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# The Sensitive and Respectful Treatment of Hate Crime Victims

## Training Course for Criminal Justice Professionals



Funded by the European Union





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This publication was published with the support of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The opinions and information it contains do not necessarily reflect the policy and position of ODIHR.

This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020). The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



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# Introduction

Many people experience bias motivated crimes<sup>1</sup>. The actual number of these crimes is not known, however, as many victims do not report their victimization to the police or other public authorities.<sup>2</sup> A large body of research shows victims of hate crime fear they will not be taken seriously by the authorities.<sup>3</sup> Often, victims' negative past experiences with the criminal justice system or the negative experiences of others create distrust – and even fear – that the authorities will not believe them and that they will be victimized again in the process of reporting. Often, people who experience bias-motivated violence fear that law enforcement or other criminal justice professionals may hold the same bias as the perpetrator and that institutional structures are biased against them. This results in underreporting, and generates or reinforces lack of trust in the criminal justice system. In order to ensure that victims of hate crime have access to justice and are not re-victimized in the process, representatives of the criminal justice system need to treat victims with respect and sensitivity.

Participating States of the Organization for Security and Co-operation in Europe (OSCE) have committed themselves to take action against hate crimes, including by building the capacity of law enforcement authorities through training and guidelines on effective and appropriate ways to respond to bias-motivated crime, to increase positive interaction between police and victims, and to encourage reporting by victims of hate crime. These commitments are translated into training for front-line officers, outreach programmes to improve relations between police and the public, and referrals of victims to institutions or organizations to provide them with the necessary assistance and protection.<sup>4</sup> This curriculum – Training on Sensitive and Respectful Treatment of Hate Crime Victims – has been developed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) within the framework of its Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR) project, implemented in co-operation with the Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG). Parts of the curriculum were pilot tested during an online session with representatives of the Oslo Police Department. The lessons learned and feedback obtained in the process were used to improve the final version of the training course.

The curriculum provides a step-by-step description of how to conduct training for police, prosecutors and judges on sensitive and respectful treatment of hate crime victims. It aims to improve the knowledge and skills of criminal justice system representatives on how to respond to and interact with sensitivity with hate crime victims. By doing, they can empower victims, prevent re-victimization and build a sense of trust in the criminal justice process.

This training curriculum can also be used for conducting a “training-of-trainers” course, in which national police, prosecutors and judges are trained as instructors, after which they are then able to train their colleagues. A training-of-trainers course should last two

days. During the first day of the course, participants should be trained both on how to address hate crimes victims in a sensitive and respectful manner and on effective methods for training others (e.g., understanding group dynamics, specificities about adult training, and different training techniques, such as small group discussions, brainstorming, rankings, role plays and case studies). During the second day, participants should lead sessions themselves and receive feedback from the trainers.

The training is intended to be interactive, building on participative training models. As such, it aims to support participants in:

- understanding how bias against different groups affects attitudes and behaviour when communicating with people;
- understanding the impact of hate crime on victims, thus contributing to the creation of an organizational culture embedded in a victim-centred approach;
- building capacity to respond to and interact with hate crime victims in a sensitive and respectful manner;
- ensuring that law enforcement representatives serve to protect hate crime victims, respond to their needs, and promote human rights and non-discrimination;
- ensuring that law enforcement representatives inform hate crime victims about their rights under the law and make sure that they have access to all information that enables them to make use of their rights;
- enhancing co-operation and communication among criminal justice agencies and with civil society, including community-based organizations, as well as with members of targeted communities; and
- enhancing efforts to improve institutional and policy frameworks that ensure the sensitive and respectful treatment of hate crime victims in the criminal justice system.

## Target Audience

This is a general curriculum, which should be customized to meet the needs of the country in which the training takes place. The envisaged participants of the trainings are:

- police officers (including patrol officers, investigators, specialized task units on hate crime and risk assessment units), prosecutors and judges;
- mid-level and senior management of national law enforcement officials; and
- future trainers, including those recruited from the above-mentioned professional groups, in the event that training is organized in a training-of-trainers mode.

