



WORKSHOP REPORT - POLAND

SURVEYING THE NATURE AND SCALE OF UNREPORTED HATE CRIMES

Warsaw
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Background information

In February 2017 the OSCE Office for Democratic Institutions and Human Rights (ODIHR) launched a two-year project titled “Building a Comprehensive Criminal Justice Response to Hate Crime” to help improve the skills of, and collaboration among, criminal justice professionals and the civil society on addressing hate crimes within each of four OSCE participating States – Bulgaria, Greece, Italy and Poland.¹

ODIHR’s partner in Poland is the Office of the Commissioner for Human Rights (OCHR). The project activities in Poland focused on designing and testing an innovative methodology for mapping hate crimes. For this purpose, the project partners conducted a “Survey on the nature and scale of unreported hate crimes against members of selected communities in Poland”. The surveyed groups included Muslims, people originating from Sub-Saharan Africa countries and Ukrainians. The survey, based on Respondent Driven Sampling (RDS) also showed whether this technique is applicable to estimate the scale of unreported hate crimes.

In order to present and discuss the outcomes and experiences of the project activities, ODIHR together with the OCHR organized a workshop on 27 June 2018. The First Deputy Director of ODIHR, Ms. Katarzyna Gardapkhadze, the Commissioner for Human Rights of Poland, Mr. Adam Bodnar and the Deputy Commissioner for Human Rights of Poland, Ms. Sylwia Spurek, attended the event. The event gathered 45 participants, including 23 women and 22 men, representing international organizations (European Union Agency for Fundamental Rights, United Nations High Commissioner for Refugees), the national administration (Office of the Commissioner for Human Rights, Ministry of Interior and Administration, police), the United States Embassy in Poland as well as civil society organizations from the surveyed communities.

The lessons learned and best practices from the activity in Poland contributed to designing a methodology for mapping hate crimes as a part of a general toolkit on comprehensive approach to addressing hate crime applicable across the EU and the OSCE region.

ODIHR announced the event with a news item on its website.²

¹ Project description available at: < <https://www.osce.org/projects/criminal-justice-response-hate-crime> >

² The news item is available at: < <https://www.osce.org/odihr/386313> >

Presentations and discussions

Opening remarks and presentation of the project

Ms. Sylwia Spurek, Deputy Commissioner for Human Rights and Equal Treatment opened the event on behalf of the OCHR, describing the efforts of the institution in addressing hate crimes. Ms. Katarzyna Gardapkhadze, First Deputy Director at ODIHR, in her opening remarks expressed hope that the results of the study would provide basis for discussing policies against hate crimes in Poland. Mr. Tome Shekerdjiev, Project Manager at ODIHR, presented the overview of the project on comprehensive response to hate crimes and the status of its activities in all project countries.

Experiences and good practices from conducting the survey

Mr. Jacek Mazurczak, an expert at the OCHR, presented the experiences, good practices and conclusions gathered from the survey. He emphasized that the lack of specific legal definition of hate crime in Poland made it difficult to compare official data with the ones acquired in the course of the project. The official data collected in Poland come from two sources: the National Public Prosecutor's Office and the Ministry of Interior and Administration, which supervises the police. The figures presented by the National Public Prosecutor's Office are usually higher than the police data because they include cases in which the prosecutors did not initiate criminal proceedings. Mr. Mazurczak also pointed out a dynamic rise in registered hate crimes in Poland, presumably in accordance with the greater awareness of law enforcement agencies on what constitutes such a crime. However, as he said, it was not the number of hate crime cases that was an indicator of the scale of the problem, but rather the number of not reported hate crimes.

