

Preventing and responding to hate crimes

*A resource guide for NGOs
in the OSCE region*

Published by the OSCE's Office for Democratic Institutions and Human Rights
(ODIHR)

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Foreword

Every year, thousands of people in the OSCE area are victims of violent manifestations of intolerance. Individuals are threatened, insulted and attacked because of their perceived affiliation with a group that shares a particular characteristic, such as “race”, language, religion or any other similar aspect. Cemeteries, religious buildings and memorials are desecrated because they are identified with one or more of these groups.

Hate-motivated crimes and incidents have a stronger impact on victims than “ordinary” crimes: They send a message to entire communities. The message is that these communities should be denied the right to be part of society. Hate crimes instil fear far beyond the boundaries of a municipality or state and, therefore, have the potential to escalate and lead to larger-scale conflicts.

In recognition of this phenomenon and the danger it poses, OSCE participating States have strengthened their commitments and developed instruments to ensure a more robust and effective response in combating such crimes and incidents. While acknowledging that the responsibility for combating hate crimes lies primarily with state authorities, the OSCE has also recognized the crucial role civil society can play in this endeavor.

Civil society has often been at the forefront of recognizing the early signs of and fighting against intolerance and discrimination. Since civil society representatives live in the midst of communities, they are able to witness acts of intolerance before they are reported to the police; they can provide assistance to victims while the authorities have yet to set up appropriate mechanisms. Civil society leaders have also often reminded state authorities of their duties to report and respond to hate crimes and to protect everyone. In some states, civil society has been instrumental in empowering communities to induce social change and inspire legal reforms.

Supporting civil society in its efforts to combat discrimination and foster a climate of peace lies at the core of ODIHR’s mandate. The ODIHR Resource Guide on Preventing and Responding to Hate Crimes is thus part of a wider programme aimed at supporting civil society to devise, develop and implement adequate strategies against hate crimes. Hoping that this publication will become a standard reference, I encourage all users to send to ODIHR any feedback or information they feel will benefit future editions.

The publication of the ODIHR Resource Guide on Preventing and Responding to Hate Crimes would not have been possible without the expertise civil society has generously shared with ODIHR. I wish to thank warmly all those who have contributed to the development of the Guide.

Ambassador Janez Lenarčič
Director of the OSCE Office for
Democratic Institutions and Human Rights

Introduction

Crimes motivated by prejudice, also known as hate crimes or bias crimes, occur all over the world.

Respect and equal rights for all are necessary foundations to any stable society. Crimes motivated by prejudice against people because of their identity are incompatible with these values. For governments, hate crimes that go unchecked pose a serious security challenge, as individual acts can spiral into civil unrest. In the most extreme situations, they can lead to wars within and across national borders.

Although the primary responsibility for preventing and punishing hate crimes must lie with the state, NGOs have proven they have an important part to play in breaking this cycle of violence.

This resource guide aims to assist NGOs working to prevent and respond to hate crimes in the OSCE region by providing essential tools for their work in a simple but comprehensive document.

The guide provides information on hate crimes in the OSCE region, measures by governments and civil society to combat them, and examples of strategies that NGOs have found useful and effective.

Background

Hate crimes are destructive to both individual freedoms and community safety. Where they go unpunished, hate crimes challenge the rule of law. Governments have increasingly recognized that violent hate crimes can be a threat to international security and, to this end, the 56 OSCE participating States have made numerous commitments to combat intolerance and discrimination.

The OSCE has given particular attention to hate crimes, on the grounds that they are among the most dangerous manifestations of intolerance. The OSCE's Ministerial Council has repeatedly reaffirmed the threat hate crimes pose to the security of individuals and to social cohesion, as well as their potential to lead to conflict and violence on a wider scale.¹

1 See, for example, OSCE Ministerial Council Decision No. 10/07, "Tolerance and Understanding, Promoting Mutual Respect and Understanding", Madrid, 30 November 2007, <http://www.osce.org/documents/mcs/2007/12/28629_en.pdf>.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has been tasked with supporting state and civil society actors in their efforts to prevent and respond to hate crimes.² The unique geographical and political scope of the OSCE enables ODIHR to bring together people and ideas from Europe, Central Asia and North America. Increasingly, governments and civil society in the OSCE region have worked in coalition to develop and implement a number of groundbreaking efforts to combat hate crimes.

The role of ODIHR

ODIHR monitors and reports on hate crimes and responses in the OSCE region as part of its mandate, with the goal of assisting participating States in responding more effectively to hate-motivated crimes and incidents. An annual report is prepared on the basis of data submitted by participating States, international organizations, NGOs and media reports.³

ODIHR has developed programmes to assist participating States in combating hate crimes more effectively. These range from undertaking workshops with government ministries responsible for data collection and criminal-justice matters, to training law enforcement agencies and prosecutors, and providing teaching materials for educators. Developing links with and supporting civil society organizations is an important element of this work. ODIHR has developed training programmes and other activities for the prevention and combating of hate crime.

ODIHR also maintains two publicly accessible Internet resources. Legislation-line⁴ contains legislative resources from OSCE countries relating to areas of ODIHR activities, including hate crimes. In addition, TANDIS,⁵ the Tolerance and Non-Discrimination Information System, provides easy access to information on issues related to tolerance and non-discrimination throughout the OSCE region. Both sites have English and Russian interfaces. Through TANDIS, NGOs are able to submit information on hate crimes and incidents, as well as on civil society and government initiatives. Many of the additional resources mentioned in this guide can be found on TANDIS.

2 OSCE Ministerial Council, Decision No. 13/06, "Combatting Intolerance and Discrimination and Promoting Mutual Respect and Understanding", Brussels, 5 December 2006, <http://www.osce.org/documents/mcs/2006/12/22565_en.pdf>.

3 For the most-recent publications, see the ODIHR website at <<http://www.osce.org/odihr/publications.html>>.

4 <<http://www.legislationline.org>>.

5 <<http://tandis.odihr.pl>>.

The Role of NGOs

Although the primary responsibility to combat hate crimes lies with local and national authorities, NGO action can be decisive in convincing governments to address hate crimes and in guiding their response.

NGOs can combat hate crimes in a number of different ways, such as:

- Working with governments to improve legislation;
- Monitoring and reporting incidents;
- Acting as a voice for victims of hate crimes, especially by serving as intermediaries with the authorities;
- Providing practical assistance to victims of hate crimes, such as legal advice, counselling and other services;
- Raising awareness about the existence of discrimination, intolerance and hate crimes; and
- Campaigning for action to meet the challenge of hate crimes.

Human Rights Defenders

“Human rights defender” is a term applied broadly to a person who acts to promote or protect human rights, individually or in concert with others. Human rights defenders, whether individuals or members of NGOs, are identified, above all, by what they stand for and what they do. Human rights defenders and others who actively oppose discrimination and hatred are also among the victims of hate crimes, as they are sometimes targeted for their association and solidarity with the victims of discrimination. In this context, states have recognized the need to protect human rights defenders. Some hate crime laws are drafted to specify that attacks against human rights defenders in response to their anti-discrimination activities should also be considered hate crimes.

The Resource Guide

This resource guide was written to assist NGOs in their day-to-day work. It details how and why NGOs can combat hate crime. This guide assumes some prior knowledge of hate crimes. As it is designed as a practical tool, this publication does not contain statistics or technical analysis of hate crimes, nor is it focused on legal issues. NGOs that would find such information useful should

refer to the ODIHR annual hate crimes report and the ODIHR publication *Hate Crime Laws: A Practical Guide*.⁶

An important element of this guide is the use of examples of successful projects from across the OSCE area.

The guide deals with the key issue areas in which NGOs may be working and, therefore, the chapters are organized in that manner.

6 Available on line at <http://www.osce.org/odihr/item_11_36671.html>.

CHAPTER 1

Key Concepts and Arguments

Hate Crimes: Understanding the Phenomenon

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people.

A hate crime therefore comprises two distinct elements:

- It is an act that constitutes an offence under criminal law; and
- In committing the crime, the perpetrator acts on the basis of prejudice or bias.

Thus, the perpetrator of a hate crime selects the victim based on the victim's *membership or perceived membership* of a particular group. Where the crime involves damage to property, the property is chosen because of its association with a victim group and can include such targets as places of worship, community centres, vehicles or family homes.

Prejudice or bias can be broadly defined as preconceived negative opinions, intolerance or hatred directed at a particular group. The group must share a common characteristic that is immutable or fundamental, such as “race”, ethnicity, language, religion, nationality, sexual orientation, or other characteristic.⁷

Hate crimes occur even in countries without hate crime laws: The term describes a phenomenon, not a legal concept and, for that reason, laws that deal with this issue vary widely across the OSCE.⁸ Many governments believe there are no hate crimes being committed in their countries, so there is no need to take action to

7 It is important to note that there remains no clear consensus among OSCE participating States about the specific inclusion of this ground for discrimination within the OSCE commitments and that not all participating States officially recognize the category of “sexual orientation” within their national legislation.

8 This, along with the constituent elements of hate crime laws, is described in more detail in *Hate Crime Laws: A Practical Guide*, (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2009), <http://www.osce.org/odihr/item_11_36671.html>.

combat them. But the available evidence suggests strongly that hate crimes do occur, to a greater or lesser extent, in all countries.⁹

The prejudices or biases at the base of hate crimes vary. People may be targeted for hate crimes because of their “race”, religion, sexual orientation or other factors. People with mental or physical disabilities or migrants are frequently the targets of hate crimes. Additionally, it is important to bear in mind that the motives for a hate crime can be mixed with other factors, so a crime may have aspects both of racism and economic gain, for example. A hate crime does not have to involve “hate”; any crime committed with a bias motive is considered a hate crime.

Hate crimes can be committed by people with no record of bias-motivated activities or other criminal behaviour. Despite popular perceptions, hate crimes are not always committed by members of far-right groups or ideological movements. For these reasons, hate crimes are very complex phenomena that can be hard to recognize and respond to.

Hate-Motivated Incidents

An act that involves prejudice and bias of the sort described above but does not amount to a crime is described as a “hate-motivated incident”. The term describes acts motivated by 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.

The incidents can be precursors to more serious crimes. Records of hate-motivated incidents can be useful to demonstrate not only a context of harassment, but also provide evidence of escalating patterns of violence.

Data on both hate-motivated incidents and hate crimes provide important indicators of the state of public security and actual levels of violence affecting particular communities. For this reason, in some countries hate-motivated incidents are recorded in addition to and separately from hate crimes. This is discussed further in Chapter 4: Data Collection, Monitoring and Reporting.

9 See *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation and National Initiatives* (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2007), <http://www.osce.org/odihr/item_11_33850.html>. The European Crime and Safety Survey 2005 put the average portion of the population of EU countries that had been victim to hate crimes at 3 per cent, with wide variations in numbers between countries.

Hate crimes should be distinguished from discrimination. Although hate crimes can be seen as an extreme example of discrimination, and most NGOs that work to combat hate crimes also work to combat discrimination, it is important to retain a distinction between the two concepts. Acts of discrimination lack the essential element of an act constituting a crime. Discrimination issues are dealt with under civil law, even if the penalty is a criminal sanction. The legal and institutional frameworks governing discrimination and hate crimes, therefore, are different.

Hate Crime and Hate Speech

Forms of expression that are motivated by, demonstrate or encourage hostility towards a group — or a person because of their membership of that group — are commonly referred to as “hate speech”. Since hate speech may encourage or accompany hate crimes, the two concepts are interlinked. In this guide, the term “hate crime” is used to describe acts and not discriminatory views or hate speech alone.

States differ considerably as to which forms of expression constitute crimes. Direct and immediate threats of violence, as well as incitement to violence, are crimes in all OSCE participating States, hence these crimes can be prosecuted even without a bias motive. Beyond this, however, there is no consensus on what other forms of speech should be prohibited. This and other aspects of hate speech and NGO responses to it are discussed in Chapter 6: Strategies to Combat Hate Speech.

Why Are Hate Crimes Different from Other Crimes?

The impact of hate crimes can be far greater than that of crimes without a bias motive, particularly in their impact on individual victims, those immediately associated with them and wider society. This greater impact is one of the key reasons why hate crimes should be treated differently than the same crimes committed without a bias motivation.

Impact on the Individual

Hate crimes and hate-motivated incidents frequently leave victims in fear of future attacks and of increased violence. This fear comes from the rejection of the victims’ identity that is implicit in hate crimes. Additionally, hate crimes send the message that victims are not an accepted part of the society in which they

live. As a consequence, those attacked may experience both a sense of extreme isolation and greater and longer lasting fear than that experienced by other victims of crime.

Victims of hate crimes have been shown to experience more negative emotions than suffered by victims of other crimes.¹⁰ An unhelpful or denigrating response to victims of hate crimes can cause further harm to already traumatized people. This secondary victimization can occur, in particular, when representatives from broader society, such as police, social-service professionals, doctors or judges deny or minimize the seriousness of reported hate crimes. For many targets of hate crimes, secondary victimization leads to even greater humiliation, degradation and isolation.

