participants understand that hate crimes are an attack on the victim's identity.
20 minutes	Activity 5.3 <i>Understanding the impact of hate crimes on victims</i>	Trainers explain the different types of impact that hate crimes can have on victims.
Total: 60 minutes		

MATERIALS CHECKLIST

- Flip chart
- Blank pieces of paper for participants
- Handout 7
- PPT presentation slides 14-19
- Some sweet treats as prizes for Activity 5.1
- Video 3: Statements of victims of hate crimes. Full running time: 3:45 minutes. (For Activity 5.3)

ACTIVITY 5.1 — What makes hate crimes different?

PURPOSE: To understand that hate crimes can escalate if not addressed and that they can affect not just individual victims but communities and society as a whole.

TIME: 15 minutes

INSTRUCTIONS:

1. Explain that some aspects of hate crimes may not differ dramatically from other crimes. However, hate crimes differ in several important ways from most other crimes and their cumulative impact can be far greater.
2. Put participants into two teams, and give them a few minutes to come up with some ways in which hate crimes differ from other crimes based on what they have learned so far (and any prior knowledge they may have). They should write their answers on a flip chart.
3. Each team then presents their proposals to the whole group. You can give participants a prize (e.g., a sweet treat) for each answer that their team comes up with. Trainers should make sure the points in the following paragraphs are covered.
4. Show Slide 14.

Note: At this point it is helpful to describe a particular hate crime or to refer back to the case described in Module 1 to illustrate some of the points described below.

- **Hate crimes are one of the few crimes in which the perpetrator's motive is a critical part of the offence.** In an ordinary assault, the police and prosecutors do not need to establish in court the attacker's motivation. With hate crimes, however, the perpetrator's bias motive is a critical part of the investigation. The most significant difference between investigating hate crimes and most other crimes is determining whether evidence establishes that the perpetrator acted because of bias. Note that we will discuss ways to identify the bias motivation in the following modules.

- **Individual hate crimes can have a deeply destructive impact on individual victims:** As will be discussed in detail later in this module, hate crimes undermine the sense of security and safety of victims, their families and friends. Few other crimes are related to the identity of the victim.
- **Hate crimes can threaten community stability.** Hate crimes are often directed at particular ethnic, national or religious groups. When these crimes grow in number, communities can split apart, and retaliatory violence may result if it is perceived that law enforcement is not providing the necessary support and protection.
- **Hate crimes continue and escalate if not stopped.** Hate crimes are usually part of a pattern of escalating conduct beginning with non-criminal acts of bias that, if not confronted, end with hate crimes. The cumulative effect of hate crimes is far greater.

The key point to mention is that hate crimes are **message crimes** that not only affect the victim, but also the members of the targeted group or community and can have an effect on overall societal cohesion. By reacting appropriately, police can prevent this escalation and continue to build trust with communities. We will discuss more on the role of the police in Module 6.

ACTIVITY 5.2 — *Fragments of identity*

PURPOSE: To help participants understand that hate crimes are an attack on the victim's identity and to understand the impact of this.

TIME: 25 minutes

INSTRUCTIONS:

1. Distribute blank sheets of paper. Ask participants to draw five large circles anywhere on the paper. You can draw circles on a flip chart to demonstrate.
2. Tell them you will be reading aloud some identity characteristics. They should think about all the characteristics that form part of their identity and then they need to choose the five that are the most important for them and write one in each of the circles. Show **Slide 15**.
3. Read out the following characteristics: place of work, age, ethnicity, gender, income, city they live in, educational background (school, university they attended), religion or belief, family status, free-time activities, disability, parenthood and type of work. You can demonstrate by putting some characteristics about yourself into the circles you put on the flip chart.

4. After they have all chosen, ask a few participants to share their choices with the group. You can share the reasons for your own choices to start the discussion.
5. Next ask if they had to give up one characteristic which one it would be. Repeat the question once or twice more, depending on how many people give different answers. Then tell the group that you will now take one characteristic away from them; they have no choice in the matter. One part of their identity will be taken. How does this make them feel?
6. After a few moments of silence ask them to think about individuals from marginalized communities. They often have to give up one or more characteristics/parts of their identity in order to live a 'normal' life and not to become victims of harassment, discrimination or hate crimes. For example, not holding hands in public if they are a same sex couple, or not wearing symbols of their religion or belief in public. Ask them how they would feel if they had to do that on a daily basis (share the example of a community statement of a Jewish person: "I wear a chain with a Star of David, but I consciously don't wear it in public, because I try to avoid anti-Semitic reactions that way.")
7. Connect this with the different layers of diversity, which will vary depending on whether they can be changed or not. The inner or fundamental circle contains the integral parts of our personality — gender and gender identity, religion or belief, ethnicity/ 'race',* sexual orientation, age and disability. They affect our early socialization and are usually visible characteristics around which stereotypes and prejudices are formed. Outer circle characteristics — such as family status, education, work experience, job, income, parenthood, residency, political opinions, hobbies, which are often dependent on the environment — can potentially be changed more easily, although some individuals may be powerless to change them. Discuss the impact on people who feel the need to hide their characteristics from others. What would the result be? How would the participants feel if they had to hide a characteristic?
8. Be clear about which characteristics are usually protected under law and are therefore related to hate crimes. Explain that not all the elements included in this exercise are normally considered protected characteristics under the law. However, they represent important elements of hate crime victims' (and our own) lives that can be impacted by experiences of hate crime, discrimination and bias.
9. Underline that, since everyone has protected characteristics, anyone can become a target of a hate crime. Through hate crimes, perpetrators express bias or prejudice towards whole communities, and the individuals attacked are seen as representatives of their group by the perpetrators. Often, victims of hate crimes belong to discriminated and marginalized groups, and they often don't perceive this solely as an individual event, but as a continuum of non-criminal and/or criminal discrimination actions against them.

Note: Depending on the composition of the group, it is possible that participants will not want to share personal details about themselves so this activity may work better as quiet reflection or by sharing in pairs. With a smaller group, participants may be more willing to share.

* The use of the term 'race' in this guide shall not imply endorsement by OSCE/ODIHR of any theory based on the existence of different races. It is a term widely used in international human rights standards, as well as in national legislation. This guide uses the term to ensure that people who are misperceived as belonging to another 'race' are protected against hate crimes.

10. Explain that those who are more visible or easily identifiable as belonging to or affiliated with a group are also more likely to be targeted. Note that for some groups, these differences are gendered, resulting in women or men from the same group being attacked in different ways. Ask the participants if they can come up with an example. Share the example that Muslim women wearing headscarves are more likely to be attacked than Muslim men who are not wearing any religious symbols. Likewise, Jewish men wearing a kippah/yarmulke are more likely to be attacked than Jewish women not wearing any religious symbols.

ACTIVITY 5.3 — *Understanding the impact of hate crime on victims*

PURPOSE: To develop a deeper understanding of the impact of hate crime on individual victims.⁴⁰

TIME: 20 minutes

INSTRUCTIONS:

1. Ask participants why they think it is important to talk about the impact of hate crimes on victims. Make sure that provision of adequate protection and support is mentioned. Underline that understanding the impact of hate crimes on victims can contribute to effective police responses.
2. Note that hate crime victims are targeted for who they are. The offender's actions can therefore be experienced as an attack on the very core of a person's identity that is devalued, denigrated and derided. Show **Slide 16** and display or read out the following example:

“You are beaten or hurt because of who you are. It is a direct and deliberate and focused crime, and it is a violation of, really, a person's essence, a person's soul, because ... you can't change who you are And it's much more difficult to deal with.... Because what a hate crime says to a victim of hate crime is, 'you're not fit to live in this society with me. I don't believe that you have the same rights as I do. I believe that you are second to me. I am superior to you.’”⁴¹

⁴⁰ Understanding the Needs of Hate Crime Victims, OSCE/ODIHR, 7 September 2020.

⁴¹ Paul Iganski, Hate Crimes Hurt More, American Behavioral Scientist, Vol. 45, No. 4, 2001, pp. 626-638.

3. After giving a warning about possible offensive language, show **Video 3: Statements of victims of hate crimes**. Running time: 03:45 minutes. This video contains some short extracts from interviews with victims of hate crimes in which they describe the impact on themselves and the long-term consequences.

The speakers include:

- o **Kateřina Gamal Richterová**, Social Media Content Manager, HateFree Culture Project, Prague, Czech Republic. Kateřina was the victim of a hate crime and high levels of online hate directed against her personally. In the video interviews she talks about her experiences and what went wrong in the criminal justice process and how it could be improved.
 - o **Sarian Jarosz**, Researcher on LGBTI rights and migration, Warsaw, Poland. Sarian was the victim of an anti-LGBTI hate crime in 2019 and during the video interviews he talks about his experience of reporting the incident to police and well as his wider experiences of discrimination and harassment and the effect this has had on his life.
 - o **Fatmir Memedov**, Security Project Manager, Trier, Germany (former non-commissioned officer in North Macedonian army). In videos, Fatmir discusses his experiences as the victim of a hate crime committed by law enforcement in North Macedonia in 2013, and the longer-term effect of the hate crime on himself and his family.
 - o **Dr. Klára Kalibová**, Founder, Director and Attorney at In IUSTITIA, Prague, Czech Republic. Klára founded In IUSTITIA, a dedicated counselling centre for people affected by hate crime in the Czech Republic. In 2009, Klára was the victim of a gender-based hate crime, and in the videos she shares her personal experience of dealing with hate crime and her experiences of the criminal justice process, while also talking about responses to hate crime in general.
4. After the video, ask participants to describe some more possible impacts of hate crimes on victims. You can write their answers on a flip chart, or follow up with **Slide 17**.

Note: *If there is no technical possibility to show the video, you can ask participants what could be the impact of hate crimes and hate incidents on individual victims. If possible, describe the impact of a hate crime or hate incident that you are familiar with. Write the possible impacts on the flip chart. Here is one example:*

An LGBTI activist received hateful messages online after posting a statement on the situation of LGBTI people on social media. This was followed by an incident during a pride event. The activist reported that an individual spat at him and shouted that he would kill him. The incident was reported to the police, but no charges were filed. The activist was subsequently harassed and physically attacked outside his place of work. The attacker shouted offensive slogans at him. **The activist is now afraid to leave his house and tries not to draw attention to himself.**

5. If not mentioned by participants, show **Slide 17** and explain that some of the **direct impacts** of hate crimes include:

- **Fear:** Some individuals may stop their everyday activities out of fear for themselves or their families. Fear of (repeat) victimization is typical. Realizing that they have been targeted for their identity and characteristics they cannot change, victims are afraid that this can happen again at any time.
- **Isolation:** Hate crimes are acts of marginalization. They send a message that people with the victim's identity traits are unwelcome. Some victims may believe that the majority population does not care about or may even approve of the hate crime they were targeted with. This leads victims to feel isolated and alone.
- **Denial:** Many victims of bias-motivated harassment or violence do not want to talk about what happened, because they believe that the conduct only will increase if they report it to the police. Some normalize their experience by accepting devaluation, discrimination and intolerance as an everyday and 'normal' state of being.
- **Self-blame:** Some victims who have been the target of slurs and stereotypes may convince themselves that the stereotypes are true and conclude that their own conduct caused the perpetrators to attack them.
- **Anxiety, loss of hope and spirit:** Some individuals who are continually subject to slurs and feel that they are at constant risk of violence, particularly young people, may begin to lose hope and spirit. Some have been targets of bias for so long that they lose the ability to be outraged at their own victimization.
- **Anger, aggression and violent behaviour:** Some individuals move beyond fear and become angry. Anger may lead to violence and acts of retaliation.
- **Loss of trust in people and/or society:** Some individuals are disappointed in other people and can't see the good elements of society anymore. When the hate context is not addressed by the authorities and no clear message is sent to perpetrators, people can lose trust in their security and the state authorities.

6. **Note that a well-established body of research⁴² 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; and major problems with family members or friends.

42 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; Paul Iganski, "Hate Crimes Hurt More", *American Behavioral Scientist*, Vol. 45, No. 4, 2001, pp. 626-638.

7. Ask participants what kind of coping mechanisms hate crime victims may use in response to these impacts, having in mind that these can be very individual and may depend on the support and resources individuals have at their disposal. If not mentioned by participants, mention the following:
- Trying to stay more alert;
 - Being less trusting of people and avoiding certain areas at certain times;
 - Not going out at night or partying;
 - Avoiding places where attackers might gather and, in some cases;
 - Deciding to move home or emigrate;
 - Concealing aspects of their identity in public places by not wearing religious or cultural symbols, changing their clothing, not holding hands with a same-sex partner, not speaking;
 - Turning to alcohol or drugs; and
 - Retaliating aggressively (verbally or physically) to individuals or groups representing the attacker, which can lead to victims becoming criminally liable.

Point out that it is important to be aware of these possible behaviours when working with hate crime victims in order to respond appropriately and with sensitivity. Use examples of hate crime cases you know to illustrate some of the above-mentioned points.

8. Ask participants if they can think of some of the wider **indirect impacts** of hate crimes. Then show **Slide 18** and explain:
- 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.

“Until the attack I never saw myself as a foreigner. I was never discriminated against. Since that day, things have changed.”
(Family member of the victim of a racist attack.)⁴³
 - 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

⁴³ OSCE/ODIHR, *Understanding the Needs of Hate Crime Victims*, p.13.

communities to provide security for their premises and events, instead of the authorities, taking funds that could have been meant for 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.⁴⁴

9. Share **Handout 7** and recap the main points on direct and indirect impact. Underline that every victim of hate crime is different and is affected differently. There are many factors that can influence the impact of victimization, including:
 - The type of incident
 - The person's previous experience with discrimination
 - The existence of social support circles
 - The individual's economic and psychological resilience
10. Explain that the impact of hate crime can also depend on the **intersectional** nature of identities, when several personal characteristics operate and interact at the same time. For example, all people will be impacted differently by hate crime depending on their different social roles and status in society or a community. At the same time, individuals' experiences will differ across different ethnic backgrounds, genders and religions, etc. The targeting of several intersecting characteristics can also exacerbate the impact (and the culpability of the perpetrator). For example, when a Muslim woman wearing the Hijab is physically attacked it is impossible to dissociate her gender identity from her Muslim identity and to isolate the dimension(s) causing the bias-motivated incident and the impacts on the victim.⁴⁵
11. Ask participants what they understand by a victim-centred approach. Show **Slide 19** and note the importance of a victim-centred approach as a key standard for police work on hate crimes (but which is also a general principle of any work with victims).

44 *Ibid.*, p.13.

45 UN Women Intersectionality Resource Guide and Toolkit, UN PRPD and UN Women, 2021, p.8.

46 Quality Specialist Support Services for Hate Crime Victims: Training Course, OSCE/ODIHR, 5 April 2022, p.21.

A victim-centred approach: "...is a way of engaging with victim(s) that prioritizes listening to the victim(s), avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving as much control back to the victim(s) as feasible, and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner".⁴⁶

CONCLUSIONS

- ✓ Recognizing the impact of hate crime also provides a basis for the respectful and sensitive treatment of hate crime victims and can provide a better understanding of hate crime victims' needs. This will be discussed further in Module 9.
- ✓ End this module by thanking the participants for their work and recapping that, while the impact on the victim can be significant, there are also wider societal implications, and this is why the role of the police in responses to hate crime victims is so important. We will look at this in more detail in the next module.

ADDITIONAL RESOURCES

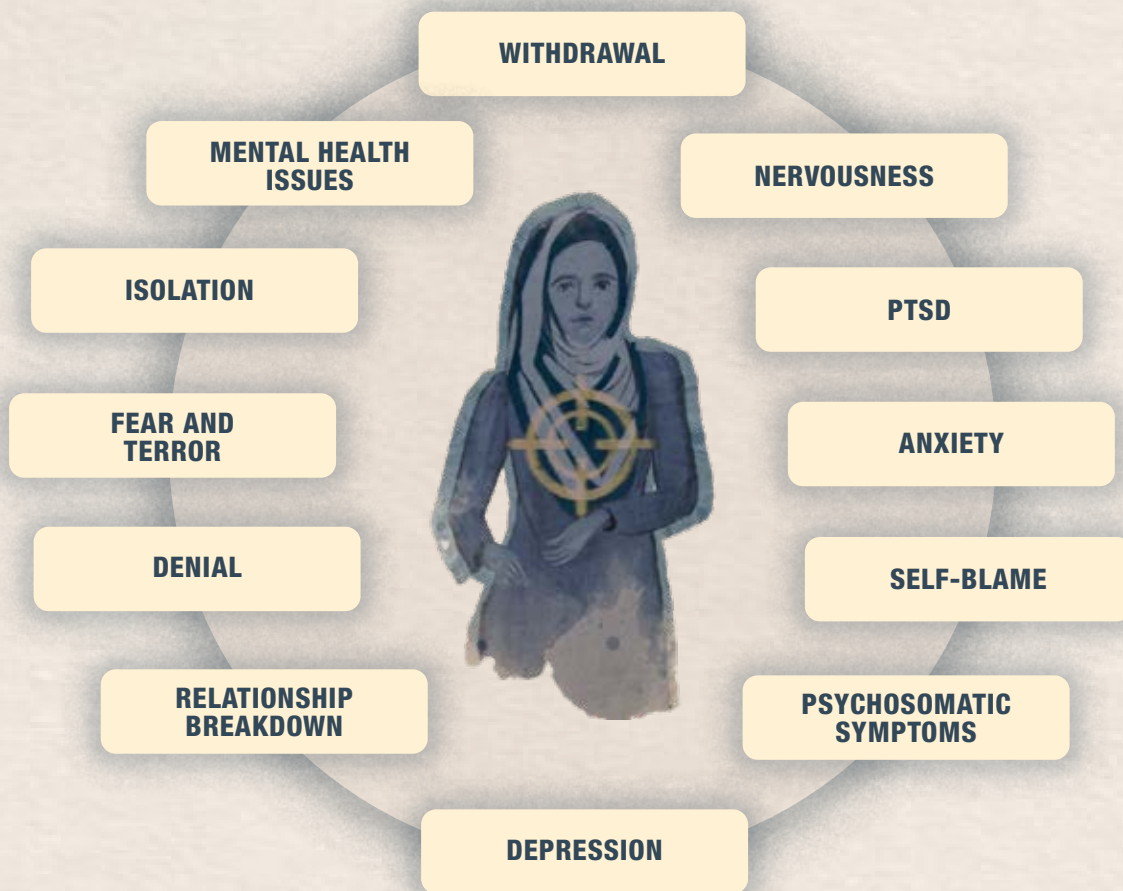
- *ODIHR: Understanding the Needs of Hate Crime Victims*, OSCE/ODIHR, 7 September 2020.
- *Quality Specialist Support Services for Hate Crime Victims: Training Course*, OSCE/ODIHR, 5 April 2022.
- Placing victims at the heart of hate crime response, video, OSCE/ODIHR. Running time 5:17. This video recaps the hate crime definition and individual and wider impacts of hate crimes on communities.
- Supporting victims of learning disability and autism hate crime police training — #ImWithSam, by Dimensions UK. This course was developed by Dimensions, in consultation with Avon and Somerset Police and is now a free e-learning course that helps police understand learning disability and autism hate crime, think about how they can support victims and how to report it appropriately.

HANDOUT 7

IMPACT OF HATE CRIMES

DIRECT IMPACT

A well-established body of research⁴⁷ 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.