Mr. Mazurczak described the RDS (Respondent Driven Sampling) method, which serves for surveying “hidden” populations, i.e. populations that cannot be surveyed based on existing registers and are not available for classical sociological study. The RDS relies on a principle of respondents’ self-recruitment. Research staff recruit a set of initial respondents, the so-called “seeds”, who recruit fixed number of persons (three persons in case of this project) to undergo the same interview. Next, the respondents receive coupons and give them to three other people from the same community to recruit them for the study.³

Mr. Mazurczak also described briefly the process related to launch of the RDS study such as the preparation of the survey, the challenge of planning the costs, the initial data analysis (selection of surveyed communities and types of crimes, selection of locations), selecting the survey company and conducting the formative study.

Mr. Mazurczak mentioned the main challenges in conducting the study: time consuming preparation and testing the questionnaire, slow recruitment (in Muslim and Sub-Saharan African populations) and fast recruitment (Ukrainians), resulting in shutting down a sample. In case of Muslims and Sub-Saharan Africans, the slow recruitment due to reluctance of respondents to recruit

³ The respondents received Sodexo coupons with which they could purchase goods in many shops in Poland. Each respondent received 40 Polish zloty for their participation at the interview and 20 zloty for effectively recruiting another person to the survey.

other people to the study, the survey company replaced the seeds. In the case of Ukrainians, due to rapid recruitment, the survey company stopped recruitment among students, which significantly slowed recruitment. If the recruitment was not slowed down, the sample would have been overrepresented by students, keen to participate in the study, which would significantly affect the obtained results. Mr. Mazurczak also pointed out the complicated data analysis, with the use of two software products dedicated to RDS.

Presenting the results of the survey

Mr. Krzysztof Chmielewski, Senior Research Manager at IPSOS, together with Mr. Jacek Mazurczak, Expert at the Office of the Commissioner for Human Rights of the Republic of Poland, presented the survey results.

Mr. Chmielewski outlined the overall aims of the study: to identify the true number of hate incidents and check whether the official reported numbers on hate crimes were adequate, what are the characteristics of the victims and whether they had common features, profiling of the perpetrator, the reasons for not reporting, and the impact of hate crimes on victims. The aim of the study was also to recommend possible actions to the relevant institutions.

He pointed out that the sample used (643 persons surveyed; 273 Ukrainians, 194 Muslims and 176 Sub-Saharan Africans) was representative, allowing researchers to extrapolate the results to the larger population. The representativeness of the research was achieved thanks to the applied analytical weights and coefficients, which made it possible to control various types of biases related to the adopted method of sample selection. The basic objection to the representativeness of studies based on snowball sampling is the arbitrary selection of the first respondents for the study. Therefore, the sample has the potential for bias, as people tend to interact with people that have similar social and demographic characteristics. In the case of this RDS survey, however, this effect was under control thanks to special indicators, and the decision to stop the survey in the field was made only after eliminating the impact of selection bias on the obtained results.

He described the process of RDS study: seed respondent recommended next respondents, while distribution of coupons helped control the recruitment. The recruitment process had to be monitored, because a given person could not join the study earlier than two days after the previous person participated in the interview in order not to over-represent the type of respondents who were more available than others such as students.

The survey company initially scanned the respondents in order to check whether their profile was adequate for the survey's purposes and then the core interview followed, at a location convenient for the respondent. The results of the survey were weighted in the dedicated software based on the social network of a given respondent.

Mr. Mazurczak provided the overall results, according to which 19% of members of the Ukrainian population, 8% of Muslims and 43% of Sub-Saharan Africans experienced hate incidents. He said that the survey was representative for two voivodships (Mazovian and Lesser Poland voivodship).

The data on Ukrainians referred to Lesser Poland, while the data on Muslims and Sub-Saharan Africans referred to Mazovian voivodship. However, he refrained from transposing the results that were relevant to these two voivodships to other regions of the country, as it might generate mistakes.

Mr. Chmielewski presented the breakdown of incidents according to their type. Insults were the most common incidents. In case of Sub-Saharan Africans, the most common incidents were violent attacks and destruction of property, most likely because the “otherness” of the victim was easily visible. The survey company compared the data with the official available statistics.