As this training includes different actors in the criminal justice system, due to specificities of their work it should be conducted for each group separately, i.e., there should be specific training for police officers, prosecutors and judges, respectively. This does not,

however, exclude the possibility of using the training curriculum, or parts of it, during joint courses for different professional groups. Equally so, in order to create a space for candid discussion, participants should be of equal rank or position, or have a similar status within the hierarchy within their respective organizations. Training organizers should strive for diversity and gender balance among participants.

## **Prerequisite Knowledge**

Although there is no prerequisite knowledge for taking part in the training, it is recommended that individuals have a basic understanding of hate crime and its impacts, are knowledgeable on hate crime legislation in their country, especially with respect to victims' rights. Importantly, participants need to be willing to self-reflect on their own biases, stereotypes and prejudices, and the ways in which these may affect their behaviour and actions.

## **Methodological Principles of the Training**

The training is foreseen as an interactive and practical learning exercise. By providing participants with opportunities to reflect on common practices and follow the desired behaviours in a controlled environment, the training can reinforce the learning experience and provide participants with an opportunity to receive personalized feedback.

The training is grounded in a human rights, anti-discrimination, gender-sensitive approach. A victim-centred approach is applied throughout the training, acknowledging that, even though people might share a particular social identity and personal characteristics, they are each unique individuals, with specific individual needs. Hate crime victims often experience hate incidents due to their intersecting identities, such as their age, gender, ethnicity and religion or belief. As such, it is important to bear in mind that a particular social identity is not uniform among all persons who share that identity.

It is important to bear in mind how a person's gender intersects with other protected characteristics, and how this might affect their vulnerability to hate crime, as well as which subsequent remedial actions are needed. In addition, visible traits which make individuals more easily identifiable as belonging to or being affiliated with a group are also more likely to be targeted. These differences can also be gendered, such as due to wearing of religious symbols/clothes, resulting in women or men from the same group being attacked in different ways or contexts.

The curriculum has a modular structure, enabling trainers to work on each module separately, depending on the specificities of each group and the time allotted for the training. Some activities are optional and, depending on the time available, can be incorporated into or left out of the training. Furthermore, some activities and materials should be tailored to the national context – see the section on Conducting Training, below, for further information on customization to ensure maximum learning potential.

Particular activities in the Module 4 can be selected based on the composition of the group of trainees: law enforcement, prosecutors and judges.

The modules and activities have been designed to be integrated into other training programmes offered by ODIHR, including Training Against Hate Crimes for Law Enforcement (TAHCLE)<sup>5</sup> and Prosecutors and Hate Crimes Training (PAHCT)<sup>6</sup>. The modules can also be adapted to other capacity-building training programmes offered to law enforcement and other criminal justice practitioners.

Each module contains the following:

- Learning objectives;
- Overview of activities;
- Materials list and preparation information; and
- Training instructions, with main learning discussion points.

The recommended group size is 20 to 25 participants.

# Conducting the Training

## Training Team

Each training team should consist of at least two trainers, ideally with at least one trainer representing the group being trained (coming from police, prosecutors, or judges) and fluent in the local language. Trainers should have knowledge of national laws and policies in relation to hate crime and victims' rights, how these are implemented, and what the related challenges for victims of hate crimes are. This country-specific knowledge will significantly increase the audience's acceptance of and trust in the trainers, and is a basic element of their ability to provide effective training on the respectful treatment of hate crime victims.

The effectiveness of such training is also greatly enhanced by consultation or involvement with civil society organizations (CSOs) that provide specialist support to victims of hate crime, as well as with other representatives of victimized community groups. Based on their experience, these can offer significant insight and information on the nature of hate crimes, on the impact on their communities, and on obstacles faced in accessing justice. For this reason, they should be viewed as important assets, and it is strongly recommended that they are involved in the customization of the curriculum. There should be a gender balance in the composition of the team of trainers.

## Training Materials and Handouts

Training materials and handouts can be found at the end of the section for each activity. Training materials are for the trainers, while handouts are to be distributed to participants at the end of the training, as participants will often read the handouts instead of listening to the trainers if these are handed out during the session. To ensure a participatory approach and active engagement, these details in implementation and flow should be followed.