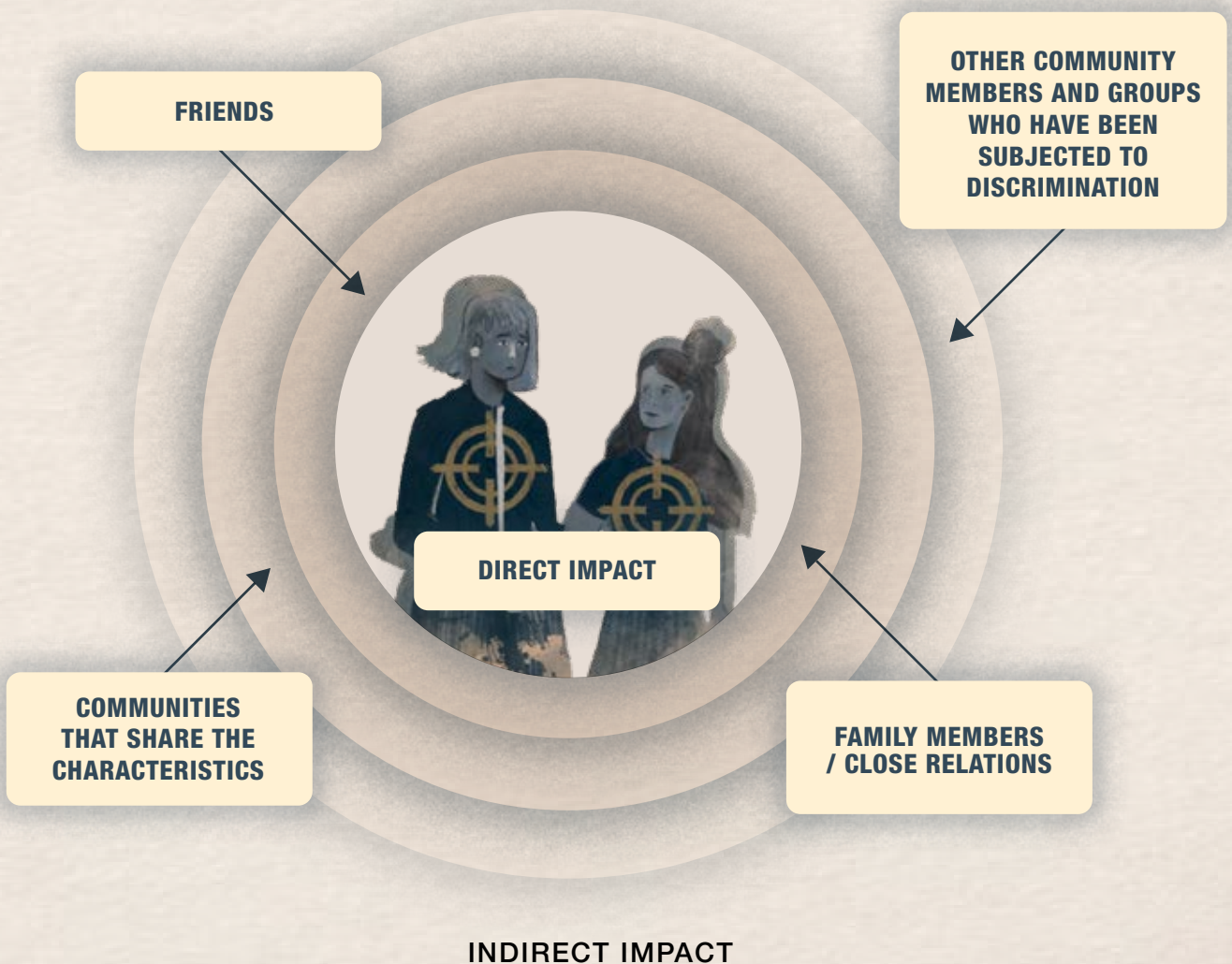
DIRECT IMPACT

⁴⁷ 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.⁴⁸



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

MODULE 6

ROLE OF POLICE IN RESPONDING TO HATE CRIMES



MODULE 6

ROLE OF POLICE IN RESPONDING TO HATE CRIMES

SUMMARY

This module helps police to understand why their role in responding to hate crimes is so important and considers the message that police can send back to communities as part of their human rights-based and community-oriented policing strategies.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Identify the role of police in sending a message back to communities that hate crimes will be taken seriously; and
 - Explain that responses to hate crimes are based on community-oriented policing principles, and recognize the key principles involved.
-

OUTLINE

Time	Activity	Key Points
45 minutes	Activity 6.1 <i>Sending a message to communities</i>	Trainers help participants to understand why their role in responding in a timely and adequate manner to hate crimes is so important and how they can demonstrate to communities that they take hate crimes seriously.
Total: 45 minutes		

MATERIALS CHECKLIST

- Flip chart
- Case studies on the role of police
- Handout 8
- Slides 20-22

ACTIVITY 6.1 — *Sending a message back to communities*

PURPOSE: To help police understand why their role in responding in a timely and adequate manner to hate crimes is so important and how they can demonstrate to communities that they take hate crimes seriously. To demonstrate that hate crime responses should be grounded in a human rights-based policing approach and that this can be further strengthened by adopting community-oriented policing principles. The key message is that this will build trust and help police do their job.

TIME: 45 minutes

INSTRUCTIONS:

1. Mention that the role of the police is to protect all citizens and to create a safe environment for all people, regardless of their personal views about any group. OHCHR guidance in the Code of Conduct for Law Enforcement Officials is clear: “In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.”⁴⁹
2. Highlight that the police provide a service that must respect every individual, treat them equally, uphold their human rights (including freedom from torture and other ill-treatment) and investigate their complaints impartially. Justice should be easily accessible, impartial and fair for all.
3. Delivering good criminal justice outcomes improves the trust and confidence of victims, witnesses, complainants and partners. If justice is not delivered effectively, this can seriously damage confidence in any of the organizations involved. Negative narratives about the poor delivery of criminal justice can damage the reputation of the police very quickly. This is particularly important in hate crime cases; it is important that the bias motive is taken into account, because this is what has the additional impact on the victim.⁵⁰

49 Code of Conduct for Law Enforcement Officials, UN OHCHR, GA resolution 34/169, 17 December 1979.

50 Good Practices in Building Police-Public Partnerships, OSCE, 29 June 2022.

4. Ask participants what the consequences might be when the hate context is not addressed by the authorities and no clear public message is sent about the police response. The following points can be mentioned:
 - Targeted communities will continue to be unlikely to report hate crimes and hate incidents (and could also result in lower crime reporting in general, impeding the ability of police to understand the crime landscape, and undermining prevention/investigation efforts).
 - Targeted communities may lose confidence in law enforcement and government officials and become increasingly alienated.
 - Some members of targeted communities may decide to retaliate, thus engaging in criminal activity themselves.
 - Retaliation may provoke further civil disturbances that may increase the number of individuals harmed and increase property damage.
 - Hate crimes can escalate into wider conflict [refer back to the 'Pyramid of Hate' in Handout 2 from Module 3]
5. Highlight that, as mentioned in the previous module (Activity 5.1), we know that hate crimes send a message to victims and their communities that they are not welcome and do not belong. Police can send a message back to the perpetrators and their community through their actions and responses. This message needs to tell communities: "We will not tolerate hate crimes." It can also be useful to communicate: "We are aware of the case. We are taking it seriously and we are investigating all the options that might indicate it could be a hate crime." If police can find a way to communicate these messages either directly (e.g., through public statements in the media), or indirectly (through their actions), this can help to increase trust among communities.
6. Ask participants for other ways in which police can build trust to counter the possible negative outcomes mentioned in point 4.
7. You can use the following case studies to demonstrate how police can intervene and send a message back to communities.

NOTE ON CUSTOMIZATION: *you can also use local case studies or examples to demonstrate effective police responses.*

- a. Read the first paragraph of the example below and show the picture from Slide 20.

Practice example 1: anti-LGBTI stickers in Antwerp

On 12 September 2021 at around 7 p.m., photos of anti-LGBTI stickers in the city of Antwerp (Belgium) appeared on social media. The message was picked up by several important influencers and (LGBTI) citizens. Antwerp Police also immediately picked up the posts and started an investigation. There was a strong sense of outrage within the LGBTI community, and information about the stickers was spreading quickly on social media.

b. Ask participants what the police could do in this case? What might be an effective response?

c. Following a short discussion, outline the actions taken by Antwerp Police, as described below:

The police contacted key figures from the LGBTI community with whom they had already established contact (such as, local LGBTI organizations, Mr Gay Belgium, other influencers, the general public) and made an appeal for the public to report incidents, locations, witnesses and other relevant information. Police first responders were also made aware via the Antwerp Police app which is used for internal communications. The Antwerp Police spokesperson was brought in and asked to issue messages to the press. By applying the principles of 'we know, we care, and we're doing something about it', the police were able to quickly calm emotions in the community.

d. This case shows that results can be achieved quickly through quick responses by investigators and in collaboration with key stakeholders (and the public). A suspect was arrested within 48 hours, on 14 September 2021.

e. Point out that the initial incident in this case may not necessarily have met the threshold of a hate crime, (depending on the jurisdiction) but the police decided to intervene to prevent escalation and reassure the community.

Practice example 2: 'Punish a Muslim' campaign in the UK⁵¹

a. Read the case study below and show the picture on [Slide 21](#).

In March 2018, a spate of letters that promoted a national day of extreme violence against Muslim citizens, encouraging like-minded offenders to join in, were posted on social media and received significant media coverage.

A multi-agency crisis team was established to address the potential harms caused by the letters. The team included partners, such as NGOs like Tell MAMA, academics and the national Independent Advisory Group on hate crime, as well as government and law enforcement representatives.

The team determined that the most significant risk was that an unknown individual would be motivated by the letters and would commit an act of violence. It was recognized that normal mass public communications seeking to reassure the Muslim community may increase the risk, and undermine the investigation to identify the perpetrator.

Drawing on advice from partners, the national police lead agreed a number of actions. These included a specialist media strategy that

⁵¹ Case example from College of Policing (UK) material on Partnership working.

targeted only affected communities, reducing the risk of wider media coverage. This was supported by the use of existing local police networks and community coordinators to distribute messages to affected local communities, seeking to reassure communities that the police were taking the matter seriously.

Community tension and fear was high, but using partners to shape the policing response helped to mitigate the risk and fear of harm. Subsequently the perpetrator was identified, convicted and received a lengthy prison sentence.

b. Point out that the initial incident in this case was a form of incitement to hatred or violence (criminalized 'hate speech') but the case shows the clear potential for escalation into physical hate crimes and the importance of police intervention.

8. Explain that the type of responses outlined above are based on the core principles of community-oriented policing (COP). Ask participants to consider what kind of intervention would be possible in their context. Ask them to think of an example of a similar intervention related to a hate crime case.

If relevant, ask participants what community policing means for their police organization. Why is this type of policing strategy important for them? What are the advantages? What other ways do they build trust?

9. To continue the discussion, show Slide 22 and share Handout 8.

10. At this point, it can also be useful to have a brief discussion about how police can work with victims who come forward to report an incident but whose case does not meet a criminal threshold for further investigation or

Note: It is important to consider that community policing approaches may not be in place or consistently applied in all parts of the OSCE region. However, community policing can be discussed as one of the potential approaches to build trust with communities targeted by hate crimes. See the section on additional resources at the end of this module for more training materials that can be delivered as part of wider training on human rights-based and community policing.

Note: It is important for police to understand that, when they trust the police, victims of hate crime are more likely to report a crime and cooperate with the investigation. Victims will trust the police if they can demonstrate that they act professionally and responsibly in the exercise of their duties (e.g. conducting effective investigations, ensuring appropriate support for victims). Thus, it follows that cooperation by victims and witnesses increases the effectiveness of the police to fight crime and ensures community security.

official recording of the incident (i.e., non-criminal hate incidents). Note: this may depend on procedural limitations in different national contexts. These incidents should not be dismissed as unimportant. They can still cause distress to victims and communities and, where possible, police should record the circumstances of the incident in order to build a record of possible similar incidents, which may indicate the potential for escalation or other community tensions. In addition, an incident may form part of a series of incidents that, together, may constitute a crime (such as harassment). If possible, victims should be referred to other support services. This will be discussed further in Module 9.

CONCLUSIONS

- ✓ **Communication in hate crime cases.** To recap some of the key messages from this module ask participants why they think is so important to communicate about hate crime cases. They should mention, in order to:
- Reassure communities;
 - Build trust in law enforcement;
 - Bring different stakeholders together;
 - Prevent an increase in fear and dis/misinformation among local communities; and
 - Communicate to victims that they can come forward to report other similar or related incidents (increased intelligence for police).

ADDITIONAL RESOURCES

For more in-depth training modules and details on human rights-based policing and community policing practices, the following publications are recommended:

- *Good Practices in Building Police-Public Partnerships*, OSCE, 29 June 2022. This publication draws together the common basic principles and characteristics of community policing applied in the OSCE area and answers questions about what community policing is and what it is not. See in particular Chapter 6: Engaging Diverse Communities.
- *Toolbox 14 — Community-Oriented Policing in the European Union Today*, European Crime Prevention Network (EUCPN)/European Union Agency for Law Enforcement Training (CEPOL), 2019.
- *Intercultural Cities - Manual on community policing*, Council of Europe, 2019. This manual presents how community policing can be a background philosophy for action within the police service in general. It is intended primarily for police working locally, including high-ranking police officers, public safety directors and managers, and decision makers. It aims to provide these public servants with a guide on implementing policing principles to design new procedures, protocols, structures and specialized units within their police community.
- *Manual for Police Education on Equality and Non-discrimination*, Council of Europe, 23 April 2024. This manual consists of six modules including Module One on Equality and Non-Discrimination and a Human Rights Approach to Policing and Module Six on community engagement, community relationships and community policing at the local level.
- *Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities: A Practical Guide*, OSCE/ODIHR, 15 Mays 2017,
- *Understanding Anti-Muslim Hate Crimes - Addressing the Security Needs of Muslim Communities: A Practical Guide*, OSCE/ODIHR, 15 May 2020
- *Understanding Anti-Roma Hate Crimes and Addressing the Security Needs of Roma and Sinti Communities: A Practical Guide*, OSCE/ODIHR, 18 May 2023.
- *Understanding Anti-Christian Hate Crimes and Addressing the Security Needs of Christian Communities: A Practical Guide*, OSCE/ODIHR, 28 July 2025
- *Key Guiding Principles on encouraging hate crime reporting and Key Guiding Principles on cooperation between law enforcement authorities and civil society organisations*, European Commission. Available via the European Commission's, [Combating hate speech and hate crime website](#).
- *Recommendations on Policing in Multi-Ethnic Societies*, OSCE High Commissioner on National Minorities, 9 February 2006

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.

MODULE 7

IDENTIFYING, RECORDING AND INVESTIGATING HATE CRIMES: BIAS INDICATORS



MODULE 7

IDENTIFYING, RECORDING AND INVESTIGATING HATE CRIMES: BIAS INDICATORS

SUMMARY

Bias indicators are a tool for recognizing hate crimes and recording evidence of bias motivation. The indicators are explained, and then participants will have a chance to apply them to case studies. This module also discusses the importance of recording hate crimes correctly.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Recognize the different bias indicators that can be used to assess the possible bias motivation in an incident;
- Apply bias indicators to case studies;
- Explain how to record a hate crime in their local crime recording form or crime database; and
- Explain where to record bias indicators in their local crime recording form or crime database.

OUTLINE

Time	Activity	Key Points
30 minutes	Activity 7.1 <i>Introducing bias indicators</i>	Trainers introduce a definition of bias indicators and explain how they help in identifying and gathering evidence in hate crime cases. Participants practice using the indicators in short case examples.
30 minutes	Activity 7.2 <i>Bias indicators case studies (optional)</i>	Participants practice using bias indicators in more detailed case studies.
15 minutes	Activity 7.3 <i>Recording hate crimes</i>	Trainers and participants discuss how to accurately record evidence of bias motivation in hate crime cases.
Total: 45 (or 75) minutes		

MATERIALS CHECKLIST

- Flip chart
- Individual examples printed and cut out for Activity 7.1
- Copy of local police incident recording form
- Handout 9
- Printed copies of case studies for group work in Activity 7.2
- Slides 23, 24, 25 and 26
- Video 4: Experiences of hate crime victims with the criminal justice system. Full running time: 8:16 minutes. Excerpt for this module: from 03:41- 6:17 for Activity 7.3.

ACTIVITY 7.1 — Introducing bias indicators

PURPOSE: To introduce bias indicators as a tool to assist in the identification and investigation of possible hate crimes.

TIME: 30 minutes

PREPARATION: Prepare, print and cut out individual examples from Training Material 7.1 In this exercise, trainers might also want to use actual photos of bias indicators (graffiti, stickers, etc.) found in hate crime cases in the country of the training.

INSTRUCTIONS:

Note: You can write on a flip chart to break the definition down into four parts to help explain it more easily. Stress the use of the word 'objective'.

1. Ask participants if they know what bias indicators are or if they can think of any examples of how they have recognized that a case might be a hate crime case either from their experience or from the examples shared earlier.
2. Show Slide 23 and ask one of the participants to read out the definition:

“Objective facts, circumstances, or patterns connected to a criminal act or acts which, **standing alone or in conjunction** with other facts or circumstances, **suggest that** the offender’s actions were **motivated in whole or in part** by any form of bias”.⁵³

53 Using Bias Indicators: A Practical Tool for Police, OSCE/ODIHR, 28 May 2019.

3. Note that in some cases when an incident is reported to police, the bias motivation is immediately evident; for example, when the facts of the offence involve the use of words or symbols that show bias, or when the perpetrator openly admits that the crime was bias-motivated.
4. In cases where the bias motivation is not obvious, bias indicators are an excellent (and in fact the only) tool to help identify whether a crime constitutes a hate crime. 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.
5. Knowing and recognizing bias indicators is crucial for police, because failure to recognize those indicators often leads to the failure of police to pursue hate crime investigations and the failure of prosecutors to take into account the bias motivation.
6. Show Slide 24 and go through the titles of the main categories of indicators outlined below.
 - **Victim or 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.
 - **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, publications on the Internet, and posts/comments in the social media, are powerful indications of bias motivation. Slide 25 includes examples of well-known hate symbols and other symbols which may not always be immediately obvious as hate symbols at first sight.
 - **Ethnic, religious, cultural or other differences between the offender and victim.** 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.
 - **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 these crimes.
 - **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.

- **Patterns or frequency 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.
- **Nature of the attack.** Because hate crimes are message crimes, i.e., aimed at spreading fear in others that share the protected characteristic of the victim(s), 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.
- **Lack of other motives.** 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.

Note: Alternatively, with a more advanced group, before presenting all the indicators yourself, you can outline an example case where the bias motivation was not obvious and ask participants to come up with some possible objective facts or circumstances that could lead to further investigation of the bias motives. Participants should come up with some examples that would fall under the bias indicators on Slide 24. Capture relevant indicators on a flip chart and then go through any of the bias indicator categories that were missed.

Note on 'victim or witness perception': Participants may question whether victim or witness perception is an 'objective fact' as per the bias indicator definition. The important thing to note is that as part of a victim-centred approach we are not questioning the victim's belief about what has happened to them. Their perception is still an objective fact. However, in many cases, victims may not even be aware that they have been the victim of a hate crime (although they know that the incident is somehow related to their identity), so it is also the role of investigators to identify the potential bias.

7. Distribute the pre-prepared and cut out short examples (one per participant) from Training Material 7.1.
8. Ask participants to read aloud their example for the whole group and to identify the possible bias indicators from the categories displayed on Slide 24 and the list above.
9. As the examples are read out, ask participants whether they have any similar examples of cases where they have used bias indicators in their practice, or whether such cases were mentioned earlier.
10. Distribute Handout 9 which contains detailed descriptions of each indicator and questions for investigators.

Note on symbols: it is important to note that not all symbols or graffiti left at a crime scene will be obvious hate symbols. Therefore, it is important to document everything and research the significance or meaning as part of the investigation. An **open database of hate symbols** can be found on the ADL website [here](#). As noted on the site, it is important to bear in mind that “All the symbols must be evaluated in the context in which they appear. Few symbols represent just one idea or are used exclusively by one group”. Other databases of extremist symbols may be available for different countries. Slide 25 also includes examples of hate symbols.

TRAINING MATERIAL 7.1 — *bias indicator examples*

1. During what was supposed to be a blind date arranged through a dating site for gay men, a 36-year-old man was attacked by three men. He suffered minor injuries. The assailants insulted him because of his sexual orientation, filmed the attack and posted it on the Internet.