Community Impact

Hate crimes have a similarly destructive impact on the family and friends of the victim and on others who share the characteristics that were the object of the prejudice and hatred behind the attack. Other members of the target group can feel not only at risk from future attacks, but may be as psychologically affected as if they were themselves the victims. These effects can be multiplied where victims are from groups that have been discriminated against and subject to prejudice for generations.

The Broader Threat to Society

When hate crimes are not thoroughly investigated and prosecuted, this can send a signal that the perpetrators are free to continue their activities, which may encourage others to commit similar crimes. Impunity for the perpetrators of hate crimes contributes to rising levels of violence. In the absence of protection from hate crime violence, minority communities lose confidence in law enforcement and government structures, leaving them further marginalized. In the worst cases, hate crimes can cause retaliatory attacks by the victim groups, creating a spiral of violence.

Patterns of violent hate crime can be an important indicator of fissures in society, and provide early warning where societies are lurching into social or ethnic conflict.

Legal Perspectives

¹⁰ A report issued by the American Psychological Association likened the symptoms exhibited by victims of hate crimes to those exhibited by individuals suffering from post-traumatic stress disorder ("Hate Crimes Today: An Age-Old Foe in Modern Dress", American Psychological Association, 1998, <<http://www.apa.org/releases/hate.html>>). A 2001 study in the United States found that victims of hate crimes suffer more significant consequences than victims of other types of crimes (McDevitt, Balbonic, Garcia and Gui, "Consequences for Victims, A Comparison of Bias and Non-Bias Motivated Assaults", American Behavioral Scientist, Vol. 45, No. 4, 2001, pp. 697-711).

Hate Crime Laws

Legislation dealing with hate crimes can take many different forms, but broadly there are three approaches. The first is to define acts that are already crimes as distinct, more serious offences (“substantive offences”) if the victim was selected on the grounds of his or her membership of a protected group.

The second approach is sentence enhancement, where the charge before the court is the same as if there were no hate motivation, but the court can or must impose a higher penalty because of the motivation, which is considered an aggravating factor.

The third form involves the creation by states of laws that mandate collection of data on hate crimes without creating criminal offences related to them, or in addition to criminal laws.

Different states’ hate crime laws differ widely with respect to the characteristics of the groups covered. In the OSCE region, legislation concerning hate crimes most commonly refers to crimes motivated by prejudice towards persons because of their membership of a group defined by “race”, religion, ethnicity or national origin. Increasingly, participating States’ hate crime laws refer also to sexual orientation, gender and disability.

Arguments for Hate Crime Laws

Even states that accept publicly that hate crimes exist do not always recognize the need for change to make their laws more effective.

NGOs have played a major role in convincing legislators of the need for and value of hate crime laws in many countries. In order to provide a simple, clear and accessible tool for drafting hate crime laws, ODIHR produced *Hate Crime Laws: A Practical Guide*. The guide outlines the major questions to be addressed by legislators, analyses the implications of different answers to those questions, and gives examples of choices made by different states while drafting these laws. The guide is intended to be used by NGOs, policymakers and legislators. It describes the main arguments for hate crime laws and is available in a number of languages.

Hate crime legislation is important for a number of reasons:

- It is a symbolic acknowledgement to potential victims, perpetrators and wider society that hate crime is taken seriously;
- The legislative process encourages discussion of the issue, which increases public awareness of hate crime;

- It mandates that law enforcement agencies consider motive, and thereby focuses their efforts;
- It enables victims to see if the law is being properly applied, and to argue their case with the authorities where it is not; and
- It facilitates the collection of more accurate data on hate crime.

In Croatia, advocacy by coalitions of human rights and anti-discrimination bodies for hate crime legislation was successful when, in June 2006, the Croatian parliament brought hate crime provisions into the criminal code. The new provision defines as a hate crime “any criminal act . . . committed for reasons of hatred towards a person on the basis of his/her race, skin colour, sex, sexual orientation, language, religion, politics or other belief, national or social background, property, birth, education, social status, age, medical status or any other attribute”.¹¹ The Women’s Network of Croatia, a coalition of more than 50 women’s and feminist organizations, was among the advocates for the legislation.

Additional Resources

Barbara Perry (ed.) *Hate and Bias Crime: A Reader* (New York, NY: Routledge, 2003).

Hate Crime Laws: A Practical Guide (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2009).

11 “Hate Crimes: 2007 Survey”, Human Rights First, June 2007, p. 2, <www.humanrightsfirst.info/pdf/07601-discrim-hate-crimes-web.pdf>.

CHAPTER 2

Recognizing hate crimes

The most common flaw in the investigation of hate crimes is the refusal or failure of law enforcement bodies to identify a criminal act as a hate crime. Therefore, for police officers and for NGOs who receive complaints or interview victims, it is essential to have some criteria by which to evaluate whether a case might be a hate crime.

Hate crime indicators are objective facts that signal that a case may involve a hate crime. If such indicators exist, the incident should be recorded as a possible hate crime and should trigger further investigation about the motive for the crime. **The existence of such indicators does not prove that the incident was a hate crime.** The proof of hate motivation will come only after a thorough and completed investigation, with a result confirmed by a court.

Hate crime indicators can be useful for NGOs, as they form an objective and consistent factual basis upon which to advocate with police or other governmental agencies for treating incidents as possible hate crimes.

Hate Crime Indicators

National experts and law enforcement agencies have developed guidelines by which to identify hate crimes, including detailed lists of hate crime indicators. While these may vary, the most common indicators are listed below.

Victim and Witness Perception

The perception of the victim(s) is a primary indicator of bias motivation. These perceptions are based on the victim's own experience with prejudice, the circumstances of the attack, their identification of the attackers and many other factors. Sometimes, witnesses' perceptions can also provide strong indicators of the apparent motive of the perpetrator.

In some OSCE countries, such as Canada and the United Kingdom, any reported crime which a victim, witness or police officer believes to have been hate motivated must be recorded and investigated as a potential hate crime.

The Conduct of the Offender

Perpetrators of hate crimes frequently make their prejudices clear before, during or after the act. The crucial evidence in most hate crimes consists of the words or symbols used by the perpetrators themselves. Those who commit hate crimes generally want to send a message to their victims and to others and these messages, from shouted epithets to graffiti, are powerful evidence of motivation.

The Characteristics of the Victim and the Perpetrator

Although hate crimes are most commonly thought of as involving attacks on members of minorities, this is not always the case. Depending on local circumstances, some hate crimes involve minority-upon-minority attacks, and sometimes minority on majority — this usually happens in places where members of a minority in a larger territory are the majority locally. Some circumstances that may be indicative of a hate crime include:

- The “race”, religion, ethnicity/national origin, disability status, gender, or sexual orientation of the victim differs from that of the offender;
- The victim is a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred;
- The victim is a member of a community that is concentrated within particular areas and was attacked upon leaving that area;
- The incident occurred during an incursion by members of a majority group into an area that is predominately populated by members of minorities (this is a pattern reflecting the historical experience of pogroms, in which attacks were carried out on a minority population that was largely confined to a particular district neighbourhood);
- The victim is a member of a minority who is attacked by a group from members of a different population group; and
- There is historical animosity between the group of which the victim is a member and that of the offender.

Characteristics of a victim that may be indicators of hate crime include:

- The victim is identifiable as “different” from the attackers and, often, from the majority community, by such factors as appearance, dress, language or religion;
- The victim is a prominent figure, such as a religious leader, rights activist or public spokesperson, in a community that has faced ongoing discrimination; and

- The victim was in the company of or married to a member of a minority group.

The characteristics, behavior and background of alleged offenders can also yield several potential indicators of hate motivation. For example:

- Statements, gestures or other behavior before, during or after the incident displaying prejudice or bias against the group or community to which the target or victim belongs;
- Clothing, tattoos or insignia representative of particular extremist movements, e.g., the use of swastikas or other Nazi insignia or paramilitary-style uniforms;
- The offender's behavior (such as making Nazi salutes or attending rallies or protests organized by hate groups) suggests possible membership in a hate organization; and
- The offender has a history of previous crimes with a similar modus operandi and involving other victims from the same minority group or other minority groups.

What Sort of Property Might be Targeted?

Indicators can also be identified in attacks on property that suggest bias motivations. The significance of a particular structure or location to communities that face discrimination can be an initial indicator that bias motivation may be involved.

Other indicators that an attack on property may be a hate crime can include:

- Property targeted has religious or other symbolic importance for a particular community, such as a church or a synagogue, a cemetery, or a monument commemorating the dead or celebrating historical figures from the community;
- Property targeted is a centre of community life—such as a school, social club or shop—for a particular group;
- Property targeted is different from surrounding property because it is owned or occupied by members of a particular community; and
- Property has been the object of previous similar attacks.

Was an Organized Hate Group Involved?

A perpetrator's association with an organization founded on ideologies of prejudice and with a history of violence is an important indicator requiring further investigation into motivation. In some countries, membership in or activities associated with organized hate groups are criminalized, and crimes committed by members of such organizations recorded and prosecuted separately. In some countries, racist and xenophobic crimes would, therefore, fall within the ambit of "extremist crime".

Indicators that an organized group was involved in a hate crime include:

- Objects or items that represent the work of organized hate groups (e.g., hate graffiti or attire indicative of a particular group) were observed or left at the scene of the incident;
- An organized hate group had made recent statements threatening the group that was targeted or claimed responsibility for the crime afterwards;
- The incident coincided with a date of particular significance to hate groups (e.g., Adolf Hitler's birthday); and
- The incident occurred during or shortly after an event sponsored by a hate group, such as a rally, or occurred after a hate group was campaigning or otherwise active in the neighbourhood.

When and where did the incident happen?

The timing and location of an incident may also suggest that it was a hate crime. Indicators of this could include:

- The incident was at or near a place commonly associated with members of a particular minority group (e.g., housing for refugees and asylum seekers, a centre for people with disabilities, or a club or bar with a predominately gay clientele);
- The incident was at or near a house of worship, religious cemetery, or home or establishment of a group considered a minority or "outsider" in a given neighbourhood;
- The incident occurred on public transport and appeared to be an attack by strangers on a member of a visible minority who stood out from others;
- The incident occurred on a date of special significance to the community targeted (e.g., religious holidays or days commemorating significant historical events); or

- The incident occurred only a short time after a change in a minority's presence in a particular area (e.g., the first minority family moved into the area, or the opening of a refugee centre).

Previous Hate Crimes or Incident

Other indicators of hate crimes include:

- Previous similar incidents have occurred in the same area in which members of the same group were targeted;
- The victim or victims had received previous harassing or threatening mail or telephone calls based on membership in their group; and
- A previous incident or crime was reported that may have sparked a retaliatory hate crime against members of the group presumed responsible.

Mixed Motives

In investigating hate-motivated incidents and crimes, it is important to take into account all possible motives. For example, an incident in which a person is singled out for attack because of his or her identity may still be a hate crime even if the person is also robbed in the course of the incident. A question will arise as to whether the crime was motivated in whole or in part by prejudice and hatred; in some countries, if there is any mixed motive it will not be treated as a hate crime.

In many reported cases, individuals who have been targeted for attacks because of prejudice and hatred have also been victimized in other ways. The fact that they also had items of value stolen in the course of these attacks — a cell phone or money — is sometimes used to argue that the incident was not a hate crime. An important consideration is whether the particular individual was selected as a target because he or she was identified as a member of a particular ethnic, religious or other group.

The Nature of the Violence

Whether the crime takes the form of a physical assault or damage to property, when the perpetrators commit a hate crime they often intend to leave a message. Indicators of this include:

- The incident involved extreme or unusual violence, or expressly degrading and humiliating treatment, including sexual abuse of victims in homophobic crimes;

- The violence was carried out in a public place or in a form intended to make a public impact, such as through video recording by perpetrators; or
- The violence involved mutilation in which racist symbols were cut or burned onto victim's bodies, or the damage to property included an express "message", through the use of symbols or objects that defile or desecrate, such as animal blood or excrement.

Additional Resources

- Extremism in America: A Guide* (New York, NY: Anti-Defamation League, 2002).
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CHAPTER 3

Working with the criminal justice system

Governments are primarily responsible for fighting hate crime through their criminal justice systems. NGOs can work both with communities that face discrimination and with police and local-government officials. A goal of this interaction is to improve relations between authorities and victims and to make remedies to hate crime more accessible and reliable.

Responses of the Criminal Justice System

Most criminal justice systems collect some form of data with which to evaluate the performance of law enforcement agencies, prosecutors and the judiciary. Information on the number of hate-motivated incidents reported, as well as the numbers of arrests, prosecutions and convictions for hate crimes can demonstrate the level and success of enforcement efforts. Some cities or other political jurisdictions may require police to produce data on hate incidents and crimes, even when a national system is not in force that requires such data collection.

The Role of Police

Police officers are frequently the first professionals to arrive at the scene of a hate crime and police agencies are, in many instances, the only government institutions capable of conducting a thorough investigation of possible hate crimes.

What police officers do and say in the first several minutes at a crime scene can affect the recovery by victims, the public's perception of governmental commitment to addressing hate crimes, and the outcome of the investigation. Officers who recognize a probable hate crime, interact with the victims with empathy, and take action to initiate a hate crime investigation send a strong message that hate crimes are a serious issue.