Mr. Mazurczak presented an initial typology of perpetrators based on American research (1995)⁴: 30% of perpetrators were thrill seekers (easy to tackle, light attacks, vandalism, graffiti), considerable group were “retaliatory offenders” (acting alone, treating others as a threat). Many belonged to two other groups of offenders: “area or territory defenders” and “mission offenders” (radical groups, committing crimes at a workplace or home of the victim). He added that the collected data would allow creating a new typology specific for Poland.

Mr. Mazurczak also pointed out that one of the most frequent reasons for non-reporting hate crimes by the victims is that they do not have evidence. This, in turn, demonstrated low legal awareness in the society, as the obligation to collect evidence rested upon the police, not the victims. Mr. Chmielewski added that often the victims considered an incident as insignificant, what additionally demonstrated low legal culture. In addition, victims often tolerated certain kinds of behaviour. Thanks to the study it was possible to distinguish three main types of reasons for non-reporting: personal attitudes (attitudes towards the police and perception that the incident is not a big deal), institutional (lack of knowledge of own rights) and political/social/cultural (context in which the society functions). He added that hate crime influenced the sense of security. Moreover, being a victim of a hate crime caused changes to the person’s behaviour: avoiding going to particular (or isolated) places, going out at night, speaking own language, dressing in a way that did not disclose religion, as well as hiding physical characteristics. All the surveyed communities considered their characteristics to be possible reasons for hate crimes affecting them in the future.

He added that the research covered also the depression symptoms (most of the surveyed victims demonstrated light depression symptoms). Moreover, the PTSD symptoms were researched (higher sensibility to environment, repetitive thoughts and emotional reactions). In terms of PTSD symptoms, the behavioural aspect was dominating (incident that influences everyday functioning), cognitive aspect (imagining, possible to be worked on with help from a psychology specialist), emotional (sleep disorders, being cautious). The respondents did not report any somatic disorders. Mr. Mazurczak stated that these results should have been analysed from two angles: providing psychological help and changing legal qualification of crimes (disorder of health over 7 days is an offence prosecuted *ex officio*, mental disorders should be taken into consideration).

⁴ The typology of hate crime perpetrators developed as part of this study was based on the Levin and McDevitt typology using the following indicators: the most serious crime experienced in the last five years, the number of perpetrators involved, who the perpetrator was, where the event took place and the motives of the offender.

The circumstances when reporting hate crimes were also subject to research. The survey showed that primarily the formal needs of the victims had been met (such as informing the victim about the possibility to obtain medical and legal help), as opposed to other victims' right such as informing about possibility to get psychological help, proposing extra security precautions.

Mr. Adam Bodnar, Commissioner for Human Rights of the Republic of Poland, stated that the Commissioner's Office would use the data from the research in its actions aimed at protection of human rights in Poland.

Contributions and opinions from representatives of surveyed populations

Ms. Anna Łukjanowicz, representative of the Muslim Culture Centre in Warsaw, despite the high number of cases presented, expressed concern that in reality the number may be even higher. She said that since 2015 there had been more cases of intolerance against Muslims. She underlined the role of the media in constructing the negative narrative. She also said that in Poland the term "refugee" and "Muslim" were used interchangeably. She added that a common reason for underreporting was fear, including fear that the police would not take the incidents seriously, lack of trust in the police and undocumented status. She added that it was necessary to invest in prevention through education.

Mr. James Omolo, representative of the Africa Connect Foundation, explained that using the term "Sub-Saharan" instead of "black" might have led to lower reports, because it did not encompass people coming from other parts of the world. He remarked that underreporting remained a major problem. He added that hate crime escalated in Poland after 2015 due to political rhetoric and that the terms "refugee" and "migrant" overlapped. He also stated that, the police often victimized the persons belonging to the community when they were reporting. He said that legal status played a role in decision on reporting and that undocumented individuals would not report. He also mentioned that often victims do not report incidents for fear of retaliation. He expressed an opinion that the police needs to do a lot in terms of cultural competency and awareness.