Bias indicators: comments, nature of the attack (made public)

The incident was carried out publicly or in a manner that it could be made public, such as recording and posting on the Internet.

2. During an international UEFA championship match, fans of the host club severely beat four Black spectators from the rival club. Eyewitnesses heard the perpetrators shouting “white power” while beating the victims.

Note: Prepare and cut up the examples for sharing with participants (without the answers). You may wish to customize the examples to the local context or use photos to illustrate some cases where symbols or graffiti are present.

Bias indicators: comments/statements

The offender used behaviour associated with membership in a hate organization, such as using Nazi salutes.

3. A transgender woman was threatened: “If I see you again, I’ll kill you, you [anti-transgender slur]”.

Bias indicator: comments/words used

The suspect made comments regarding the victim’s membership or perceived membership of a group.

4. An Asian-owned shop was vandalized for the third time in two months, while nearby shops remained untouched.

Bias indicator: pattern/frequency of incidents, location

There have there been similar incidents in the same area against the same group.

5. A young Latin American immigrant is beaten by a group of local teens in an area without prior conflict. They didn’t know him. There is a small, recently arrived, immigrant community in the area.

Bias indicator: differences between the victim and perpetrator, lack of other motives

The suspects and victim differ in terms of their racial or religious, ethnic/national background. The victim is a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred.

6. After a gay teenager is beaten up, flyers from an anti-LGBTI hate group are found in a nearby rubbish bin.

Bias indicator: presence of organized hate groups

There is evidence that such a group is active in the neighbourhood (e.g., posters, graffiti or leaflets).

7. A Jehovah’s Witnesses Kingdom Hall was desecrated ten times. On several of these occasions, the perpetrator climbed over the fence and smeared the building with excrement.

Bias indicator: nature of the attack

The violence involved mutilation or racist symbols, or the property damage involved symbols meant to defile or desecrate, such as excrement or animal parts.

8. A Black man was physically assaulted on his way home from work. At the time of the attack the perpetrator made monkey chants. Previous social media posts written by the perpetrator included racist written statements about ‘Africans’, ‘Blacks’, ‘Arabs’, etc.

Bias indicator: comments, written statements

The suspect made comments regarding the victim’s membership or perceived membership of a group.

9. A Muslim woman reports verbal aggression and threats in the subway noting that she thinks it is because she wears a headscarf. The attacker didn't directly mention her religion, but she and several witnesses say he stared at her for several minutes before yelling when she adjusted her Hijab.

Bias indicator: Victim or witness perception

The victim or witnesses perceive that the criminal act that occurred was motivated by bias.

10. Drawings or graffiti of symbols, such as the Star of David, or Nazi-era symbols, such as the Swastika, were left at a Jewish-owned café.

Bias indicators: comments/written statements/graffiti

Drawings, markings, symbols or graffiti were left at the scene of the incident.

11. A Roma community centre was vandalized.

Bias indicator: location

The target was a place commonly associated with or frequented by a particular group (e.g., a community centre or mosque, church or other place of worship).

12. Following an LGBTI Pride March, two friends wearing rainbow socks and bags were spat at and threatened on the metro and told they needed to be 'cured'.

Bias indicator: location and timing, comments

The suspect made comments regarding the victim's membership or perceived membership of a group. The victims were engaged in activities promoting their group at the time.

13. A recently opened refugee shelter was attacked with red paint and the perpetrator attempted to set it on fire following a heated debate in parliament the day before related to refugee rights.

Bias indicator: location and timing

The incident occurred only a short time after a change in a minority's presence in the area (e.g., the opening of a refugee centre). The incident happened shortly after a public or political speech or, for example, a debate in parliament related to a particular group, e.g., in this case a debate on refugee rights.

14. Following a rumour about an attack on a young girl by a refugee man, there were several violent incidents targeting men perceived to be refugees or migrants on public transport in the town.

Bias indicator: timing

There was a previous incident that may have sparked a retaliatory response against the targeted group.

15. A woman was sexually harassed following a demonstration in support of women's rights, and the perpetrator filmed the attack and posted it on a website with misogynistic content.

Bias indicator: timing, nature of the attack

The incident occurred at the time of a demonstration or protest related to a particular group. The incident was carried out publicly or in a manner that could be made public, such as recording and posting on the Internet.

16. A female Jewish activist was physically assaulted by a group of three who tried to cut a swastika onto the victim's breast with a knife.

Bias indicator: nature of the attack, symbols

The incident involved unprovoked and extreme violence or degrading treatment.

17. A church was targeted in an arson attack. The priest said that there had recently been several cases where churches of the same denomination were set on fire.

Bias indicator: frequency or pattern of attacks

There have been similar incidents in the same area against the same group.

18. An aggressive group entered a synagogue in the middle of the night during holiday prayers and insulted worshipers. The perpetrators spilled paint and scattered pieces of pork, including a pig's head with a swastika carved into it, around the main hall.

Bias indicator: timing, nature of the attack, symbols

The incident occurred during a specific part of the day, when people associated with the victim group frequent an area (e.g., during prayers). The violence involved racist symbols, or the property damage involved symbols meant to defile or desecrate, such as excrement or animal parts.

19. A wheelchair user was punched in the face on his way to the shops by a man who was walking past going in the other direction.

Bias indicator: differences between the victim and perpetrator, lack of other motives.

The victim is visibly identifiable as a member of a minority group. There were no other apparent reasons for the attack.

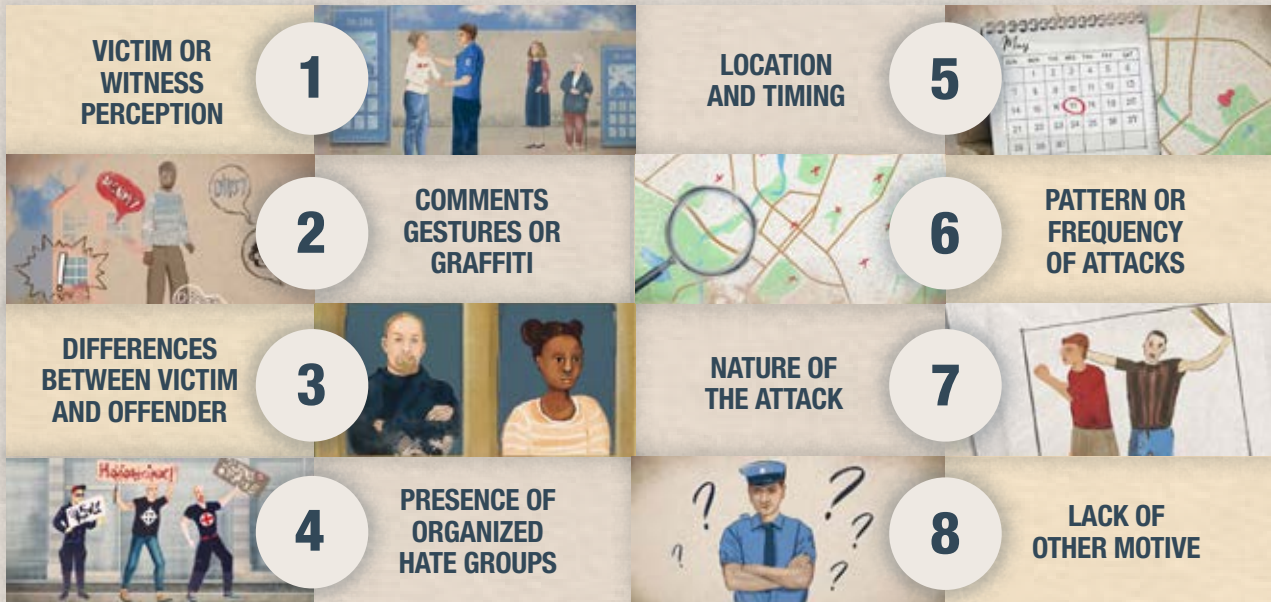
20. Following the Pride March in a big city, participants began to receive threatening text messages saying "[homophobic slur]-organization, do not think we forgot about you, we only have more important things to do. You are on our list. Wait."

Bias indicators: patterns or frequency of previous crimes or incidents, comments/language used

The victim or community has recently received threats or been the target of other forms of intimidation in the form of phone calls or mail.

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

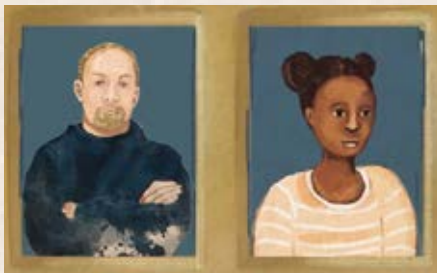


The perpetrators of hate crimes frequently make their prejudices clear before, during or after the act. Those who commit hate crimes generally want to send a message to their victims and to others, and these messages, from shouted insults to gestures to graffiti, are powerful indications of bias motivation.

- Did the suspect make comments, written statements or gestures regarding the victim's membership or perceived membership in a group?
- Were drawings, markings, symbols⁵⁴ 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?

⁵⁴ See the ADL Hate symbols database.

5.

LOCATION AND TIMING

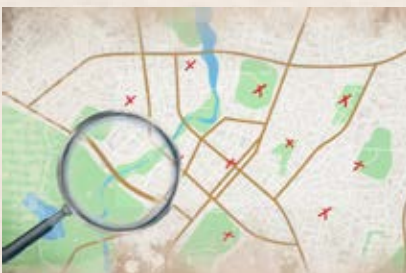


Where and when an incident happened can be a significant bias indicator. This can include specific locations and timing relevant for, or connected with, a particular targeted community. As hate crime offenders can perceive their actions as justified by nationalist ideologies, significant dates and localities 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?

ACTIVITY 7.2 — *Bias indicators case studies (optional)*

PURPOSE: To practice using bias indicators as a tool to assist in the identification and investigation of possible hate crimes in more detailed case studies.

TIME: 30 minutes

PREPARATION: Prepare, print and cut out the case studies from Training Material 7.2 for sharing with participants.

***Note:** This activity is marked as optional depending on the time available. When working with a group that is more advanced and has a focus on investigations, this activity can be included, because the examples here will lead to further discussions on the use of bias indicators.*

INSTRUCTIONS:

1. Ask participants to work in small groups of 3-4 people and give each group at least three case studies from Training Material 7.2. Ask them to refer to Handout 9 and work through each case to identify any bias indicators present and answer the three questions that accompany each case study. Allow 15 mins for discussions in groups.
2. Then ask each group to give feedback to the whole group by briefly describing one of the six cases and the identified bias indicators. In these case studies there is sometimes insufficient information or evidence to justify a hate crime charge, but there is enough to justify further investigation of the possible bias motives by looking into the bias indicators in more depth.
3. Ask participants what further investigative steps they could take to convert the bias indicators into evidence. They should mention:

STANDARD INVESTIGATION STEPS:

- Focus on collecting hard evidence — use of police data and other investigative techniques (as for any other crime);
- Focus on collecting evidence on both sides (related to both victim and suspect);
- Involve other police experts (such as technical and forensic departments) so that no evidence is lost as per standard procedures;
- Store evidence securely if needed (e.g., in a storage box or plastic cover); and
- If the crime took place online, consider the steps needed in online investigations (see Handout 4 on online hate crimes).

INVESTIGATION STEPS THAT MAY BE PARTICULARLY RELEVANT FOR HATE CRIME CASES:

- Take photos of any graffiti or written materials — especially symbols that might mean something (and which may not be obvious at this stage); and
- Be aware that you might not know all the context, so it is important to document everything at the scene.

To summarize the sources of different types of evidence for bias motivation you can use the following table:

Summary of Bias Motivation Evidence

Type of evidence	Sources
Offensive statements towards the victim during the incident	Victim, witnesses to the incident
Statements before the event that indicate planning	<ul style="list-style-type: none"> • Suspect's associates, friends, family or other witnesses present at location of statement • Search of suspect's mobile phone, phone camera, computer and internet usage
Statements of admission after the event	<ul style="list-style-type: none"> • Suspect's associates, friends, family or other witnesses present at location of incident • Search of suspect's mobile phone, phone camera, computer and internet usage • Statements made in public or overheard in public settings
Statements of direct admission	<ul style="list-style-type: none"> • First responders to scene, witnesses, police/prosecution investigators
Connections to organized hate group	<ul style="list-style-type: none"> • Search of suspect's house for magazines, posters, books, leaflets, etc. • Search of suspect's mobile phone, phone camera, computer and internet usage
Circumstances of the crime	<ul style="list-style-type: none"> • Time, place with significant relevance for the offender or for the victim • Brutality of attack and manner of commission • Patterns of similar incidents that are committed in the same way

Note: For further details on the prosecutor perspective for evidence gathering see *Modules 5 and 12 of Prosecutors and Hate Crimes Training (PAHCT) - Trainer's Manual*

4. Conclude this exercise by asking if participants find bias indicators to be a useful tool for investigating hate crimes.

TRAINING MATERIAL 7.2 — *bias indicator case studies*

Case 1 – Attack on a transgender woman

A transgender woman was standing in line in front of the bank when a man approached her and spat at her, shouting that she was abnormal, that she was an ‘abomination’ and that she should be put down. The woman did not know the man and had never met him before. When she tried to ignore him, he attacked her, beating her and shouting that only a mentally ill person would look like that. The attacker left her on the ground, injured and scared. A passer-by called the police.

Note: *Ensure participants only receive clean copies of these case studies, without the notes.*

Notes:

1. *Discuss whether a crime has occurred: Yes — assault*
2. *Identify bias indicators:*
 - *Comments, written statements, gestures or graffiti: abnormal, ‘abomination’, should be put down, only a mentally ill person would look like that*
 - *Differences between Perpetrator and Victim: the victim is a transgender woman; the perpetrator is a man*
3. *Consider what other bias indicators the police could look for to uncover a bias motivation.*
 - *Victim and witness perception: How did the victim perceive the attack?*
 - *Organized hate groups: Does the attacker belong to one?*
 - *Location and timing: Were the location or timing relevant to the attack, e.g., before, during or after a Pride event?*
 - *Patterns/frequency of previous crimes or incidents: Have there been similar incidents in the same area or against victims from the same group?*
 - *Nature of the violence: were unusual levels of violence used, or the use of weapons, etc?*

Case 2 – Attack on a person with a disability

A man is living with physical and intellectual disabilities as a result of an illness he suffered in early childhood. His mother takes care of him, which includes feeding, dressing and washing him. She also helps him to walk. For years now, students from the nearby primary school have harassed them. Children ring the family doorbell at odd times, spit at the man, hit and push him, burn his hands with cigarettes, vandalize their balcony and shout obscenities at them, mostly relating to the fact that he is a person with a disability and a member of a minority ethnic community (“... you [disability slur] ... you don’t belong here, go back to ... you are an enemy ...”). As a result, he is deeply disturbed, afraid and anxious. His doctor has recorded high levels of stress due to the attacks.

Notes:

1. *Discuss if a crime has occurred: Yes — assault, harassment*
2. *Identify bias indicators:*
 - *Witness perception: doctor's opinion*
 - *Comments, written statements, gestures or graffiti: shouting obscenities and disability slurs*
 - *Differences between Perpetrator and Victim: identifiable disability, ethnic background of the victim*
 - *Patterns/frequency of previous crimes or incidents: The incidents have been going on for years (ringing the doorbell at odd times, spitting, hitting, pushing, burning with cigarettes, vandalizing the property)*
 - *Nature of the Violence: Degrading (spitting, burning hands)*
3. *Consider what other bias indicators the police could look for to uncover bias motivation.*
 - *Victim/Witness perception: How did the victim, mother and neighbours perceive the attacks?*
 - *Organized hate groups: did the attackers have any links to an organized hate group or groups on social media?*

Case 3 – Attack on migrants

During a recent election campaign, a lot of hate speech was directed at migrants. Following one statement made by the leader of the party, who called for sending all migrants home, a male migrant and his girlfriend went to a coffee shop and, while they were at the counter paying for their coffee, they heard racist slurs from a group of young men. They weren't sure whether they understood well, decided to ignore them, and sat down to drink their coffee. But the group of men started making monkey sounds and slowly approaching them. As the group approached, they started throwing glasses at the couple and punching the migrant man. Then they ran away.

Notes:

1. *Discuss if a crime has occurred: Yes — assault*
2. *Identify bias indicators:*
 - *Comments, gestures: racist slurs, the perpetrators were making monkey sounds*
 - *Differences between perpetrator and victim on ethnic, religious, belief or cultural grounds: The victims belonged to a migrant community*
 - *Timing: During an election campaign that included hate speech against migrants, after a particular statement by a party leader*
3. *Consider what other bias indicators the police could look for to uncover bias motivation.*
 - *Victim/witness perception: How do victims and witnesses perceive the attack?*
 - *Organized hate groups: Did the perpetrators belong to a hate group?*
 - *Patterns/frequency of previous crimes or incidents: Have there been other similar incidents against migrants in the area, against these particular victims or other migrants?*

Case 4 – Damage to a Roma organization’s offices

A teenager in a car drives onto the pavement and knocks down and destroys an information display about Roma people. The display is outside a Roma organization’s office. The staff of the Roma organization tells the police that they believe the youth is anti-Roma and hit the sign intentionally. The teenager says he lost control of his car and that the incident was an accident.

Notes:

1. Discuss whether a crime has occurred: Possibly — damage to property

2. Identify bias indicators:

- *Witness perception: the opinion of the staff*
- *Location: outside a Roma organization’s office*
- *Differences between perpetrator and victim on ethnic, religious, belief or cultural grounds: The victims belonged to the Roma community or were associated with the Roma community*

3. Consider what other bias indicators the police could look for to uncover bias motivation.

- *Comments, gestures: Does the suspect’s social media contain any anti-Roma or racist messaging?*
- *Patterns/frequency of previous crimes or incidents: Have there been other similar incidents against Roma in the area or other racist incidents?*
- *Lack of other motives: was this genuinely an accident? What was the weather like? Is it plausible that the teenager lost control of the car? What is the condition of the car? Was the driver tested for drugs/alcohol?*
- *Timing: has there been any recent anti-Roma sentiment or campaigns in the area?*

Case 5 – Attack on a bar owned by a migrant

A Molotov cocktail was thrown into a kebab bar, owned by a migrant who had been living in the country for a long time. Firefighters were able to put out the fire and nobody got hurt. A couple of days earlier, two men had insulted the owner and his family, and spilt ketchup and mayonnaise on the entrance door. A few days earlier a controversial debate on immigration had taken place in the parliament. The owner does not believe that the attack was due to his nationality.

Notes:

1. Discuss whether a crime has occurred: Yes — attack on property

2. Identify bias indicators:

- *Patterns/frequency of previous crimes or incidents: the incident from a couple of days earlier could be relevant*
- *Location: the bar is linked to a migrant*
- *Timing: the debate in parliament took place a few days earlier*

3. Consider what other bias indicators the police could look for to uncover bias motivation.

- *Witness perception: the owner does not believe that the attack was due to his nationality. Note that this is not a reason to stop investigating bias motivation. Victims are not always aware that they may have been a victim of a hate crime. It is the police's job to uncover this additional motivation if it is there.*
- *Location: is it well known that the bar is owned by a migrant/third country national?*
- *Differences between the victim and the perpetrator: this might be revealed during further stages of the investigation. Or it may be revealed that there was an additional motive for the attack, e.g., a dispute with neighbours and this could be a hate crime with mixed motives.*
- *Patterns/frequency of previous crimes or incidents: look further into the incident from a few days ago. Was it reported? What were the circumstances?*

Case 6 – Attack on a Jewish Cemetery

An old Jewish cemetery located in a small town was vandalized when the tombstones were destroyed and the names were scratched over on some of the graves. A few days earlier, attacks by Hamas militants on Israeli targets had taken place. Israel retaliated with air strikes on Gaza.