Police officers and agencies face significant obstacles to monitoring and recording hate crimes. These include:

- **Policy gaps:** The absence of policies or procedures within the police agency for recording hate crimes and details of evidence regarding bias motivations.
- **Reporting gaps:** The lack of formal police-agency procedures for reporting information on hate crimes to regional or national offices.
- **Priority gaps:** The failure on the part of some political officials and associated police agencies to believe that hate crimes are an important and serious issue in their country or region, leading them to decide not to record hate crimes or to report them to the public or higher authorities.
- **Lack of training:** A lack of training for police officers in identifying and investigating hate crimes, resulting in insufficient skills to identify hate crimes, collect evidence concerning bias motivations and/or fulfill reporting requirements.
- **Concern about the repercussions of reporting:** Some police agencies may discourage reporting because they believe that there will be adverse consequences to the agency or the community if others perceive that a serious hate crime problem exists.
- **Prejudices:** There can be a failure to report hate crimes on the part of some police personnel because they share the prejudices of the perpetrators. A de facto norm may exist that deters police personnel from responding adequately to members of minority groups who report crimes, denying them respect and equal protection. In this kind of environment, officers might not question victims and perpetrators appropriately about possible hate motivation in reported bias incidents, or might be reluctant to report that the crime involved hate motivation.

Enforcement, Response and Prevention

Police departments throughout the OSCE region vary significantly in the priority and attention they attach to addressing hate crimes. Experience has shown, however, that even where addressing hate crimes has been a low priority in the past, this can change with greater awareness, training or other circumstances. Positive changes can often be prompted by the work of NGOs.

NGOs can advocate for police agencies to develop clear or improved written policies for officers regarding when and how to record hate crimes, and can offer advice on procedures that will overcome obstacles that prevent victims from coming forward.

NGOs can both monitor police performance and report to authorities in the event of any violation of official policies by police officers. NGO monitoring and

reporting can thus provide a safeguard and encourage improved police practices. If there should be serious breaches of police procedures or legal norms, NGOs may be in a position to approach authorities with a complaint or, if necessary, to publicize the problem or initiate legal action on behalf of victims.

An especially important added value to combating hate crimes can sometimes be provided by NGOs if they are able to build a positive relationship with police and other officials involved in responding to hate crimes. There are a number of ways to begin working with police to improve community responses to hate crimes and to advance prevention efforts. These include developing a better understanding of the structures and authority of diverse police establishments and developing working relations and raising awareness of hate crime issues with police, including through public-campaign action.

Many states have multiple police agencies, often with overlapping areas of authority. City, regional, national and security police all may operate within the same geographic area. It is important for NGOs to understand the geographic jurisdictions and areas of authority of different police agencies, as well as the mechanisms for referring matters to those agencies. Some police agencies have ombudsmen, oversight boards and other accountability mechanisms with responsibilities that include responding to complaints about police conduct.

In some instances, police agencies may be resistant to enforcing hate crime laws. In such cases, it is important to remember that working with police to create an effective hate crime enforcement programme is a process that may take considerable time. This process often begins with NGO staff developing a positive working relationship with a single police official. Over time, the trust that is built between individuals can result in closer institutional ties between NGOs and police agencies.

Improving Community-Police Relations

Effective law enforcement and police response to hate crimes are significantly improved by ongoing communication and trust between targeted communities and officers. This can be advanced through training, the creation of a range of special structures (such as liaison officers or committees), and new forms of interaction.

Increasing understanding between police and communities is an important part of the NGO role, particularly where police may require greater awareness of cultural factors unique to these communities. These may include issues of gender, perceptions of authority, and even such issues as whether interviewees can be expected to make eye contact when speaking to police. When hate crimes occur,

NGOs, police officers and social-service providers will be able to work effectively and efficiently with individuals from diverse communities only if they are aware of these unique factors. An understanding by police of a community's cultural differences is important if they are to conduct effective interviews with hate crime victims and suspects, collect accurate hate crime information, and provide appropriate support services to hate crime victims.

Becoming culturally aware involves an ongoing process of learning about the diverse groups within a community. NGOs, and particularly those with close ties to the communities in question, can help by organizing workshops that bring together police and community representatives, preparing materials on cultural diversity for police training, and taking part in ongoing consultations between community leaders and police that can avert misunderstandings. Being aware of the practices and perceptions of different groups allows those dealing with hate crimes to avoid many of the pitfalls and frustrations common to cross-cultural communication.

In countries where the police are already working actively on behalf of minority communities, NGOs can work to further improve police-community relations by helping ensure community members understand that police help is available and explaining how to obtain it. Some groups of migrants, for example, may arrive from countries where they faced persecution, so they may be reluctant to interact with police or other authorities in their new country of residence.

The Ireland-based Gay and Lesbian Equality Network launched a joint partnership initiative with the police to address hate-motivated incidents and crimes against lesbian, gay, bisexual and transgender (LGBTB) people. The "Be Proud, Be Safe" campaign includes specially trained gay police-liaison officers who work with LGBT people who have been victims of hate-motivated incidents during a weekly drop-in session at the Dublin-based gay community centre.¹²

Committees that Bridge the Police-Community Divide

Committees or task forces can be established that bring together police, local government and local community representatives to co-ordinate action against hate crimes. NGOs can work with the police to create a task force or joint working group that will meet regularly (e.g., monthly) to discuss the needs of targeted communities and police action to address these issues. Task force meetings provide an opportunity for community members to request information on the status of ongoing hate crime investigations and for police to show transparency in their actions. The membership of a task force can come from ethnic, religious and other communities targeted with hate crimes, as well as NGOs and supportive

¹² See <<http://www.outhouse.ie/groups.asp>>.

religious, community and political leaders. Such bodies can facilitate efforts to improve understanding between communities and the police, for example by inviting police to attend cultural- and religious-minority community events.

In Sofia, Bulgaria, the Romani Baht Foundation served an important liaison role in the course of ongoing disturbances in August 2007 in which Roma protesters clashed with police. The foundation hosted meetings between Roma leaders and top government officials, leading to an agreement to hold regular monthly meetings, to provide increased police protection, and to create special “social police centres” to protect the Roma community from racist violence.¹³

NGOs and Police Training

NGOs can also assist in the development and implementation of training for police on dealing with the threat of hate crimes, both at the local and the national level. Training can cover such issues as hate crime indicators (how to distinguish a hate crime), cultural and gender factors in interviewing, and tolerance issues. Training sessions should be required for all officers on the investigation of and response to hate crimes and incidents. In some countries, national police academies have begun to include the fundamentals of combating hate crimes in their curricula.

In the United States, the Anti-Defamation League (ADL) conducts training and provides material on hate crimes and hate groups for police — including military police — and for public prosecutors, through a programme called the “Law Enforcement Agency Resource Network”. Training programmes include expert discussions of hate crimes and hate crime laws at the national level and in particular states, as well as of extremists in prison, hate symbols and ideology, extremist use of the Internet and criminal trends. “Hate Crime Training for Law Enforcement Professionals” is an interactive ADL programme “that addresses hate crime identification within the law enforcement ranks and issues relevant to counseling victims of hate crimes and reducing community tensions”.¹⁴

Additional Resources

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CHAPTER 4

Data collection, monitoring and reporting

What official information is collected?

Most governments collect some form of crime data as a necessary tool of law enforcement, with the collection function the responsibility of the police and national security authorities. Other data are collected by public prosecutors and the judiciary. In some cases, hate crime data are also collected by state education systems, with central data collection under the authority of ministries of education. The nature of data varies, however, in the crimes monitored and in the categories of bias taken into account in monitoring and reporting systems.

The European Union's Fundamental Rights Agency (FRA, formerly the European Monitoring Centre on Racism and Xenophobia), regularly assesses the hate crime data-collection mechanisms of EU Member States. Although defined in terms of data on "racist violence and crime", its criteria are also relevant for data collection on all violent hate crimes.¹⁵

Even when nationwide data are not available from national authorities, NGOs can sometimes access data from police agencies, district or city prosecutors, and/or the courts. Similarly, NGOs may be provided information by the offices of city or regional public prosecutors on the number of cases handled within a given period that include hate crime elements. Often, data that are not regularly published may be available upon request, particularly when NGOs have regular contact with police authorities or prosecutors concerning hate crimes.

Obstacles to Obtaining Reliable Hate Crime Data

The absence of accessible law enforcement data on hate-motivated incidents and crimes can be attributed to a number of factors. In some cases, data may be available within the security services but withheld from the public on national-security grounds. In other cases, data may be unavailable simply because police have

15 *Report on Racism and Xenophobia in the Member States of the EU* (FRA, August 2007), p. 118-19, <http://fra.europa.eu/fraWebsite/products/publications_reports/ar2007_part2_en.htm>.

received no instructions to compile information on motivations of hatred and prejudice when receiving complaints or conducting investigations. Even where hate crime laws are in force and official crime-report data are required, obstacles to data collection may be present both within the law enforcement establishment and within the communities under threat.

Obstacles to hate crime monitoring and reporting generally fall in two areas: factors discouraging victims from reporting to police, and factors that result in incidents not being recorded as having hate motivations. These factors result in both under-reporting and under-recording of hate-motivated incidents and crimes. NGOs can help address both problems.

The previous chapter of this guide (*Working with the Criminal Justice System*) offered a number of reasons why hate crimes may be under-recorded and set out some strategies to address this problem. With regard to under-reporting by victims, there are many reasons victims may be reluctant to report hate crimes to police and public authorities. These factors include:

- **A belief that nothing will happen:** Many victims lack confidence that law enforcement or government officials will take appropriate action to respond to their hate crime report, either as an ordinary crime or as a hate crime;
- **Mistrust or fear of the police:** Victims who belong to a group that has historically been subjected to harassment, violence or general lack of protection by police may not want to have any contact with police, including reporting hate crimes. Individuals who believe that police have committed hate crimes or are complicit in hate crimes perpetuated by others may be scared to report hate crimes. Immigrants or refugees who have fled their country of origin because of government-supported violence may not trust police in their new country of residence;
- **Fear of retaliation:** Many victims fear that if they report a crime the perpetrators or others with similar views will retaliate against them, their family members or the community to which they belong. In addition, if a hate crime perpetrator is linked to a hate organization, victims may fear being targeted by members of this or other organizations;
- **Lack of knowledge of hate crime laws:** Many people may be unaware that hate crime laws exist or how or where to report these crimes;
- **Shame:** Some victims feel ashamed and embarrassed in the aftermath of a hate crime, either believing that their victimization was their own fault or that their friends, family members and/or community will stigmatize them, branding them as socially unacceptable should their treatment be

made publicly known. While this is also a factor in ordinary crimes, a sense of shame and degradation may be more acute in an incident of hate crime because individuals are being victimized because of their very identity. The issue of shame may be particularly significant as an obstacle to reporting hate crime attacks in cases involving sexual violence;

- **Denial:** In order to cope with the trauma of a hate crime, some victims deny or minimize the impact and seriousness of the crime;
- **Fear of disclosing their sexual orientation:** For homosexual, bisexual, and transgender individuals, reporting a hate crime may mean publicly disclosing their sexual orientation or gender identity. Victims of anti-homosexual hate crimes in some countries may be worried that disclosing their sexual orientation could lead to them being further victimized, or even criminally prosecuted for homosexuality;
- **Fear of disclosing their ethnic, religious or political affiliation:** Members of ethnic, religious or political minority groups sometimes fear that disclosing their identity could lead to discrimination or other negative consequences; and
- **Fear of arrest and/or deportation:** Individuals who are not citizens of the country where they have been victimized may fear that, even as crime victims, their involvement with police or government may result in arrest and/or deportation.

In addition to the points above, which relate to victim fears and perceptions, other factors that may lead to under-reporting of hate crimes include:

- **Hate crime laws do not cover certain forms of discrimination:** If hate crime laws do not cover certain forms of discrimination, such as violence motivated by gender identity or sexual orientation, members of groups vulnerable to these attacks are less likely to report evidence in these incidents or describe an attack as a hate crime; and
- **Victims may be discouraged by police or other authorities from filing a complaint:** In some instances, victims who were prepared to file a formal complaint may be deterred from doing so because police officers encourage them not to or tell them that identifying hate motivation is not appropriate for a complaint. Police may, for example, assert that a crime was a minor affair or a youthful prank and that nothing would come of a formal complaint. They may point out that a formal complaint could create further problems of retaliation for the victim or that they have more serious crimes to investigate. In some instances, police may record only

part of a statement, excluding details of hate motivation provided by a complainant.

How Can NGOs Improve the Recording of Hate Crimes?

If crimes are not recorded, it allows state authorities to believe or assert that there are no hate crimes occurring. NGOs can monitor the overall incidence of hate crimes, as well as the official response to particular cases. By monitoring and reporting hate crimes, NGOs can identify trends and take action on individual cases.