Some proposed activities use case studies and community and impact statements that are, to a large extent, based on real-life examples. Other examples are based on the facts of several real cases, combined to provide a more comprehensive learning experience. These materials highlight disrespectful and insensitive treatment, and often contain racial or other discriminating and offensive language that might cause discomfort for both the trainers and the trainees. Such slurs targeting members of different groups have been replaced in this curriculum by basic descriptions (e.g., "racist slur", "misogynist slur", etc.), while profanity not directly and offensively referring to a person has been spelled out only in part. In those cases where a term is used pejoratively by the speaker, but is not negative in its character (e.g., "woman", "Jew", etc.), these have been spelt out in full. As the actual terms will be used by the trainers in the course of the training,

they must communicate at all times that such language is being used solely for training purposes and must be responsive to participants sensitivities, allowing participants to decline to take part in certain exercises if, for example, they feel uncomfortable in reading offensive statements aloud.

## Customization – National Frameworks and Case Studies

The customization process should include the translation of the materials, as well as preparing case studies and other resource materials relevant to the country context. It is advisable to collect factual and anecdotal data on the nature and extent of hate crimes and non-criminal bias-motivated incidents and information on the groups most often at risk of discrimination, as well as on national frameworks for victims of crime – in particular, hate crimes victims in – and both its strengths and any gaps that exist.

Consultation with national stakeholders (criminal justice system representatives, civil society representatives, and national human rights institutions and equality bodies) should be conducted in order to obtain information related to the following questions:

- How are hate crime victims represented in the law?
- Who is responsible for the individual assessment of a hate crime victim's needs?
- How are referrals to support service providers organized in the country?
- What are the national laws on data sharing (in the context of referrals)?
- What policy or guidance exists on the sensitive and respectful treatment of hate crime victims?

Case studies are a crucial component of the training resources. The case studies included in this curriculum are generic, illustrating specific issues highlighted in the modules. Ideally, trainers should prepare case studies based on actual hate crimes and hate incidents that have occurred in the country or region where the training takes place. Country-specific case studies can help overcome the defensiveness on the part of participants who do not believe that hate crimes occur in their country.

Customization of case studies can be done through desk research and/or consultation with relevant civil society representatives and other stakeholders. A collection of individual accounts of hate crimes and incidents allow trainers to:

- gather information on the nature/extent of hate crimes and bias incidents that occur in the country or region where the training will be delivered;
- gather information on the existing frameworks for the sensitive and respectful treatment of hate crime victims, as well as challenges in the country or region where the training will be delivered;
- overcome the defensiveness of participants who do not believe that hate crimes occur in their country/community;

- provide the trainees with a safe place for self-reflection on personal biases towards specific vulnerable groups; and
- enhance their own credibility by providing information that is directly relevant to the local context.

The list of Materials and Handouts that benefit from customization consists of:

- Training Material 1.2: Hate Crime Story
- Training Material 2.2: Hate Crime Victims' Experience
- Training Material 2.4: Barometer of Opinions
- Training Materials 4.3a: Hate Crime Cases – Bias Indicators
- Handout 2.5: Scenario – Train Journey
- Handout 3.4a: Ahmad's Story
- Handout 3.3a: Impact Statements
- Handout 4.1a: Treating Hate Crime Victims in a Sensitive and Respectful Manner: Case Studies
- Handout 4.2: Role-Play – Victim and Law Enforcement Officers
- Handout 4.3a: Hate Crime Cases – Bias Indicators
- Handout 4.4b: Case study – Member of a Religious or Belief Community

The following Handouts can also be prepared, based on the provided templates:

- Handout 3.1b: National Hate Crime Legislation
- Handout 5.2: List of Support Service Providers

## Evaluation

A pre- and post-training evaluation should be conducted to determine the level of knowledge built and contribute to an overall assessment of the training itself.

The evaluation should involve:

- collecting gender-disaggregated data on participants' learning;
- comparing intended results with actual results (in relation to the expectations trainees expressed in the pre-training survey and their answers to the post-training survey, including in relation to knowledge gained, the training methodology, the skills of the trainers, and the relevance and applicability of the training itself);
- identifying areas for improvement; and
- assessing whether participants in the training feel empowered to advocate for a victim-centred approach.

See the Handout: *Evaluation* for sample evaluation forms, which should be tailored to the specific training.