Notes:

1. Discuss whether a crime has occurred: Yes — damage to property

2. Identify bias indicators:

- *Location: Jewish cemetery*
- *Timing: the information about the attacks by Hamas/Israel may be significant*
- *Nature of the violence: the names on the graves were scratched over*

3. Consider what other bias indicators the police could look for to uncover bias motivation.

- *Witness perception: police can talk further to the local community*
- *Patterns or frequency: have similar incidents occurred in the past or in the area or in the same cemetery?*

ACTIVITY 7.3 — Recording hate crimes

PURPOSE: To present the key points on recording hate crimes as hate crimes, and making sure the bias indicators are captured and recorded.

TIME: 15 minutes

INSTRUCTIONS:

1. Ask participants to refer back to some of the cases from Activities 7.1 or 7.2 and ask how they would fill in their crime report form. How would they make sure the bias indicators were properly recorded and shared with prosecutors?
2. Show **Video 4: Experiences of Hate Crimes Victims with the Criminal Justice System** on the experiences of hate crime victims in the criminal justice system where one of the victims (Sarian) explains how the bias indicators were not properly recorded. Excerpt for this module from 03:41- 6:17. You can recap the background on Sarian, if needed:
 - o **Sarian Jarosz**, Researcher on LGBTI rights and migration, Warsaw, Poland. Sarian was the victim of an anti-LGBTI hate crime in 2019 and during the video interviews he talks about his experience of reporting the incident to police as well as his wider experiences of discrimination and harassment and the effect this has had on his life.
3. Ask participants what went wrong in Sarian's case. **Note that recording hate crimes properly means recording bias indicators in the criminal file.** It is important to remember that this is the crucial stage during which all potential bias is recorded, so it is better to include potential bias that later proves to be irrelevant, than not to include it and risk losing the bias indication along the way. It is also worth considering how multiple biases can be recorded.

***Note:** In some countries it will be possible to mark a 'potential hate crime' flag or check box in the system. Bias indicators can usually be recorded in the 'free text' box where the incident description is added. In some IT systems it will be possible to record the bias motivation category for data collection purposes.*

NOTE ON CUSTOMIZATION: *At this point you will ideally show a screenshot from the police crime recording system in the country of the training, or show the paper form used to record a crime and check, together with participants, how hate crime cases can be recorded in the national system using some of the case studies to ensure the bias indicators (as possible evidence of bias motive) are captured.*

4. Using some of the examples from Activity 7.1 above, note that when recording bias indicators, police should record *exactly* the words used (even if offensive) or the exact symbols seen or the exact nature of the attack. This will be crucial evidence and it will not be sufficient to write, for example, 'insulting words were used' if the prosecution needs to consider the bias.
5. Explain that the presence of bias indicators is not confirmation that a hate crime has taken place. However, even the presence of one bias indicator should be enough to conclude that further investigation of a possible bias motive is required. It is also an indication that anything relevant to bias should be carefully captured and recorded at this stage.
6. Ask participants about the implications for data collection if a hate crime case is not recorded properly or is not recorded in the system. If hate crimes are not recorded as hate crimes there will be no data and statistics on hate crimes. If the bias motivation is not recorded and not taken into account at the prosecution and/or sentencing stages this means that the additional impact on the victim has not been taken into account by the criminal justice system.
7. Show [Slide 26](#). Mention that collecting data on hate crimes can help police with:
 - Identifying patterns and trends;
 - Identifying the most vulnerable groups targeted in hate incidents; and
 - Developing prevention policies to protect targeted groups.

Recording a hate crime properly also enables a tailored approach to the victim depending on the protected characteristic(s) targeted and is in line with the victim-centred approach mentioned in earlier modules.
8. Show the data submitted to ODIHR on the country page of the location of the training — <https://hatecrime.osce.org/participating-states> — to demonstrate whether hate crimes are being recorded by police and reported to ODIHR (or not).

CONCLUSIONS

Ask participants why they think bias indicators are important. If not mentioned, go through the following reasons:

- ✓ It is not always obvious that we are dealing with a hate crime.
- ✓ We don't 'see' the *motivation* of perpetrators; but we can see *bias indicators* to understand that an incident *could be* a hate crime, leading to further investigations.
- ✓ We also need to consider carefully the *context* around each incident to make an accurate assessment of the bias involved.

Note: The list in *Handout 9* presents a comprehensive, but not exhaustive list of indicators. It is recommended that the lists of bias indicators are developed for each national and local context, depending on the victimization experiences and specifics of the context. It is also recommended to reach out to civil society organizations and community-based organizations and consult them when developing such lists. By virtue of being close to the victimized communities, such organizations can provide valuable and relevant insights on the types and nature of hate crime victimization facing a particular community.

ADDITIONAL RESOURCES

- Part 1 of **Video 5: Recognizing and Responding to Hate Crimes**. Full running time 15:48 minutes. Excerpts for this module: Part 1 from 00:00 to 10:35 — bias indicators.
- *Using Bias Indicators: A Practical Tool for Police*, OSCE/ODIHR, 28 May 2019. This publication presents a comprehensive, but not exhaustive, list of indicators that suggest a crime may have been bias-motivated. The eight sections in this document correspond with the main types of bias indicators developed and recommended for use by ODIHR. Each section includes a set of questions to help investigators decide whether a particular bias indicator type is present. While this tool is focused on Ukraine, the indicators are relevant for all jurisdictions.
- A detailed list of anti-Semitic bias indicators can be found in Annexe 1 'Overview of bias indicators' of *Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities: A Practical Guide*, OSCE/ODIHR, 15 May 2017, p. 48.
- *A detailed list of anti-Muslim bias indicators can be found in Understanding Anti-Muslim Hate Crimes - Addressing the Security Needs of Muslim Communities: A Practical Guide*, OSCE/ODIHR, 15 May 2020, pp. 13-17.
- A detailed list of anti-Roma bias indicators can be found in *Understanding Anti-Roma Hate Crimes and Addressing the Security Needs of Roma and Sinti Communities: A Practical Guide*, OSCE/ODIHR, 18 May 2023, pp. 27-32.
- A detailed list of anti-Christian bias indicators can be found in *Understanding Anti-Christian Hate Crimes and Addressing the Security Needs of Christian Communities — A Practical Guide*, OSCE/ODIHR, 28 July 2025, pp. 32-39.

- Disability Hate Crime and other crimes against disabled people - prosecution guidance, the Crown Prosecution Service (United Kingdom), updated 3 March 2022.
- A list of anti-LGBTI bias indicators, developed by the European LGBT Police Association (EGPA) in collaboration with the Council of Europe can be found in Joanna Perry and Paul Franey, Policing Hate Crime against LGBTI persons: Training for a Professional Police Response, Council of Europe, May 2017, pp. 86-87.
- Hate Crime Data Collection and Monitoring: A Practical Guide, OSCE/ODIHR, 29 September 2014.
- Improving the Recording of Hate Crime by Law Enforcement Authorities: Key Guiding Principles, Fundamental Rights Agency of the EU, 2017.
- Journey of a hate crime, Facing Facts, 8 August 2019, with downloadable PDF, (also available in: Greek, Hungarian, Spanish, Italian, Albanian, Serbian, German).

MODULE 8

BARRIERS TO

INVESTIGATING HATE

CRIMES AND HOW TO

OVERCOME THEM



MODULE 8

BARRIERS TO INVESTIGATING HATE CRIMES AND HOW TO OVERCOME THEM

SUMMARY

There are multiple barriers that prevent police from responding adequately to hate incidents and crimes. This module helps participants to consider the issues and come up with strategies to overcome some of them.

LEARNING OBJECTIVES

Following this module participants will be able to:

- Identify barriers that prevent police from investigating hate crimes;
- Understand why some of these barriers exist; and
- Develop strategies to overcome some of the barriers to responding to hate crimes.

OUTLINE

Time	Activity	Key Points
25 minutes	Activity 8.1 <i>Identifying barriers to investigating hate crimes</i>	Participants work in groups to identify the barriers faced by different groups in relation to hate crimes.
20 minutes	Activity 8.2 <i>Strategies for overcoming barriers to investigating hate crimes</i>	Participants continue to work in groups to discuss possible strategies for addressing the barriers identified in the first exercise.
Total: 45 minutes		

MATERIALS CHECKLIST

- 3 x flip charts
- Markers
- Slide 27

ACTIVITY 8.1 — *Identifying barriers to investigating hate crimes*

PURPOSE: To identify barriers to investigating and responding to hate crimes.

TIME: 25 minutes

PREPARATION: set up three flip charts with the headings from point 2 below written on them.

INSTRUCTIONS:

1. Law enforcement can face multiple barriers to investigating hate crimes effectively. Many different barriers exist, including under-reporting by victims and a lack of recording of hate crimes by police. It is important for police to identify these barriers so that they can develop and implement strategies to overcome them.
2. Divide the group into three smaller groups. Set up three flip charts with the following headings:
 - Barriers faced by victims
 - Barriers faced by police
 - Barriers due to outside influence/barriers at the national/political level/press or social media

Ask each group to stand by one flip chart. Each group should discuss the barriers relevant to the heading on their flipchart for 3-4 minutes and write down the barriers. Then, when the time is up, instruct them to move to the next flip chart so that each group has 3-4 minutes at each flip chart. (You can use an alarm/timer to signal the change).

3. Before they move to the next flip chart, groups should mark in a different colour (e.g., red) one barrier that they think is the most serious.
4. When each group has added to each flip chart, everyone can remain standing and one person from each group presents to the whole group some of the key points for each of the areas, as well as highlighting what are the priority areas or most serious barriers.
5. Show **Slide 27**. If not covered by participants, the following barriers should be mentioned:

Barriers faced by victims

- Victims may be in denial that the attack was bias motivated
- Victims may be scared of reporting crimes to the police
- Victims may have had bad experiences in the past with the police
- Victims may not believe police will respond to someone from their community
- Victims may not trust police to investigate hate crimes
- Victims may be fearful of retaliation from the perpetrators if they report to the police
- Victims may blame themselves for the attack or feel shame
- Victims may not be aware of the procedure for reporting to the police or lack knowledge of hate crime laws
- Victims may not know they belong to a protected group
- Victims may be undocumented (e.g., migrants or refugees)
- Victims may fear arrest or deportation
- Victims may fear disclosing their ethnic, religious or political affiliation
- Victims may fear disclosing their sexual orientation or gender identity
- Victims may face language barriers
- Victims may fear secondary victimization and psychological trauma
- Victims may have difficulties accessing police stations or other reporting organizations

Barriers faced by law enforcement

- Inability to recognize a potential hate crime and correctly record it
- Lack of knowledge of hate crime provisions
- Lack of resources and capacity of police
- Lack of support by police commanders or other high-level government officials
- Lack of interest by prosecutors in handling hate crime cases
- Lack of efficient cooperation with prosecutors
- Lack of specialist training
- Lack of clear policy or guidelines on handling hate crime cases
- Other issues take priority within the police force or get more attention
- Lack of crime recording forms or suitable technology
- Biases held by some portion of the law enforcement establishment
- Difficulty identifying perpetrators of online hate crimes
- High threshold for proving evidence of bias motivation
- Victims do not trust police and do not want to report

Barriers due to outside influence/barriers at the national or political level/barriers as a result of press coverage or social media

- Lack of political will to recognize hate crimes as a serious issue
 - Lack of awareness about hate crimes by political leaders
 - Lack of legislation
 - Lack of support (funding) for NGOs working with vulnerable communities
 - Absence of some protected characteristics in the legislation
 - Fear about the reputation of the country or city (e.g., if hate crime figures increase)
 - Media (e.g., disinformation)
 - Political atmosphere (e.g., using the subject for political agendas)
 - External pressure due to the global situation
6. Leave the flip charts with the lists of barriers and the priority areas visible at the front of the room during the next activity on overcoming barriers.

ACTIVITY 8.2 — Strategies for overcoming barriers to investigating hate crimes

PURPOSE: To identify strategies for overcoming barriers to addressing hate crimes.

TIME: 20 minutes

INSTRUCTIONS:

1. Ask participants to return to the three groups from the previous exercise, and ask each group to choose one or two priority areas (different for each group) in any of the categories and come up with strategies for overcoming the identified barriers. Allow 10 minutes for discussions. Stress that solutions should be practical and realistic.
2. Ask the groups to present the key points of their discussions and their proposed strategies.

Note: This activity can also be combined with Activity 8.1 so that groups discuss ways of overcoming barriers at the same time as they discuss the barriers. Following the group discussions the trainer can lead a feedback session to cover both the barriers and relevant strategies. The initial time for group discussions will need to be increased in this case.

3. Lead a discussion on some of the other possible strategies not mentioned by participants, such as:

- Training for police (such as TAHCLE programme) — when hate crimes start to be recorded properly, they will be more visible and there will be more justification to prioritize work on hate crimes
- Joint training for police and prosecutors to improve communication and cooperation
- Introduction of community-oriented policing strategies (see [Module 6](#)) on the role of the police and community-oriented policing
- Public awareness campaigns to improve reporting
- Communicating openly about hate crime cases⁵⁵
- Developing partnerships with local organizations or communities (e.g., at a very local level, such as taking part in local Pride marches,⁵⁶ youth sports projects, religious or community celebrations⁵⁷
- Intelligence sharing with the civil society sector
- Strategic leadership
- Addressing systemic or institutionalized racism within law enforcement⁵⁸
- Preventing ethnic or racial profiling⁵⁹
- Using examples of good practices from other countries⁶⁰
- Finding internal allies and create a network within the police to have more impact. (e.g., DEI or diversity networks)
- Try to keep hate crimes on the political agenda and look for allies within the government or local administration.

55 See [Hate Crime Victims in the Criminal Justice System](#), OSCE/ODIHR, 9 April 2020, pp. 48-50.

56 For example, [Finland's Rainbow Police takes part in Helsinki Pride march](#), yle news website, 3 July 2024.

57 [Keeping communities safe during Ramadan](#), West Midlands Police website, 25 February 2025; [Senior Surrey Police officers join Muslim youth group for Ramadan fast](#), Ahmadiyya Muslim Community UK, 30 April 2022; [Las Vegas police, Muslim community join for Ramadan event](#), *Las Vegas Sun*, 30 April 2022; [Ron Fanfair, Celebrating Hanukkah with Community](#), Toronto Police Service, 21 December 2023.

58 See report, [Tackling Racism in Policing](#), FRA, 10 April 2024.

59 See [Preventing unlawful profiling today and in the future: a guide](#), FRA, 5 December 2018.

60 [Compendium of good practices on hate crimes](#), FRA online tool.

CONCLUSIONS

- ✓ Conclude this module by emphasizing that, while there are many potential barriers to investigating and responding to hate crimes, there are still ways to overcome them; even by taking part in this training the participants are contributing to overcoming some of those barriers.

ADDITIONAL RESOURCES

The following resources include additional recommendations for training on addressing discrimination in the police and discriminatory profiling, which cannot be covered in depth during a TAHCLE training course.

- [*Manual on Joint Hate Crime Training for Police and Prosecutors*](#), OSCE/ODIHR, 7 November 2018.
- [*Key Guiding Principles on Public Campaigning Against Hate Speech and Hate Crime: Step-by-step guidance for national authorities*](#). Published by the European Commission High Level Group on combatting hate crime and hate speech (*forthcoming*).
- Examples of public awareness campaigns on reporting hate crimes:
 - [Antwerp Police campaign to encourage reporting of hate crimes](#) (in Dutch).
 - [A Lithuanian project to encourage reporting of hate crimes](#) (in Lithuanian).
 - [UK's True Vision reporting platform](#).
 - Spain's [National Office for Combating Hate Crimes \(ONDOD\)](#) has published several documents used to raise awareness of hate crimes and how to report.
- Strategic Leadership: See, for example, [UK College of Policing Guidance](#).
- [*Preventing racial or ethnic profiling*](#), Fundamental Rights Agency (FRA). This guide explains what profiling is, the legal frameworks that regulate it, and why conducting profiling lawfully is both necessary to comply with fundamental rights and crucial for effective policing and border management. The guide also gives practical guidance on how to avoid unlawful profiling in police and border management operations.
- [*Manual for Police Education on Equality and Non-discrimination*](#), Council of Europe, 24 April 2024. This manual consists of six modules including one on discriminatory profiling prevention and response (Module 3).
- Facing Facts runs regular [training courses](#) on police discrimination and hate crimes which cover issues such as racial profiling and multi-stakeholder approaches to hate crimes.
- FRA's publication on [*Addressing Racism in Policing*](#) of 10 April 2024, is the first EU-wide report on racism in policing. FRA's findings identify gaps in regulatory frameworks and they propose concrete steps for action.

MODULE 9
SENSITIVE AND
RESPECTFUL
TREATMENT OF HATE
CRIME VICTIMS



MODULE 9

SENSITIVE AND RESPECTFUL TREATMENT OF HATE CRIME VICTIMS

SUMMARY

This module aims to help participants develop their empathy skills and introduces guidance on sensitive and respectful treatment of hate crime victims as the cornerstone of an effective response to hate crimes. The concept of individual needs assessment (INA) and how to prevent secondary victimization is also introduced.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Identify and explain the rights and needs of hate crime victims;
- Describe the key elements of treating victims with sensitivity and respect;
- Explain the concept of individual needs assessment and how it links to a victim's rights; and
- Apply their knowledge of treating victims with sensitivity and respect.

OUTLINE

Time	Activity	Key Points
30 minutes	Activity 9.1 <i>Building Empathy — Walk a mile in my shoes</i> Activity 9.1b <i>Why did you become a police officer?</i>	Participants work in groups in a role-play exercise to consider the perspective of the victim. Participants reflect on what being a police officer means to them, their professional values, and then trainers help them to link this to empathy skills.
15 minutes	Activity 9.2 <i>The rights and needs of hate crime victims</i>	Trainers present the main rights and needs of hate crime victims.
30 minutes	Activity 9.3 <i>Treating victims with sensitivity and respect, and avoiding secondary victimization</i>	Trainers and participants discuss how to treat hate crime victims with sensitivity and respect in order to avoid secondary victimization.
30 minutes	Activity 9.4 <i>Role-play exercise (optional)</i>	Participants are asked to take on the role of a police officer or victim in specific scenarios which demonstrate how police should <i>not</i> behave in interactions with victims.

Total: 1hr 15 minutes (1hr 45 minutes including Activity 9.4)

MATERIALS CHECKLIST

- Flip chart
- Pre-prepared 'identity' cards for Activity 9.1
- Slides 28, 29, 30, 31
- Video 4: Experiences of hate crime victims with the criminal justice system. Full running time: 8:16 minutes. Excerpt for this module: from 06:17 to the end.
- Video 6: Sensitive and Respectful Treatment of Hate Crime Victims. Full running time 09:42 minutes. Excerpts for this module:
 - Part 1: from 00:00 to 03:43 (interviewees discuss what went wrong in the process of reporting a hate crime or what police can do).
 - Part 2: from 3:44 to 9:42 (hate crime victims share tips on what police can do better to improve their work with victims).
- Copies of Handout 10 and Handout 11.
- If using: pre-prepared and printed copies of role-play scenarios for Activity 9.4

ACTIVITY 9.1a — *Building empathy — walk a mile in my shoes*

PURPOSE: To consider the perspective of the victim and discuss strategies for building empathy.

TIME: 20 minutes

INSTRUCTIONS:

1. Explain that each participant will be given a new identity for the purposes of this exercise, and they will be asked to think about some questions and share their answers with their group.

2. Divide participants into three groups of 5-7 participants each. Distribute a new identity to each participant (written on a card). You can choose up to seven from the following examples and adapt them as needed: 1) refugee woman 2) homeless person 3) drug dealer 4) gay man 4) Roma man 5) doctor (or any other highly skilled job or respected person) 6) transgender woman 7) Muslim woman 8) wheelchair-user 9) person with a learning disability 10) non-binary person 11) Jewish man 12) person with a non-visible disability.

