



Combating Hate Crimes

The OSCE Mission to Bosnia and Herzegovina monitors and reports on hate crimes, advocates for stronger legal provisions on hate crimes, and builds the capacity of domestic institutions to prevent and process these cases.

What are hate crimes?

A hate crime is a crime that is motivated by intolerance towards certain groups in society. For a criminal act to qualify as a hate crime, two criteria must be met: 1) the act must be a crime under the criminal code and 2) the crime must have been committed with a “bias motivation.” “Bias motivation” means that the perpetrator chose the target of the crime on the basis of real or perceived “protected characteristics.” A “protected characteristic” is a fundamental characteristic that is shared by a group, such as race, religion, ethnicity, language or sexual orientation. A hate crime does not require that the perpetrator feels hate. It requires only that the crime is committed out of bias motivation. A hate crime can take the form of property damage, assault, murder or any other criminal offence.

crime + bias motivation = hate crime

Why is it important to respond to hate crimes?

Hate crimes send a powerful message of intolerance towards the victim and the group he or she belongs to, and may trigger a sense of insecurity and distrust within the community. Individual hate crimes require special attention because, even if minor in nature, they carry the seeds of potential conflict as they can escalate and give rise to increased tensions in the community. When a suspected hate crime occurs, effective responses by local authorities reassure communities that appropriate action is being taken, and that the impact of the incident is understood. Effective processing of hate crimes within the justice sector is important to send a message that such crimes will not be tolerated.

Hate crimes in BiH

Hate crimes in BiH often target:

- Returnee communities, who are often isolated and vulnerable. Hate crimes against these communities often send strong messages of intolerance and create high levels of fear and tension.
- Religious and sacred objects such as churches, mosques and graveyards, as well as private property belonging to returnees or members of minority communities.
- Members of sexual minorities. Members of this group are extremely vulnerable to hate crimes; attacks frequently occur in public places.
- Roma

Hate crimes are an issue of concern in every society, and they are of particular concern in societies recovering from violent conflict. The Mission works closely with the police, judiciary, local government, civil society organizations and other international organizations in BiH towards the prevention, effective legal processing and appropriate reaction to hate crimes, including through public condemnation.



Legislative framework

In 2010, important amendments to provisions of the Criminal Codes of Republika Srpska and Brčko District related to hate crimes were adopted which provide a stronger legal basis for law enforcement agencies and the judiciary to appropriately investigate and process hate crimes. Similar amendments have been proposed to the Criminal Code of the Federation of BiH and are expected to be adopted. These amendments provide for aggravated forms of certain criminal acts, such as murder, rape and causing grievous bodily injury, when committed with a bias motivation. When it is not provided as an element of the crime, bias motivation should also be taken into account as an aggravating circumstance.

A strong commitment by law enforcement and the judiciary is needed to ensure that hate crimes are appropriately redressed. The Mission has, in co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the National Point of Contact on Combating Hate Crimes within the BiH Ministry of Security, supported the process of strengthening the legislation and will continue to assist authorities in ensuring its implementation.

The role of the Mission

The Mission assists the authorities and civil society in combating hate incidents and hate crimes in a number of ways, including:

- Monitoring and reporting on hate-related incidents and crimes throughout the country, as well as the responses by local authorities and civil society to such acts.
- Advocating for legal reform to strengthen provisions on hate crimes and promote their effective implementation by facilitating discussions among the legal community.
- Building the institutional capacities of law enforcement agencies and the judiciary. The Mission co-operated with ODIHR and the BiH Ministry of Security to implement a training programme for law enforcement officers in 2009, and is supporting an initiative to integrate specialized training on hate crimes into the police training curriculum. A similar engagement is planned with prosecutors.
- Raising the public and municipal authorities' awareness about hate crimes and appropriate responses. The Mission facilitates forums for discussion within communities through local events and awareness raising activities. The ODIHR-OSCE Mission publication *Understanding Hate Crimes: A Handbook for Bosnia and Herzegovina* (available for download at www.oscebih.org) provides key information on the concept of hate crimes and the responses expected from law enforcement, the judiciary and local authorities.
- Promoting engagement of civil society on tackling hate crimes.

The OSCE Mission to Bosnia and Herzegovina assists BiH in meeting its OSCE commitments and in progressing towards its stated goal of Euro-Atlantic integration by strengthening security and stability through completion of peace-building within the Dayton framework and developing inclusive political discourse and democratically accountable institutions that respect diversity, promote consensus and respect the rule of law. The Mission takes a comprehensive and integrated approach through its field presence, reflecting an emphasis on developing cohesive communities and on the timely identification of obstacles to progress.