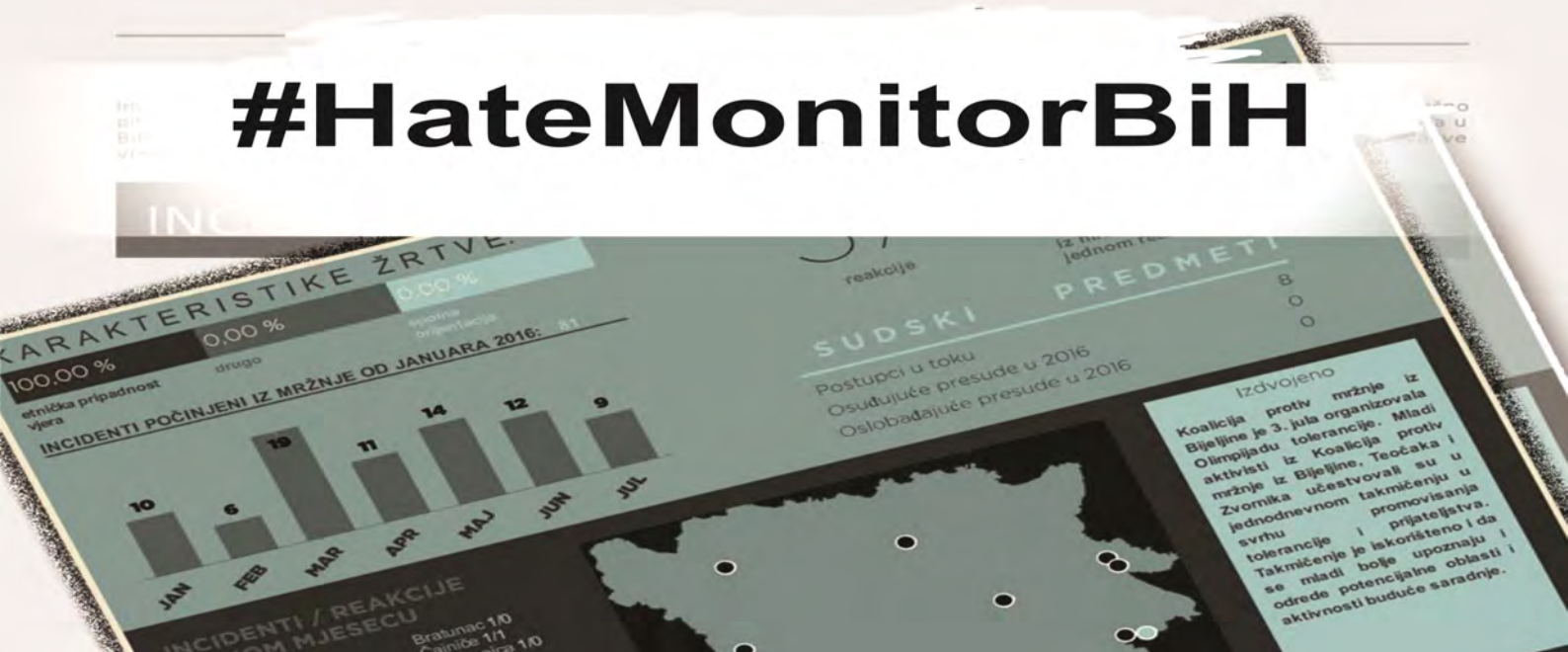


Combating Hate Crimes

#HateMonitorBiH



The OSCE Mission to Bosnia and Herzegovina monitors and reports on hate crimes, advocates for the effective application of legal provisions on hate crimes, raises awareness, and builds the capacity of domestic institutions to prevent and process such cases.

What is a hate crime?

A hate crime is a crime that is motivated by intolerance towards a specific group. For a criminal act to qualify as a hate crime, two criteria must be met:

- 1) the act must be a crime under the criminal code and
- 2) the crime must have been committed with a bias motivation.

Bias motivations mean that the perpetrator chose the target of the crime on the basis of real or perceived protected characteristics. A protected characteristic is a fundamental characteristic that is shared by a group, such as race, religion, ethnicity, language, or sexual orientation. A hate crime does not require that the perpetrator feels hate, it requires only that the crime is committed out of

a bias motivation. Hate crimes commonly take the form of property damage, assault, or murder, however if both of the aforementioned criteria are met, any crime can be considered a hate crime.

Why is it important to respond to hate crimes?

Hate crimes send a powerful message of intolerance to the victim and the group they belong to, and may trigger a sense of insecurity and distrust within the community. Individual hate crimes require special attention because, even if minor in nature, they carry the seeds of potential conflict

as they can escalate and give rise to increased tensions. When a suspected hate crime occurs, effective responses by local authorities reassure communities that appropriate action is being taken and that the impact of the incident is understood. The effective processing of hate crimes within the justice sector helps send the message that such crimes will not be tolerated.

crime
+
bias motivation
=
HATE CRIME

Hate crimes in Bosnia and Herzegovina

Hate crimes in Bosnia and Herzegovina (BiH) often target:

- The three largest ethnic groups in BiH when they represent a demographic minority, such as in returnee communities, which are often isolated and vulnerable. Hate crimes against these communities (against both people and their property) create fear and tension through the messages of intolerance they carry.
- Religious leaders and religious and sacred objects, such as churches, mosques, and graveyards.
- Members of sexual minorities. Members of this group are extremely vulnerable to hate crimes and attacks frequently occur in public places.
- Roma and other ethnic minorities.

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

Legislative framework

In 2010, important amendments to provisions of the Criminal Codes of Republika Srpska and Brčko District related to hate crimes were adopted. Similar amendments to the Criminal Code of the Federation of BiH were adopted in 2016. These amendments strengthen the legal basis for law enforcement agencies and the judiciary to investigate and process such crimes. They provide for aggravated forms of certain criminal acts, such as murder, rape, and causing grievous bodily injury, when committed with a bias motivation. When it is not provided as an element of the crime, bias motivation should also be taken into account as an aggravating circumstance.

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

The role of the Mission

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

- Monitoring and reporting on hate-related incidents and crimes across BiH, as well as on the responses by local authorities and civil society to such acts. For instance, the Mission's Hate Monitor infographic helps to fill the gap left by a lack of official data collection or analysis.
- Advocating for legal reform to strengthen provisions on hate crimes and promote their effective implementation by facilitating discussions in the legal community.
- Building the institutional capacities of law enforcement agencies and the judiciary. The Mission has been organizing capacity building activities for law enforcement, prosecutors, and judges since 2014.
- Raising the public and municipal authorities' awareness about hate crimes and appropriate responses to them. The

Mission provides forums for discussion within communities through local events and awareness raising activities. Advocating for the establishment of an official system of data collection on bias-motivated incidents and hate crimes in BiH. Such a system would inform policy decisions and actions to tackle bias-motivated incidents and hate crimes in BiH.

- Promoting the engagement of civil society in tackling hate crimes.

Relevant publications

- Understanding Hate Crimes: A Handbook for Bosnia and Herzegovina
- Hate Monitor
- Tackling Hate Crimes Report
- Hate Crimes and Bias-Motivated Incidents in BiH, 2015 monitoring findings
- Hate Crimes Legal Commentary

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