A manual produced by the Organization of Chinese Americans explains that data available through NGO monitoring "is necessary for effective prevention and response".¹⁵ More specifically, hate crime data collection:

- Places the community on alert to look out for the safety of its residents;
 - Increases the likelihood of victims reporting hate crimes;
 - Provides the community an opportunity to denounce hate publicly and to heal wounds;
 - Counters the tacit message of acceptance that the community would otherwise be sending if it did not respond when a hate crime occurs in its midst;
 - Educates the general public about the true prevalence of hate crimes;
 - Presents the community with the opportunity to discuss ways to deal with hate crimes (e.g., public education, community organization, legislative advocacy, youth programmes and police-community partnerships); and
 - Gives lawmakers, government officials and other funders the information necessary for them to decide on funding for education, training, prevention and victim assistance.
-

NGOs also play a role in providing channels for people to bring complaints against the police, with due safeguards to ensure confidentiality where victims lack confidence in official agencies. In addition to provisions for NGOs to represent victims in bringing complaints before official anti-discrimination bodies or public prosecutors, NGOs can also bring complaints about discriminatory action, including violence, by the police.

¹⁶ *Responding to hate crimes: A Community Action Guide*, Second Edition (Washington: Organization of Chinese Americans, 2006), p. 9. <<http://www.ocanational.org/images/stories/doccenter/ocahatecrime2006.pdf>>.

In the United Kingdom, where hate incidents can be reported to police either by the victim or by someone acting on their behalf, the Community Security Trust has been accorded third-party reporting status since 2001. This allows the organization to act as a representative of victims who are unable or unwilling to report to the police directly.¹⁷

Collecting Information on Hate Crimes

The collection and dissemination of data on hate crimes is an important part of any effort to improve prevention and response. To confront the problem, the local and national authorities and the public need to know its real nature and extent — and the threat the problem poses to society. Even when particular communities face everyday violence driven by prejudice, the society as a whole may be largely unaware of its severity or the way it compounds other forms of discrimination. Where official data collection is ineffective, data from NGOs and other monitors, surveys and information from the media can show that there is a problem that calls for both political action and new legislation if it is to be dealt with.

Many NGOs gather information and generate data on their communities' own hate crime realities. The data collected over time by NGOs can be subject to much the same analysis as official data, although this does not substitute for official data collection. NGO information, including data collected from surveys, can show changing patterns of violence, including who is the target of hate crimes, who carries them out, and the need for urgent preventive action. This information can be useful to police and NGOs in developing multi-year plans for response and prevention. Accompanied by strong advocacy, this data collection and analysis can, in turn, be used to help shape policy at the levels of local or national government.

NGOs can also monitor the response of police, prosecutors and the judiciary to hate crimes and periodically publish this information. This provides a basis for civil society to review government action and ensure hate crimes are not committed with impunity.

Research undertaken by Amsterdam's Anne Frank House, in association with Leiden University, examined police investigations and prosecutions, with findings for 2006 published in a December 2008 report, *Opsporing en vervolging in 2006* (Investigation and Prosecution in 2006).¹⁸

17 "Anti-Semitic Incidents Report 2007," Community Security Trust, 2008, <http://www.thecst.org.uk/docs/Incidents_Report_07.pdf>.

18 "Racism and Extremism Monitor: Investigation and Prosecution in 2006", Anne Frank House and Leiden University, December 2007, <<http://www.annefrank.org/content.asp?PID=817&LID=2>>.

Community-based organizations are well placed to know of hate crimes and incidents involving their own communities, particularly those that provide support to victims. Information on specific cases may be collected by NGOs with a view to serving as an intermediary with public authorities, seeking justice and soliciting official support for victims.

Some common means of information gathering include:

- **Published Data:** Review of newspaper, Internet and other public accounts of hate crimes and incidents, including Internet sites and publications from extremist organizations, may disclose important information. Additionally, reviewing the websites of governmental agencies and other NGOs may yield anecdotal information, hard data and useful analysis. As NGOs seek to build credibility for their monitoring, it is vital that they identify the sources of the information they cite;
- **Interviews:** NGOs are often uniquely placed to talk to the victims of hate crimes, their families and witnesses about their experiences. In conducting and documenting interviews with victims, certain special considerations need to be taken into account. These are discussed further below (See Chapter 5: NGOs Supporting Victims);
- **Group discussions or “focus groups”:** A “focus group” is a small group assembled for a form of qualitative research in which people are asked for their views on or to describe their experience with particular issues. Meetings can be held with small numbers (generally between four and 12) of people from groups that have traditionally been targeted with hate, discrimination and hate crimes. It is often helpful to ask participants to speak or write about incidents they have witnessed or experienced. Many targets of hate find it easier to write about incidents than to speak about them. Summaries of the information provided by focus-group participants should be produced, with due consideration for confidentiality;
- **Surveys:** NGOs may be able to conduct surveys of members of discrete population groups concerning their experience with hate crimes. Through surveys, NGOs can retrospectively analyze the incidence of hate crimes over a given time. Surveys may involve relatively small groups of people and can be carried out through interviewing or through such means as an Internet questionnaire. It is important to define clearly the methodology used for a survey, including the parameters of the group surveyed and the criteria by which its members were selected, their number, the precise questions put to them, and the conditions under which their input was provided. Surveys can be meaningful even when polling a relatively small, but precisely defined sample of the population.

In the Russian Federation, Amnesty International conducted a survey among a sample of people of African origin living in Moscow, asking them to describe their experience with racially motivated violence from May 2001 to April 2002. In total, the 180 respondents reported 204 attacks.¹⁹ A 2006 survey by the Open Society Institute's Criminal Justice Initiative found that over half of all people stopped by the Moscow Metro police were riders whose appearance was non-Slavic, although these persons made up less than five per cent of all Metro patrons. The survey was based on the reports of monitors at over 1,000 police stops. It found that ethnic profiling was both pervasive in the Moscow Metro but also largely futile: The study concluded that only 3 per cent of the police stops "resulted in even an administrative infraction such as possessing improper documents."²⁰

Organizations that operate emergency hot lines for complaints of hate crimes and incidents receive detailed information on specific cases that often must remain confidential. On the other hand, they can count the specific complaints received and break them down into categories of incidents in a way that generates useful data. In doing so, the confidentiality of hate crime victims must always be respected, being sure to exclude information that would identify particular individuals.

NGOs that are unable to collect comprehensive information on cases of hate crimes may be able to gather useful information concerning particular groups under threat. A foreign students' association may be able to do a survey of its members concerning each student's experience with criminal violence they believe was motivated by prejudice and hatred during a particular time period. Or an amateur football club made up of mostly African immigrants could survey its members' experiences with hate crime over a year. Such surveys can provide information concerning particular crimes and incidents, but also provide a basis for reporting the level of violence experienced among a specific number of individuals. The number of specific cases reported by a group sharing similar characteristics may be a basis for extrapolating the proportion of those within the broader group from which the sample was drawn who have suffered similar treatment. The resulting numbers, however, have to be considered with caution.

NGOs can make good use of this information and data. Detailed descriptions of particular crimes, as well as statistical information on crimes, can be used to inform the public, assist in analysis, and lobby governments to take action.

19 "Dokumenty!" *Discrimination on Grounds of Race in the Russian Federation* (London: Amnesty International, 2003), p. 43, <<http://www.amnesty.org/en/library/info/EUR46/001/2003>>.

20 *Ethnic Profiling in the Moscow Metro*, (New York, Open Society Institute, June 2006), p. 10, <http://www.soros.org/initiatives/osji/articles_publications/publications/profiling_20060613>.

In Northern Ireland, NGO advocacy based on research on the incidence of homophobic crimes led directly to the enactment of legislation punishing homophobic hate crimes and to requirements for comprehensive police statistics on this type of violence. In July 2003, the Institute for Conflict Research published *An Acceptable Prejudice? Homophobic Violence and Harassment in Northern Ireland*, a report drawing on police data and other research to document and raise awareness about homophobic hate crime. Its recommendations included the need for new hate crime legislation, more inclusive reporting by and training for police, and measures to address homophobic bullying in the school system. The Institute built on these efforts by providing training, support and assistance to other NGOs to work with communities, police and local authorities to improve response to the problem.²¹

Monitoring Individual Cases

NGOs can monitor the progress of responses to particular hate crimes in order to determine if there are specific or systemic shortcomings in a given locality or on a national scale. This type of monitoring can focus on any or all aspects of a particular hate crime case, including police investigation, prosecution, delivery of services to victims and press coverage. This type of monitoring requires NGOs to develop extensive knowledge about particular cases and may be an essential part of the provision of legal or other assistance by the NGO. The monitoring of individual cases should ideally involve follow-up to assess the effectiveness and adequacy of the response by national or local authorities.

Information on incidents and crimes must be collected in a systematic manner in accordance with consistent criteria if accurate, comprehensive and comparable data are to result. Some monitoring systems produce statistics that are broken down by the particular groups that are victimized. Other statistical breakdowns may be undertaken to identify incidents by bias motivation. Both approaches are useful, and in some cases official hate crime statistics reflect both the general categories of bias motivation (e.g., racism or anti-Semitism) and the particular groups with which victims under these categories are identified (e.g., people of African or Jewish origin).

Whatever the case, practical methodologies for data collection and analysis should include a breakdown of data into useful categories. These include the following:

- **The Groups Targeted:** Data that identify the particular groups affected by hate crimes are an essential tool for police planning and resource

21 Neil Jarman and Alex Tennant, *An Acceptable Prejudice? Homophobic Violence and Harassment in Northern Ireland* (Belfast, Institute for Conflict Research, 2003), <http://www.conflictresearch.org.uk/documents/ICR_Homoph.pdf>.

allocation. They should further enable government agencies and NGOs alike to increase preventative action to reduce the level of hate crimes directed at those groups. The identification of the particular groups targeted is also an indicator of the different forms of prejudice motivating hate crimes.

- **Location of Hate Crimes:** Geographical data that show the incidence of particular kinds of crime in cities, rural areas or distinct regions of a country are an important tool for law enforcement and political decision makers concerned with public policy and resource allocation. Patterns of hate crime violence may be associated with particular areas. Such information can be an important factor in enhanced law enforcement and preventive efforts in particular geographic areas; and
- **The Perpetrators:** Information on the perpetrators can lead to the identification of the social foundations underlying hate crime activity and can result in more focused prevention efforts. For example, data showing a high percentage of hate crimes being committed by students can indicate a need for increased prevention programming in schools. However, as NGOs are unlikely to have access to information other than that which is in the public domain during an investigation and prosecution, their capacity to collect this is limited.

Additional Resources

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- “National Incident-Based Reporting System. Volume 1, Data Collection Guidelines”, United States Department of Justice, Criminal Justice Information Services Division, August 2000.

- “ODIHR Law Enforcement Officer Programme on Combating Hate Crime: Data Collection Template - Incident Report”, Annex D in *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2005).
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CHAPTER 5

NGOs supporting victims

NGOs are often uniquely positioned to serve as bridges among police agencies, community leaders and others. NGOs can also provide direct support for victims, including by establishing centres for support and counseling. NGOs can provide victims with the information they need to lodge formal complaints against the perpetrators of hate crimes and receive compensation and government benefits, and also provide practical help with medical care and other needs.

Helping Victims to Report Hate Crimes

Many NGOs dealing with hate crimes work hard to eliminate the obstacles that lead victims to choose not to formally report hate crime incidents. Their work includes helping to create an environment of confidence in which victims and their families feel able to file a complaint with authorities without fear of dismissive treatment or reprisal and with a well-founded belief that doing so will do them and their community some good.

An important issue for NGOs providing victim support is ensuring the best interests of the victim are respected. This is particularly important when determining whether a formal complaint is made to authorities, whether the name of the victim is released to the media, or whether details of an incident are used in advocacy calling attention to hate crimes. After victims are informed of their options, NGOs should always take into account their wishes in these cases. NGOs should inform victims about any support services they provide and their collaboration in broader actions to combat hate crimes.

Emergency Assistance

Many NGOs have 24-hour emergency telephone and Internet hotlines for hate-crime victims, through which they, their families or their friends can report hate-motivated incidents and situations in which they feel an attack is imminent. NGOs can offer advice, a range of counseling and direct support services, and assistance to victims who wish to contact the police or other local authorities.

In 2008, the Latvian Centre for Human Rights, with European Union funding, produced a 16-page brochure on hate crimes, including information on how to report them, what legal and practical assistance is available to victims, the issue of compensation in criminal cases and civil law, and useful telephone numbers

and addresses. Practical advice includes where to call for medical assistance and other state services. The brochure explains how to contact the “Skalbes” crisis and consultation centre — located in Riga — which provides services from psychologists, psychotherapists, lawyers and psychiatrists.²²

Accompanying Victims to Police or Other Government Agencies

Many victims feel more comfortable in reporting hate crimes to law enforcement and other official agencies if they are accompanied by a person whom they trust with experience in these matters. Accompaniment by NGO representatives can help ensure that official bodies treat complainants with respect, record testimony fully and accurately, and observe established procedures. Accompaniment can also provide victims and their families with the sense of security they need to approach official bodies and to bring a complaint into the open.