Ms. Myroslava Keryk, representative of "Our Choice" Foundation that assists migrants from Ukraine, mentioned several reasons for non-reporting the incidents. She specifically mentioned the insufficient knowledge of the law and one's rights, lack of knowledge about where to report, presuming that it was the victim's responsibility to present evidence, lack of trust in the police and institutions (as a stereotype brought from home country), unwillingness to criticize the receiving society and lack of proficiency in the Polish language. She added that the community needs awareness raising. She emphasized that the victim's legal status played a role because the Polish police have the obligation to report a person staying in the country illegally.

Academic panel on surveying migrant populations

Ms. Agata Górny, representative of the Center for Migration Studies at the Warsaw University, described challenges in researching migrants in Poland resulting from the fact that some people had an unregulated status and there were numerous short-term migrants, which were difficult to capture in a research. She outlined the basic principles regulating the RDS method: respondents recruit one

another, they must see themselves as a group and form a network, respondents must specify how many persons they know from the given group and randomly select the next respondent.

Mr. Mikołaj Winiewski, representative of the Center for Research of Prejudice at the Warsaw University, commented on the use of PTSD and depression indicators in the course of the research. He said that the results obtained in the study should be carefully examined because the concepts such as depression and PTSD might differ in different cultures. Moreover, experience of the “third culture kids” (second generation of migrants) might also be different. Therefore, when comparing the results, researchers should consider these filters as well.

Mr. Sami Nevala, Head of Sector Statistics and Surveys, Freedoms and Justice Department at the EU Agency for Fundamental Rights, presented the research on hate crime conducted by the EU FRA. He also informed participants about other research aimed to improve existing data collection on hate crime and the functioning of a sub-group on data collection. He announced that in July 2018, FRA planned to adopt a set of guidelines for EU member states.

Q&A session

Discussion referring to the academic panel revolved around the advantages and challenges of engaging interviewers belonging to the researched community.

Ms. Aleksandra Gulińska, representative of Homo Faber Association, shared her experience related to an interviewer (in a different study) who would censor the responses in order to show the community in better light. Mr. Mikołaj Winiewski agreed that some minorities tended to present their situation to be better than the reality in order not to aggravate their condition. He also informed participants that the question might either belong to the domain of sociology dealing with relations between majority and minority populations, or result from cultural factors influencing the willingness and frequency of reporting crimes to the authorities. Mr. Sami Nevala informed that hiring interviewers from the researched community proved to be helpful in terms of cultural competence and knowledge of language, but that the researchers might be dealing with close-knit communities and therefore data obtained might not be objective. It proved to be efficient to use facilitators from the communities to establish contact with respondents, while not conducting the actual interview.

Discussion

Mr. Piotr Tyma, President of Association of Ukrainians in Poland, gave his opinion of the presented information. He declared that the lack of procedural action by the law enforcement agencies when reporting an incident negatively influenced the overall trust in the institutions. He also said that the politics of bringing past and controversial events in the Polish-Ukrainian history into focus over the past years in Poland influenced the frequency of anti-Ukrainian hate crimes. He said that education alone would not be sufficient and the civil society and institutions should work more to address the above deficiencies.

Mr. Krzysztof Łaszkiwicz, Plenipotentiary for Human Rights Protection at the National Police Headquarters, informed the participants that the existing narrative on hate crimes was important. He pointed out the lack of systemic approach when it came to data collection. He expressed an opinion that the focus of institutions should be reoriented to the dark number of hate crimes rather than those reported to the police. In his opinion, it was also necessary to focus more on victims of hate crimes, to use innovative tools to discover the scale of unreported hate crime and to build academic awareness of the issue. He also remarked that rising numbers of hate crimes might also result from greater awareness efforts by the police.

