



**GUIDE  
TO ADDRESSING  
HATE CRIME AT THE  
REGIONAL LEVEL**





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# INTRODUCTION

This *Guide on Addressing Hate Crime at the Regional Level* was developed as part of a project implemented by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to build a comprehensive criminal justice response to hate crime.<sup>1</sup>

The Guide compiles the good practices and lessons learned from the project activities on addressing hate crimes at the regional level in Lombardy, Italy. The activities were implemented in co-operation with the Catholic University of the Sacred Heart (UCSC) in Milan as the official project partner, as well as with the support of the Milan Bar Association, the Decentralized Section of the Superior School for Magistrates and the Observatory for Security against Acts of Discrimination.

After a general overview of the concept of hate crime, the guide presents both the advantages and the challenges associated with using a centralized, national approach, versus a more regional, local one to address such crimes. Once the relevant lead institution has made the decision to undertake activities at the regional level, the guide presents a systematic process for conducting a baseline assessment. It continues by offering a spectrum of activities that can be implemented by criminal justice agencies and civil society organizations, as well as suggestions on how to establish partnerships and strengthen co-operation. Ultimately, the guide offers a set of recommendations for monitoring and evaluation, in order to sustain the results of efforts to address hate crimes in the region.

It is important to note that, for the purposes of this Guide, “region” represents a sub-national administrative area, division or district with some type of self-governance in the matters of (secondary) legislation, institutional set-up and the provision of services. This also applies to federal units within one country or to regions with different levels of autonomy ranging from full autonomy to purely administrative regions. The principles of this Guide are also applicable for the smallest units of self-government, such as municipalities, although they often have limited capacity to undertake robust activities on addressing hate crimes.

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<sup>1</sup> The project “Building a Comprehensive Criminal Justice Response to Hate Crime” is co-funded by the European Union and the United States, and implemented by ODIHR. For more information see the project webpage: <<https://www.osce.org/projects/criminal-justice-response-hate-crime>>.

# A CENTRALIZED OR REGIONAL APPROACH TO ADDRESSING HATE CRIMES

Hate crimes are criminal acts motivated by bias or prejudice towards groups of people based on skin colour, disability, ethnicity, gender identity, nationality, race, religion, sex and sexual orientation or any other fundamental characteristic. They not only affect individuals from specific groups, but also people or property, such as community centres or places of worship, associated with a group that shares a protected characteristic. They affect the security of individuals, their communities and society. As such, they can pose a serious security challenge. In extreme situations and if left unchecked, hate crimes can lead to conflict within and across national borders.<sup>2</sup>

OSCE participating States have committed to enact and enforce legislation that provides criminal sanctions appropriate to the gravity of hate crimes. They have also committed to address under-reporting of hate crimes and introduce or improve capacity building for law enforcement, prosecution and judicial officials, with the aim of facilitating the prevention, investigation and prosecution of hate crimes. States have also committed to collecting, processing and publishing reliable data on hate crimes.<sup>3</sup> The primary obligation for dealing with hate crime lies with central national authorities. This, however, does not prevent regional or local authorities from undertaking actions to fulfil commitments to further the respect for human rights, promote a tolerant society and strengthen security within their area of function.

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2 “What is hate crime”, OSCE/ODIHR Hate Crime Reporting website, 22 October 2018, <<http://hatecrime.osce.org/what-hate-crime>>.

3 “Our Mandate”, OSCE/ODIHR Hate Crime Reporting website, 9 October 2018, <<http://hatecrime.osce.org/what-do-we-know/our-mandate>>.

There are several advantages and challenges in undertaking both the centralized and the regional approaches to addressing hate crimes. When deciding whether to undertake a centralized approach, where policies are designed top-down<sup>4</sup>, or rather take a bottom-up approach, where local stakeholders are the main creators of the activities, the advantages of each approach need to be taken into consideration.

One of the main advantages of a centralized or national approach is the capacity to adopt legislation and direct the entire law enforcement mechanism across the country. National legislation defines the scope and the nature of protection from hate crimes, by determining which criminal acts are considered hate crimes and which fundamental characteristics are protected.

The spectrum of existing legislation offers a broad range of different solutions. In federations, the federal legislative body can adopt legislation that is applicable to all federal units, while the states themselves may also enact (or choose not to enact) their own specific hate crime legislation, as in the United States.<sup>5</sup> At the same time, in Bosnia and Herzegovina, for example, the state Criminal Code<sup>6</sup> does not provide a specific definition of hate crime while the Criminal Codes of the Federation of Bosnia and Herzegovina<sup>7</sup>, the Brčko District of Bosnia and Herzegovina<sup>8</sup> and the Republika Srpska<sup>9</sup>, although independent from each other, provide similar solutions to bias motivated crimes. In unitary states, regions cannot enact their own, separate legislation, even though the modalities of the implementation of national legislation may differ.

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4 The design at the central level should also include relevant stakeholders from institutions and civil society organizations.

5 Carley Lanich, Ashley Hopko, Justin Parham, “State laws vary, often leaving out LGBTQ protections”, *Hate in America* website, 15 August 2018, <<https://hateinamerica.news21.com/hate-crime-laws-vary-leaving-out-LGBTQ/>>.

6 The Criminal Code of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, No. 40/15.

7 The Criminal Code of Federation of Bosnia and Herzegovina, Official Gazette of FBiH, No. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14.