## Equipment and Supplies

The training should be held in a large, comfortable room. Ideally, participants should sit in chairs (without tables) arranged in a U shape (with the trainers presenting from the open end of the U). A table should be placed at the front of the room for a projector for presentations, as well as for workshop materials. A table for refreshments should be placed at the back or side of the room.

The following supplies and equipment should be available:

- Computer, projector and screen for presentations;
- Flip charts.
- Name tags;
- Markers: one black or blue marker for every five participants, and a set of multi-coloured markers;
- Masking tape and Scotch tape;
- Blank cards or pieces of paper (three for each participant);
- Pencil or pen (one for each participant); and
- Post-it notes.

## Pre-Workshop Preparations

The trainers should:

- determine customization needs in advance and prepare the session materials accordingly, such as the Handout on National Hate Crime Legislation and the List of Support Service Providers available to victims of hate crime; and
- conduct preliminary research to understand the context for hate crime victim support in the country, including details such as existing guidance or protocols on the sensitive and respectful treatment of hate crime victims, the process and responsibilities around conducting Individual Needs Assessments (INAs)

## Proposed Schedule for the Training

This curriculum includes obligatory and optional activities, so the agenda can be flexible, depending on the needs of the participants. It is also possible, in case of delivering the training to a diverse professional group, to merge the two schedules.

It is advised for the trainers to arrive an hour before the training begins to set up properly.



## Law enforcement officials

09:00 – 09:55	Introduction (Module 1)
09:55 – 10:50	Understanding Bias (Module 2)
10:50 – 11:50	Hate Crime and Hate Crime Victims – Concepts (Module 3)
11:50 – 12:05	<i>Coffee break</i>
12:05 – 13:20	The Sensitive and Respectful Treatment of Hate Crime Victims (Module 4) for police officers
13:20 – 14:20	<i>Lunch</i>
14:20 – 15:20	The Sensitive and Respectful Treatment of Hate Crime Victims (Module 4) for police officers
15:20 – 15:35	<i>Coffee break</i>
15:35 – 16:25	Institutional Measures to Ensure the Sensitive and Respectful Treatment of Hate Crime Victims (Module 5)
16:25 – 16:40	Closing and Evaluation

## Prosecutors and judges

08:30 – 09:25	Introduction (Module 1)
09:25 – 10:20	Understanding Bias (Module 2)
10:20 – 11:20	The Concept of Hate Crime and Hate Crime Victims (Module 3)
11:20 – 11:35	<i>Coffee break</i>
11:35 – 12:50	The Sensitive and Respectful Treatment of Hate Crime Victims (Module 4) for prosecutors and judges
12:50 – 13:50	<i>Lunch</i>
13:50 – 15:20	The Sensitive and Respectful Treatment of Hate Crime Victims (Module 4) for prosecutors and judges
15:20 – 15:35	<i>Coffee break</i>
15:35 – 16:25	Institutional Measures to Ensure the Sensitive and Respectful Treatment of Hate Crime Victims (Module 5)
16:25 – 16:40	Closing and Evaluation

## Online Version of the Training

While the training curriculum is primarily meant for a face-to-face training course, a training session can also be conducted in a digital format. Preparation and delivery of an online course relies on preparation, planning and careful consideration of the advantages and disadvantages of the technology to be used in the process. Learning online differs from a classroom experience, and the digital training must be reflective of these differences. Technology can have both positive and negative effect on the learning process, with possible technical problems likely to have an impact on trainees' motivation and ability to engage in an online event.

The online version of the Training Course on Sensitive and Respectful Treatment of Hate Crime Victims depends on ensuring that the trainers have the necessary skills, knowledge and confidence in delivering online sessions, as well as the engagement of additional technical support to manage the online interaction tools. Therefore, the online training should be delivered by a team of at least three comprising two experts and a technical assistant. It is essential that trainers are confident both with the technology used in the training and techniques to encourage, motivate and support interaction in an online environment.

Additional digital materials can be used and/or adapted for an online event, ex. pre-recorded victim statements and educational videos. Should a digital format be chosen, trainers must select the activities taking into consideration the target audience, their capacity to participate in an online training course and the key training objectives to be achieved.