Representing Victims

In many cases, NGOs can represent victims in interactions with police and other public bodies, such as schools or housing authorities. In some cases, where specific NGOs are acknowledged as “third parties” that can report crimes on behalf of victims, NGOs may make the initial criminal complaints of hate crimes to public authorities. NGOs may also represent victims in efforts to secure medical assistance or compensation for injuries and damage to property. In some countries, NGOs can also represent victims in proceedings before specialized national anti-discrimination bodies.

NGOs can also serve as the legal representatives of hate crime victims in criminal cases, in civil court cases seeking financial damages and compensation, and in other situations.

In the Slovak Republic, the Bratislava-based League of Human Rights Advocates (LHRA), a partner of the European Roma Rights Centre (ERRC), has provided legal representation for Roma families under continuing threat in Zahorska Ves. In May 2007, five masked men attacked the Sarközy family in a makeshift shelter at the site of the family compound, which was destroyed in a similar attack in 2003. The attackers reportedly beat members of the family, including a mother and child, with wooden clubs and iron rods and destroyed their furniture. A Bratislava court affirmed the right of the family to remain in a temporary shelter on the land in response to a petition from an LHRA attorney, who provided legal representation to the family.²³

22 *Hate Crimes* (Riga: Latvian Centre for Human Rights, 2008), <http://www.humanrights.org.lv/upload_file/Hate_Crimes.pdf>.

23 See “2008 Hate Crime Survey: Roma and Sinti”, Human Rights First, <<http://www.humanrightsfirst.org/discrimination/reports.aspx?s=roma-and-sinti&p=individual#slovakia>>.

In Spain, affiliates of the Federación de Asociaciones de SOS Racismo del Estado Español provide free legal assistance in response to racist attacks and other forms of discrimination, as well as online systems through which complaints can be made. Complaints are then taken into account in the production of an annual report. In September 2006, SOS Racismo Catalunya provided legal representation to three young immigrants from Gambia and a Spanish friend who were attacked by a large group of young people upon leaving a concert in Barcelona. The four were subjected to xenophobic verbal abuse and beatings; one of them was hospitalized in an intensive care unit for five days.²⁴

In Council of Europe countries, NGOs have represented hate crime victims in cases brought before the European Court of Human Rights, winning rulings with important consequences for the protection of human rights in the future, as well as financial compensation. (See Chapter 8: NGO Advocacy: An International Framework.)

In the United States NGOs have won large financial awards for hate crime victims through civil suits against extremist groups.

Medical Services

In many cases NGOs have programmes for medical services, including psychological counseling. NGOs often refer hate crime victims to other organizations and assist in gaining access to state health services for medical help.

Advocating for Services

NGOs can be advocates for victims with local government and other government agencies in securing social benefits, such as medical care, repair of damaged property, or new housing. In cases in which hate crime victims also face discrimination in accessing social benefits that should be available to all, NGOs can seek remedies through direct contact with political authorities, through the courts and through public campaigns.

Empowering Victims

NGOs, through support and encouragement, can help victims regain a sense of confidence in their community and control of their lives. NGOs can help convince governments to give a higher priority to responding to hate crimes and help convince the public that every hate crime harms the larger society. NGOs can give each victim a voice and ensure that this voice is heard.

Community Support for Victims

Community members can contribute to reducing victims' sense of isolation by showing their support for victims. Organizing community members to write

24 "Hate Crimes in the OSCE Region – Incidents and Responses: Annual Report for 2007", OSCE Office for Democratic Institutions and Human Rights, October 2008, p. 16, < http://www.osce.org/odihr/item_11_33850.html>.

letters of support or to send donations to victims is an effective way to make a community statement against hate. Victims often need monetary assistance to pay for costs incurred as a result of the crime, including medical bills, lost wages and repairing or replacing damaged property. It is sometimes possible to partner with local media outlets to publicize the method for sending donations or letters of support.

Meeting with Victims: Listen, Validate, Refer

When victims turn first to NGOs, the NGO response will often determine whether they will subsequently report the crime to law enforcement or other agencies. The first meeting between an NGO representative and a victim can be crucial. NGOs with extensive experience in dealing with hate crime victims have developed some basic guidelines to ensure that victims are dealt with in a way characterized by respect, sensitivity and practical utility. These guidelines form the basic norms for interviews with hate crime victims.

There are several basic elements to take into account by NGOs when victims come to them to report hate crimes, as set out below.

Move Fast

It is important to meet with victims soon after the hate crime occurs, for a number of practical reasons:

- Victims may need immediate assistance, including medical treatment, repair of damaged property and new housing;
- Victims' memories about the details of hate crimes will be clearer the sooner they are interviewed; and
- Some perpetrators of hate crimes continue to commit hate crimes and increase the level of violence if they are not identified and apprehended. Beginning an investigation soon after a hate crime is committed increases the chance that the perpetrators can be stopped before they attack again.

Explain and Refer

NGO representatives should explain at the outset of the first meeting who they are, what they can and cannot do, and what others can do. Being clear about the limits of what can be done and not raising false expectations is essential to building trust. NGO representatives meeting with victims should, therefore:

- Explain the purpose of the interview and how what is learned will be used on behalf of the victim;

- Explain that the interviewee’s name and other identifying details will be kept confidential unless the interviewee agrees otherwise, such as for use in an official complaint;
- Explain the various forms of support that are available, both directly from the NGO and from other private and public agencies;
- Refer the victim of a hate crime to appropriate resources, which may include counseling, medical care and/or law enforcement; and
- If information gleaned from the interview will be used to combat hate crimes more broadly, explain how this will be done.

Listen

In meeting with victims, it is important to provide a safe space, a trained interviewer and, above all, to *listen* to the victim. Describing a hate crime is often difficult and upsetting for the victim, so trained interviewers should conduct the interviews. Interviewers should ensure that they are in a space in which victims will feel safe and confident that they will not be overheard. If the person with whom the victim makes initial contact is not able to conduct an interview, he or she can let the victim know whom to speak with and, if possible, assist the victim in contacting the appropriate person.

The most effective way to conduct an interview is to listen to the victim’s story without offering advice. It is, however, completely appropriate to offer verbal support, such as: “I’m sorry this happened to you” or “No one should have to feel like this.” Document the details of the incident as the victim reports them. (See below, “Taking Notes”.)

Validate

NGOs involved in interviewing victims should take into account that one of the victim’s biggest fears is that he or she will not be believed. The response from the first person a victim reports to may be very important in determining if the victim continues seeking the assistance he or she needs. NGO staff — as well as police officers and others — can respond to victim accounts by saying that they are sorry about what happened. This validates the victim’s feelings without prejudging the results of further investigation and reassures the victim that he or she is valued as a person.

Taking Notes

A record of the interview is important for subsequent action. It is important to take handwritten notes of interviews with victims of hate crimes or hate-motivated incidents. Many NGOs use standard formats for interviews that can facilitate

note taking as well as ensure that basic information is covered. It is very difficult to help a victim if an NGO does not have a clear record of what occurred.

Interviewers should keep in mind that it can sometimes be important to record direct quotations precisely in their notes. These may include particular descriptive phrases used by the interviewee to describe the attack or his or her feelings during or after the attack. Similarly, the interviewee's memory of the precise words used by his or her attackers before, during or after an attack may be important to record as a direct quote, without summarizing or paraphrasing. If the interviewee decides to make a complaint to police or other public authorities, or decides that elements of the case can be used in media or campaign action, these statements may be important to have on record.

After interviewing the victim, it is important to prepare a typed interview summary. This avoids the difficulty that others may have in reading handwritten notes.

Critical Details to Obtain

Interviews of hate crime victims should elicit detailed information about the incident. The basic elements of who did what to whom, when, where and why are important parts of the victim's account. Interview records should be kept secure. Basic details to obtain in an interview include:

- The victim's name and how to contact him or her (this may include an address and telephone number, or an institution or person in the local community who can contact the victim);
- The date, time and location of the incident;
- A clear description of what happened and what was said. It is particularly important to include the victim's memory of exactly what the perpetrators said, including any offensive or degrading language or slurs;
- The impact on the victim, including any physical injuries, loss or destruction of property and emotional distress;
- The names, addresses and telephone numbers and description of any witnesses to the incident; and
- Details of any contact with local government or other official bodies to report the incident or to seek medical or other attention, as well as the responses of these official bodies.

Ensure Confidentiality

Interviews should be conducted in private and notes should be kept confidential, until and unless the interviewee determines otherwise. It is important to assure victims that their identity will be confidential until they make the decision to report the attack to the police or other government agencies. Many hate crime victims are scared that the perpetrators or others will retaliate if they report the attacks. In some instances, security concerns will mean that you should omit the victim's name from your handwritten notes and from your typed interview summary.

Preserve Physical Evidence

Victims may describe physical evidence that should be safeguarded for any investigation of the hate crime incident. For example, any evidence such as a threatening letter, cans of spray paint used for graffiti, or bricks or rocks thrown through a window should be preserved. If a victim does provide the interviewer with physical evidence, it is important to minimize the touching of the item to avoid contaminating it with fingerprints. If possible, photographs should be taken of the scene of the hate crime or incident, in particular to show any hate graffiti and to record damage. Additionally, photographs of injuries are a very important supplement to medical notes.

Overcome Language Barriers

Interviewing victims or witnesses who do not speak the same language as the interviewer presents special challenges. It is important to have competent interpreters who have been trained in the sensitivities of the interview process and can be trusted to reflect the actual words of the interviewee. Interpreters should have the confidence of interviewees. The contact details of interpreters need to be kept in case of a future trial.

If using bilingual members of the community with no training as interpreters, the interviewer should ensure they understand beforehand what the process entails and that they are to faithfully interpret what the interviewee says (without explanation or other interruption). In some cases, members of the victim's family may prefer to interpret for them. In such cases, the interviewer should make clear that they should carefully interpret the interviewee's own words without interruption, and that if they wish to add information they can do so in a separate interview.

Having children interpret for their own family members should be avoided if possible. Children who may already be traumatized by an incident may suffer renewed trauma in translating their family members' accounts of abuse and the

interviewer's questions. They may also make significant errors when interpreting, including the omission of graphic or uncomfortable details.

Cultural Awareness

NGOs, police officers and others who deal with the victims of hate crimes must be able to provide appropriate, effective services to culturally diverse communities and to take into account issues of gender within these communities. Competence in dealing with cultural differences (sometimes called "cultural competence") is particularly important when addressing hate-motivated crimes.

NGOs and other professionals working with victims of hate crimes should have a basic understanding of the cultural differences that affect how or if a victim reports a hate crime and whether he or she seeks access to support services. NGOs can then play an important role in encouraging law enforcement and other criminal-justice personnel to take into account the cultural and gender differences of groups facing discrimination when dealing with hate crimes. To this end, many NGOs take part in training police in cultural awareness as part of training in how to respond to hate crimes. (See Chapter 3: Working with the Criminal Justice System.)

Community Outreach as Hate Crime Prevention

Outreach means expanding the scope of your advocacy and campaigning by reaching outward to work with others. For NGOs working on hate crime prevention, this means developing working relations with other NGOs and with social, cultural and religious groups within the community.

Through outreach, the potential for bringing about change is increased by adding to the number and influence of people and organizations pressing for the same goals, by adding the voices of prominent individuals who can lend their own prestige to pressure for change, and by showing that demands for action to combat hate crimes do not come only from the communities under threat.

If NGOs are to be effective in responding to hate crimes, the communities they serve must understand their services and trust their organizations. In turn, NGOs must be able to get accurate, ongoing information from community members about hate-motivated incidents and crimes and what should be done about them. This can be achieved through ongoing outreach to the communities that are affected by hate crimes. During the immediate crisis of a hate crime, it is important that community members already know and trust the NGOs and other organizations providing support services in their area.

Before a hate crime occurs, NGOs should seek to let members of targeted communities know that its staff and volunteers are trained, willing and able to serve

victims of hate crimes. This can be accomplished by advertising available services in printed and electronic media and by developing language-appropriate materials, or by placing notices in media outlets that are directed at specific communities. NGO staff should also meet with leaders of ethnic, religious and other groups that are the targets of hate crimes.

Community forums can provide an important venue for the exchange of information about hate crimes. NGOs can organize open community meetings, for example, so as to communicate information about hate crimes, to correct rumors that commonly surface in the aftermath of a hate crime, and to provide a safe space for the exchange of views and concerns. In addition, community meetings can provide a forum through which to share reactions and feelings that may otherwise contribute to tension. Finally, having representatives from several different organizations present can reassure the community that the hate crime response is a co-ordinated effort.

In some community meetings, NGOs and community leaders will want to invite local officials and representatives of the police. A community forum can provide an important opportunity for NGOs, law enforcement, local officials and members of the community to exchange information and views.

In response to rising hate violence against foreign students in several Russian cities, youth human rights organizations launched an initiative to expose hate violence and discrimination targeting foreign students in Russia and to provide practical tools to assist them. The International Youth Human Rights Movement, Youth Network against Racism and Intolerance, “Young Europe” international network and others participated. The “Defending Foreign Students’ Rights in the Russian Federation” programme documented the vulnerability of foreign students and provided information on line and through public events and briefings to assist foreign students studying in Russia. These included a hotline and website with practical safety resources and other awareness-raising materials. The programme was endorsed by the Federal Ombudsman.²⁵

Additional Resources

“After a Racist Attack: Your Rights and Possibilities”, Opferperspektive, December 2001.