Note: *These identities need to be written on cards (one identity per card) in advance. You should have 3 sets of 5-7 identity cards. For example, if you have 21 participants, you would form 3 separate groups and make sure you have 3 sets of 7 identity cards. Give one set of cards to each group, so that each participant gets a card with a new identity. Each member of a small group should have a different identity and there should always be one person with a more privileged identity.*

NOTE ON CUSTOMIZATION: *The identity cards can also be customized to the local context depending on which groups are most vulnerable, most privileged or respected, or most likely to be targets of hate crimes. More details can be added to the card, giving the person's age, employment or other information about their status which can help participants understand their role. One role should be an identity that has an advantaged position in society. Be careful not to perpetuate stereotypes with the choice of roles.*

3. Ask the participants in each small group to sit in a circle. Tell them that each of them will introduce themselves with, "Hi, my name is _____, and I am (a) _____." in line with the identity they have been given on the card, regardless of how they identify in real life.
4. Tell them they will be asked to share their responses to a list of questions. Put the following questions on a slide (or on a flipchart or printed handout):

Show **Slide 28**.

- a) If you were in danger or a crisis, would you call the police for help?
- b) If a police officer saw you walking on the street (without speaking), how would they perceive you?
- c) If you were targeted in a hate crime or incident, would you report the crime to the police?
- d) Would you be willing to take part in the criminal justice process if your report was taken forward (e.g., testify in court?)
- e) What is most difficult for you about your life?

5. Within the small groups, each participant should answer all the questions as honestly as they can from the perspective of their new identities. The three groups should work in parallel with the trainers observing.
6. When everyone has had a chance to speak in their role, invite participants to step out of their roles and take a few moments, in silence, to reflect. Then ask the whole group how the experience has affected them. What, do they have a better appreciation or understanding of, if anything? What behaviours of their own do they take for granted, if any? Was it difficult to put themselves in the shoes of a different person in this way?
7. Emphasize that when you practice empathy, you might be better able to recognize and acknowledge another person's challenges and see the problem from their perspective. This will make conversations more effective.
8. Explain that practising empathy has many advantages: it increases cooperation (we like to help each other out when we feel that we are understood), reduces stress, and it may even feel good. A lack of empathy can have many undesirable consequences not only for most marginalized groups but also police officers.
9. Remind participants that this exercise may have allowed them to gain a limited insight into the victim/community perspective but that it will always be difficult to fully understand these experiences (they have only 'walked one mile' in the victim's shoes and not 500). However, it is a reminder for police to stay in touch with communities and try to understand their perspective. To conclude the discussion, ask participants to reflect on how they will continue to build empathy and understanding with the communities they serve.

Note: An alternative way to run this activity (if there is space in the room) is to place some participants in a line and assign them roles/identities (to be kept secret) and then ask Yes/No questions based on the above examples (e.g., Would you report a crime to the police? Would the police believe your story? If you were accused of a crime would the police believe you?). Whoever, based on their assumptions about the identity they have been given, would answer 'yes' takes one step forward. If the answer is 'no' they should stay where they are or move one step backwards (if there is room to do so). The remaining participants who have not been given an identity should observe. Very soon some people advance while others are left behind. More questions will need to be added to ensure there is a clear progression (or not). At the end, participants should reveal their identities and discuss how they felt. Then the trainer can moderate a discussion about why some people were left behind, what identities people had, and how they understood those realities, as well as the importance of empathy.

ACTIVITY 9.1b — *Why did you become a police officer?*

PURPOSE: To remind police officers about why they decided to join the police force. To reflect on what they invest in their jobs and their professional values, and link this to empathy skills.

TIME: 10 minutes

INSTRUCTIONS:

1. Emphasize that empathy is not only the ability to recognize someone's emotions and put yourself into their shoes (and this is the part that most people forget about when they think of empathy) but **also to create a positive outcome in a given situation.**
2. Take 10 minutes to brainstorm in the group on crucial questions about the job of a police officer. Write down all answers on a flip chart. Remind the participants to be as open and honest with their thoughts and feelings as possible — there are no right or wrong answers.
 - What is a police officer's job? (e.g., keep citizens safe, prevent crime, catch criminals)
 - What standards of behaviour or values are important for police officers to have? (e.g., compassion, integrity, good judgement). Why are they so important (so much so that they are in fact regulated by law)?
 - What are the greatest concerns for police officers when you are on duty?
 - Why is being a police officer important to you?
 - How are police officers trained to fulfil their responsibilities? What skills have you learned that help you enforce the law to the best of your abilities?
3. Transition the brainstorming session into an open discussion: emphasize that values and standards are beneficial not only because they are required, but also because they shape them to be better police officers. Ask: What makes you a good police officer? When you are working and an incident occurs, does a victim or suspect have the opportunity to correct any errors that they or you may have mistakenly assumed about a situation? What strategies do you use to de-escalate a situation.

Note: While this is a useful discussion to have with police officers, be careful not to let the discussion run on for too long.

Further Discussion Points

- Discuss any surveys that have been completed in the country on perceptions of the police. Do people generally trust the police? What can the police do to improve their reputation and be trusted by the community? (Refer back to the points from [Module 6](#) and strategies for overcoming barriers in [Module 8](#))

- Discuss diversity within the police itself. Does the police force represent the community it serves? Are there policies for recruiting officers from different backgrounds or women into the police force? Are there policies e.g., for addressing discrimination or sexual harassment within the institution?

ACTIVITY 9.2 — *The rights and needs of hate crime victims*

PURPOSE: To understand the rights of hate crime victims and needs they may have and to link this to the Individual Needs Assessment (INA) process.

TIME: 15 minutes

INSTRUCTIONS:

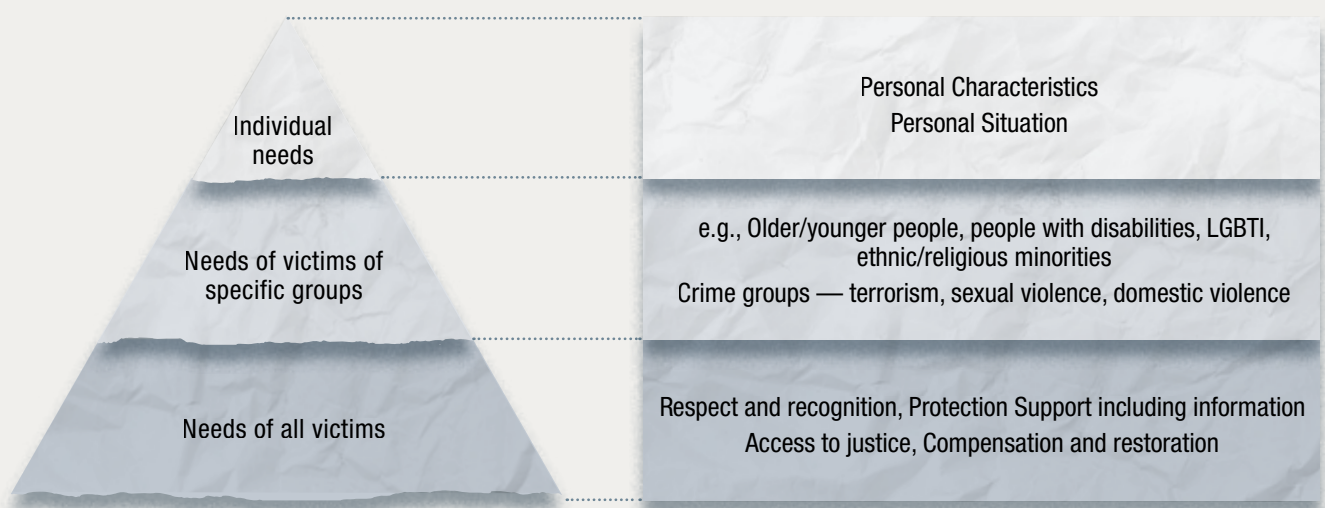
***Note:** Depending on the jurisdiction, hate crime victims might be recognized as a separate category of victim and entitled to certain protection and support measures. In some cases, they will not be recognized as a vulnerable category but law enforcement still has a duty to provide appropriate support. This information should be confirmed during the customization process.*

1. Explain that victims of crimes have their rights that need to be upheld by law enforcement. Ask participants about examples of victims' rights and how they are addressed through their work.
2. Explain that hate crime victims are sometimes categorized as a vulnerable category of victim in line with relevant legislation.⁶¹ This means that they may be entitled to access to specific protection and support.
3. Explain that while hate crime victims' rights are laid out in legislation, hate crime victims' needs may be wider in scope. The police are legally obliged to uphold the victims' rights, that can contribute to addressing hate crime victims' needs to varying degrees.
4. Explain that the official (often a law enforcement officer but not necessarily; sometimes it will be a CSO or other service provider) who first comes into contact with a hate crime victim is responsible for providing assistance centred on the victim's needs, in line with the principle of a victim-centred approach.
5. Remind participants about the cases they heard in the video from Module 5 (Impact) where hate crime victims discussed the direct and indirect impacts on them. (**Video 3: Statements of victims of hate crimes**)

⁶¹ See, for example, EU Victims' Rights Directive. Other countries outside the EU may have different legislation related to victims. For more details refer to OSCE/ODIHR, *Hate Crime Victims in the Criminal Justice System*, pp. 60-65

6. Ask participants what they think might be the specific needs of hate crime victims based on what they heard earlier in the video or based on their experiences. Write their answers on a flip chart. They should mention the need for:
 - Personal safety and security
 - Practical help
 - Emotional and psychosocial support
 - Confidentiality and trust
 - Information and advice
 - Help in navigating criminal justice
 - Respectful and dignified treatment
7. Explain that it is not the role of the police to respond to all these needs. The police can, however, support professionals in responding to victims' needs in the best possible way.
8. Explain that, while many of these needs may be the same as other victims of crime, there will be some needs that are specific to hate crime victims.
9. Ask participants to work in pairs and to discuss examples of possible victims' needs in the following categories:
 - Needs of all victims
 - Needs of victims of specific groups
 - Individual needs

Then show **Slide 29** to demonstrate each of these categories. In terms of hate crime victims, some examples of specific needs include: LGBTI people might need a specialist shelter, or confidentiality about their gender identity or sexual orientation; people who do not know the local language to a sufficient degree may rely more on interpretation and translation, etc.



Source: *How to identify victims' support needs? Guidelines to develop an individual needs assessment – Victim Support Europe, 2019*⁶²

62 [How to identify victims' support needs? Guidelines to develop an individual needs assessment](#), Victim Support Europe, November 2019

10. Ask participants if they are familiar with Individual Needs Assessments (INAs), or if there is a specific policy in place for conducting such assessments with vulnerable victims in their institution. Explain that the INA process is 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.

NOTE ON CUSTOMIZATION: *This information should be obtained during the customization process ahead of the training. If possible, original INA forms used in the country can be shown to the participants. A sample INA questionnaire can be found in Annexe A of **Model Guidance on Individual Needs Assessments of Hate Crime Victims**, OSCE/ODIHR, 15 June 2021, p.34.*

11. Explain that this initial assessment will often, but not always, be conducted by police officers. Sometimes it will be done by CSOs or other service providers. The initial needs assessment precedes the investigation. Its purpose is to ensure the safety of the victim, and it is *not* about gathering evidence for use in any subsequent criminal trial. Information gathered at this stage about the wider impact of the crime on the community is likely to be relevant for police community engagement officers or community leaders/workers, whose role is to reassure and protect communities in the aftermath of a hate crime incident and prevent escalation or retaliation.
12. The INA is used to detect the needs of victims in light of the services available. If the victim support service identifies a specific need but is unable to provide appropriate support, protocols and referral mechanisms should be in place to refer the victim to the correct service or organization. In certain situations, a risk assessment will need to be conducted to evaluate the safety of the victim: e.g., domestic violence, sexual abuse, victims with disabilities and other vulnerable groups, as well as victims in a possible crisis situation, for example, where they are suicidal.⁶³
13. Make it clear that police officers can develop and maintain a list of support providers to inform victims about available support. Ask participants about organizations that they are aware of that may provide support to hate crime victims and whether their local police station/office maintains a list or is in direct contact with them.

NOTE ON CUSTOMIZATION: *As part of the preparation for the training, you can find out which organizations provide support to victims. Ask participants if they are aware of these organizations or if they know of any other service providers or victim support services for specific communities.*

63 [Model Guidance on Individual Needs Assessments of Hate Crime Victims](#), OSCE/ODIHR, 15 June 2021.

ACTIVITY 9.3 – *Treating victims with sensitivity and respect*

PURPOSE: To understand the key elements and benefits of treating victims with sensitivity and respect, and how to avoid secondary victimization.

TIME: 30 minutes

INSTRUCTIONS:

1. Ask participants about the most challenging experience they have had working with any kind of victim. Participants may mention language barriers, trust, cultural differences, mental health issues. Ask if they were able to provide appropriate help and support in these cases as well as investigate the crime in question.
2. Ask participants if they know what secondary victimization means. Explain that it refers to victimization that occurs not as a direct result of the criminal act, but through the treatment of the victim by institutions and individuals. Secondary victimization in the criminal justice system occurs through inappropriate treatment of the victim by law enforcement or other criminal justice professionals.

3. *EITHER...*

Show **Video 4: Experiences of hate crime victims with the criminal justice system**, from 06:17 to the end OR part 1 of **Video 6: Sensitive and Respectful Treatment of Hate Crime Victims**, from 00:00 to 3:43. Ask participants to pay attention to possible examples of secondary victimization or how to avoid it.

In Video 4 victims of hate crimes describe the impact on themselves and the long-term consequences. In this extract **Kateřina Gamal Richterová** (Social Media Content Manager, HateFree Culture Project, Prague, Czech Republic) talks about the initial police interview when she reported a hate crime and how she was treated.

Video 6 outlines some of the points to take into consideration around sensitive and respectful treatment of hate crime victims and interviewees share their experiences of what went wrong and what could be done better.

OR... Show the case study quoted on **Slide 30**.

OR... Provide more case studies of secondary victimization from your experience. See also, *Understanding the Needs of Hate Crime Victims*, OSCE/ODIHR, 7 September 2020, pp. 14-16.

4. Then split participants into four groups and give each group a piece of flip chart paper and markers.
 - Two of the groups should discuss key ways that law enforcement and criminal justice system professionals may contribute to secondary victimization (and provide examples if they can). They can refer back to some of the examples mentioned in the videos, and they should write their ideas down on the flip chart paper.

- The other two groups should discuss key ways that law enforcement and criminal justice professionals can prevent secondary victimization and instead treat victims with sensitivity and respect and write these ideas down on their flip chart paper
5. After 10 minutes, ask one member from each group to present two or three key points from their discussions to the whole group. The responses should include ways in which law enforcement and criminal justice system professionals may contribute to secondary victimization:
- Lack of response, or an unhelpful and denigrating response;
 - Attributing responsibility for the crime to victims, or claiming the culpability of the victim (victim-blaming);
 - Minimizing the seriousness of a reported hate crime, and trivializing the individual victim's experience and consequences;
 - Displaying negative attitudes or reinforcing the prejudices of the perpetrator, and treating the victim accordingly;
 - Expressing sympathy and understanding for the perpetrator;
 - Lacking the appropriate knowledge, experience and skills to acknowledge the significance of the victim's identity for the crime they have suffered;
 - Lack of consideration for individual needs, especially the need for information and justice; and
 - The denial of victims' rights or victim status.
6. Ways in which law enforcement can prevent secondary victimization include:
- Using sensitive and respectful verbal and non-verbal communication; be aware of and actively avoid any discriminatory language or conduct;
 - Asking a person how they wish to be addressed, instead of assuming a person's gender identity based on their appearance, marital status, etc;
 - Ensuring that safety and medical needs are addressed;
 - Taking the victim's report of the hate crime seriously;
 - Asking the victim how they would like to be helped and supported. 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 conduct a further in-depth assessment;
 - Informing the victim how their personal data is going to be managed;
 - Empowering victims to make informed decisions and participate in criminal justice proceedings, if they choose to do so, by explaining their rights;
 - Understanding that victims need information and may be distrustful of the criminal justice process;
 - Familiarizing themselves with the list of protected characteristics and understanding how characteristics often intersect to ensure proper identification of hate crime victims, taking into consideration the perpetrator's perception of the victim's characteristics; and
 - Being aware of personal biases related to a victim's culture, religion or belief, sexual orientation, gender identity or lifestyle.

7. Following the discussion, distribute [Handouts 10 and 11](#) with all the tips for sensitive and respectful treatment. You can also show [Slide 31](#).
8. Finally, show Part 2 of **Video 4: Sensitive and Respectful Treatment of Hate Crime Victims**, from 3:44 to 9:42. Here hate crime victims share tips on what police can do better to improve their work with victims.

ADDITIONAL RESOURCES

Note: EU Member States are under a specific obligation to provide victims with support services. The Victims' Rights Directive establishes minimum standards for States on the rights, support and protection of victims of crime. The Directive also obliges States to ensure that an INA is conducted for all victims of crime to determine whether they are at risk of secondary and repeat victimization, of intimidation and of retaliation, and what special protection measures they may require.⁶⁴

- Hate crime victim support is an essential and often overlooked component of a comprehensive hate crime response. ODIHR's initiatives, 1) [Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support](#) and 2) [Strengthening Targeted Assistance and Response Structures for Hate Crime Victims in the OSCE Region \(STARS\)](#), have produced a range of tools and resources for state and non-state actors to help them ensure that hate crime victims are protected, enjoy full access to justice and receive tailored specialist support.
- Some of ODIHR's publications on hate crime victim support include:
 - o [Hate Crime Victims in the Criminal Justice System](#), OSCE/ODIHR, 9 April 2020.
 - o [Understanding the Needs of Hate Crime Victims](#), OSCE/ODIHR, 7 September 2020.
 - o ODIHR's dedicated training course on the [Sensitive and Respectful Treatment of Hate Crime Victims](#).
 - o [Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System](#), OSCE/ODIHR, 4 October 2021.
 - o [Model Guidance on Individual Needs Assessments of Hate Crime Victims](#), OSCE/ODIHR, 15 June 2021.

⁶⁴ The Victims' Rights Directive, Directive 2012/29/EU

ACTIVITY 9.4 — *Role plays on sensitive and respectful treatment (optional)*

PURPOSE: To build active listening skills for understanding the impact of verbal and non-verbal communication in engaging with hate crime victims.

TIME: 30-60 minutes

PREPARATION: Ask specific participants earlier in the day, or the day before, if they would be willing to take part in a role play and can prepare a role-play scenario. Alternatively, trainers can consider presenting the roleplay scenarios. Print and cut out the individual role-play scenarios.

***Note:** This exercise is marked as 'optional' because, while role-plays can be a very useful tool, it will be for the trainers to decide if this exercise is suited to the group dynamics and the general approach of the participants. The exercise can work well in smaller groups, where everyone feels comfortable.*

INSTRUCTIONS:

1. Before beginning the role-play exercise, recap some of the points on the essentials of sensitive and respectful treatment of hate crime victims and avoiding secondary victimization from the previous activities and from Handout 10.
2. Underline that a police officer's initial contact with a hate crime victim is one of the most important and critical moments for hate crime victims. In this context, underline that it is important that the police officer:
 - Separates the offender from the victim, and reassures the victim that they are safe;
 - Asks whether the victim feels comfortable speaking where they are;
 - Asks the victim if they need support in communicating;
 - Explains in a plain language what is going to happen next and who the victim's contact person is going to be;
 - Actively avoids asking questions that start with 'Why?', which might be perceived as victim-blaming;
 - Allows the victim to determine the pace of the conversation, and is understanding if the victim needs more time;
 - Offers breaks;
 - Offers to accompany the victim to where they want to go after they have reported a crime — they should not leave alone; and
 - Reassures the victim about how their personal data is going to be managed and offers to refer the victim to someone who can provide specialist support.
3. Refer participants to Handout 11, which includes tips on interviewing hate crime victims, and give participants a chance to read it through.