Participants should be encouraged to use both their computers, equipped in functioning videoconferencing software and hardware, as well as mobile phones. Participants should be encouraged to keep their video cameras on throughout the entire training. The minimum technical requirements for an online training session should be the following:

- a stable Wi-Fi connection that allows full visual and audio access;
- a working camera;
- a microphone (preferably a headset);
- an office or room with limited distractions.

The live session should be preceded by a technical check organized several days before the training session, allowing for troubleshooting and adjustments to the training agenda, should these be deemed necessary.

Relevant handouts can be distributed to the participants before and/or after the training course, depending on the trainers' preference. Trainers should make sure that no materials containing offensive or abusive language are distributed to the trainees. They should all be used in the digital format with great caution, and be accompanied with trainers' relevant explanations and commentary.

To achieve similar objectives as the face-to-face course, the online training should involve not more than 20 trainees and be conducted in parts lasting no longer than six hours a day, with at least two coffee breaks and a one-hour lunch break in between the sessions.

# Module 1: Introduction and Overview – The Sensitive and Respectful Treatment of Hate Crime Victims

**Time:** 55 minutes

## Module Learning Objectives:

- Introducing the group and the trainers to each other;
- Fostering an open, safe and learning space for professional exchange;
- Setting up ground rules for the workshop; and
- Explaining the objectives of the workshop.

## Activity 1.1 – Welcome and Introduction, Ground Rules

### Activity learning objective:

- Introducing the group and the trainers to each other.

**Time:** 25 minutes

### Materials:

- Name tags and markers

### Required Preparation:

- Trainers should fill out name tags for themselves prior to the training

## Instructions:

### 1. Welcome

Each trainer should fill out a name tag for themselves before the participants arrive. As participants arrive, trainers should ask them to pick up a blank name tag and a marker, and to write their first name in large letters.

Trainers should introduce themselves by providing their names and briefly describing their backgrounds and experiences.

### 2. Introduction of participants

Ask each participant to introduce themselves and share:

- Their name and surname; and
- A short example of any personal experience of preferential or discriminatory treatment they have received due to a characteristic they have (e.g., after sharing their age, someone might have presumed they were not willing to learn more or they were too young to have the necessary experience; or, after sharing the fact they had a disability, they were allowed to skip a line in the bank, etc.). If they are not comfortable with sharing a personal experience they can share something they witnessed. Give a few minutes for participants to prepare.

Explain to participants that, based on a person's identity markers, such as gender, civil status, nationality or ethnicity, or origin from a particular region of a country, people may encounter some difficulties or be more welcomed when accessing different services. Highlighting this may prepare participants for further discussion about bias, stereotypes and prejudices

### 3. Input by a senior leader in a live or a pre-recorded message (optional)

This is an opportunity for leadership to demonstrate their commitment to supporting hate crime victims. In addressing participants, a senior officer should:

- underline that the criminal justice system must provide equal access to justice to all communities, by treating all victims with dignity and respect, regardless of their background;
- recognize the damaging impact of hate crime on various communities and the importance of ensuring the sensitive and respectful treatment of hate crime victims; and

- address the outcomes participants should derive from the training, i.e., the skills to engage with and assist hate crime victims, by protecting them and responding to their needs, as well as indicate how the institution or leadership will support the implementation of the training.

#### 4. Ground rules

It is important to agree on a number of rules. The trainer will write these on the flip chart and post them in the room for the remainder of the workshop. It is important that all members of the group, including the trainers, feel comfortable with the rules and commit to respecting them. Examples of helpful ground rules include:

- Listen and “hear” what is being said;
- Avoid insults or disrespect;
- Respect other opinions;
- Refrain from speaking too often or for too long (give everyone a chance to speak);
- Do not use mobile phones during the sessions, unless in case of emergency;
- Do not interrupt when someone else is speaking; and
- Signal your intent to speak by raising a hand.

#### 5. Trigger warning

Participants of the training must be made aware that some activities illustrate the use of offensive and abusive language. They must be explained that this is for training purposes only. If participants are not comfortable reading the case studies, community statements they should be allowed to decline. Participants should be able to opt out of any activity which they are not comfortable participating in.

# Activity 1.2 – Objectives of the training

## Activity learning objective:

- Explaining the objectives and goals of the training; and
- Fostering an understanding of hate crime victims' needs and the importance of sensitive and respectful treatment.

