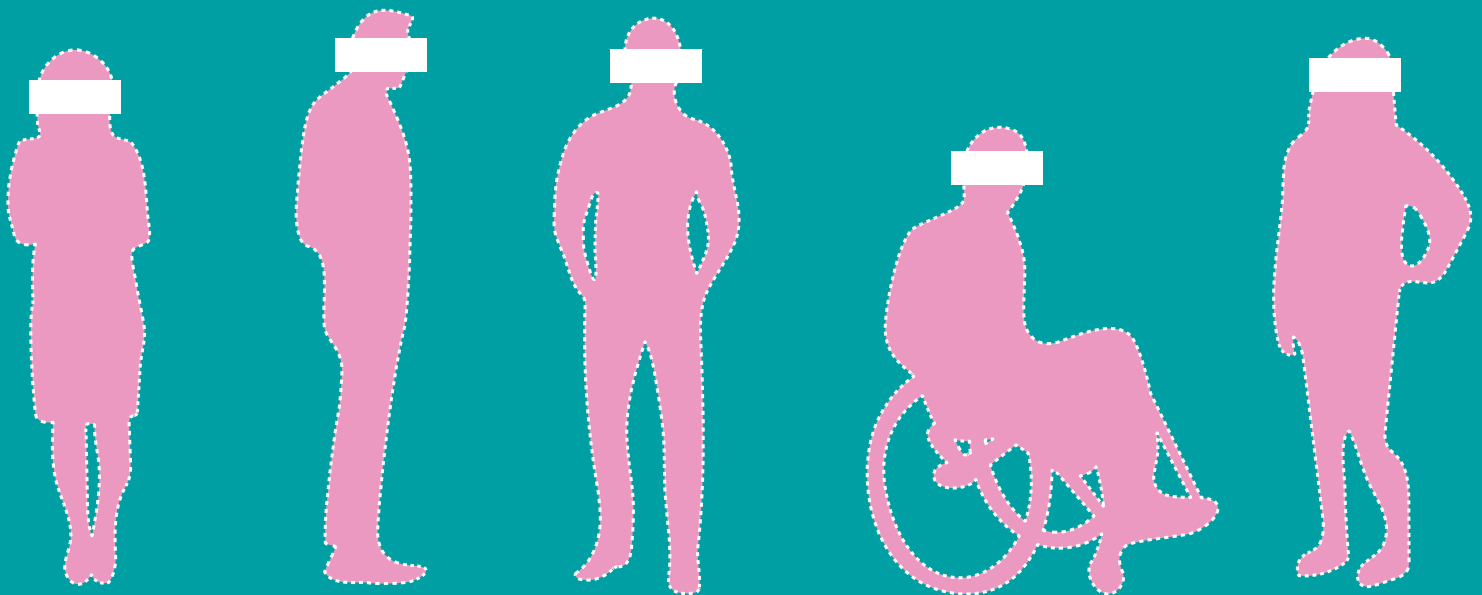


Hate Crime against People with Disabilities



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People with disabilities are regularly the targets of hate crime. Disability hate crime remains widely hidden and misunderstood. These crimes often have unique characteristics that differentiate them from other types of hate crimes. For example, many are committed repeatedly over years and involve people who are close to the victims. Recognizing the magnitude of the problem is the first step in effectively countering these crimes.

What is hate crime?

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

Hate crimes comprise two elements: a criminal offence and a bias motivation.

- Hate crimes require a base offence to have occurred. In other words, the act committed must constitute an offence under ordinary criminal law. If there is no underlying crime, there is no hate crime.
- The perpetrator must commit the criminal act with a particular motive, referred to as a "bias". It is this element of bias motive that differentiates hate crimes from ordinary crimes. This means that the perpetrator intentionally chose the target of the crime because of a protected characteristic or expressed hostility during the crime.

What is disability?

Disability and impairment are two separate things. A person with disability is someone *with an impairment who experiences disability*.

A number of negative views have developed in societies towards people with disabilities. Some of these stereotypes hold that people with disabilities are dependent, uneducable, unemployable and unproductive, and that they are, therefore, in need of institutionalized care, sheltered employment and welfare. This prejudice related to the health of a person is the primary reason for discrimination and disadvantage, and can be the motive for hate crimes.



Participants at a workshop on combating hate-motivated crimes against people with disabilities, organized by ODIHR and the European Network of Independent Living (ENIL).



Ales Giau Hanek, ODIHR Hate Crime Officer, presenting at a OSCE/ODIHR-organized workshop on hate crime against people with disabilities.

What is disability hate crime?

Disability hate crimes are motivated by prejudice towards people with disabilities, such as the prejudice described above. Perpetrators may target people with disabilities, or people who are perceived to have a disability, because they are considered to be vulnerable due to the symptoms of their impairment or health condition. The perception of all people with disabilities as vulnerable ultimately minimizes or disregards the social factors associated with their participation and inclusion within society, and is prejudicial.

This prejudice manifests itself either in the selection of the target, or in expressions of hostility towards people with disabilities in a crime. For example, selectively targeting people with disabilities because they are considered “easy targets” is an expression of bias and is, therefore, considered a hate crime.

How can you recognize these hate crimes?