ROLE PLAYS

4. Decide how many of the role-play scenarios you would like to use (depending on the time available and the size of the group).
5. Tell the group that they will have the opportunity to role play a situation of initial contact between a hate crime victim and a police officer.
6. Print out each scenario included in Training Material 9.4 on a separate piece of paper and ask pairs to prepare each scenario.
7. Explain that one participant will play the role of the victim, while the other will play the role of a law enforcement official, based on the information given in the scenario.
8. Ask one of the pairs to sit in the middle of the room and act out their scenario. Explain that if anyone is not comfortable with the exercise, they do not have to participate. Be ready to step in and take part if there are not enough trainees willing to participate.
9. Ask the other participants to watch the role play and write down their observations, such as on body language and the language used by the police officer. They should refer back to the points outlined above and the guidance in [Handouts 10](#) and [11](#) to explain what has gone well or badly in each scenario.
10. Warn the participants that the role plays may contain offensive and abusive language. Explain that this is for training purposes only.
11. After each role play, thank the role players and ask them to step out of their roles. Lead a discussion about what participants have observed. You can ask, for example:
 - a) *How did the person playing the victim feel when the police officer treated them this way?*
 - b) *Did anything in how the police officer approached the victim send a message that they trusted the victim and were there to support them?*
 - c) *What was police officer's body language?*
 - d) *What language did the police officer use?*
 - e) *Did the police officer acknowledge the experience of the victim?*
 - f) *If you were to turn this scenario around, what would you do differently? (i.e., what would be the ideal scenario for respectful treatment?)*

FOLLOW UP POINTS

12. Ask the participants to think about what the needs of each of these victims might be. For example, in scenarios 1 and 2 there are immediate medical needs. Are there any specific needs that are specific to hate crime victims? (e.g., in scenario 3 it is important to ask the person how they want to be addressed).
13. Referring to the role-play scenarios underline that victims need to be believed and taken seriously by law enforcement officials. This means that the victim's perception about bias, prejudice or hate motivation should be taken seriously by the police and all of those in the criminal justice system. The bias perceived by the victim should be recorded, investigated, prosecuted, punished and mentioned in public statements. Taking the victim's words seriously is a precondition for an effective response to hate crime; only when people believe that their claims will be taken seriously will they report the crime and provide evidence.

CONCLUSIONS

- ✓ To conclude this module, ask participants about the benefits of a victim-centred approach and treating victims with sensitivity and respect, or any key points that they will take away from this module, or any changes they will make in their behaviour.
- ✓ Make sure it is clear that this is an approach that should apply to all casework, not just hate crime cases. It helps police get the information they may need for their investigation, helps the victim stay calm and get the help and support they may need, and allows police to fulfil any legal obligations they may have towards the victim.

TRAINING MATERIAL 9.4 — *Role-play scenarios*

Scenario 1.

Hate Crime Victim

You are a Roma man who wanted to go to a disco, but when you tried to enter the club, the guards told you that you are not allowed in because you are a ‘Gypsy’. You asked the security guards why, but they pushed you into a side alley, where they brutally beat you. Your eye was injured and your nose was broken. You were taken to a local hospital for treatment and discharged the next day, but later that day you fainted and had to be re-hospitalized. You want to bring criminal charges against the perpetrators.

Police Officer

While the victim speaks, roll your eyes and minimize the seriousness of the attack by saying, “It was just a regular bar fight, this happens all the time”, or ask “Are you sure you weren’t drinking”?

Scenario 2.

Hate Crime Victim

You are a lesbian, and you and a friend were leaving a coffee shop known to be gay-friendly. One-hundred metres from the shop you are attacked by a group of men, some of whom are armed with baseball bats. They call you different names and threaten that they will convert you to be a ‘proper woman’. You are badly beaten, punched and kicked. Some passers-by called the police. You feel scared and are not making much sense, and you are yelling at the police officer.

Police Officer

The victim is not making much sense; she is yelling at you so, when you talk to the victim trying to calm her down, you raise your voice.

Scenario 3.

Hate Crime Victim

You are a trans woman. When going home after work, you were beaten up by a gang of boys on a bus. The bus driver asked for help, but none of the passengers jumped in. The gang kept on yelling “Tranny ... You are a freak ...”

Police Officer

Be unsure how to talk to the victim — use the wrong pronoun (i.e., ‘he’) when speaking with them. Tell a joke about the protected characteristic to a colleague, or label the victim with a stereotype.

Scenario 4.***Hate Crime Victim***

You are a gay man, and you and your boyfriend were walking home holding hands after attending a party. A passer-by with his girlfriend, shouted [“Anti-LGBTI slur”]. You turned and tried to challenge the man about his language, but they pushed you. The situation escalated when a group of four young males got out of a car and gave a bottle to the main abuser, who threw it at you. They forced you to the ground, kicking you in the face and ribs.

Police Officer

Summarize in your own words what the victim told you. While the victim is talking, nod your head, say, “uh-huh,” “I hear what you are saying”, etc.

Scenario 5.***Hate Crime Victim***

You are a 61-year-old with a muscle-wasting disease. You are terrorized by local youths on the basis of your disability: they bang on your windows, throw bottles and shout abusive names such as ‘freak’ and ‘dirty old man’. They spit on you and push and tip your wheelchair. You want to report this harassment because you cannot take it anymore.

Police Officer

Keep checking what the victim means to tell you. If you are not sure what the victim just said or meant, ask them to repeat it.

Scenario 6.***Hate Crime Victim***

You are a Roma woman who is eight months pregnant. When you were walking home, you were attacked by masked men wearing balaclavas and carrying knives and bats. They chased you and spat on you, shouting misogynist and anti-Roma slurs. You are very scared and anxious; you cannot finish your sentences and are not making much sense.

Police Officer

Keep interrupting the victim with questions and comments.

Scenario 7.***Hate Crime Victim***

You are a young woman with refugee status. You and your boyfriend were beaten up in the street, while coming back from a party. During the attack, the attackers told you to go back to your country. You do not speak the local language very well, and you struggle to explain everything in enough detail. You tell the officers that your head hurts.

Police Officer

You keep on telling the person that you do not understand. You tell her that these things happen in that neighbourhood, and she should be more careful in the future.

Scenario 8.***Hate Crime Victim***

You are a man with a migration background who works as a taxi driver. You were verbally abused with racist and xenophobic slurs and hit in the head by drunk passengers when they realized you did not speak the local language very well. They recorded the attack on their mobile 'phones and posted it on social media. There are hateful comments below the video.

Police Officer

You tell the victim the attack was not serious and that things like this happen when people are drunk. You ask the person if he resides in the country legally.

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.

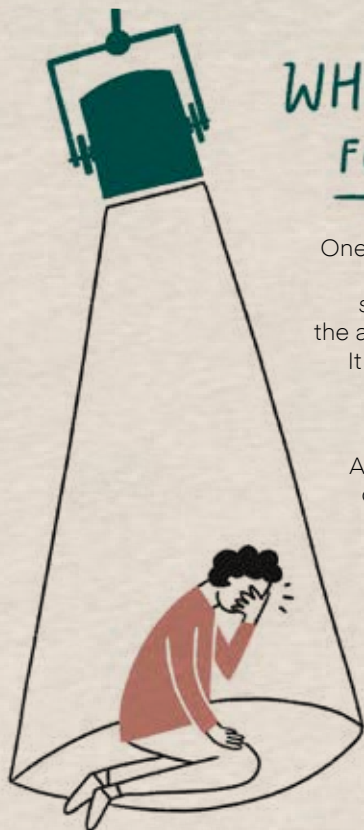
The conclusions a victim draws from that first meeting can affect their perception of the entire justice system and influence their willingness to report their case, to co-operate and to share crucial, sometimes intimate factual details.

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.

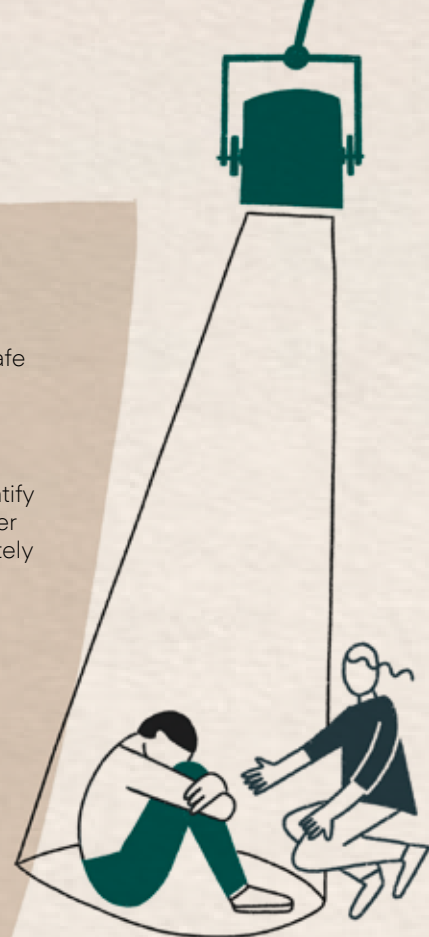


When dealing with a potential hate crime case, law enforcement officers at all times should:

- ✓ 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](#).



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HANDOUT 11

SENSITIVE AND RESPECTFUL TREATMENT ESSENTIALS



SENSITIVE AND RESPECTFUL ESSENTIALS DURING THE CRIMINAL JUSTICE PROCESS⁶⁴

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.

⁶⁴ 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.
-

MODULE 10
RESPONSE AND
INVESTIGATION
AND CASE STUDIES



MODULE 10

RESPONSE AND INVESTIGATION AND CASE STUDIES

SUMMARY

This module brings together all the learning points from previous modules into one case study. Participants have the opportunity to apply the knowledge gained and look in depth at one case study.

LEARNING OBJECTIVES

Following this module participants will be able to:

- Identify and put in to practice skills learnt in earlier modules to identify and respond to hate crime cases;
- Identify necessary actions at different stages of the process of hate crime investigation; and
- Support hate crime victims effectively.

OUTLINE

Time	Activity	Key Points
60 minutes	Activity 10.1 <i>Response and Investigation</i>	Participants work in groups to go through a detailed case study in order to practice the various skills learned during the previous modules.
60 minutes	Activity 10.2 <i>Case studies</i>	Participants work in groups to look at further cases studies and practice applying the knowledge gained throughout the training course.
Total: 120 minutes		

MATERIALS CHECKLIST

- 4x flip charts (1 per group)
- Prepared case study presentation
- Handout 12
- Additional case studies for participants printed and cut out

ACTIVITY 10.1 — *Response and investigation*

PURPOSE: To put in to practice the various skills learned during the previous modules, and to understand in more detail some of the more practical skills needed in evidence collection and interviewing of victims and witnesses. To continue to develop awareness and knowledge on how to provide effective support to victims of hate crime.

TIME: 60- 90 minutes

PREPARATION: Choose a case study and prepare details that can be provided to participants for group work at different stages of the exercise. Choose a case that can be broken down into the four stages mentioned in Point 1, below, so that participants get additional information at each stage of the investigation and can adapt their responses accordingly. The exercise can be held as a simulation of a live, ongoing hate crime investigation. A generic case example is provided below but, ideally, the case should be customized to the local context.

The information for each stage can be distributed on printed cards or shown on presentation slides. The chosen case should be as operational and realistic as possible. For example, prepare a map of where the incident happened; indicate which police staff are available to work on the case, describe the weather conditions, show the Google Streetview, and use actual pictures from the crime scene (if possible). Prepare a short presentation with these details ahead of the exercise.

INSTRUCTIONS:

1. Tell the group that they will be conducting an investigation in stages and will be looking at the following areas:
 - Stage 1 — First response
 - Stage 2 — Evidence collection
 - Stage 3 — Interviewing witnesses and perpetrators
 - Stage 4 — Victim support and follow-up

2. **Stage 1 – First Response.** Explain that, for this first stage of the exercise, participants will play the role of frontline police officers, and they have received some initial details of a potential hate crime case.

Initial report:

Amir is a man of North African background living in a capital city. He was in a shop at 8 PM on 11 January when another man, Z, assaulted him. Specifically, he took him by the throat and choked his airway, elbowed him in the head and body, pushed him in the side and caused him to fall on the railing. The owner of the shop saw the scene and, by the time he reacted, the assailant had run away. He helped the victim to sit down and called the police as well as an ambulance. Amir says he thinks he was attacked because he is an immigrant.

3. Split the group into four smaller groups, and give each group a flip chart or piece of flip chart paper and markers. Explain that, firstly, they will work together to discuss what they would do as part of the first response to the case. They should write the key points on their flip chart. Tell them they have approximately 10 minutes for this discussion.

Additional information

Note: The lists for each of the four stages given here and in Handout 12 are not checklists, and police should always proceed as per normal investigative practice or as per their own department's checklist if available. However, they should be aware of the additional requirements of hate crime cases (e.g., bias indicators, victim support).

4. After five minutes, stop the groups and tell them that a journalist from the local paper has appeared at the scene and is asking for a comment on whether it is a hate crime, and if others from the community should be afraid? Ask the groups to discuss how they will respond to the journalist, who is refusing to leave until they get an answer. They should discuss and include their answer on the flipchart.
5. When the full 10 minutes is up, lead a discussion with one member of the first group (chosen by the trainer) as spokesperson for the key points discussed in their group. After the first group has presented, ask the other groups if there is anything they would add. Note: At each stage choose a different group to report back first.
6. Make sure the points⁶⁶ below are covered.

Depending on the case used, these points may need to be adapted and expanded (e.g., if the initial incident takes places online, such as a direct threat.)

66 Adapted from Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention, IACP, (no date).

First Response

Police officers arriving on the scene should act immediately to:

- Secure the scene/ask for backup;
- Stabilize the victim(s) and request medical attention as necessary;
- Ensure the safety of victims, witnesses and perpetrators;
- Preserve the crime scene; collect and photograph any physical evidence that may be related to bias motive, such as:
 - o Hate literature
 - o Spray paint cans
 - o Threatening letters
 - o Symbolic objects or graffiti used by hate groups (e.g., swastikas, crosses)

Note: This kind of evidence (i.e., bias indicators) should still be collected, even if the relevance of certain elements is not yet clear, to ensure investigators can come back to it at a later stage if necessary.

- Request the assistance of translators when needed;
- Conduct a preliminary investigation; record information on:
 - o Identity of suspected perpetrators(s)
 - o Identity of witnesses, including those no longer on the scene
 - o Prior occurrences, in this area or with this victim; (to identify possible patterns or frequency of incidents as a bias indicator)
 - o Statements made by suspects/witnesses — noting down the exact wording is critical; and
- Send out an arrest warrant message to all units in the area; make the information available on digital briefings/apps/internal communications systems.

Dealing with media enquiries

At this stage, police services may get questions from the media about their response to an incident. Consider what the departmental policy is. In some countries, it is best practice to confirm that police are considering a potential hate crime, but not to confirm it. For example, “We are investigating this as a potential hate crime.” This sends a message to the affected communities that the police take this type of crime seriously and will take into account the potential bias motive. The police spokesperson would most likely be involved in any statements to the media. However, a decision should always be made on a case-by-case basis depending on the context of the case in question and the risk assessment.

7. **Stage 2 –Evidence Collection.** Explain that, for this second stage of the exercise, participants will play the role of investigators, and they will receive further details about the case.

Further details

At the scene, the shop owner confirms that Amir was a security guard at the shop. He saw what happened from the shop counter and described it as an unprovoked attack. He mentioned hearing the assailant's comments: "You Arabs should not be here and should go to your homes" and "Muslim **** [homophobic slur]". He also confirmed that the perpetrator (Z) was bald and wearing a green jacket.

Amir explains to the police that he was simply going out of the shop when Z assaulted him and that, during the attack, the assailant said to him, "I'm going to kill you", insulted Arabs (in the local language) and said "go home". He briefly described the assailant as being white and bald.

Amir went to the emergency department and, in a certificate from there, it is noted that a man attacked him with "insults and called him derogatory names related to religion".

8. As before, participants should return to their groups and discuss their proposed responses for around 10 minutes.

Additional information

9. After five minutes, tell participants that one of the frontline officers has come back to them to ask whether they have recorded all the details correctly in the initial crime file. Ask the groups to advise their colleague on how to correctly record a hate crime and make sure the bias indicators are correctly recorded and can be shared with prosecutors.

Additional information 2

10. After another minute, tell participants that a leaflet for an anti-immigration demonstration organized by a far-right group was found on the floor near the scene. How will they use this information?
11. When time is up, ask one member of the next group to report back on the key points discussed in their group. After the group has presented, ask the other groups if there is anything they would add.
12. Make sure the points⁶⁷ below are covered:

Evidence collection

When conducting a thorough investigation, police officers should:

- Secure evidence by taking photos of offensive graffiti or other symbols of potential bias and injuries (if permitted);

- Document the circumstances and apparent motives surrounding the event, including any evidence of bias indicators;
- Locate and arrest any suspected perpetrators not apprehended at the scene and interview them;
- Provide police supervisors or public information officers/spokespeople with information that can be responsibly reported to the media;
- Inform the victim of what is likely to happen during the investigation;
- Appeal to witnesses to come forward by canvassing the community;
- Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine whether organized hate groups are involved;
- Work with the responding officers to complete any required written reports;
- Check the social media accounts and mobile of the perpetrator; these may contain evidence of hate crime motivation and bias indicators; and
- If in line with relevant procedures and regulations, search the suspect's home or work premises.

Evidence collection in online cases (see [Handout 4](#) for more on online hate crimes)

Where possible:

- Ask the social media companies/ISPs to provide data to identify the perpetrator;
- Obtain details of mobile devices and data traffic; and
- Monitor social media⁶⁸

Additional information: correctly identifying and recording a hate crime

⁶⁷ *Ibid.*

⁶⁸ See Berkeley Protocol on Digital Open Source Investigations: A Practical Guide on the Effective Use of Digital Open Source Information in Investigating Violations of International Criminal, Human Rights and Humanitarian Law, OCHCR, 3 January 2022.

Correctly recording a hate crime means correctly documenting and recording evidence of bias indicators. If any discriminatory remarks have been used, they should be recorded verbatim in the crime report. Discuss with participants how they would have explained to their colleague how a crime can be flagged as a potential hate crime in their system and how they can ensure that any evidence relevant to a hate crime case will be passed to prosecutors. This refers back to the discussion from [Module 7, Activity 7.3](#).

13. **Stage 3 – Interviewing victims, witnesses and perpetrators.** Explain that, for this third stage of the exercise, participants will continue to play the role of investigators and they now have access to the victim, witnesses and the suspect for interviews.

Further information

Later that same evening, a person corresponding to the description of Z was arrested. They admitted that, while entering a shop earlier in the evening, they had a small dispute with another man.

Investigators also conducted interviews in the neighbourhood of the shop showing the picture of the assailant and asking neighbours if they knew anything about Z. A bartender told the police that Z regularly came to his bar with other friends and that a couple of days ago he had heard them talking about “slitting the throat of a Muslim”. The bartender thought they were just joking and showing off.

Z was brought to the police station and arrested on suspicion of a physical assault. Police asked questions about what happened and explained that the victim and the owner had testified that the attack was unprovoked and that they suspected that he had committed the assault because of the victim’s origin and religion. Z immediately denied this and explained that he had nothing against Arabs and Muslims, and that he doesn’t hate them.

Z explained that he reads the news online and that, with all the migrants around, it’s better to “take care of your own security” and that “if a Muslim stands in his way again, he might even need to use a knife.”

14. As above, participants should return to their groups and discuss what they would consider during the interviews for 10 minutes. At this stage they should not only think about the information received but how they will conduct the interviews and what will be important points to remember. For example, how they can avoid secondary victimization when interviewing the victim? They should record the key points on their flip chart.

Additional information

15. After five minutes of discussions, inform the group that one of the witnesses has asked for a support person to attend the interviews with them. How will they respond?

Additional information 2

16. After another minute of discussions tell the groups that the Senior Investigating Officer or their supervisor has asked for confirmation of whether the police can consider pursuing a hate crime case and if there is enough evidence to ensure the bias is taken into account. The supervisor will soon be bringing up current cases with the responsible prosecutor and will need to know what evidence of bias motivation is available.