Karen A. McLaughlin, Stephanie Malloy, Kelly J. Brilliant, Cynthia Lang, “Responding to Hate Crime: A Multidisciplinary Curriculum for Law Enforcement and Victim Assistance Professionals”, Education Development Center, National Center for Hate Crime Prevention, February 2000.

²⁵ Detailed information is available at the programme’s website: <<http://www.fs.hrworld.ru/>>.

“Psychological Effects of Hate Crime: Individual Experience and Impact on Community”, Latvian Centre for Human Rights, 2008.

CHAPTER 6

Strategies to combat hate speech

Hate crime and hate speech are connected. While a direct relationship can rarely be proven, hate-motivated violence frequently occurs in the context of hateful speech. Organized hate groups express their views through publications, popular music, the Internet and public demonstrations.²⁶ These seek to normalize and legitimize hate speech and hate crimes.

NGOs can challenge the environment of intolerance created by hate speech. Awareness-raising, monitoring and educational activities play an important part but, in some situations, it may be more effective to denounce purveyors of hate speech or challenge the arguments or claims made by the speakers. In addition, if comments by political leaders and public officials use prejudices or stereotypes, NGOs can take action to hold them accountable before public opinion.

Where hate speech crosses the threshold into crime, NGOs can bring legal action on their own account or to assist others.

Hate Speech and the Law

There is no consensus in the OSCE region on the limits on the freedom of expression with regard to statements motivated by hatred and prejudice. Some participating States criminalize only those forms of expression that represent a real and immediate threat of violence towards a particular individual. In many other countries, laws criminalize oral, written or symbolic communications that advocate for or incite hatred founded on discrimination. How NGOs respond to hate speech will depend on the legal provisions of each state.

The right to freedom of expression has been affirmed in international human rights law, and all OSCE participating States acknowledge this as a fundamental right. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) sets out everyone's right to hold opinions without interference and to

²⁶ See, for example, *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report for 2008* (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2009).

freedom of expression. However, Article 20 of the ICCPR states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.²⁷ Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) also requires states to prohibit certain forms of speech that advocate racial discrimination.²⁸

At a regional level, the EU Framework Decision on Racism and Xenophobia attempts to add further detail to the issue of what forms of speech should face sanctions under criminal law.

The interpretation of these obligations differs widely from state to state: Speech that is subject to criminal sanctions in one country is considered to be protected by the freedom of expression in another.

The OSCE’s position on hate speech has reflected the diversity of views among its participating States. OSCE Ministerial Council Decision No. 10/05 emphasized “the need for consistently and unequivocally speaking out against acts and manifestations of hate, particularly in political discourse”, while recognizing the importance of balancing respect for freedom of expression with the obligation to combat discrimination.²⁹

Monitoring

NGOs can monitor the media for instances of hate speech, while also using the media to respond to particular cases of hate speech and to advance the fight against discrimination and hate crime.

Racism and xenophobia and other forms of intolerance in the media, including the Internet, is subject to national and international legal constraints on discriminatory forms of expression, although national laws differ significantly in this regard.

A number of inter-governmental bodies monitor hate speech in the media, with a view to improved responses through a variety of means. The Council of Europe’s European Commission on Racism and Intolerance (ECRI), in its periodic country reports, regularly examines the treatment of minorities in the media while

27 “International Covenant on Civil and Political Rights”, OHCHR website, <<http://www2.ohchr.org/english/law/ccpr.htm>>.

28 “International Convention on the Elimination of All Forms of Racial Discrimination”, Article 4, OHCHR website, <<http://www2.ohchr.org/english/law/cerd.htm>>.

29 See, OSCE Ministerial Council Decision No. 10/05, “Tolerance and Understanding, Promoting Mutual Respect and Understanding”, Madrid, 30 November 2007, <http://www.osce.org/documents/mcs/2007/12/28629_en.pdf>.

highlighting the role of both self-regulatory media bodies and media complaints procedures.

Politicians

Election campaigns in which political leaders exploit or incite the xenophobic fears and prejudices of the electorate through speeches or slogans often provide the backdrop to violent hate crimes.

In response to such expressions of prejudice, NGOs can press for the application of political sanctions. The expulsion of political parties from regional political groupings is one potential sanction some NGOs have advocated. Similarly, ECRI has encouraged the adoption of legal provisions in Council of Europe Member States that allow for the withdrawal of public financing for political parties that promote racism.³⁰

Hate Speech and Intolerance in Football

Racist and other hate speech is prevalent among spectators in many sports, notably in professional football (soccer), where racist chants and harassment of players of minority origin, as well as racist violence, are common. These are frequently dismissed by police and football authorities alike as simply an extension of the confrontational culture of football, not to be taken seriously.

NGOs play an important role in combating racism, homophobia and other intolerance in sport, including through collaboration in campaigns organized by the Football against Racism in Sport (FARE) coalition. Football clubs have increasingly faced fines, the suspension of matches, and other sanctions for the racist behavior of fans, and may also face the loss of government subsidies.

Hate on the Internet: What You Need to Know

Websites and other online environments that propagate racism and other forms of hate are widespread on the Internet. Hate websites are both disturbing and destructive. They are disturbing because they disseminate crude messages of hate, often permeated by violent images and words. The sites are destructive because they are easily accessible and designed to be compelling in order to attract new members, especially young people.

Hate on the Internet is also spread through web forums and listserves, which serve as a vehicle for the daily exchange of racist messages. Hackers sometimes attack the websites of ethnic and religious groups and delete legitimate

30 *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report for 2006* (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2007), p. 62, <http://www.osce.org/odihr/item_11_26296.html>.

content, substituting racist and degrading images and statements. Hate-music sites, which contain songs with hateful and prejudiced lyrics, are available on or through links in hate websites.

A significant barrier to police in investigating hate sites that appear to violate hate crime laws is the lack of training on the technical issues involved in identifying who is responsible for hate sites and where those sites originate, and proving who is responsible for the content. NGOs may be able to supplement police investigations by providing technical expertise to train police officers on these issues.

Racist and intolerant speech on the Internet has had a causal relationship to hate crimes. This has included incidents in which hate groups and individuals use the Internet to identify particular people as targets for violence, to encourage such attacks, and to disseminate home addresses and other personal information on the targeted individuals with a view to facilitating these attacks. Explicit instructions for racist attacks on particular individuals are regularly found on the websites of “skinhead” and other extremist groups, despite legal norms in most countries that prohibit such direct incitement to violence.

Extremists in the United Kingdom in May 2006 published the name and home address of a vocal anti-racist worker on several hate websites. After numerous death threats, the worker was attacked and stabbed in front of his two daughters. He sustained serious injuries.³¹

What can NGOs do?

Monitor the Content of Hate Websites

NGOs that wish to start projects monitoring the Internet can use specialized software to create databases of hate content. This can be used for research, information exchange, comparative work and training. NGOs can also share this information with police agencies, academics, ombudsman institutions, anti-discrimination units or other NGOs.

Advocate for Removal of Hate from the Internet

NGOs can develop contacts with Internet-service providers and become familiar with their policies for dealing with hate sites. Then, by monitoring Internet sites, they can identify content that poses an immediate threat or violates guidelines, and quickly notify Internet-service providers. This does not supplant the role of law enforcement agencies where criminal acts may have occurred but, given the complexity of legal regulation of the Internet, the Internet-service providers may be more effective in removing the problematic content. In some countries, NGOs

31 Ibid, p. 65.

have been responsible for the closure of websites dedicated to hate speech. They have done so through direct intervention with service providers and government agencies, and bringing legal action.

NGOs have been successful in persuading online authors, owners or Internet-service providers to remove hate sites and discriminatory expressions from the Internet, particularly in states with hate-speech laws. NGOs can also offer support for existing or new NGOs that deal with cyber hate.

In the Netherlands, the Magenta Foundation's Complaints Bureau for Discrimination on the Internet has succeeded in removing thousands of instances of hate speech from the Internet since 1997, by sending requests for their removal to authors or owners of sites containing hate speech. The Netherlands has strong anti-discrimination legislation, and pointing out the illegality of material to authors or owners was enough to have them remove the material in 95 per cent of the cases.³²

Education

Comprehensive guides to education on the problem of cyberhate for parents, teachers and students have been developed by NGOs and are available on the web. NGOs can play an important role in providing training and educational materials against cyber hate:

- **For law enforcement:** NGOs can provide educational materials and training to police and prosecutors in skills and techniques for investigating hate crimes involving the use of the Internet;
- **For parents:** NGOs can provide advice and train parents how to recognize and assess problematic websites, how to transfer this knowledge to their children and how to monitor what sites children log onto. NGOs can distribute “filters” to parents that block access to hate sites on their home computers;
- **For teachers:** NGOs can provide advice on how to talk about cyberhate and how to develop students’ critical-thinking skills, which will allow them to ask appropriate questions about the validity of information on websites; and
- **For students:** NGOs can provide young people with information on the dangers of cyberhate, how to recognize and assess discriminatory material, and what can be done against it.

³² See <http://www.meldpunt.nl/> (In Dutch).

The United States-based youth hate prevention coalition Partners Against Hate published the manual “Hate on the Internet: A Resource Guide for Educators and Families” to equip parents, educators, librarians and other members of the community with tools to help young people recognize and deal with hate on the Internet.³³

Additional Resources

- Brian Willoughby, “10 Ways to Fight Hate on Campus: A Response Guide for College Activists” Southern Poverty Law Center, 2004.
- “101 Ways to Combat Prejudice: Close the Book on Hate”, Anti-Defamation League, 2001.
- Ellen Hofheimer Bettmann, Lorraine Tiven, *Building Community and Combating Hate: Lessons for the Middle School Classroom* (Washington, DC: Partners Against Hate, 2004).
- “Combating Racist Crime and Violence: Testimonies and Advocacy Strategies”, European Network Against Racism, May 2009.
- “Hate on Display: Extremist Symbols, Logos, and Tattoos - Revised and Updated”, Anti-Defamation League, 2003.
- Lorraine Tiven, *Hate on the Internet: A Response Guide for Educators and Families* (Washington, DC: Partners Against Hate 2003).
- “Let’s Fight Racism Together! Handbook for Minority Activists in Ukraine = Preodoleem rasizm vmeste! Informatsionnoe posobie”, (Kiev: Social Action Centre, 2008).
- “Peer Leadership: Helping Youth Become Change Agents in their Schools and Communities”, Partners Against Hate, July 2002
- Deborah A. Batiste, *Program Activity Guide, Helping Youth Resist Bias and Hate: A Resource Guide for Parents and Educators of Middle School Age Children*, (Washington, DC: Partners Against Hate, 2003).
- Michael Wotorson, *Program Activity Guide: Helping Children Resist Bias and Hate* (Washington, DC: Partners Against Hate, 2001).
- Jim Carnes (ed.), *Responding to Hate at School: A Guide for Teachers, Counselors and Administrators* (Montgomery, AL: Southern Poverty Law Center, 1999).
- Matthew Collins (ed.), Gerry Gable, (ed.), “Signs of Hate”, Searchlight Information Services, 2003.
- Kenneth S. Stern, “Skinheads: Who They Are & What to Do When They Come to Town”, AJC, 1990.
- Jim Carrier, Richard Cohen, (ed.) *Ten Ways to Fight Hate: A Community Response Guide*, (Montgomery, AL: Southern Poverty Law Center 2000).

33 “Hate on the Internet: A Response Guide for Educators and Families”, Partners Against Hate, December 2003, <<http://www.partnersagainsthate.org/publications/index.html>>.

Caryl Stern-LaRosa, Ellen Hofheimer Bettmann, *The Anti-Defamation League's Hate Hurts: How Children Learn and Unlearn Prejudice, a Guide for Adults and Children* (New York: Anti-Defamation League, 2000)
“Turn It Down Resource Kit”, Center for New Community, 2002.

CHAPTER 7

The NGO role in raising awareness and lobbying

One approach to improving the reporting and recording of hate crimes is to increase public awareness that these are serious crimes against which effective action can be taken.

The analysis and dissemination of data and information on hate crimes can be powerful advocacy tools with both government and specialized institutions. The latter includes national specialized anti-discrimination bodies, such as equal-opportunity commissions or anti-discrimination ombudsmen. Many of these specialized bodies play an important role as advocates for change to legislation and policy in their areas of responsibility. Some are also mandated to consider individual cases. A list of relevant specialized bodies and ombudsman institutions in the OSCE region can be accessed on ODIHR's Tolerance and Non-Discrimination Information System (TANDIS).³⁴

The European Network Against Racism (ENAR) is an EU-wide network of more than 600 organizations that works to combat racism, xenophobia, anti-Semitism and Islamophobia in Europe. ENAR produces annual "shadow reports" on countries in the region that include developments concerning hate crimes. These are described as efforts "to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States". ENAR publishes a weekly summary of developments in the region — the Weekly Mail — on its website.³⁵

The Public Response to Hate Crimes: Involving the Community

The increased awareness of hate crimes and their consequences in a community can generate a public response to hate-motivated incidents that helps to combat hate crime. The following paragraphs set out useful tools for raising awareness:

34 See <<http://tandis/index.php?p=qu-sp,list>>.

35 See <http://www.enar-eu.org/Page_Generale.asp?DocID=15291&la=1&langue=EN>.

Public Forums and Campaigning

NGO campaigning and advocacy use a wide range of public forums. These range from street demonstrations and public meetings to conferences and round-table discussions, from concerts and theatre productions to “information fairs” and multicultural food festivals. The venues for public events range from schools and public buildings to neighbourhood community centres, town squares and football stadiums.