**Time:** 30 Minutes

## Materials:

- Training Materials 1.2: Hate Crime Story

## Required preparation:

- Type and print out accounts of hate crime victims and their experience with the criminal justice system, prepared in Training Materials 1.2.
- Customization to of the Training Material 1.2 (optional).

## Instructions:

1. Explain that the purpose of the training is to provide participants with the requisite knowledge and skills to engage with and assist hate crime victims in a sensitive and respectful manner. Explain that the training is about raising awareness of participants' own biases and increasing their understanding of how such biases affect their work with and the support they provide to hate crime victims.
2. Use the sample accounts of hate crime victims and their experience with the criminal justice system, prepared in Training Materials 1.2, selecting one story. You are advised to customize it to the national context or to use a story of your own choice that fits the national context. Warn the participants that the story illustrates the use of offensive and abusive language. Explain that this is for training purposes only.
3. The trainer will illustrate the main issues with the story (see Instruction 4 and 5). These issues introduce the role of the criminal justice system in engaging with and assisting hate crime victims. Ask the participants to look at the pre-selected example provided in Training Materials 1.2, and ask them to reflect on the response provided to the hate crime victims by the criminal justice system.

4. Explain that how hate crime victims are responded to and dealt with, particularly in the criminal justice system, is an expression of a society's commitment to upholding and protecting their rights and a manifestation of society's response to the offender's biased criminal behaviour.
5. Stress that responding to victims in a respectful and sensitive manner prevents secondary victimization and helps reduce distrust in the criminal justice system. It might also have the effect of preventing future crime and victimization of more people by enhancing reporting and, in consequence, allowing for investigation and prosecution of hate crime perpetrators. Equally important, it empowers victims and their respective communities.
6. Point out that when the criminal justice system does not respond to hate crime victims in a sensitive and respectful manner, this contributes to a lack of trust in the system and discourages the reporting of hate crimes. Underline that lack of sensitive and respectful treatment by criminal justice system can lead to secondary victimization, which can result in greater humiliation, degradation and isolation of victims, having an impact on their emotional and psychological well-being. Hate crime victims' accounts range from not being believed when reporting the crime, to being harassed or made fun of, or even to being beaten up by law enforcement personnel. Criminal justice system professionals should bear in mind that, for many victims, this fear may stem from their own past experience with interactions with the criminal justice system or from the negative experiences of others within their community.
7. Explain that to be able to respond to the needs of the hate crime victims (such as, for example, personal safety and security, practical help, emotional and psychosocial support, information and advice), criminal justice professionals need to understand the impact of hate crime on individuals and communities.
8. Highlight that, as hate crimes are "message crimes", and as the victim is selected because of their protected characteristic(s), these crimes can make all group members sharing the characteristic(s) feel vulnerable, that they "don't belong" or "are not to be tolerated". Other groups may also be affected, due to an overarching fear they could also be targeted. Hence, a failure to effectively deal with hate crimes and address the specific needs of hate crime victims sends a clear signal that different sections of society have different value and worth. Underline that, in order to be able to respond to hate crime victims in a sensitive and respectful manner, it is important to reflect on our own personal biases, as well as those prevalent in our society.
9. Emphasize that treating everyone in the same way does not contribute to protection of the principle of equality, but that the specific needs of each individual person affected by hate crime need to be considered during the



investigation and trial procedure. Underline that intersectional understanding of the impact of hate crime on individuals and their subsequent needs is critical. Victims often experience hate crimes on the basis of intersections between various protected characteristics. Equally, a particular social identity is not uniform among all persons who share that identity. As an example, there are many different types of disability. Therefore, persons with disabilities as a group are not a homogeneous community. The lived experience of a disability is also affected by other aspects of social identity, such as a person's age, gender, ethnicity and religion or belief. Underline that an individual's physical condition, mental stability and health conditions, as well as their previous individual and collective experiences of discrimination, crime, violence and traumatization can also affect the impact of a hate crime on that particular victim.