Additional information 3

17. During a break from interviewing, you go to make a cup of coffee in the station break room. You overhear other colleagues making racist jokes about immigrants. What do you do?

18. When time is up, ask one member of the next group to report back on the key points discussed in their group. After the group has presented, ask the other groups if there is anything they would add.
19. Make sure the points⁶⁹ below are covered:

When interviewing victims, witnesses or perpetrators police officers should:

- Remain calm, objective and professional;
- Ask the victim(s) how they want you to help them;
- Request the assistance of translators when needed;
- Let the victim defer answering questions if they are too distraught;
- Ask open questions, such as if they have any idea why this happened to them;
- Reassure the victim that they are not to blame for what happened;
- Allow them to vent their feelings about the incident or crime;
- Encourage the victim to tell the story in their own words;
- Ask them to recall, to the best of their ability, the exact words the perpetrator(s) used;
- Ask the victim if they have family members or friends who can support them; and
- Inform them of what can be done to enhance their safety.

Note: Refer also to discussions in [Activity 9.3](#) on avoiding secondary victimization.

AVOID

- Being abrupt or rushed;
- Telling victim(s) that you know how they feel;
- Asking directly whether they think this was a bias or hate crime;
- Criticizing the victim's behaviour;
- Making assumptions about the victim's culture, religion, sexual orientation or lifestyle choices;
- Allowing personal value judgements about the victim's behaviour, lifestyle or culture to affect your objectivity;
- Using stereotyped or biased terms; and
- Belittling the seriousness of the incident, especially if the perpetrator was a juvenile.

⁶⁹ Adapted from IACP, [Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention](#)

Further discussion: Ask if, in the county of the training, it is possible for a victim to have a support person with them when the interview is being conducted (e.g., a family member, friend or support organization representative). This is particularly important if the victim does not appear to be able to say what happened. It should be underlined that a victim's physical condition, mental health and emotional stability must be determined before proceeding with any interview.

Witnesses

If there are no witnesses to the crime and the perpetrator denies committing a bias motivated offence, the police should interview the neighbours and acquaintances of the perpetrator and the victims in order to: 1) get information confirming the bias motivation - perpetrators are often proud of the crime they committed; and 2) since the perpetrator and the victim may live in the community where the crime was committed, talking with neighbours sends a clear message to the community that the police takes hate crime cases seriously.

Perpetrators

- Consider what further evidence you may need to prove the bias motivation of the perpetrator and what questions you can ask in order for the perpetrator to reveal their biases.
- Be aware that some perpetrators may believe that police officers will share their biases and may think police approve of their bias-motivated violence; and
- Use open questions, such as “What did you say to the victim?”
- What do they understand about the meaning of discriminatory words used during an incident?
- Ask why the perpetrator targeted the victim. Some perpetrators will openly admit their biases or use discriminatory language in an interview.
- Ask about their experience of and knowledge about other cultures/language etc. (This may also reveal prejudices)
- Write down the exact words used in the incident or during the interview.

Further discussion: Ask participants if they now have enough evidence of bias motivation and would definitely take the case forward to prosecutors as a hate crime case. Significant bias indicators have been identified and during interviewing the perpetrator has presented clear signs of biased views that can be used to evidence the bias motives. (Note: responses to the question on the racist behaviour of colleagues at the police station may vary but participants should discuss how they would intervene and what action they could take.)

20. **Stage 4 – Victim support and follow-up.** Explain that, for this stage of the exercise, participants will now be the officer who has been assigned as the contact point for the victim as the case moves forward. What are the key points and actions to be taken into consideration here?

Additional information about the victim and further incidents

Amir has a regulated migration status and permission to work. Amir has been in the country for more than five years but does not know the local language very well. Amir does not have many friends from his community and does not socialize much outside his work. Amir is considering leaving the country and is scared of further incidents or attacks.

Following Z's arrest, a small group of protestors has gathered outside the police station, waving anti-refugee placards and handing out leaflets to passers-by. How will you respond?

21. As above, participants should return to their groups and discuss for 10 minutes. They can write key points on their flip chart.

Additional information

22. After five minutes of discussions, inform the group that the victim has asked to be referred to a relevant victim support service. Where will you refer them?
23. When time is up, ask one member of the next group to report back on the key points discussed in their group. Note: At each stage choose a different group to report back first. After the group has presented, ask the other groups if there is anything they would add.
24. Make sure the points below are covered:

Effective ways for police to support victims include:

Legal support

- Inform the victim of their legal rights;
- Make sure legal documents, such as the police report number and addresses for legal aid are given to the victim;
- Check that the victim understands the next stages in the legal process; and
- Explain to the victim and any witnesses the likely next steps, including contact with investigators.

Practical/emotional support:

- Express your regret to the victim that they were the target of a crime, and reassure them that they are not to blame for what happened;
- Tell the victim what else can be done to enhance their safety;
- Reassure the victim that every effort will be made to protect their anonymity during any investigation;
- Refer the victim to support services in the community, providing written resource lists when possible; and
- Tell the victim how to contact the police to get further information about the case.

Further discussion: Referring victims to appropriate support

Ask participants whether they can refer victims to other agencies or organizations. Police should refer victims to organizations or institutions that provide support services and also to human rights organizations that address hate crimes. There may be professional services and police colleagues who could help with difficult cases, because they have expertise and experience in communicating with specific groups of victims or in specific languages. (Refer to the discussion from Module 9).

Further discussion: What could have been done differently in this case? What other prevention measures or community-policing principles could be applied in this case? Refer back to discussions in Module 6 and discuss other ways of preventing escalation in this case and responding to the counter-protesters.

CONCLUSIONS

1. When all four stages have been discussed and presented, ask the participants how they found the exercise. Are hate crime cases more challenging than their usual investigations/police work?
2. Make participants aware that, while they may have to move fast at the crime scene, hate crime cases do not require 'extra' work. They just require police to look for some additional information or look at the crime from another perspective.
3. Ask participants to summarize some of the key points to remember about hate crime cases which they have learned during this training course. They should mention, for example:
 - ✓ Increased impact on the victim and community.
 - ✓ Hate incidents/crimes can escalate and lead to retaliatory action.
 - ✓ There is a high level of under-reporting of hate crimes (the 'unseen' or 'dark' number) due to various barriers.
 - ✓ Recording hate crimes correctly means recording bias indicators and evidence of bias motivation.
 - ✓ Victim-centred and sensitive treatment of hate crimes victims is key to an effective response.
 - ✓ Effective responses build trust and send a message to communities that these types of crimes are not tolerated.

ACTIVITY 10.2 – Case studies

PURPOSE: To put in to practice the various skills learned during the previous modules on identifying.

TIME: 60 minutes

PREPARATION: Case studies for this activity should be customized to the local context. The examples given here are based on real cases from different countries and the country can be changed. However, it is better to find examples of real cases that have taken place in the country of the training. Photos or illustrations can also be added to the case studies.

INSTRUCTIONS:

1. Divide participants into groups of 3-4 people. Give each group one or two case studies from Training Material 10.2. Groups can work on the same cases if there are more groups than cases.
2. Each group should analyse the scenarios and answer the following questions:
 - i) Has there been a hate crime? What is/ are the base offence(s)?
 - ii) In your view, was the offence motivated by bias? If so, list all the bias indicators and decide how you would record the crime.
 - iii) What pieces of information are missing, and what other investigative steps would you take?
 - iv) What kind of support does the victim(s) require?
3. Ask each group to read their case studies, analyse them and summarize their responses. After approximately 25 minutes, ask a representative from each group to present an outline of their cases and their group's conclusions. Then ask for comments and suggestions from other participants.

Note: Training Material 10.2 contains annotated case studies. The first page contains the case study that can be shared with participants, while the second page contains notes for the trainer.

Note: The discussion of different types of case studies allows you to reinforce different important points that have come up during the entire course about responding to and investigating hate crimes and working with hate crime victims.

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.

TRAINING MATERIAL 10.2 — *Annotated Case Studies*

CASE STUDY 1

The Islamic Cultural Centre was vandalized last night. Several windows were broken and the front door was kicked in. Inside the Centre someone had spray painted on a wall “All Muslims are terrorists. Get out of our country now”. Imam Ahmad Seddeeq said the vandalism was discovered as people came in for morning prayer at 6:30. Three pig heads and bloodied pages of the Quran were scattered inside the Centre. There were no witnesses to the property damage.

You arrive the next morning shortly after some people have arrived to pray. You are in charge of the investigation.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing, and what other investigative steps would you order?
4. What kind of support does the victim(s) require?

Notes to Case Study 1

1. **Crime:** property damage, graffiti
2. **Bias indicators:** timing, location, victim’s perspective, comments/words used
3. **What further investigative steps would you consider:**
 - Is there recent history of hostility towards the community centre or to Muslims?
 - Is there a religious significance to the pig’s head or any of the acts of damage?
 - Document the property damage. E.g., take photographs and use notes and statements.
 - Interview residents and businesses located close to the Centre. This is important because: 1) Most hate crimes are committed by individuals who live in the community where the hate crime occurred, and you might learn information about possible perpetrators through interviewing neighbours; 2) The perpetrators are likely to hear that the police are taking this matter seriously, which may deter them from committing additional hate crimes; and 3) Your investigation will help reassure Muslims and non-Muslims, who are scared and outraged by the desecration of the Centre, that the police are taking the investigation seriously.

4. What kind of support does the victim(s) require?
 - You could arrange a meeting with the leaders of the Muslim community to explain what the police are doing and answer any questions they may have.
 - You could arrange for increased police presence around the mosque and any other Muslim institutions, such as cemeteries.

CASE STUDY 2

A man was taken to hospital earlier this week after being physically assaulted on the main shopping street in the city centre. Police were called to the scene. The man was on his way to his hotel after attending a conference hosted in collaboration with the main LGBTI organization in the country and was wearing items that could identify him as having attended the conference. You are assigned to lead the investigation of this case early on the morning after the attack.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing, and what other investigative steps would you order?
4. What kind of support does the victim(s) require?

Notes to Case Study 2

1. **Yes. Base offence** = physical assault
2. **Bias indicators:** timing, differences between the perpetrator and victim, lack of other motives
3. **Missing information and other investigative steps:**
 - Police should interview the victim of the attack. In this interview the officer should state that he or she is sorry that the attack occurred and express concern for the victim. The police should ask whether he knows why he was attacked.

- The police should ask what, if anything, the perpetrators said during the attack. The police should interview any witnesses to the attacks. The police should interview the manager of the conference venue and any employees who were present on the night of the attack. One objective is to learn if the venue has received any threats or incidents of hostility. The police should meet with LGBTI community groups or non-governmental organizations in the city to express the police's concern about the incident and to answer any questions they may have.

4. **Support required**

- The victim may be gay but not be openly gay, and may fear that, if his identity becomes known through taking part in the investigation and any resulting trial, it may have consequences, such as losing his job or being rejected by his family.
- Ask participants what they can do when the victim does not want to cooperate in a police investigation? Police can try to reassure the victim that his assistance in the investigation would be confidential. If the perpetrators can be identified, it may lead to a confession and the victim will not need to testify.
- The police should be **aware of any existing victim support services** that give material and practical support, psychological assistance, legal advice, interpretation and help with accessing compensation. The police should be able to refer the victim to the relevant institutions. To avoid re-victimization, the victim may need to be relocated to a shelter or, in the case of LGBTI victims, within the LGBTI community. The police officer could also inform these service providers about the case, so that they could proactively reach out to the person.
- The police should follow all the principles of **sensitive and respectful interviewing**: reassure the victim that they are not to blame for what happened; provide correct information about the options and procedures ahead; and avoid biased expressions, attitudes and otherwise re-victimization.
- Contact with the police can be especially threatening for young LGBTI people. Even minor comments — such as making the victims feel guilty about not remembering all the details or saying immediately that the case does not stand a chance of success — can leave a lasting impact. When talking to LGBTI people, police should consider the way they prefer to be addressed and use the correct pronouns and adjectives.
- The victim may need information and advice. The range of information can be wide and includes, information about victims' rights and procedures, available support and services, and specific information about their case. Providing information should not be seen as a single event. Throughout the case, the police should **provide timely information** on progress, including information about whether the offender has been identified or arrested, charged, sentenced or released.

CASE STUDY 3

N was walking in a market in her city with her partner, who is Romani. In a confrontation with two other people at the market, her partner was racially insulted by the two men and physically attacked and chased. Racist comments such as “You should all be exterminated, I ***** your [anti-Roma slur] mother” were made towards him.

N tried to help her partner, and was also seriously beaten. One of the two men grabbed her by the T-shirt and said, “What are you going to do now you [misogynistic slur]? I will beat you now.”

The police carry out an on-site investigation and a further assessment of available evidence. They interview N and her partner, as well as the two attackers.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing, and what other investigative steps would you order?
4. What kind of support does the victim(s) require?

Notes to Case Study 3⁷⁰

1. **Yes:** property damage, graffiti There are two possible hate crimes. One against N’s partner and one against N **by association** with her Romani partner. **Base offence** =: physical assault, threats
2. **Bias indicators:** comments/gestures used, difference between victim and perpetrator. The racist and anti-Roma insults can be used here as bias indicators.
3. **Missing information and other investigative steps**
 - Standard investigative steps, especially related to proving the bias motive, should be undertaken in this case. E.g., researching previous incidents committed by the perpetrators, considering the social media profiles of the perpetrators.
 - In the real case, the Criminal Court found the two attackers guilty as charged and sentenced them to one year and six months’ imprisonment. But in this procedure, N was only considered as a witness and not as a victim. She lodged a criminal complaint, arguing that she was also a victim of a hate crime. In this procedure, she alleged that the attackers called her a “[Misogynist slur] who had a relationship with a Roma man” and told her that she would be beaten”. Her criminal complaint was rejected by the State Attorney’s Office, stating that “there is no indication that attackers

70 Based on the case of *Škorjanec v. Croatia*, Application no. 25536/14, ECtHR, March 2017

inflicted injuries on N because of hatred towards Roma, as she is not of Roma origin". The case was taken to the European Court of Human Rights. The Court ruled that the state had failed in its obligation with regard to hate crime cases as the obligation:

"... concerns not only acts of violence based on a victim's actual or perceived personal status or characteristics but also acts of violence based on a victim's actual or presumed association or affiliation with another person who actually or presumably possesses a particular status or protected characteristic."

4. **Support required.** In this case immediate medical attention was required, but longer-term assistance and support should also be considered.

CASE STUDY 4

A threatening poster was placed on the office door of the local association that provides support to refugees and migrants. The organization also received threats online. You respond to their call for assistance.

You are in charge of the investigation.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing, and what other investigative steps would you order?
4. What other action will you take? How will you support the victims?

Notes to Case Study 4

1. This could be a potential hate crime but there may be some doubts as to whether the behaviour meets a criminal threshold. The **base offence** is a possible threat. The threatening poster may not meet a criminal threshold (e.g., of criminal property damage). However, perhaps in combination with a series of incidents, together, it may constitute a crime (such as harassment). Despite the fact that the threats were received online, verbal or online threats would constitute a base offence and with a bias motive they become hate crimes. More details may be required on the exact wording of the threats.

2. **Bias indicators:** comments/words used, location, possible pattern of incidents
3. **Missing information and other investigative steps.** Ask participants how they conduct investigations into online crimes. Is it easy to track down the perpetrators of such crimes? What challenges do they face? Refer to [Handout 4](#) on online hate crimes for further guidance.
4. **What other action will you take? How will you support the victims?**
 - Ask participants how they will support the victims even the incident does not meet the threshold of a crime. These incidents should not be dismissed as unimportant. They can still cause distress to victims and communities and, where possible, police should record the circumstances of the incident in order to build a record of possible similar incidents, which may indicate the potential for escalation or other community tensions.
 - Police need to consider how they would reassure the organization and provide extra security if needed. Police may be able to increase security around the organization's offices. Ask participants what additional security measures can be put in place in the local context.
 - As this case was online, there was also more public awareness that it had taken place. Ask participants what steps could they take to reassure the public. E.g., the police could make a public statement condemning the threatening behaviour and making clear that it will not be tolerated.

CASE STUDY 5

Three men with intellectual disabilities and their support worker were in the town centre when they were approached by the defendant, a man in his late 30s with a known history of disorderly behaviour. The defendant demanded money from them in an aggressive manner. When they refused, he began shouting, using derogatory language targeted at their disabilities. The support worker quickly intervened, advising the men to move toward a nearby church while she called the police. The defendant followed them, continuing his verbal abuse, until officers arrived at the scene and arrested him.

The police took an immediate witness statement from the support worker, who stated: "I have worked with these men for several years, and I know how much incidents like this can affect them. As soon as the defendant started shouting, I could see the fear and distress in their eyes. He wasn't just angry; he was using words meant to hurt them because of who they are. He called them 'stupid' and 'useless' and told them they shouldn't be allowed out in public. That's when I knew I needed to get them somewhere safe."

The three men, still visibly distressed, were unable to give statements at the time. However, their support accommodation manager later provided a statement outlining the impact the incident had on them: “Since the incident, all three residents have been anxious about leaving the house. One of them, who used to enjoy visiting the local café, has refused to go outside at all. They are struggling to understand why someone would target them in this way.”

In his police interview, the defendant denied any discriminatory intent. He admitted to being drunk at the time and claimed he was merely frustrated because they had refused to give him money. However, CCTV footage from a nearby shop captured the moment he approached the group, aggressively pointing at them. It was clear that he was shouting something at them, but the CCTV footage does not have audio.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing and what other investigative steps would you order?
4. What kind of support do the victim(s) require?

Notes to Case Study 5

1. There may be some discussion here about whether this incident reaches a criminal threshold. The defendant was shouting and following the three men with intellectual disabilities, which, on its own can amount to ‘intent to cause a person harassment, alarm or distress’ which may be criminalized in many jurisdictions. Depending on the precise facts and circumstances of the case and the available law, police could consider recording the incident as threats or harassment, or insults alongside disturbance of the peace, nuisance and other similar offences.
2. **Bias indicators:** comments/words use.
3. What pieces of information are missing, and what **other investigative steps** would you order

The three men were unable to give statements at the time of the interview but it is possible, with the help of their support worker, that they may be able to give evidence or make a statement at a later time in a more comfortable environment. Police should consider to what extent their evidence is needed and how it can be collected in the most sensitive manner.

Police may investigate previous offences by the same perpetrator or any history of hostility towards this group e.g., through investigating social media.

4. **What other action will you take? How will you support the victims?**

Participants should consider how they can most effectively handle disability hate crime cases in order to provide sensitive and respectful treatment as well as get the evidence required to support a hate crime prosecution. Are there any specific organizations working with people with disabilities that could support the victims in this case?

CASE STUDY 6

Nina is an employee of a civil society organization, 'Women for Women', dealing with issues of women of foreign origin living in your country. On 8 March, Nina shared a post published by the CSO earlier the same day, which included a video with the testimonies of migrant women on domestic violence. Nina accompanied the video with the following post: "I have a loving partner, who respects me as an emancipated woman, and we are happily awaiting our first child. I am saddened that there are women in my country suffering from physical violence on a daily basis."

Soon after the post, through the Messenger service, she received a message from a user called "Deni M.", which said, "Bitch! You should rather stay in the kitchen and...". Nina did not finish reading it, because she did not have the user Deni M. among her friends on that particular social network and reading the entire message would require communication consent, which Nina did not want to give, because she feared that her privacy might be violated and was afraid of other hate messages.

The following day she received a message at her work email address, which read: "Bitch! You should rather stay in the kitchen and do not mingle in public affairs. You should be raped." The email message came from an email address containing no real name.

After having read the entire email, Nina reported the incident to the police, saying that she did not know the user and that she was afraid of further verbal assaults. She mentioned both the message and the email and indicated that the content seemed to be the same. Since the office address of the organization where Nina works is publicly known, she feared that the words would turn into actions. Moreover, she and her NGO colleagues received several other similar emails coming from the same address.