Using Memorable Dates

National and international campaigning is frequently organized around certain memorable dates, including annual days and weeks dedicated to action against discrimination. In many countries, days of action or commemorations are based on their own national history and experience.

The UNITED for Intercultural Action network stimulates and co-ordinates a wide range of local activities in all European Countries for the annual commemoration of 9 November, the anniversary of the 1938 pogrom known as “Kristallnacht”. This has been recognized as the International Day Against Fascism and Anti-Semitism.³⁶

Conferences

National and international conferences can be important opportunities for NGO members to meet other NGO activists and independent experts. Conferences can also provide a forum in which NGOs can meet on more or less even terms with representatives of governments and specialized agencies. Conferences may also help NGOs draw the attention of the media and public opinion to hate crime issues.

In July 2006, the Russian Federation hosted the G8 Forum and a parallel Civil G8 Forum, in which national and international NGOs met to discuss human rights and other international issues. NGOs presented recommendations from round-table discussions in a session with then-President Vladimir Putin, and then presented them to the G8 Forum. NGOs presented proposals to combat hate crimes at a round table on extremism, migration, racism and xenophobia. A day-long meeting hosted by Russian NGOs brought together representatives of other national and international NGOs after the conclusion of the Civil G8, taking advantage of their presence in Moscow for a frank exchange of views, concerns and practical experiences.³⁷

36 See, for example, “International Day against Fascism and anti-Semitism on 9 November, Statement by Terry Davis, Secretary General of the Council of Europe” Council of Europe website, <<https://wcd.coe.int/ViewDoc.jsp?id=1367177&Site=DC&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>>.

37 See the Civil G8 website at <<http://www.civilg8.ru/>> and the ICARE Special Report on the Civil G8 at <<http://www.icare.to/g8.html>>.

Using Film and Video

NGOs in many countries have effectively used film and video for community-based campaigning, teaching and raising awareness. This has ranged from the preparation of short announcements for broadcast on television (sometimes called “public-service announcements”) to international film festivals highlighting particular problems of discrimination. In some countries, media companies will agree to broadcast short audio and video materials produced by or for NGOs that address issues of concern to the community. NGOs should press for this kind of access to the media.

In Spain, the Movement against Intolerance regularly holds events in which film and video on human rights and antidiscrimination themes are shown, followed by discussions. The NGO provides practical training in radio broadcasting through the creation and broadcast of radio programmes on the themes of violence, racism and intolerance, “with the participation of immigrants, refugees and ethnic minorities”. Advocacy tools include short video messages for television. Links to these and to public broadcast materials are provided on their website.³⁸

Museums and Exhibitions

In some countries, NGOs and civil society have established museums commemorating the suffering caused by discrimination and hatred in the past. Museums of this kind increasingly use photographs, video and modern information technology to devise interactive exhibits through which children can explore issues of tolerance and equality. They provide important venues for discussions of issues of discrimination and tolerance education.

Children’s drawing competitions are frequently sponsored as part of anti-racism and anti-discrimination campaigns. As part of the 2008 “Football Against Racism” campaign in Ukraine, Lviv football supporters sponsored an anti-racism drawing competition for schoolchildren.³⁹

Rallies and Demonstrations

Public events such as rallies, demonstrations or vigils can provide a powerful, visible community response to hate crimes or incidents. Because these gatherings are usually held outdoors in well-traveled public spaces, they are often attended by individuals who may not otherwise be reached by outreach efforts.

38 See Zona Multimedia (in Spanish) at <<http://www.movimientocontralaintolerancia.com/html/audiovisual/audiovisual.asp#>>.

39 See Football Against Racism in Europe, <http://www.faren.net/default.asp?intPageID=2>.

On 13 June 2008, a march was held in Rome to protest the “scapegoating” and persecution of Roma in Italy. The march brought together members of diverse communities in what was said to have been the first protest of its kind in Italy. Participants included Roma, Italian intellectuals and Jewish survivors from Nazi death camps, wearing “the same black triangle bearing the letter Z as worn by Gypsy inmates at the camps”.⁴⁰

An important consideration in regard to public events is whether their participants will be safe. In some communities, public gatherings may turn violent if skinhead or other groups with an agenda of hate attend. In other communities, police may feel that a public event poses a threat and attempt to stop the rally or vigil from occurring through arrests or other means.

NGOs can reduce the risk of violence by providing prior notification to police and local authorities (and obtaining prior approval if this is required). In some cases, organizers may want to formally request police protection to address the risk of violence from skinhead or other groups. Some NGOs both minimize the risk of violence and promote police involvement in community affairs by inviting senior police officers to participate as speakers in public forums on hate crimes.

Vigils

Vigils are events at which people gather to contemplate a particular event or situation. They are usually held at night, often with participants holding candles, and can serve as a form of protest to increase community awareness and to bring people together. Vigils can serve the purpose of commemorating and honouring hate crime victims who have been killed or injured, and can be a powerful way to build a supportive, tolerant community in the aftermath of a disturbing hate-motivated incident or crime. Often, inspirational texts are read out at vigils; in some cases, the names of victims are read out.

Sport and Sporting Events

NGOs have been an important part of efforts to combat racism and related intolerance in sport, with the involvement of sport stars, teams, and team management.

In many countries, football clubs and leagues are committed to highlighting an anti-racism week through events, information campaigns and ceremonies at major matches. In Sweden, for example, a campaign was organized by the Swedish players’ union at a series of matches around the theme “Give Racism the Red Card”. Flyers were distributed with information about the campaign to an estimated 135,000 spectators, while a short video was shown during the pre-game

40 Tom Kington, “We won’t be Berlusconi’s scapegoats, say Gypsies,” *The Observer*, June 15, 2008, <<http://www.guardian.co.uk/world/2008/jun/15/italy.race>>.

ceremonies to provide information about the campaign, at which time players held up Red Cards.⁴¹

Europe-wide activities organized in conjunction with the Union of European Football Associations (UEFA) included a campaign in conjunction with the Euro 2008 championship “to promote and convey the positive message of fighting discrimination in and outside the stadiums”. FARE was also involved in monitoring discrimination at games, while a “multilingual hotline” and email address was available to report racism and discrimination. A television spot entitled “Different Languages, One Goal: No To Racism” was produced for broadcast during the playoff season.⁴²

Community Action against Vandalism and Graffiti

Vandalism is one of the most common hate crimes, and can result in the expensive clean-up and repairs of personal or community property. Organizing a community clean-up of hate graffiti can unite people around a common task that is practical, as well as a symbolic action against hate. Likewise, if an individual’s residence has been burgled or a church’s windows have been broken, local locksmiths or carpenters can be enlisted to donate services to change locks or replace windows.

In Lodz, Poland’s second largest city, an annual clean-up of racist and anti-Semitic graffiti has been held since 2000, in a tradition begun by a group of journalists and local political leaders. In 2007, the “Colorful Tolerance” campaign began with a demonstration in front of city hall in which teenagers held up photographs of examples of anti-Semitic graffiti from around the city. Students, teachers, journalists and others then moved throughout the city to paint over graffiti on schools, storefronts, homes and city buses. The campaign has been strongly supported by Lodz’s mayor and deputy mayor.⁴³

Building Coalitions

NGO partners that work in coalition can collaborate closely in developing policies, positions and advocacy strategies and tools for change in combating hate crimes.

Advantages of Working in Coalitions

Coalitions demonstrate broader public interest in the problem of hate crime beyond the targeted victim groups.

41 See Football Against Racism in Europe, op. cit.

42 Ibid.

43 “Polish teens protest anti-Semitic graffiti,” JTA website, 15 March, 2007, <<http://jta.org/news/article/2007/03/15/100631/lodzgraffiti>>.

Different coalition partners may have their own specific relationship with or access to particular decision makers. For example, religious institutions or religious leaders may have a relationship with police, governmental agencies or the media that an NGO does not have.

Coalitions often begin with NGOs and community groups. They can sometimes expand to include representatives of police agencies, government officials and others with whom ongoing collaboration is important. Coalitions engage in different levels of co-operation, from information sharing and networking to collaboration on specific projects and advocacy.

In many cases, coalitions are created to combat problems of discrimination and violence in particular environments or that affect particular groups. The problem of hate crime violence in schools, for example, can be addressed through broad coalitions that incorporate organizations from the education, child protection and other sectors.

An informal coalition supporting new federal hate crime legislation in the United States in 2008 included 28 state Attorneys General, leaders of the nation's major police organizations and over 300 national law enforcement, professional, education, civil rights, religious and civic organizations, showing how civic organizations and official groups can work together against hate crimes.⁴⁴

In Uzbekistan, 26 Protestant congregations co-operated in publishing an open letter in June 2008 protesting media attacks that named individual religious leaders and churches. The letter said that "garbled facts, aggressive attacks, lies and slander" were used to encourage intolerance and hatred towards members of religious minorities.⁴⁵

Tips for Coalitions

One of the purposes of hate crime coalitions is to develop goals based on the needs of the diverse communities they represent. An important first step in forming a coalition can be to identify a concrete objective around which groups that may have different missions or agendas can unify. This can build motivation and a sense of empowerment on the part of members to set intermediate, attainable goals at the outset. Marking even limited successes towards the longer-term strategic aim of the coalition can help boost the group's credibility, morale and determination.

44 For a complete list of participants, see Leadership Conference on Civil Rights, "LEHCPA 2009 - Endorsing Organizations," <http://www.civilrights.org/hatecrimes/lehcpa/organizations.html>.

45 See "Hate Crime Survey: Religious Intolerance: Uzbekistan", Human Rights First, <<http://www.humanrightsfirst.org/discrimination/reports.aspx?s=religious-intolerance&p=countries#turkey>>.

For a coalition to function smoothly, it is important to establish clear mechanisms for gathering input, making decisions and selecting leadership.

Who to Include in a Coalition

Since the make-up of the coalition and its leaders will impact its effectiveness and determine how well it can manage conflicts that arise, it is important to map out clearly the needs of the coalition and assess the strengths, shared interests and potential liability of including possible partners.

When forming a coalition, NGOs can initially partner with a small number of other NGOs and community leaders of ethnic, religious and other groups. The initial partners often serve as the nucleus of the coalition, so it is important to identify leaders who are trusted in their communities and who can marshal a commitment to the issue. Prominent leaders can help raise the profile of the coalition, but it is also important to get the support of those who will be making a day-to-day effort to collaborate. In some cases, NGOs can reach out broadly to youth organizations, civic organizations, schools, social clubs, labor unions, business associations and specific government officials.

Working with the Media

Working with the media can be an effective means both to disseminate accurate information about hate crimes and to send a clear message that hate crimes are unacceptable. In addition, the media can give prior publicity about community events that are organized in response to a particular hate-motivated incident or hate crime.

In areas where a vibrant, free and independent media does not exist, NGOs will need to carefully develop a communication strategy to ensure the dissemination of accurate information about hate crimes. One approach is to work with international NGOs or foreign reporters. Information that is published or broadcast internationally may have a significant audience, even in areas where the local press is neither free nor independent of the government.

Whenever NGOs seek press coverage, it is important to first determine what the core message will be. If several members of an organization or a coalition are working with the media, it is important that they each consult in putting the core message into words beforehand and in delivering a consistent message to the media.

Gaining Media Attention

There are several routine methods for NGOs to obtain press coverage:

- **Press releases:** Press releases can provide detailed information to a wide range of media outlets about events and the release of reports, or information needed by a community after a hate crime or incident. Press releases can allow NGOs to circulate a comprehensive, consistent message without having to engage in an overwhelming number of interviews or direct contacts with reporters. For a press release to reach a broad audience, an NGO will need a good list of media sources, with e-mail addresses, especially including the media most important to a particular community;
- **Contacting individual reporters:** When an opportunity for media coverage arises, NGOs can contact individual reporters and provide them with details about the story. While it may be simplest to contact reporters with whom the NGO has previously developed relationships, it may sometimes be even more effective to branch out and contact other individuals whose reporting indicates that they may be willing to cover a particular event or issue;
- **Making NGO leaders and well-known supporters available for press comment:** In addition to NGO representatives, others who are well known and respected in a community should be made available to speak to the media about issues or events. NGOs can organize press briefings in which media can meet leading community or religious figures, sport personalities or others who support their efforts;
- **Editorial boards and publishers:** In many newspapers, decisions on editorial positions are made by an editorial board, comprised of editors and other staff of the paper. Many editorial boards will meet with NGOs and concerned citizens to discuss their papers' editorial positions. Similarly, some publishers are willing to meet with NGOs and others to discuss concerns about their newspapers' coverage of issues.
- **Press conferences:** Press conferences can be an effective way to obtain press coverage that allows an NGO to gather and inform a group of media representatives all at once. In most cases, this requires significant advance planning to ensure attendance, including the notification of many media outlets and specific journalists as to the date and time. It is important to choose an appropriate location for these events: The site of the hate crime, a well-known venue or in front of a courthouse or government building are all options. Sometimes attendance can be increased by the participation of a high-profile supporter of the NGO, such as a sport and entertainment personality or a top community leader. Often, press conferences and press briefings are held at the offices of an NGO. It can be useful to

distribute a press release at a press conference, to ensure that journalists have easy access to and clear language on the main points being set out orally.