There are a number of indicators that can identify a bias against people with disabilities. Incidents can include one or more of the following elements:

- Incidents escalate in severity and frequency;
- Physical attacks target disability aids, for example canes or hearing aids;
- Sustained attacks, excessive violence;
- False accusations of the victim being a “paedophile”, of informing on others or of spoiling fun for others;
- Cruelty, humiliation, degrading treatment, often related to the nature of the victim’s disability;
- Perpetrators are often known to the victims, they can be so-called “friends”, care givers, acquaintances or neighbours;
- Attacks may take place in care institutions and be carried out by staff;
- Theft by people close to the victim, such as care givers or family members; and
- Multiple perpetrators are involved in incidents, condoning and encouraging the main offender(s).

Reporting hate crime against people with disabilities

Hate crimes against people with disabilities are critically under-reported. There are a host of challenges to reporting this type of hate incident, notably the victims’ potential isolation or proximity to the perpetrator, the fear that their claim will not be taken seriously and the risk that law enforcement officers will not recognize the severity of this type of hate crime.

Access to justice remains a critical challenge. Governments have a central role to play in ensuring this access, from the initial assessment of victims’ needs by police officers to support mechanisms for victims, through governmental or non-governmental institutions.

Developing effective police responses to counter these crimes is dependent on collecting reliable data. As states, civil society groups and individuals recognize hate crimes against people with disabilities and their impacts, increased awareness, reporting by victims and recording by states will help reveal the full magnitude of the problem and enable policy makers to identify the appropriate responses.

ODIHR has been collecting and publishing data on hate crimes against people with disabilities since 2006. Find out more about these crimes and how to report them to ODIHR at hatecrime.osce.org.

Examples of Disability Hate Crime

- 1) A woman using a wheelchair reported being subjected to on-going violence from her neighbours over a period of three years. What began with verbal assault based on her impairment culminated in physical assault, during which the victim was pulled out of her wheelchair.
- 2) Following years of cruel mistreatment and abuse of patients with disabilities, six workers at a care home were given prison terms. The care givers were filmed assaulting patients by slapping them, pinning them under chairs, taunting and verbally abusing them.
- 3) A man with an intellectual disability was targeted by a group and beaten to death. The perpetrators took advantage of the victim, befriending him under false pretences to get him to spend his money on alcohol and cigarettes for them over a period of three months. It emerged during the court proceedings that the perpetrators had made a bet to see who could knock out the victim first, and repeatedly beat him over the course of an evening. One of the perpetrators used a derogatory expression insulting the victim’s intelligence.

Landmark Ruling

Over a period of four years Dalibor Đorđević, a Croatian man with a physical impairment and a learning disability, was the subject of on-going abuse and violent physical assaults. Police intervened when called upon, but they did not take concrete action. In 2012, the European Court of Human Rights stated in a landmark ruling that the state had failed in its responsibility to protect him from continued abuse. This was a victory for Đorđević and for people with disabilities who face intolerance in their daily lives, re-emphasizing the role authorities must play to effectively counter hate crimes against people with disabilities.

What can you do?

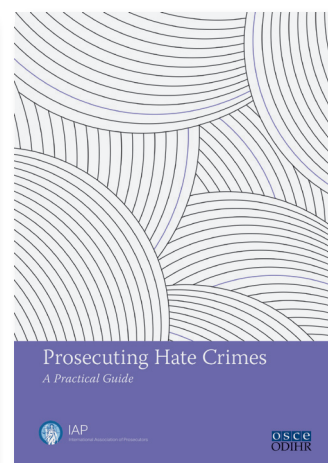
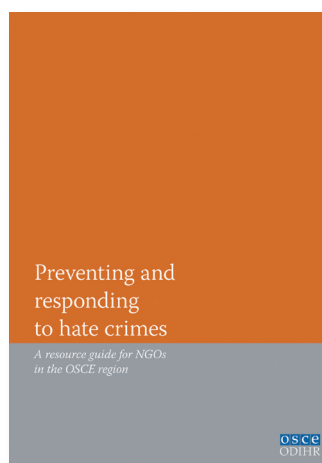
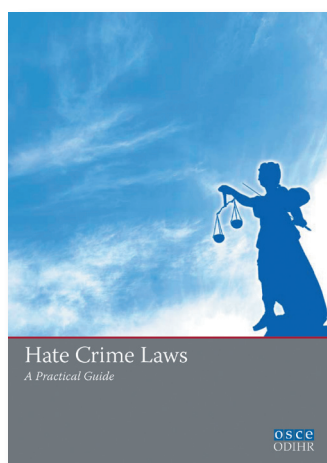
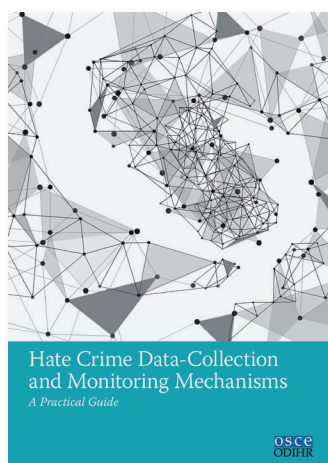
Ombuds Institutions addressing discrimination and local associations working with people with disabilities provide invaluable assistance to hate crime victims. Contact your local support association or Ombuds Institution to find out more about hate crimes against people with disabilities:

- European Network on Independent Living (ENIL): www.enil.eu/about-enil/membership
- The International Ombudsman Institute (IOI): www.theioi.org/ioi-members

ODIHR guides on hate crime

ODIHR has compiled good practices from OSCE participating States and have shared those through a number of publications. These publications are available on our website at: www.osce.org/odihr/124602

Visit ODIHR's 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

