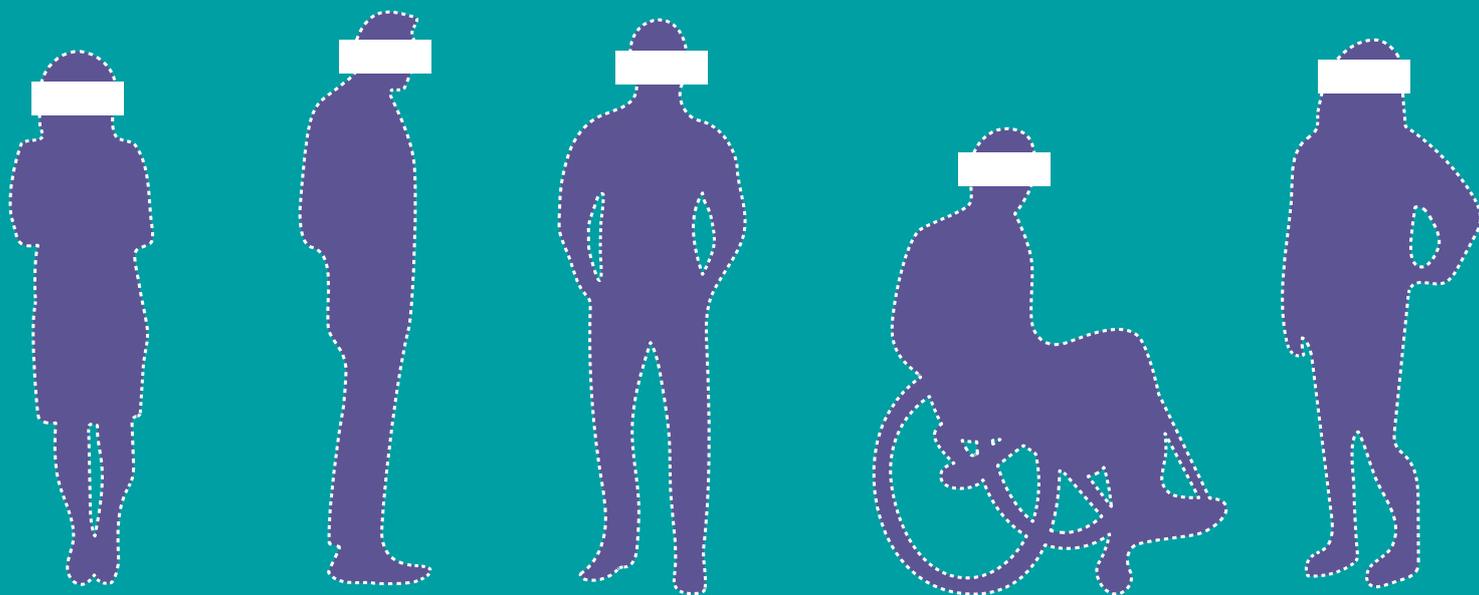


Racist and Xenophobic Hate Crime



How to Recognize Racist and Xenophobic Hate Crimes

Hate crimes motivated by racism and xenophobia can take a range of forms, targeting people from diverse groups across the OSCE region. While some communities are particularly vulnerable, any ethnic or racial group can be the target of racism. The nature of these crimes ranges from graffiti to murder. Racist and xenophobic hate crimes send a message of exclusion to victims and their communities, and to society as a whole. The existence of such crimes also underscores wider trends of intolerance towards other groups. Everyone has a role to play in addressing this and all forms of intolerance. This factsheet highlights the impact of such crimes and provides guidance on identifying racist and xenophobic hate crimes.

towards the protected characteristic(s) during the crime.

What Are Racist and Xenophobic Hate Crimes?

Racist and xenophobic hate crimes are **criminal offences motivated by the bias of racism or xenophobia**. Such crimes target people, property, or associations connected to people or groups due to their actual or perceived race, ethnicity, language, migration status, etc. The prejudice manifests itself either in the selection of the target (e.g., a cultural club frequented by migrants) or in racist and xenophobic hostility expressed during the crime. Racist and xenophobic hate crimes can target both majority and minority groups.

Racist and xenophobic hate crimes may also target people or property due to their association, professional affiliation with, or activism on addressing racism and xenophobia, such as civil society organizations working with refugees and other migrants or racialized minorities.

Any individual or group, regardless of their race or ethnicity, can be a victim of racist and xenophobic hate crime. However, racist and xenophobic hate crime disproportionately affects minority communities of colour, e.g., people of African or Asian descent and Roma and Sinti.

Racist and xenophobic hate crimes can take many different forms. Victims may be targeted

What Is Hate Crime?