8 The Criminal Code of Brčko District of Bosnia and Herzegovina, Official Gazette of BDBiH, No. 6/05, 21/10, 9/13, 33/13 and 26/16.

9 The Criminal Code of Republika Srpska, Official Gazette of RS, No. 63/17.

When designing training programmes, the centralized approach allows for the design of a unique nationwide curriculum for all criminal justice agencies. A single centralized training institution for police, as well as for the prosecutors and judges, can create and disseminate training materials and undertake a countrywide training effort.

For these reasons, when implementing its hate crime training programmes, such as the Training for Law Enforcement Against Hate Crime (TAHCLE) and the Prosecutors and Hate Crimes Training (PAHCT), ODIHR signs a memorandum of understanding with the relevant national training institutions.<sup>10</sup> This helps to facilitate the nationwide implementation of the training curriculum in a uniform way.

When it comes to hate crime data collection, the centralized approach also has its advantages. With a single instruction by the competent authority at the national level, institutions across the country will be obliged to collect, process and provide data in a uniform manner. This can create a national database on hate crimes that can later direct national policies and legislation. For example, with one instruction, the Supreme Court Prosecutor of Greece instructed all prosecutorial offices to mark hate crimes with the special flag denoting racist violence, establishing a single national database of hate crime cases.

The main advantages stemming from the generic and overarching character of the centralized approach to addressing hate crimes also account for its greatest challenges. For example, as national legislation and policies need to encompass a wide territory with a great number of citizens, their design does not always recognize the differences and variances that exist at the sub-national level. When a country has recognizable distinctions among its regions, this can be an important factor in the decision to pursue a regional approach.

Efforts at the regional level will depend on the competencies of these authorities; however, there are notable advantages. A proactive regional approach allows local

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10 See: *Training Against Hate Crimes for Law Enforcement (TAHCLE): Programme Description* (Warsaw: OSCE/ODIHR, 2012), <<https://www.osce.org/odihr/tahcle>>; and *Prosecutors and Hate Crimes Training (PAHCT): Programme Description* (Warsaw: OSCE/ODIHR, 2014), <<https://www.osce.org/odihr/pahct>>.

particularities to be addressed. This includes such things as hate crimes specific to a region due to various factors – for instance, a higher density of immigrants or a larger ethnic minority population.

Using a regional approach, responses to local crises that could quickly escalate and endanger the security of the population can be immediate. The local needs in addressing hate crimes can be handled with more flexibility and easier co-ordination among the appropriate agencies and organizations at the regional level. The engagement of local institutions helps facilitate the inclusion of local civil society, which should include representatives of victim communities, who may act to diffuse tensions when necessary.

A very important advantage of the regional approach to hate crimes is the ownership of efforts by key regional and local actors. The benefit of local ownership is that it builds bridges and trust between communities and authorities who demonstrate a serious commitment to addressing hate crime. This promotes sustainable, long-term results.

Ultimately, in deciding whether a centralized or regional approach should be undertaken, the lead institution should collect and analyse relevant information on the advantages and disadvantages of both approaches, given that country's national and regional hate crime environment. The following chapter on performing a regional baseline assessment provides additional guidance about the information necessary to collect when making that decision.

# A REGIONAL BASELINE ASSESSMENT

A baseline assessment is an essential and fundamental part of any change programme. It identifies and measures various benchmarks that can be revisited during the implementation and at the end of the programme in order to analyse its progress towards its objectives. The baseline assessment is specific for each region, in recognition that every region has a unique environment.

At the outset, it is important to determine who will lead the entire initiative and conduct the baseline assessment. This could be a local authority or specialized commission dealing with issues of tolerance and non-discrimination; a civil society network; a regional equality body; an academic institution; a professional body; or an agreed coalition of some or all of the identified partners.

For the project activities in Lombardy, the lead institution was the Catholic University of the Sacred Heart in Milan. This academic institution had previously supported other efforts to address hate crimes in Italy, and has proven itself a good partner for ODIHR. The Catholic University has also established very good relationships with professional bodies, such as the Milan Bar Association, as well as other relevant institutions and civil society, in order to ensure adequate implementation of activities at the regional level.

For the baseline assessment, the lead institution should establish the form in which hate crimes occur at the regional level. This would then lead to further assessment of the gaps that prevent an effective response to these crimes. A baseline assessment should include both the scale of the responses to addressing hate crime regionally and identify measures to improve those responses.

The baseline assessment should consider applicable legislation; mapping relevant regional criminal justice stakeholders (such as regional prosecutor's offices, basic and appellate courts); hate crime data; the modalities of co-operation and co-ordination among institutions, academia and civil society; and the training requirements of criminal justice agencies and civil society, and should also iden-

tify media outlets that operate in the region. Across all these aspects, the baseline assessment needs to take into consideration the different needs and experiences of women and men.

## Legislation

All OSCE participation States have some hate crime legislation.<sup>11</sup> In general, there are two types of hate crime laws: identifying substantive offences and providing for penalty enhancements. However, general sentencing provisions can be applied to recognize bias motivation and to seek appropriate sentences where there is an absence of specific hate crime legislation or where significant gaps exist. The regional baseline assessment should seek to understand to what extent the legislation within the region is being applied successfully and – if not – why this is the case. Often the reasons are not deliberate attempts to ignore or under-report hate crime but, rather, a lack of awareness of how to recognize and subsequently investigate, prosecute and sentence hate crimes.