Ms. Maria Pamuła, Protection Officer at United Nations High Commissioner for Refugees in Poland, informed the participants that the institution attempted to acquire information on hate crimes for reporting purposes. She also mentioned holding regular meetings with affected communities, which reported an increasing number of incidents. She agreed that a person staying in the country illegally would not report the incident to the police and she pointed out that there was low legal awareness among the affected community members. She also noted that UNHCR has noted that number of incidents have been increasing since 2016.

Closing remarks

Ms. Sylwia Spurek, Deputy Commissioner for Human Rights for Equal Treatment of the Republic of Poland, delivered the closing remarks. She said that the ways to ameliorate the situation was to introduce an effective law (defining specific legal provisions), to educate and to collect reliable data. She underlined that standards of public debate should be guarded and that the language used in the public domain should not contribute to the overall anti-immigrant sentiments.

Conclusions

Participants of the workshop agreed to the following conclusions:

- The results of the “Survey on the nature and scale of unreported hate crimes against members of selected communities in Poland” indicates a large scale of underreporting. The data shows discrepancy with the statistics related to reported hate crimes;
- In order to improve the situation it is necessary to introduce effective laws, to educate persons about their rights and to collect reliable data. All these elements require legislative means and political will on behalf of the authorities;
- Respondent Driven Sampling as a research method is an adequate tool to research hate crime in selected hidden populations. Experience gained in the project will be described in a full report and a detailed methodology how to design such a survey will be a part of the toolkit developed under the project;
- A systemic problem that hinders reporting from persons with unregulated stay in Poland is the obligation of the police to report such an individual to migration authorities.

**“BUILDING A COMPREHENSIVE CRIMINAL JUSTICE RESPONSE TO HATE
CRIME”**

**NATIONAL WORKSHOP ON
SURVEY ON THE NATURE AND SCALE OF UNREPORTED HATE CRIMES
AGAINST MEMBERS OF SELECTED COMMUNITIES IN POLAND**

Warsaw, Długa 23/25

27 June 2018

Agenda

- 9:00-09:30 Registration of participants, welcome coffee
- 9:30-10:00 Opening remarks
Sylvia Spurek, Deputy Human Rights Commissioner for Equal Treatment
Katarzyna Gardapkhadze, First Deputy Director, ODIHR
- 10:00-
10:15 Presentation of overall project activities
Tome Shekerdjiev, Project Manager, ODIHR
- 10:15-
10:45 Outlining experiences, good practices and lessons learned for preparing a
survey on unreported hate crimes using the Respondent Driven Sampling
(RDS) method in Poland
Jacek Mazurczak, Expert
- 10:45-
11:15 Coffee break
- 11:15-
12:15 Results of the “Survey on the nature and scale of unreported hate crimes
against members of selected communities in Poland”
Jacek Mazurczak, Expert
Krzysztof Chmielewski, Senior Research Manager, IPSOS
- 12:15-
13:15 Lunch
- 13:15-
14:15 Giving the floor to the communities. Discussion with panellists from surveyed
communities.
Myroslava Keryk, The Foundation "Our Choice"
Anna Łukjanowicz, Center of Muslim Culture
James Omolo, Africa Connect Foundation
- 14:15-
15:15 Research on migrants as a methodological challenge. Discussion with
panellists from academia.
Agata Górny, Center for Migration Studies (University of Warsaw),
Mikołaj Winiewski, Center for Research on Prejudice (University of Warsaw),
Sami Nevala, Head of Sector Statistics and Surveys, Freedoms and Justice

Department (EU Agency for Fundamental Rights)

- 15:15- Discussion with the participants of the workshop and concluding remarks
16:00 ***Tome Shekerdjiev***, Project Manager, ODIHR
Jacek Mazurczak, Expert
- 15:50- Closing remarks
16:00 ***Sylwia Spurek***, Deputy Human Rights Commissioner for Equal Treatment

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