**Criminal Offence
+ Bias Motivation
= Hate Crime**

- Hate crimes comprise two elements: a criminal offence and a bias motivation.
- First, hate crimes require a base offence to have occurred. In other words, the act committed must constitute an offence under criminal law. If there is no underlying crime, there is no hate crime.
- The second element of a hate crime is that the perpetrator must commit the criminal act with a particular bias motive or motives (such as a bias against a victim's disability, religion, ethnicity, colour and/or their gender). The presence of a bias motive is what differentiates hate crimes from other crimes.
- A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of one or more protected characteristics, or expressed hostility



Nyamusi Nyambok from the Afro-Swedish National Association (Afrosvenskarnas Riksorganisation) speaking during ODIHR's 2018 Human Dimension Implementation Meeting working session on combating racism, xenophobia, intolerance and discrimination in Warsaw, 20 September 2018. (OSCE/Piotr Markowski)



Hundreds of participants at a youth lead anti-Asian violence march in San Francisco, CA, 26 March 2021. (Sheila Fitzgerald / Shutterstock.com)

because of the colour of their skin, their ethnic background, or speaking a foreign language.

Women and men experience racist and xenophobic hate crimes in different ways, highlighting the need to take a holistic and multi-dimensional approach to addressing such crimes by considering the multiple identities of the victims.

Since 2002, OSCE participating States have committed themselves to address racism, xenophobia, discrimination and intolerance, and to prevent and respond to hate crimes.

How to Recognize Racist and Xenophobic Hate Crimes

There are a number of indicators that can help to identify racist and xenophobic bias in a potential hate crime. Such indicators, known as “bias indicators”, can prompt law enforcement authorities to investigate a crime as a racist and xenophobic hate crime, enabling a tailored response.

The following questions can help identify racist and xenophobic hate crimes:

- Do the victims or witnesses perceive the incident to have been motivated by racism and xenophobia?
- Were there comments, written statements, gestures or graffiti that indicate bias? This can include the use of racist and xenophobic insults, tropes, stereotypes and prejudices.
- Was the targeted property a place of professional, legal or cultural significance, such as an anti-racist association, a cultural club and/or other places that may be frequented by individuals of a specific racial/ethnic background or refugees and other migrants?
- Was the property previously targeted in a racist and

xenophobic hate incident or crime? Did the property damage include racist epithets?

- What was the nature of the violence? Were symbols representing certain racial/ethnic groups targeted?
- Was the victim “visibly identifiable” as belonging to a particular racial or ethnic group? Is the suspect a member of a different ethnic or racial group to that of the victim?
- Was the victim a refugee or another type of migrant? Was the target associated with accommodating or providing for refugees and other migrants, such as a shelter?
- Does the suspect belong to a hate group? These could include different far-right groups or groups advocating racist and xenophobic intolerance.
- Were drawings or graffiti of symbols, such as a Nazi symbol or a Celtic Cross, among others, found at the scene of the crime or incident?
- Did the incident occur on a significant date, either for the perpetrator or the affected communities, whether for historical, political or religious reasons?
- Did the incident refer to or take place in an area of an ongoing or past inter-ethnic conflict?
- Is there any other clear motive? The lack of other motives is also a reason to consider a bias motivation.

Racist and xenophobic hate crimes should be monitored and recorded as a separate category of crimes. Where a crime is committed with multiple bias motives, each of these biases must be recorded and addressed during its investigation and prosecution. Data on racist and xenophobic hate crimes should be collected and disaggregated by gender to

better understand the extent to which women and men are affected by such crimes, and to identify appropriate counter measures. When investigating and addressing racist and xenophobic hate crimes, it is important to consider the possible multiple identities of the victim (such as religion, ethnicity and gender), as this can have significant ramifications for individual victims.

Reporting, Preventing and Responding to Racist and Xenophobic Hate Crimes

Racist and xenophobic hate crimes, like all hate crimes, are under-reported by victims and under-recorded by authorities, for numerous reasons. This makes it difficult to obtain an accurate picture of the problem.

Effective access to justice remains a critical challenge for victims, and one that OSCE participating States need to address. Governments have a central role in ensuring access to justice, from the initial assessment of victims’ needs by police officers to

guaranteeing the provision of relevant protection and support to each victim. Failure to effectively investigate hate crimes – including those motivated by racism and xenophobia – can have a detrimental effect on victims and society at large.

Many civil society groups countering racism and xenophobia have recognised the importance of hate crime monitoring, including as an advocacy tool, and are developing their monitoring capacities through outreach and online reporting.