Due to the lack of an explicit “hate crime definition” in criminal codes in a number of participating States, law enforcement professionals from different regions often have different understandings of the meaning of race, religion and belief, sex, gender and other fundamental characteristics. This is why it is important to assess not only the legislation, but also how it is understood and applied by the relevant authorities.

## Mapping relevant stakeholders at the regional level

The baseline assessment should first map the criminal justice stakeholders at the regional level. When mapping law enforcement agencies, the leading insti-

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11 For a comprehensive discussion on types of hate crime laws in the OSCE region and key points to consider when drafting legislation, please refer to *Hate Crime Laws: A Practical Guide* (Warsaw: ODIHR, 2009), <<https://www.osce.org/odihr/36426>>. ODIHR also maintains a database of legislation, including a database on current hate crime laws across the OSCE region, at <<https://www.legislationline.org/>>.

tution should review in detail the structure of the police system, as there might be several levels of police forces. A review of the role of all these police forces in addressing hate crimes will establish whether the responsibility to investigate rests with national, regional or municipal police. This will later direct the training and other activities.

The review of the police system for the project activities in Lombardy determined that the National Police and the Carabinieri are responsible for dealing with hate crimes, while the Provincial and Municipal Police have limited competencies in this area.<sup>12</sup> Therefore, the hate crime training targeted the National Police and Carabinieri units working in Lombardy.

The assessment should also review the prosecutorial and court jurisdictions and, specifically, the area(s) of overlap within the administrative territory of the region. The territories often will be compatible with one or several appellate court areas, but this may not always be the case. In cases of partial jurisdictional overlap, it may be important to engage judges and prosecutors from outside the strict confines of the region.

Other stakeholders – often outside the scope of the criminal justice system – may have a role to play. For example, the Ministry of Maritime Affairs in Greece is active predominantly in specific maritime activities and the country’s coastal area but, due to its contact with refugees and migrants, is also responsible with regard to hate crimes. Another stakeholder outside the criminal justice area could include local authorities, such as city councils. They may establish new bodies to engage with municipal staff to map services and infrastructure and identify challenges to better assist refugees and migrants; one such example is the Athens Co-ordination Center for Migrant and Refugee issues (ACCMR).<sup>13</sup>

Various civil society actors should be considered, including both those that

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12 The “Carabinieri” are the national gendarmerie of Italy who primarily carry out police duties although they are under the authority of the Ministry of Defense, see: <<http://www.carabinieri.it/>>.

13 Athens Coordination Center for Migrant and Refugee issues”, Athens Partnership website, 22 October 2018, <<http://athenspartnership.org/migrationrefugeescenter/>>.

are purely regionally focused and those that are national or international but that can contribute within the region concerned. In Bosnia and Herzegovina, “Supergrađani” (super citizens) are civil society representatives, and representatives of local communities and individuals working on preventing hate incidents and crimes, as well as on contributing to reconciliation processes.

The work of civil society organizations focusing on a specific community or protected characteristic may be also beneficial for the regional approach. For example, in the United Kingdom, the Community Security Trust (CST) attempts to protect British Jews from anti-Semitic hate crimes and related threats.<sup>14</sup> The European Network on Independent Living (ENIL), a Europe-wide network of disabled people consisting of many individual members and member organizations working at both national and regional levels, addresses the issue of hate crime against people with disabilities, among other activities.<sup>15</sup>

It is worth mentioning that, depending on the specific situation in the region, there might be field offices of international organizations that are active and whose tools and resources could be used. For example, the OSCE has field operations in 12 participating States. Some of these field operations are also active in supporting the national authorities in addressing hate crimes as a security concern. International organizations may not be working directly on hate crimes, but their field of interest could overlap with addressing hate crimes. For example, the United Nations High Commissioner for Refugees (UNHCR) is a global organization dedicated to protecting the rights of refugees, forcibly displaced communities and stateless people. However, together with the Human Rights Commission of Greece, UNHCR established the Racist Violence Recording Network, mentioned earlier, in order to support national partners in addressing a pressing need. UNHCR also regularly contributes to ODIHR’s annual hate crime reporting and has issued guidelines on *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*.<sup>16</sup> Another rele-

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14 Community Security Trust website, 2 November 2018, <<https://cst.org.uk/>>.

15 “ENIL’s Activities to Tackle Disability Hate Crime in 2016”, European Network on Independent Living, 22 October 2018, <<http://enil.eu/news/enils-activities-to-tackle-disability-hate-crime-in-2016/>>.

16 *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance Through a Strategic Approach* (Geneva: UNHCR, 2009), <<http://www.refworld.org/docid/4b30931d2.html>>.

vant international organization dealing with a specific protected characteristic that may be of interest when using a regional approach is the International Holocaust Remembrance Alliance (IHRA), a 31-country organization that supports programmes in member countries to address anti-Semitic hate crime.<sup>17</sup>

## Hate Crime Data

Available data about hate crimes are of critical importance for the baseline assessment. Official hate crime data from criminal justice agencies should be available at both the national and regional levels. Ideally, this would provide disaggregated information by type of crime and bias motivation.<sup>18</sup> The baseline assessment should strive to identify whether regional hate crime data differ from the national figures. If there is a difference in the hate crime data specific to a certain region then this is a strong indicator of the need for tailored activities.