As a first step, the police checked Deni M.'s profile on the social network and found out that his profile photo contained the statement, "no to the Istanbul Convention" and that his wall contained a number of misogynist statements and memes about women and LGBTI people.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing and what other investigative steps would you order?
4. What kind of support do the victim(s) require?

Notes to Case Study 6

1. There may be some discussion here about whether this incident reaches a criminal threshold. The likely criminal offence is a threat or possible harassment. As the messages and email directly target Nina this appears to be more than just criminalised hate speech. Nina could also be the target because her association with the NGO.
2. **Bias indicators:** comments/words used
3. What pieces of information are missing, and what **other investigative steps** would you order?
4. Police can investigate the origin of the messages and interview the perpetrator if it is possible to identify them and get their contact address through cooperation with the Internet service provider. As well as interviewing the perpetrator police will need to investigate any evidence of previous hostility towards women or migrant groups, e.g., on social media profiles. Participants may wish to discuss challenges in conducting investigations into online crimes as in previous cases (see Handout 4).
5. **What other action will you take? How will you support the victims?**
6. Ask participants what they can do if the victim notes that they do not need any help or support and does not want to be involved in the investigation? As a coping mechanism it is possible that some victims will want to distance themselves from the incident and not have any further involvements in any criminal investigation or with the police. Victims have a right to make this choice.

CASE STUDY 7⁷¹

Daniel R. runs the Centre for the Revival of Jewish Heritage in the city. The Centre organizes cultural events, has a theatre and museum, and cooperates with Jewish communities in the country and abroad. Daniel is well-known for his work at the Centre. For two years, Daniel and the Centre have been the targets of an anti-Semitic poster campaign. Last year, someone spray-painted Daniel's car with a large Star of David and the word 'Jew' while it was parked outside his house. On two occasions in the same month, the Centre's windows were broken by stones thrown from the street, while a swastika was drawn on them with a marker. Earlier this year, someone threw a Molotov cocktail into Daniel's car, which caught fire and was completely destroyed. No suspect was identified at the time, although witnesses saw two persons running away from the burning car, yelling or singing something. Daniel informed police officers that he believed this to be a continuation of anti-Semitic attacks against him. A month later, at a pro-Palestinian demonstration, A.M. said on a loud-speaker: "As long as they [Israel] burn Gaza, we will continue doing the same to them. And some of them live among us." Daniel learned about these statements and reported them to police, who brought A.M. in for questioning. They also inquired about a bomb found next to Daniel's house. A.M. denied any connection with the bomb and told the police officers that they were "Zionist slaves". Police let A.M. go.

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing and what other investigative steps would you order?
4. What kind of support do the victim(s) require?

Notes to Case Study 7

1. There several different types of incidents seen in this example: the poster campaign could potentially reach a threshold of harassment; there is property damage to Daniel's car and separate property damage to the community centre; the Molotov cocktail destroying the car is an additional incident of property damage and arson/bombing. All of the incidents together could amount to a campaign of intimidation and harassment or threats. The phrase mentioned at the demonstration could also be seen as an indirect threat as Daniel is noted as being 'well-known' for his work at the Jewish cultural centre although in this case the speeches are more likely to be considered as 'incitement to violence' based on the wider context and circumstances

71 Taken from *Manual on Joint Hate Crime Training for Police and Prosecutors*, OSCE/ODIHR, 7 November 2018.

2. **Bias indicators:** comments/words used, symbols/graffiti, location, pattern or frequency of incidents
3. What pieces of information are missing, and what **other investigative steps** would you order?

There is a lot of evidence available from the whole series of incidents. It appears more evidence could be gathered from the time that Daniel's car was destroyed as perpetrators were seen by witnesses. Perhaps CCTV is available to further identify the perpetrators or could a public appeal be made for more witnesses? As a swastika was used on one occasion it may be relevant to investigate local organized hate groups via social media or well-known meeting places of such groups. Police can also investigate further those involved in the demonstration or linked to the demonstration (e.g. A.M).

4. **What other action will you take? How will you support the victims?**

Are there any other local organizations that provide support to the Jewish community? As this is more than an isolated incident the consequences on Daniel's physical and mental health may be more serious. Is there an organization that can provide Daniel with psychosocial support or counselling or what other victim support is available? How would participants keep Daniel updated about progress in the investigation (e.g the fact that A.M was released)? It is important that victims feel informed about relevant developments.

CASE STUDY 8⁷²

Jocelyn was a pensioner and a church warden living in a rural village. She was sometimes visible as a trans woman at the time, having transitioned some years earlier, but was still waiting for the full effects of female hormone therapy to appear.

She was driving her car in the village when she noticed a group of youths loitering around the church. When she asked them to stop what they were doing, she was verbally abused by them (as a "pervert" and a "paedophile").

As she drove away from them, they surrounded her car. She stopped the car and got out, at which point a young woman attacked her, and they both fell back into the car. Jocelyn held the woman and told the youths, "Back off and I will let her go", but she continued to be attacked, and Jocelyn let her go.

Eventually, very shaken, scratched and bruised, Jocelyn drove off. Later that night, the police woke Jocelyn out of bed at home to arrest her for assault (the young woman having reported the earlier incident as one in which she had been assaulted).

72 Taken from *Sensitive and Respectful Treatment of Hate Crime Victims: Training Course for Criminal Justice Professionals*, OSCE/ODIHR, 17 February 2022.

Jocelyn was treated as the cause of the incident, rather than a victim of assault. Her car had been vandalized outside her house, with the word “pervert” written on it. The car was damaged beyond repair

Answer the following questions:

1. Has there been a hate crime? What is/are the base offence(s)?
2. In your view, was the offence motivated by bias? If so, list all the bias indicators.
3. What pieces of information are missing and what other investigative steps would you order?
4. What kind of support do the victim(s) require?

Notes to Case Study 8

1. There has been a physical assault against Jocelyn and damage to her car.
2. **Bias indicators:** comments/words used, symbols/graffiti, location, pattern or frequency of incidents
3. What pieces of information are missing, and what **other investigative steps** would you order?

While at this stage Jocelyn has been investigated as a perpetrator, during interviews she will be able to tell her side of the story which should lead to a hate crime investigation against the youths. Police will need to interview all members of the group and ask open-ended questions about why Jocelyn was attacked in order to gather further evidence of bias motivation.

4. **What other action will you take? How will you support the victims?**

Police may wish to check if Jocelyn requires a safe location or shelter. Do police keep a list of possible shelters and contact details that they can share with victims? Jocelyn does not want any publicity about the attack but thinks that more anti-discrimination workshops should be held in local schools to explain that hate crimes are criminal behaviour. Do the local police have any education programmes or do any work in local schools on prevention?



MODULE 11

CONCLUSIONS AND

EVALUATION

MODULE 11

CONCLUSIONS AND EVALUATION

SUMMARY

This is an opportunity for participants to reflect on what they have learnt during the course and to summarize the key messages.

LEARNING OBJECTIVES

By the end of the module participants will be able to:

- Explain the key messages from the training; and
 - Identify what they have learnt from the training.
-

OUTLINE

Time	Activity	Key Points
30 minutes	Activity 11.1 <i>Conclusions, feedback and evaluation</i>	Participants reflect on the training, their key takeaways, complete an evaluation sheet and share feedback.
Total: 30 minutes		

MATERIALS CHECKLIST

- Flip chart
- Slide 32

ACTIVITY 11.1 — *Conclusions and evaluation*

PURPOSE: To recap the key messages from the training.

TIME: 30 minutes

INSTRUCTIONS:

1. Draw a heart, a pair of hands and a thought cloud on three different flip charts/pieces of paper, and ask participants what they take away from this training course in terms of values and attitudes (heart), ideas (cloud) and concrete skills (hands). Have a 10 – 15 min discussion.
2. Provide some concluding remarks by reminding participants that:

Show [Slide 32](#)

- Law enforcement play a key role in efforts to address hate crime.
 - When equipped with the tools and knowledge to recognize, identify and record hate crime cases, police are able to investigate them effectively and ensure that hate crime victims receive appropriate support and protection.
 - Hate crimes are especially harmful, because they target victims simply for being who they are. When hate crimes are investigated and prosecuted as such, victims and their communities receive a clear message that their efforts to report hate-motivated attacks are not in vain and that the criminal justice system will provide redress for the harm caused.
 - By using the skills and tools provided throughout this training, participants can ensure they address hate crimes effectively and appropriately and provide support to victims.
 - Express your confidence in the participants' ability to respond to and investigate hate crimes and support hate crime victims.
3. Ask participants to fill out an evaluation form to gather feedback on how future courses can be improved.

Note: *if you think participants will not want to speak in front of everyone, you can ask them to write one point under each of these themes on a sticky note and stick it onto the flip chart. You can then read out a selection of responses.*

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:

ANNEXE 1

ANSWERING DIFFICULT QUESTIONS

How to Answer Questions

Responding to questions from participants provides you with great opportunities to:

- Build a sound relationship with participants;
- Include participants who are otherwise not interested or even opposed to the training;
- Reinforce points you made earlier that you think are worth restating;
- Provide additional information on an issue not covered in the workshop agenda; and
- Clarify some different ideas and values that inform the ways people think about 'race', ethnicity, gender, sexual orientation, physical/intellectual disabilities, and religion or belief

The tone of answers should **ALWAYS be respectful of the person asking the question**. Even if you perceive that the person is trying to give you a hard time, be civil. All the participants are watching how you respond to a question. Questions can provide a particularly good moment to present a model of civility and demonstrate good intervention skills.

The content of your response should always be respectful.

ALWAYS attempt to answer the question the participant is asking. Start where the participant ended, not where the question caught your interest. If necessary, paraphrase the question and ask the participant if your understanding is correct. Then answer the question **CONCISELY**. People, even the questioner, often lose interest after a minute. If the question raised other ideas for you, and you want to share them, do so after you have answered the initial question by saying something like, "Your question raised an additional issue...". This way the questioner and the audience know where you are going.

Avoid tangents. Questions and responses take up time in the training, and time is an extremely valuable and limited resource. Evaluate every 'additional issue' using the following question: is the comment I am about to make essential to the success of the training?

Answer the question accurately or not at all. It is okay to say, "I don't know the answer to that question" and to arrange for follow up. The credibility of the programme is undermined if trainers offer inaccurate information.

Assess whether the question is the issue of the questioner alone, or if it is of value to the group. If it seems to be an individual issue ("My son was arrested last night and those police officers..." or, "How do I become a trainer just like you?"), offer to talk with the person immediately following the workshop or during a break.

Frequently Asked Questions

This part provides examples of some of the frequently asked questions and sample answers. It is recommended that trainers study the questions and answers carefully since a trainer can 'lose' their audience if participants think they do not answer questions about the legitimacy of the concepts and approaches presented in the training..

Question 1: **Hate crimes are not a problem in our country. Why do we need this training?**

Response: Hate crimes can occur in any community, suburban or rural, large or small. The lack of reported hate crimes or hate incidents often means that people are not reporting incidents, not that those incidents never occur. Moreover, even if your community has not experienced a reported hate crime, it is highly likely that some individuals engage in the use of degrading language and slurs based on 'race', religion, gender or sexual orientation. A community culture in which the use of slurs becomes commonplace and accepted can soon become an environment in which slurs can escalate to harassment, harassment to threats and threats to physical violence.

Question 2: **Do hate crime laws protect the majority population?**

Response: The simple answer is yes; hate crimes laws protect all groups. Racially or religiously motivated crimes targeted at the majority group, although far less common than hate crimes targeting people from minorities, do occur and should be investigated and prosecuted. In addition, an adequate response to hate crimes benefits the entire society through improved community cohesion.

Question 3: Do victims frequently fabricate complaints of hate crimes?

Response: Fabricated complaints occur, but only very rarely. Police have found that victims are often reluctant to report hate crimes or even acknowledge that a crime which appears to others to be a hate crime is, in fact, motivated by bias. The fear and isolation felt by hate crime victims often leads to under-reporting rather than fabrication.

Question 4: Do hate crime laws confer 'special rights' on certain groups?

Response: Hate crime laws protect everyone. Anyone, including you, could be a victim of a hate crime because of racial identity, nationality, ethnicity, gender, sexual orientation, disability or religious beliefs. It is also possible for a person to be subjected to a hate crime as a result of the mistaken belief by the perpetrator that the victim falls into a particular racial, national, ethnic or sexual orientation group. Hate crime laws do not confer any 'special rights' but, rather, protect the rights of individuals to conduct their everyday activities – live in their homes, do their jobs, receive an education – without being subjected to violence because of who they are.

Question 5: Are rape and other forms of sexual assault against girls and women considered a hate crime?

Response: Rape, domestic violence, and other forms of sexual assault can be prosecuted as a hate crime if gender is included in the hate crime laws and if evidence can be obtained demonstrating that the assault was motivated by bias against a victim because of their gender. If a victim is raped because of their ethnicity, religion or other characteristic, this would also constitute a hate crime. However, national frameworks for responding to domestic violence and rape-assistance programmes are likely to respond much better to the victim's needs than simply labelling something a 'hate crime' so there should still be careful consideration around how the incident is qualified to ensure the victim receives the most appropriate support.

Question 6: **Why should our community be concerned about hate crimes since we do not have significant diversity within our community?**

Response: There are several responses to this question:

As the ‘Exploring Diversity’ exercise demonstrated, this community has far greater diversity than many of us may have thought. Many of the most serious hate crimes occur within communities in which the population of persons from traditionally targeted groups is small.

Regardless of the level of diversity within this community, it is important to address problems of bias, prejudice and harassment because this conduct is destructive to its victims and to all society. History has shown that individual hate crimes can easily escalate into a dangerous pattern of violence.

Question 7: **Can hate crimes be committed by police?**

Response: Hate crimes can also be committed by police officers just like any other citizen if they are crimes committed with a bias motivation. Unlawful conduct by police officers is monitored in different ways depending on the jurisdiction and the relevant accountability mechanisms.

Question 8: **Police can also be victims of hate crimes, right?**

Response: Hate crimes can also be committed against police officers just like any other citizen if one of their protected characteristics is targeted (e.g., their nationality or sexual orientation or perception of, or association with a particular characteristic). However, being a police officer is not a protected characteristic in hate crime legislation, and police and other frontline responders are often protected through other legislative provisions.

Question 9: Is political affiliation a protected characteristic?

Response: While some participating States have expanded their national legislation to include political opinion or affiliation as a basis for enhanced penalties, ODIHR notes that including political views as a protected ground carries some risks. The main risk is the potential misuse of hate crime legislation to suppress legitimate political dissent or protest, especially in contexts where governments may use criminal law to stifle opposition. There is also concern that politicizing hate crime protections could undermine the core purpose of such laws, which is to protect individuals and groups who face structural discrimination or violence based on inherent identity traits. It is therefore important to use caution and emphasize the need for clear legal definitions, safeguards against misuse, and alignment with human rights standards when considering political affiliation as a possible protected characteristic.

Question 10: How are hate crime and terrorism connected?

Response: Both hate crimes and acts of terrorism are often motivated by bias, prejudice, or extremist ideologies. Hate crimes are typically committed against individuals or groups based on protected characteristics (e.g., 'race', religion, ethnicity, sexual orientation), while terrorism is often driven by broader political or ideological goals. However, both involve targeting individuals as symbolic representatives of a group. Both hate crimes and terrorism have a disproportionate psychological and social impact on targeted communities. While not all hate crimes are terrorist acts, some acts of terrorism also qualify as hate crimes when they are committed with bias motivation. Effective criminal law responses — tailored to the specific nature of each phenomenon — are essential.




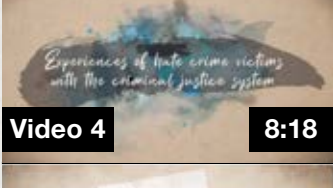
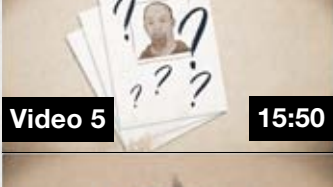

ANNEXE 2









VIDEO MATERIALS

ODIHR has developed the below hate crime training videos which include interviews with hate crime victims, civil society representatives working with hate crime victims and with a police officer and a prosecutor. Some videos can be shown in full during a TAHCLE training course (see instructions in specific modules), while others only in part, to fit the allotted time for each exercise. If there is no time restraint the full videos could be shown. However, please note that the learning messages and follow up discussion points may need to be adjusted accordingly.

All videos are available here: [Full playlist](#)

The videos can be used in the following modules:

VIDEO	MODULE	TITLE / LINK	DESCRIPTION
 Video 1 13:28	Module 2 Activity 2.2	Experiences of the Community	This video covers the extent and impact of bias, prejudice, harassment or hostility in societies from the community and victim perspectives and also discusses the response of the authorities.
 Video 2 10:41	Module 4 Activity 4.1b	What is a Hate Crime?	This video covers the OSCE definition of a hate crime; what is included within this concept and why it is important to address hate crimes.
 Video 3 3:46	Module 5 Activity 5.3	Statements of Victims of Hate Crimes	This video contains some short extracts from interviews with victims of hate crimes in which they describe the impact on themselves and the long-term consequences.
 Video 4 8:18	Module 7 Activity 7.3 Module 9 Activity 9.3	Experiences of Hate Crimes Victims with the Criminal Justice System	In this video hate crime victims discuss their experiences of reporting a hate crime to the police and describe some of the issues that they faced when dealing with various parts of the criminal justice process.
 Video 5 15:50	Module 7	Recognizing and Responding to Hate Crimes	This video explains the concept of bias motivation and presents various bias indicators as a tool for recognizing hate crimes.
 Video 6 9:43	Module 9 Activity 9.3	Sensitive and Respectful Treatment of Hate Crime Victims	This video outlines some of the points to take into consideration around the sensitive and respectful treatment of hate crime victims and interviewees share their experiences of what went wrong and what could be done better.

NAME	TITLE	DESCRIPTION
 Dr. Mark Brookes MBE	Advocacy Lead, Dimensions UK, London, United Kingdom	In the videos, Mark talks about the daily experiences of people with autism and learning disabilities from his perspective and provides recommendations to the authorities on how to work with hate crime victims from this group.
 Sarian Jarosz	Researcher on LGBTI rights and migration, formerly with Amnesty International Poland, Warsaw, Poland	Sarian was the victim of an anti-LGBTI hate crime in 2019 and during the video interviews he talks about his experience of reporting the incident to police and well as his wider experiences of discrimination and harassment and the effect this has had on his life.
 Dr. Klára Kalibová	Founder, Director and Attorney at In IUSTITIA, Prague, Czech Republic	Klára talks about her experiences of working directly with hate crime victims at the dedicated counselling centre for people affected by hate crime run by her organization. Klára also shares her personal experience of dealing with a hate crime and her experiences of the criminal justice process.
 Fatmir Memedov	Security Project Manager, Trier, Germany (former non-commissioned officer in North Macedonian army)	In the videos, Fatmir discusses his experiences as the victim of a hate crime committed by law enforcement in North Macedonia in 2013, and the longer-term effect of the hate crime on himself and his family.
 Paya Ndiaye	Trainer and Organizer at Lallab, Paris, France	While not a victim of hate crime herself, Paya talks about her own daily experiences and links this to the experiences of other members of her community and others from a minority background.
 Herman Renes	Chief Inspector, Advisor on Non-discrimination, National Expertise Centre on Anti-Discrimination, Dutch National Police, The Netherlands	Herman has over 40 years of experience working in the police in the Netherlands. In the video interviews he provides key messages for law enforcement on why and how police need to deal with hate crimes effectively.
 Kateřina Gamal Richterová	Social Media Content Manager, HateFree Culture Project, Prague, Czech Republic	In the videos Kateřina talks about her experiences of being targeted in a hate crime, her experiences with the criminal justice system and the impact this has had on her.
 María Teresa Verdugo	Hate Crime Prosecutor, Malaga, Spain	As one of the first Hate Crimes Prosecutors in Spain, María Teresa shares her expertise in prosecuting hate crimes and working with victims of hate crimes.