Education and Training

Education is a valuable tool for preventing and responding to hate-motivated incidents and hate crimes. There are many ways to provide education about hate crime issues, including community workshops, programmes with teachers, students and other youth, training for professionals and informational campaigns for the general public.

Community Education

Some communities have organized educational campaigns after hate crimes have been committed that involved training local business people, educators and/or service providers on the basics of responding to hate crimes in their community. In some cases, people who completed the training were invited to place a “hate-free zone” sticker or flyer in the window of their business, classroom or office to show that they are opposed to bigotry and hate crimes.

Community workshops can both increase awareness about the extent and impact of hate crimes and provide practical strategies for intervening in situations in which hate is being expressed. If community members are educated about low-key ways to address hate, they may prevent that hate from escalating into a hate crime.

Working with Youth

Hate crime monitoring and reporting shows that youth are all too often involved in hate crime both as victims and perpetrators. As a consequence, working with youth is a vital part of any hate crime prevention strategy.

Youth education regarding hate crimes often occurs in schools and universities. This is facilitated by the identification of students who have social influence in diverse populations in the school to be trained as student leaders. Once these students have been trained, they can be involved in working with the larger student population to raise awareness about prejudice, harassment and hate crimes. Student leaders can sit on panels to discuss the issues of prejudice in their school and strategies for low-key intervention. Students are the most powerful influence on their peers. If a school can direct that influence towards the prevention of prejudice, harassment and hate crimes, it will move the school’s climate towards one of respect and safety.

NGOs and education authorities have worked closely in many countries to develop and implement programmes to teach tolerance. The Council of Europe has

developed teaching materials for its campaigns “All Equal – All Different” and “Dosta!” (on the Roma and Sinti), which have been used effectively by NGOs.⁴⁶

One common form of hate crime violence and intimidation in schools is bullying, in which students alone or in groups harass and physically attack others. The target groups for bullying might in some cases include groups who are often the targets of hate crimes. In many countries, anti-bullying campaigns have been organized in which student groups, with support from NGOs, school administrators and local authorities, address the problem of bullying.

In the United Kingdom, the Anti-Bullying Alliance (ABA) includes 65 organizations and promotes a range of anti-bullying programmes, from the preparation of anti-bullying lesson plans for teachers to the annual observance of a national Anti-Bullying Week. Participants from hundreds of United Kingdom schools took part in the Anti-Bullying Week events of 17-21 November 2008, with the theme “Being different, belonging together”. ABA members such as Actionwork provide anti-bullying materials for campaigning in the United Kingdom and internationally. The Actionwork website provides examples of no-cost and low-cost activities schools and students can organize, as well as access to videos, posters and other materials for campaigns.⁴⁷

NGOs from Germany, Italy, Romania, Spain and the United Kingdom are partners in an Internet-based peer-mediation project called “avatar@school”. This is an online environment for teenagers in schools throughout Europe and other parts of the world to co-operatively deal with bullying and victimization as “true-to-life characters in real conflict scenarios”. The system uses game scenarios and role play to prevent violence amongst young people through peer mediation.⁴⁸

In Georgia, in collaboration with the “UNITED we are Strong!” campaign commemorating “Kristallnacht”, the “21st Century” Union, an NGO, organized seminars, discussions and competitions with pupils in different cities in Georgia in 2008.⁴⁹

Training for Professionals

Training for professionals in hate crime prevention and response can also be used to begin the process of coalition-building. Training can cover the particular aspects of hate crime response and prevention most relevant to those being trained.

46 See, for example, “International Day against Fascism and anti-Semitism on 9 November”, op. cit.

47 See *Anti-Bullying Alliance E-Bulletin*, No. 7, July 2008, Anti-Bullying Alliance website <http://www.antibullyingalliance.org.uk/downloads/pdf/aba_e_bulletin_july_2008.pdf>; Anti-Bullying Week website, <<http://www.antibullyingweek.co.uk/>>; and the Actionwork website, <<http://www.actionwork.com/>>.

48 See the Avatar@school website, <www.avataratschool.eu>.

49 See the United for Intercultural Action website, <<http://www.unitedagainstracism.org/>>.

Police agencies, social-service providers, teachers and health care professionals are all groups that can benefit from hate crime prevention and response workshops, because professionals in these fields are likely to interact with both victims and perpetrators of hate crimes.

Training of Trainers

After providing hate crime prevention training to professionals, the next step can be training professionals to provide hate crime prevention workshops for others in the community. These programmes should include complete, up-to-date hate crime response and prevention information, as well as information and practice sessions about workshop presentations.

Additional Resources

Dr. Robin Oakley, *Combating Hate Crime in Latvia and the Czech Republic: A Comparative Assessment* (Riga: Latvian Centre for Human Rights, 2008).

Anhelita Kamenska, Ilze Brands-Kehris, *Combating Hate Crimes in Latvia: Legislation and Police Practice* (Riga: Latvian Centre for Human Rights, 2008).

“Free2choose: The Boundaries of Freedom”, Anne Frank House, 2006.

“From Hate Crimes to Human Rights: Blueprint of the Coalition Europe’s Campaign on Hate Crimes Coalition Europe”, Coalition Europe, 2006.

“How to Combat Bias and Hate Crimes: An ADL Blueprint for Action”, Anti-Defamation League, 2004.

CHAPTER 8

NGO advocacy: an international framework

NGOs may seek support from a number of specialized bodies in their advocacy efforts. These include the political bodies of international organizations (inter-governmental organizations), bodies created to oversee the implementation of human rights and non-discrimination treaties (treaty-monitoring bodies), and other specialized bodies. NGOs are free to submit information to most of these bodies, some of which are mandated to review submissions on behalf of individual victims of human rights abuses. NGOs may also turn to these bodies for support with capacity and network building. In some cases, NGOs may turn to specialized bodies such as the European Court of Human Rights to seek legal remedies for victims of hate crimes.

Inter-governmental Organizations

Inter-governmental organizations or institutions that are of particular importance for NGOs working to combat hate crimes include the Organization for Security and Co-operation in Europe, the Council of Europe Commissioner for Human Rights and the European Union's Fundamental Rights Agency.

Many of these organizations co-ordinate international conferences and workshops related to hate crimes, tolerance and non-discrimination. NGOs that participate in such conferences may advocate directly with government representatives and the representatives of specialized agencies and give public resonance to issues through the media. In such international settings, NGOs often work in coalitions to amplify their message. In raising concerns about hate crimes with inter-governmental organizations, it is important to show that not only representatives of the group under attack are speaking out.

The OSCE

The OSCE organizes an annual Human Dimension Implementation Meeting (HDIM) in Warsaw to review the implementation of a broad range of OSCE human dimension commitments, including the promotion of tolerance and the protection of the rights of national minorities. The HDIM lasts 10 working

days and is attended by representatives of OSCE participating States, NGOs and international organizations and institutions.

Rules for participation in the HDIM are particularly “NGO-friendly”, providing NGO representatives with opportunities to distribute written submissions and to participate in conference discussions. It is the only human rights conference in Europe in which representatives of civil society take part with governments on an equal footing.

The Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent institution within the Council of Europe, mandated to promote awareness of and respect for human rights in the 47 Council of Europe member states.

The objectives of the Commissioner for Human Rights include promoting education about and awareness of human rights, identifying legislative gaps concerning human rights and facilitating the activities of national ombudsman institutions and other human rights structures. The Commissioner regularly conducts official country visits, reporting on the national human rights context and providing recommendations for the improved protection of human rights.

The Commissioner works with a wide range of institutions, including civil society organizations.

The European Union Agency for Fundamental Rights (FRA)

FRA is a body of the European Union based in Vienna. The agency provides institutions and authorities of the EU and its Member States with assistance and expertise relating to fundamental rights. FRA collects and publishes data and information on issues of racism, xenophobia and related intolerance through its European Information Network on Racism and Xenophobia (RAXEN) National Focal Points (NFPs) covering all EU Member States.

FRA engages with a number of stakeholders, including NGOs, and co-ordinates the Fundamental Rights Platform⁵⁰, a network of civil society actors dealing with a wide range of human rights issues.

Treaty Monitoring Bodies

A number of international human rights treaties establish committees of experts to monitor their implementation. NGOs may, in some circumstances, assist individuals who believe that their rights under a relevant treaty have been violated by a State Party to submit complaints to such bodies.

50 See the “Fundamental Rights Platform” page on the FRA website at <http://fra.europa.eu/fraWebsite/civil_society/fr_platform/fr_platform_en.htm>

Treaty-based bodies are often mandated to receive reports from States Parties regarding the steps they have undertaken to implement certain conventions. It is common practice for NGOs to draft and submit “shadow reports” to treaty-monitoring bodies to highlight or present supplemental information that may be missing in the reports from States Bodies. NGOs may, for example, include information about a state’s record on hate crime prevention and response in such reports.

The Committee on the Elimination of Racial Discrimination (CERD)

CERD⁵¹ is the treaty-based body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its States Parties. States Parties to the Convention are required to submit regular reports to the Committee outlining how CERD-protected rights are being implemented in their respective countries.

CERD is also mandated under particular circumstances to receive complaints or communications from individuals who claim that their rights have been violated by a State Party to CERD. Complaints may be submitted by an individual or group of individuals. Complaints may also be brought by third-party representatives, provided that they have provided written consent from the person they are representing or if special circumstances make it impossible for that person to give such consent.

The European Court of Human Rights (ECHR)

The ECHR was established under the European Convention on Human Rights to monitor and enforce the respect of human rights by States Parties. All 47 members of the Council of Europe are parties to the Convention.

In certain circumstances, NGOs may seek legal redress before the European Court of Human Rights on behalf of victims of hate crimes who believe that their rights or freedoms under the European Convention on Human Rights have been violated. While hate crimes are criminal acts committed with a bias motive, the European Court of Human Rights has recognized that states have a positive obligation to investigate the potential racial motivations of crimes.⁵²

In Bulgaria, for example, lawyers acting for the European Roma Rights Centre, in co-operation with Sofia’s Human Rights Project, represented the mother and wife of a Roma victim of racially motivated murder in a case before European Court of Human Rights. The Court found that the authorities had failed to conduct an

51 See the “Committee on the Elimination of Racial Discrimination” page on the OHCHR website, <<http://www2.ohchr.org/english/bodies/cerd/index.htm>>.

52 *Nachova and Others v Bulgaria*, (App no 43577/98 and 43579/98), Judgement of 6 July 2005, paragraphs 160-168, <<http://www.echr.coe.int/Eng/Press/2004/Feb/ChamberJudgmentNachovaandothersvBulgaria260204.htm>>.

effective investigation into a racially motivated killing.⁵³ The case concerned the race-related killing of a Roma man on 18 April 1996 in Shumen, Bulgaria, and the subsequent investigation. The Court held that Bulgaria was responsible for breaches of the procedural aspect of the right to life (Article 2), in conjunction with the prohibition of discrimination (Article 14).⁵⁴

The rules of the Court permit individual applications against States Parties for human rights violations. However, domestic remedies must be exhausted before approaching the Court. All decisions by the Court are legally binding on member states and must be complied with.

Human rights defenders can contact European Union diplomatic missions for support when under threat. In June 2004, the Council of the European Union adopted practical guidelines for action in support of human rights defenders. These promote the role of EU missions in supporting and protecting human rights defenders and provide for intervention for those at risk.⁵⁵

Additional Resources

Shaw, Margaret, “Preventing Hate Crimes: International Strategies and Practice”, International Centre for the Prevention of Crime, April 2002.

53 Angelova and Iliev v Bulgaria (App no 55523/00), Judgement of 26 July 2007, <http://www.ius.info/EUII/EUCHR/dokumenti/2007/07/CASE_OF_ANGELOVA_AND_ILIEV_v_BULGARIA_26_07_2007.html>.

54 Ibid, and “Strasbourg Court Sanctions Bulgaria for Failure to Bring Perpetrators of Racist Killing to Justice,” European Roma Rights Centre, 6 August 2007, <<http://www.errc.org/cikk.php?cikk=2854>>.

55 See “Ensuring Protection – European Union Guidelines on Human Rights Defenders”, Council of the European Union website, <http://ue.eu.int/uedocs/cmsUpload/GuidelinesDefenders.pdf>. NGOs can also contact the UN’s Special Rapporteur on the situation of human rights defenders, <<http://www2.ohchr.org/english/issues/defenders/index.htm>>.