It is crucial when gathering hate crime data at the national or regional level to pay attention to potential under-reporting. Research has shown that the majority of hate crimes committed within a region over a specific period are not reported and recorded as such.<sup>19</sup> The major reasons for under-reporting include lack of trust in authorities, fear of repeated attacks and secondary victimization, lack of available information on how and where to report and fear of deportation from persons with undocumented residence status. Often, civil society organizations can assist in providing hate crime data that can help balance potential under-reporting. For example, in Greece, the Racist Violence Recording Network (RVRN) is an umbrella organization of 45 civil society organizations joining forces on reporting hate

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17 International Holocaust Remembrance Alliance (IHRA), 2 November 2018, <<https://www.holocaustremembrance.com/international-holocaust-remembrance-alliance>>.

18 Official data on hate crimes at the national level, as reported by the participating States to ODIHR, is available at: “Participating States”, OSCE/ODIHR Hate Crime Reporting website, 22 October 2018, <<http://hatecrime.osce.org/#participating-states>>. The national authorities should be able to present the data by regions of the country.

19 For example in the European Union, according to the Second European Union Minorities and Discrimination Survey (EU MIDIS II), about 90 per cent of hate crimes are believed not to be reported to the authorities. See: “Second European Union Minorities and Discrimination Survey – Main results”, Fundamental Rights Agency, 15 October 2018, <<http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>>.

crimes.<sup>20</sup> ODIHR's annual hate crime reporting also relies significantly on contributions from civil society organizations.<sup>21</sup>

The involvement of civil society organizations (CSOs) is also of immense value when considering the issue of victim support. The baseline assessment should include any national or regional state-funded support and mechanisms, as well as local, regional and national CSOs working in the field of victim support. This should include which groups are protected, the scope and manner of delivering the services, and how can they be assessed. This part of the baseline assessment can encompass a substantial number of CSOs that may range from local, one-person operations to larger, more readily identifiable CSOs with large footprints in victim support.<sup>22</sup>

## Co-operation and co-ordination

Many actors should be involved in addressing hate crime at the regional level. The baseline assessment should identify the formal and, if possible, informal links between the key stakeholders, from the identification of hate crime through to the processing of cases by criminal justice agencies and victim support services.

A formal link was established in Greece with the Agreement on Inter-agency Co-operation on Addressing Racist Crime, which was signed in June 2018 by the Ministries of Justice, Transparency and Human Rights; the Interior; Health; and of Migration; as well as the Prosecutor and President of the Supreme Court; the National School of Judges; the National Point of Contact on Hate Crime; and the Racist Violence Recording Network. A broader body in Greece is the National Council Against Racism and Intolerance, which is responsible for designing a strategy and an action plan to address intolerance.

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20 Racist Violence Recording Network (RVRN), 2 November 2018, <<http://rvrn.org/category/english/>>.

21 The list of civil society contributions to ODIHR's annual reporting on hate crime can be found at: "Resources", OSCE/ODIHR Hate Crime Reporting website, 22 October 2018, <<http://hatecrime.osce.org/resources>>.

22 *Hate Crime Victim Support in Europe – A Practical Guide*, (Dresden: RAA Sachsen e.V. – Counselling Services for Victims of Hate Crimes, 2016), <[https://raa-sachsen.de/tl\\_files/raa\\_sachsen/Guidelines/RAA\\_Saxony-Hate\\_Crime\\_Victim\\_Support\\_in\\_Europe\\_2016\\_m.pdf](https://raa-sachsen.de/tl_files/raa_sachsen/Guidelines/RAA_Saxony-Hate_Crime_Victim_Support_in_Europe_2016_m.pdf)>.

## Training requirements

A baseline assessment of the regional hate crime training programme should be broad and encompass many aspects. However, ODIHR's best practices show that training programmes need to be targeted and tailored to the needs of criminal justice agencies and civil society. In practical terms, this means that, should the baseline assessment identify specific issues involving legislation or its implementation, or establish that numerous attacks against certain communities are of particular concern, then the training should dedicate special attention to address those aspects.

On some occasions during ODIHR PAHCT and TAHCLE training events, participants from different regions of the same country have expressed different levels of bias against certain ethnic communities, ranging from highly tolerant to intolerant. This shows that, although a unified national curriculum may send the proper general message, more work needs to be dedicated to addressing biases of particular local law enforcement officials.

The leading institution should map the existing training available to criminal justice agencies and civil society, as well as the architecture for its delivery. This mapping should examine which regional training institutions exist and to what extent they are separate from each other. The mapping should also establish whether there is training for both in-service police officers and police cadets, as well as for candidates for and actual prosecutors and judges. The review will show whether such training is conducted on an ad-hoc basis or forms part of the curricula of broader training programmes, as well as identifying opportunities that may exist to include hate crime training in the curricula.

There may be other professional criminal justice bodies and organizations (such as the Decentralized Section of the Superior School for Magistrates and the Milan Bar Association, both in Lombardy, Italy) that contribute training in the field or could be considered partners or lead agencies for the delivery of future training. There may be regional academic institutes, including high schools, colleges and universities, that can also contribute.

## Press and other media outlets

The review of local and regional media vehicles and their treatment of hate crime can often provide insight into the level of public awareness and perception of hate crime. The role of the media in sharing information about hate crimes should be analysed. A review may indicate that there is inflammatory rhetoric, which leads to violent attacks against certain communities at the regional level. Consequently, the role of the media in helping to diffuse tensions should be encouraged.