To be effective, police responses and government policies to counter racist and xenophobic hate crime must be evidence-based and draw on official hate crime data, as well as on reports from civil society and international organizations. Increased public awareness of hate crime, hate crime recording by states, measures to encourage reporting by victims, and civil society monitoring and reporting will all help reveal the scope of the problem in more detail, enabling policymakers to identify appropriate responses.

Examples of Racist and Xenophobic Hate Crimes

- A Black female legislator was killed when she was shot at and stabbed. Racist chants were made during the murder.
- A Senegalese man was shot at by perpetrators riding a scooter in the street at night. The victim suffered leg injuries, was hospitalized, and required surgery.
- Several female asylum seekers wearing headscarves were repeatedly subjected to xenophobic insults and had objects thrown at them. The incidents intensified during the Muslim holy month of Ramadan.
- An ethnic Albanian boy was subjected to xenophobic and racist insults and pushed in front of a bus.
- The employees of several civil society organizations working with migrants and refugees were threatened by a hate group.
- A memorial to the Roma victims of a World War II concentration camp was vandalized with anti-Roma inscriptions. Several refugees housed in refugee centres were threatened after converting to Christianity.

What Can You Do?

There are a number of organizations that can assist victims of hate crime. Equality bodies, ombuds institutions addressing discrimination, and civil society organizations play a central role in countering hate crimes. They serve as vital links between victims, communities and local authorities. You can contact your local support association or ombuds institution, as well as the organizations below, to find out more about racist and xenophobic hate crimes.

- European Roma Rights Center (ERRC): www.errc.org
- European Network against Racism (ENAR): www.enar-eu.org
- Equinet – the European Network of Equality Bodies: www.equineteurope.org
- The International Ombudsman Institute (IOI): theioi.org
- The European Network of National Human Rights Institutions (ENNHRI): ennhri.org

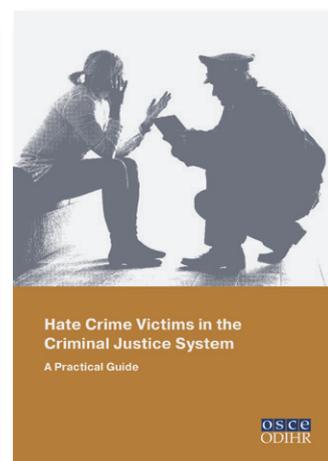
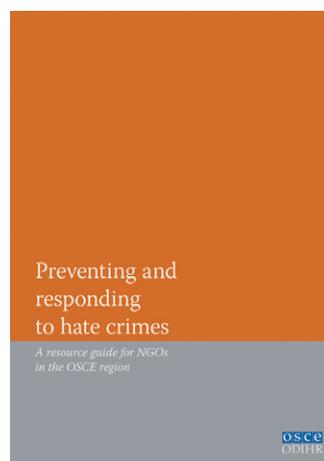
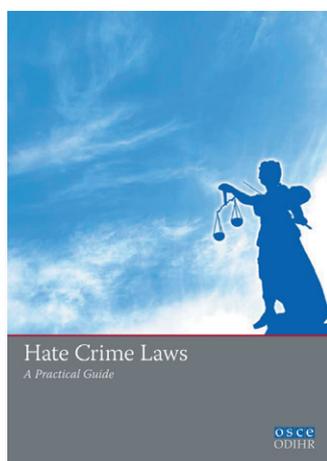
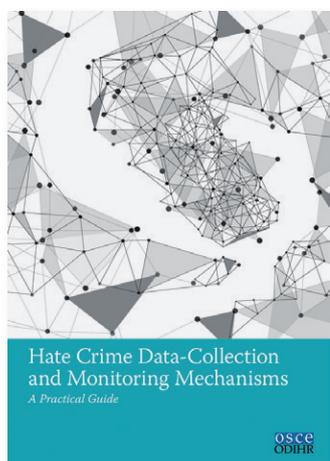
ODIHR Guides on Hate Crime

ODIHR has compiled good practices from OSCE participating States on addressing hate crime and has shared those through a number of publications, available on our website at:

www.osce.org/odihr/guides-related-to-hate-crime

ODIHR has been collecting and publishing data on anti-Christian hate crimes since 2006. Find out more about anti-Christian hate crimes and how civil society organizations can report incidents to ODIHR by visiting our dedicated hate crime reporting website at:

www.hatecrime.osce.org



More information:

For detailed information about ODIHR's hate crime initiatives and to view its full range of resources and publications, please visit:

www.osce.org/odihr/tolerance

OSCE Office for Democratic Institutions and Human Rights

ul. Miodowa 10
00-251 Warsaw
Poland

Tel.: +48 22 520 0600
Fax: +48 22 520 0605
E-mail: tndinfo@odihr.pl