The baseline assessment should examine how criminal justice agencies issue statements regarding potential hate crimes, how quickly statements are issued, and whether there is a need for further training of public relations officers (if there are any) in criminal justice agencies. The assessment should determine whether there is sensitive reporting on hate crimes by media, such as reporting the names of the victims and perpetrators, or showing photos or videos of the evidence.

Ultimately, the assessment should also indicate whether there are self-regulatory media bodies operating in the region.<sup>23</sup> These journalist bodies bind themselves by a code of ethics that always has a component of addressing intolerance or discriminatory speech. Such bodies may prove useful allies in awareness-raising activities at the regional level.

All of the baseline assessment results will determine whether, for example, an awareness-raising campaign will be needed within the region, and should also identify organizations that can deliver the message. Ultimately, the value of the baseline assessment will hinge on the data collected and on those organizations, agencies and bodies engaged in the assessment who may become partners in any future programme.

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23 *The Media Self-Regulation Guidebook* (Vienna: OSCE, 2008), <<https://www.osce.org/fom/31497?download=true>>.

# ACTIVITIES ADDRESSING HATE CRIMES AT THE REGIONAL LEVEL

Having in mind that the adoption of hate crime legislation, along with the design of the criminal justice infrastructure, lies in the hands of the national institutions, the regional approach may consider several activities to address hate crime. Most activities are directed at taking a proactive approach, as well as at establishing strong partnerships among interested stakeholders on addressing hate crime on a regional level.

Naturally, the most appropriate activities will depend on the regional context and addressing the needs identified by the baseline assessment. Once activities are identified, a decision should be made by the leading institution to co-ordinate those efforts. As mentioned before, this institution could be a local authority, a civil society network, an equality body, an educational institution or a professional body, or could be an agreed coalition of some or all of the identified partners. The final list of activities addressing hate crime on a regional level will depend entirely upon the programme strategy and the relevant skills, knowledge, experience and resources available among the partners.

**Restorative Justice:**<sup>24</sup> Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, allowing everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. It can help victims feel they are more in control of the resolution of the case, and help them to cope and recover from the crime or incident. The essential element of restorative justice is that it is victim-led.

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24 Restorative Justice Council website, 22 October 2018, <<https://restorativejustice.org/>>.

A United Kingdom government-funded study into the use of restorative justice found that face-to-face meetings led to victim satisfaction rates of 85 per cent, far higher than those reported for hate crime incidents dealt with by traditional criminal justice routes. The “Hate Crime Reduction Strategy for London”<sup>25</sup> endorses the use of restorative justice, delivered to a high standard by properly trained facilitators. There is a body of research that strongly supports this approach.<sup>26</sup>

**Awareness-raising at the regional level:** Regional hate crime awareness programmes could be initiated if there are issues faced by a region that are not reflected nationally. For this reason, there may be opportunities to tap into national and international campaigns and use them as vehicles to highlight attention at the regional level.

The city of Salford in the United Kingdom has its own “Tackling Hate Crime 2018” strategy.<sup>27</sup> Part of that strategy is to utilize national and international campaigns that reflect the demographics of the region. Thus, they commemorate Holocaust Memorial Day and participate in Manchester Pride and celebrate Refugee Week, “Gypsy Roma Traveller History Month” and Black History Month.

In Canada, the Ottawa-Carleton Regional Police Service has created a hate crime unit that is responsible for educating both the community and the Ottawa-Carleton Regional Police Service about hate crimes and hate groups. In addition, the Ottawa-Carleton Police Service Hate Crime Unit has a relationship with the Crown Attorney. Specifically, the unit is required to provide

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25 *A Hate Crime Reduction Strategy For London 2014–2017* (London, Mayor’s Office for Policing And Crime), <[https://www.london.gov.uk/sites/default/files/mopac\\_hate\\_crime\\_reduction\\_strategy.pdf](https://www.london.gov.uk/sites/default/files/mopac_hate_crime_reduction_strategy.pdf)>.

26 Mark Austin Walters, “Hate Crime and Restorative Justice. Exploring Causes, Repairing Harms” (Oxford: Oxford University Press, 2014).

27 *Tackling Hate Crime 2018* (Salford: Salford City Council), <<https://sccdemocracy.salford.gov.uk/documents/s9051/05c%20Appx%20B%20Hate%20Crime%20Strategy%202018.pdf>>.

specialized knowledge and support to the crown attorney in prosecuting bias motivated crimes.<sup>28</sup>

There are myriad ways to improve communication among institutions, civil society and the general public on hate crimes. There may be merit in providing relevant educational materials and leaflets containing information on the concept of hate crime, published in the appropriate language(s) spoken in the region, including those spoken by immigrants. Electronic versions can be shared with partners and the media, along with paper versions to be distributed at various events.

Along with the prerequisite of identifying the appropriate partners from an organizational perspective, it is just as important to identify and engage with the right individuals within those organizations. Ideally, those people should be viewed as “champions” in addressing hate crimes and possess the drive and determination to promote the agreed approach to addressing hate crime in the region. Identifying, engaging and supporting these individuals is key to the success of the implementation of hate crime programmes. These champions can motivate reluctant communities to participate actively in efforts to address hate crime in the region.

In Poland, for example, ODIHR worked with the Commissioner for Human Rights to pilot a survey on unreported hate crimes against selected communities, using the Respondent Driven Sampling method. This method identifies initial respondents, so called “seeds”, from the community and asks them to recruit further respondents from the same community. One critical lesson learned was that it is essential to have the support of champions within the community to have successful recruitment chains and obtain sincere responses to the questionnaire.

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28 *Hate Crime in Canada: An Overview of Issues and Data Sources* Canadian Centre for Justice Statistics (Ottawa: Canadian Centre for Justice Statistics, 2001), <<https://www150.statcan.gc.ca/n1/en/pub/85-551-x/85-551-x1999000-eng.pdf?st=9Gq7FZDC>>.

Such champions should be well known within the community as serving as examples of commitment to tolerance. An example of the type of individual who embodies these values is Mohammed Mahmoud. On 18 June 2017, as the imam of the Finsbury Park mosque in London, he stepped in to protect a man who had deliberately driven a vehicle into a group of people gathered outside the Muslim Welfare Centre, in a religiously motivated attack. In the following days, the Imam continued to use his influence to appeal for calm and forgiveness.<sup>29</sup>

**Data collection and review:** The impact of the programme and its regional strategies will depend on active data collection. The institution leading the efforts at the regional level should collect, collate and update information on hate crimes.<sup>30</sup>

For the purposes of the regional approach to hate crimes in Lombardy, and in the absence of official statistics on hate crimes from the courts, a researcher from the Catholic University of the Sacred Heart was granted access to the criminal case files of the Court of Milan for 2016. The researcher reviewed around 13,000 judgments to identify cases with bias indicators and establish the pattern in which they were processed and adjudicated. The research showed that in only few cases were the bias indicators mentioned in the indictments, and that they were accepted by the court in only a few judgments. Based on these findings, a focus group of representatives of the magistrates and academia examined the reasons for such a low number of adjudicated hate crime cases.

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29 “'Hero' imam praises group that saved Finsbury Park suspect from angry crowd”, *The Guardian* website, 22 October 2018, <<https://www.theguardian.com/uk-news/2017/jun/19/imam-praised-for-protecting-finsbury-park-suspect-from-crowd>>.

30 The OSCE ODIHR publication *Hate Crime Data Collection and Monitoring: A Practical Guide* sets out ‘Ten Practical Steps’ that may be taken to improve recording systems, to understand the extent of under-reporting and to encourage victims to report hate crimes: *Hate Crime Data Collection and Monitoring: A Practical Guide* (Warsaw: ODIHR, 2014), <<https://www.osce.org/odihr/datacollectionguide>>.

In another example from Barcelona, the City Council initiated a programme to address intolerance against Muslims. The City Council engaged the municipal service to collate data in order to provide a better snapshot of the situation in the city, as well as to activate mechanisms for officially reporting hate crime and hate speech.<sup>31</sup>

**Regional educational efforts:** Educational policies at the regional level may allow for the introduction of hate crime–prevention classes. In many regions, the role and influence of the academic world in addressing hate crime issues is important.

An example in Greece showed that, after the implementation of ODIHR’s PAHCT Training of Trainers, the Head of the Prosecutors Office in Thessaloniki organized training for local high school teachers on the concept of hate crime, to enable educators to deliver the message that hate crimes are detrimental to the security of society.

In 2010, Barcelona’s City Council implemented a strategy to counteract negative rumours related to cultural diversity, combining a series of strategies, including the creation of an “anti-rumour citizen network”, a public relations campaign, the creation of anti-rumour agents and a variety of educational activities. A resulting project exported the lessons learned from Barcelona about designing, implementing and evaluating an education strategy across four cities (Sabadell, Getxo, Fuenlabrada and Tenerife island) through a shared methodology tailored to each city.<sup>32</sup>

ODIHR partnered with the Catholic University of the Sacred Heart, as it is experienced in designing lectures and including hate crime in criminal law curricula.

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31 “Combating Islamophobia and strengthening social cohesion”, Barcelona City Council website, 22 October 2018, <[https://ajuntament.barcelona.cat/turisme/en/noticia/combating-islamophobia-and-strengthening-social-cohesion\\_454145](https://ajuntament.barcelona.cat/turisme/en/noticia/combating-islamophobia-and-strengthening-social-cohesion_454145)>.

32 “Antirumores. Antirumour strategy for the prevention of racism”, Antirumores project website, 22 October 2018, <<http://www.antirumores.com/eng/project.html>>.

**Training of criminal justice agencies and other stakeholders:** The baseline assessment will indicate the scope and targets of potential training. The programme will have to consider the training requirements of the entire continuum of the criminal justice response to hate crimes within the regional criminal justice architecture. This will include law enforcement officers, prosecutors, lawyers and judges, and there may be a need to include civil society and public institutions. Regardless of the type of training prescribed, trainers should customize the training to the recipients and the region.

During training events, the use of regional cases is a good practice that can contribute to promoting the participants' attention to and acceptance of the problem, especially during exercises. Also, there are advantages in using pre-existing, well-tested training packages that can be tailored to the regional environment. These could include training and workshops on improving investigative measures and prosecutorial action; aligning with international norms and good practices; the treatment of and engagement with victims of hate crimes; and how to run a public awareness campaign on hate crime.

Within the project activities in Lombardy, ODIHR established co-operation with various partners, in order to deliver customized training for each group. The Decentralized Section of the Superior School endorsed training for magistrates. This was based on ODIHR's PAHCT materials, customized to the Italian legislation. The training for the National Police and Carabinieri was organized together with OSCAD, and used materials from TAHCLE, as well as actual cases from Lombardy provided by the National Office against Racial Discrimination. The venue for the training was provided by UCSC.

Two training sessions for lawyers and civil society organizations were based on ODIHR's civil society training materials, supplemented with sessions that focused on the rights of the victim. The Milan Bar Association endorsed the training sessions by providing the facilities and accepting this training within the mandatory annual training hours that each lawyer must fulfil.

All training components should be both gender-mainstreamed and contain a gender equality module. These modules will enhance the capacity of criminal justice agencies to integrate the principle of gender equality into legal documents related to hate crimes.

Sustainability is key to the success of all regional training programmes. Provisions should be made to ensure that hate crime training, most notably for police, prosecutors and judges, is incorporated into the appropriate standard curricula. The consistent message in all efforts in addressing hate crime should be the need to ensure that whatever is delivered is tailored to the regional environment and is sustainable.

## CO-ORDINATION AND CO-OPERATION

The baseline assessment itself will identify the most relevant actors, stakeholders, organizations, agencies and bodies with which to engage. These organizations can come from the entire spectrum of actors involved in addressing hate crime. As shown in the project, the regional approach in Lombardy had the UCSC as the lead implementing partner, but also co-operated with the Milan Bar Association, the Decentralized Section of the Superior School for Magistrates and the OSCAD.

In a multi-agency approach at the regional level, in order to be able to co-ordinate, an agreement should be reached between the organizations on their roles and responsibilities. This agreement would determine who takes the lead, what should be delivered, how costs and resources will be shared, how specific tasks are divided, etc. There are many different types of administrative vehicles under which these can be defined, for example memoranda of understanding and letters of agreement. MoU are not legally binding and represent expressions of good will and co-operation. They have different lengths and complexities, and document mutually accepted expectations.

Similar to a memorandum of understanding, a letter of agreement can be viewed as a contract between two or more parties to deliver a service or services. In the context of a regional hate crime programme, it would most likely be used between one of the organizations involved in the delivery of programme activities and those contracted to provide a service to support those activities.

Paramount in the adoption of any of these vehicles is the need to make them as practical and user-friendly as possible. In effect, all too often these vehicles – which ostensibly exist to facilitate smooth and seamless co-operation and co-ordination – cause delays and difficulties. In parallel with the adoption of MoU and/or letters of agreement, it is a good practice at the regional level to promote and develop an environment of trust among key individuals within key organizations. That allows for those individuals and organizations to operate together unencumbered by the strictures of an overly burdensome, administrative bureaucracy.

A good example of these co-operation agreements is in the United Kingdom. In response to the increased threat levels experienced by Muslim communities, police have reached an agreement to share hate crime data with a CSO focusing on anti-Muslim hate crimes, TELL MAMA.<sup>33</sup> The agreement enables the routine sharing of anonymous data to increase the shared understanding of the nature and extent of hostility experienced. Another example of strong co-operation can be found in Sweden, where the Swedish Association of Local Authorities and Regions (SKL) operates a network of 28 municipalities and the Equality Ombudsman. The network works on a ten-point plan launched by the European Coalition Of Cities Against Racism.<sup>34</sup>

In most cases at the regional level, the adoption and use of vehicles such as MoU and letters of agreement should be approached with an appreciation that these may not be entirely necessary and that other, more informal agreements may provide a solution to multi-agency co-operation and co-ordination.

## Maintaining Support

Identifying partners, obtaining support, developing and then initiating programme activities is challenging. However, if the programme manages to get to that stage it is just as important to put the same effort into maintaining that support throughout the implementation period. One way to maintain support is to engage partners through secretariats, steering committees, councils and working groups. Identifying and then deploying the appropriate governance structure can promote institutional buy-in and promote on-going collaboration.

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33 “Police agree data sharing protocols with the Community Security Trust and TELL MAMA”, National Police Chiefs’ Council website, 22 October 2018, <<https://news.npcc.police.uk/releases/police-agree-data-sharing-protocols-with-the-community-security-trust-and-tell-mama>>.

34 “Nätverk mot rasism och diskriminering” [Network against racism and discrimination], Swedish Association of Local Authorities and Regions website, 22 October 2018, <<https://skl.se/demokratiledningstyrning/manskligarattigheterjamstalldhet/rasismdiskriminering/natverkmotrasismochdiskriminering.699.html>>.

An advantage of the regional approach over the national approach is that support is more easily maintained. Since it does not necessarily engage the most senior, national political leaders, it can often adapt itself to engage with important regional actors. This is dependent, of course, upon the governmental structure and reporting mechanisms that exist in each country and region.

Once the lead institution has obtained agreement and support, it is critical to maintain that support throughout programme delivery. Success often relies heavily upon the drive and determination of one or two individuals that are fully committed to the programme.

Nevertheless, it is not just the “champions” and key partners whose support should be engaged and maintained. There is a need to keep the programme and its activities visible within the target community that the baseline assessment has identified. The lead institution should develop an advocacy strategy that reaches all relevant regional – and where appropriate national – actors involved in addressing hate crime.

# MONITORING AND EVALUATION

Monitoring is “ongoing analysis of project progress toward achieving planned results with the purpose of improving management decision making,”<sup>35</sup> whereas evaluation is “assessment of the efficiency, effectiveness, impact, relevance and sustainability of aid policies and actions.”<sup>36</sup> The purpose of monitoring and evaluation is dependent upon the context within which it takes place. Regarding the regional approach to hate crimes, it refers to constantly providing an overview of the implementation of selected activities, reviewing the programme, improving its effectiveness, and/or informing programming decisions. Thus, monitoring and evaluation should improve the quality of decision making within the context of the hate crime programme.

Key differences between monitoring and evaluation are that monitoring involves internal management and stakeholders, whereas evaluation will involve external stakeholders and, possibly, independent evaluators to a far greater extent to provide managers and staff with an objective assessment of whether or not they are on track. Evaluation is more rigorous in procedures, design and methodology, and generally involves more extensive analysis.<sup>37</sup> Additionally, monitoring should be a continuous and ongoing process, with evaluation more often conducted at a specific time (mid-term or conclusion), taking a “snapshot” of the programme at that time. Finally, monitoring should check progress, take remedial action and update plans, while evaluation involves gleaning broad lessons and good practice examples, and provides accountability.

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35 *Project Cycle Management and Logical Framework*, International Volunteerism Organization for Women, Education, Development, 2 November 2018, p. 16, <<https://europa.eu/capacity4dev/file/26852/download?token=ZjHp5eyZ>>.

36 *Ibid.*

37 *Ibid.*

When designing the goals of the programme to address hate crimes on a regional level and designing the list of activities, it will be important to design indicators upon which the impact and progress will be measured. These indicators will be, for example, an increase in reported hate crimes to the police, greater awareness of hate crimes on the part of the general public, strengthened capacity of criminal justice agencies to identify and process hate crimes, an increased number of hate crime judgements, an increased number of hate crimes reported by civil society, an increased number of civil society organizations that provide support to victims, etc.

The process of monitoring and evaluation (M&E) can be very time- and resource-intensive. It is still possible, however, to introduce an M&E process that does not absorb too many resources. The critical aspect is to write a description of the M&E approach into the programme document. The leading institution should gather data on programme activities every three months and produce a short report on the progress the programme has made to date. Once every year, a larger report should be compiled noting progress, identifying “good practice examples” and “lessons learned” that will be fed into future decision making within the programme.

Evaluation revolves around areas such as relevance, effectiveness, partnerships and co-operation, impact and sustainability, as well as identifying lessons learned and good practice. A further advantage of conducting an evaluation process is that it demonstrates programme transparency and accountability to other actors, partners, and stakeholders.

ODIHR conducts regular anonymous evaluations after each TAHCLE or PAHCT training session. The questionnaire contains questions to assess the knowledge of the content, as well as questions regarding the satisfaction of the participants on the training methodology, the duration of sessions, the expertise of the trainers and the opportunity to interact with other participants. The questionnaire also aims at determining whether the training affected men and women differently.

In the evaluation following the PAHCT training in Lombardy, 94 per cent of the participants reported that their understanding of hate crimes

had changed, while 70 per cent of the participants claimed the training met their expectations and was relevant for their everyday tasks. All the respondents recommended integrating the training into the national curriculum for magistrates.

The results from the TAHCLE training in Lombardy showed similar results, as 66 per cent of participants reported they increased their awareness on the role of the police in preventing and combating the phenomenon of hate crime. The training was well received by the participants, as 100 per cent of respondents agreed that it had met their expectations, with 87 per cent stating that its content had been appropriate to their daily work. The strongest points of the training, as reported by the participants, included the competence of the trainers, the use of real experiences and the topics that were covered.

# CONCLUSION

There are certain advantages to be gained from running a regional approach to addressing hate crime. One of those is the opportunity to foster close involvement with the actors, partners and stakeholders operating at the regional and local levels. By exploiting this opportunity, the regional approach can gain access to the in-depth knowledge held by individuals within various bodies and organizations, including detail behind hate crimes in the region and the driving forces for those crimes. That expertise should be introduced into activities contributing to reducing or eliminating gaps in addressing hate crime at the regional level.

A further advantage of the regional approach is that it helps to facilitate a more flexible and adaptable style. When operating at a central, national level, there may be additional protocols for engagement with various state bodies and ministries. This adds an additional layer of administration that can delay the processes of gaining approval for the implementation of initiatives to address hate crime. The regional approach, by definition, will actively seek to engage those it needs to engage at the regional level. On occasion, approval will still need to be sought from national bodies but, in many instances, the regional body will be able to sanction the implementation of initiatives and activities.

For a regional hate crime approach to succeed, it requires the involvement of highly dedicated and committed individuals. Often these people will be well known and well regarded within their own city, region and the community

addressing hate crime. The regional approach, therefore, can create a vehicle to support these individuals and create a powerful network for furthering the appropriate activities.

Close co-operation and co-ordination between the key regional actors, partners and stakeholders is another key facilitator of a successful regional approach to addressing hate crime. This requires an approach that recognizes the skills, expertise and knowledge that different actors can bring. It is likely that many people and organizations with different ways of addressing hate crime should and will be involved.

A comprehensive approach to hate crime at the regional level should assist proactive and concerned institutions and civil society organizations in augmenting national efforts with consideration of the actual needs at the local level. National and regional approaches are not mutually exclusive, but highly intertwined, and pared together are the most effective way to address hate crime.