10. Emphasize that, to be able to address these needs, a victim-centred approach that acknowledges that even though people might share a particular social identity and personal characteristics they are unique individuals, with specific individual needs, is key. Each case must be assessed individually. A victim-centred approach also implies having a victim's needs and rights at the centre of any action, approach or measure undertaken by criminal justice bodies, victim support service providers, civil society actors and any person in direct contact with a victim throughout the course of a hate crime case. For this purpose, look at the specific needs of hate crime victims in the examples provided in Training Materials 1.2. Underline how improper treatment in the criminal justice system contributes to reaffirming fears and mistrust present in the communities.

# Training Material 1.2 – Hate Crime Story

## Example 1: Nora's Story<sup>7</sup>

Nora was walking in a market in her city with her partner, who is Romani. In a confrontation with two other market visitors, her partner was racially insulted by the two men and physically attacked and chased. Racist comments such as “You should all be exterminated, I \*\*\*\*\* your [anti-Roma slur] mother” were made towards him. Nora tried to help her partner, and was also seriously beaten. One of the two men grabbed her by the T-shirt and said, “What are you going to do now you [misogynistic slur]? I will beat you now”.

The police carried out an on-site investigation and a further assessment of available evidence. They interviewed Nora and her partner, as well as two attackers. The police lodged a criminal complaint against two attackers for the suspected commission of a hate crime, perpetrated by attempting to inflict grievous bodily harm on Nora's partner and motivated by the latter's Roma origin. Nora was mentioned in the criminal complaint as a witness.

In the course of the investigation, the Municipal State Attorney's Office questioned the two suspects and, on later instructed the police to conduct an identification procedure and formal questioning of Nora and her partner as witnesses. When questioned as a witness, Nora and her partner repeated the statement given during the first police interview.

Upon completion of the investigation, the State Attorney's Office indicted the perpetrators on charges of making serious threats against Nora's partner and inflicting bodily injury, associated with a hate-crime element. The indictment also made reference to the attack on Nora. At the hearing, Nora's partner repeated the statements he had given to the police. Additionally, he said the attackers had told Nora that she was also Roma if she was with a Roma man. Nora's original statement to the police was admitted in evidence, and she was not called on to testify at the trial.

In a judgment of later that year, the Criminal Court found the two attackers guilty as charged and sentenced them to one year and six months' imprisonment.

But in this procedure, Nora was only considered as a witness, and not as a victim. She lodged a criminal complaint, arguing that she was also a victim of a hate crime. In this procedure, she alleged that the attackers called her a “[Misogynist slur] who had a relationship with a Roma man” and told her that she would be beaten”. But her criminal complaint was rejected by the State Attorney's Office, stating that “there is no indication that attackers inflicted injuries on Nora because of hatred towards Roma, as she is not of Roma origin”.

## Example 2: Grace's Story<sup>8</sup>

Grace and her partner had applied for asylum in a new country and they were provided with interim accommodation in a remote area. A few days after their arrival, they were chased by a group of teenagers, who directed racial slurs at them and told them to "go back to their country". They were afraid the attack could turn violent. Due, however, to a fear of reprisal and lack of trust in authorities, they decided not to report the incident. Instead, they chose to stay indoors and left their flat only when absolutely necessary, such as to buy food or visit their doctor.

After living in constant fear for few weeks, the couple approached a refugee charity organization, seeking assistance in making a formal request for relocation. The charity support worker contacted a private housing contractor on their behalf, and a request was lodged to relocate them to a different area.

Their request was immediately refused, as the private contractor explained that fear of a possible physical attack does not constitute as sufficient "proof" that a crime has occurred or is likely to occur in the future. The contractor asked them to provide evidence, in form of a Crime Reference Number, which they did not have (since they had not reported the crime), along with a detailed letter describing the attack.

It became clear that, to be considered for relocation for reasons of personal safety and security, they had to prove they were "genuine" victims and had "genuinely" been targeted. Luckily, due to the persistence of the charity caseworker, the couple were eventually relocated to a different area.

## Example 3: Jocelyn's Story<sup>9</sup>

Jocelyn was a pensioner and a church warden living in a rural village. She was sometimes visible as a trans woman at the time, having transitioned some years earlier, but was still waiting for the full effects of female hormone therapy to appear.

She was driving her car in the village when she noticed a group of youths loitering around the church. When she asked them to stop what they were doing, she was verbally abused by them (as a "pervert" and a "paedophile"). As she drove away from them, they surrounded her car. She stopped the car and got out, at which point a young woman attacked her, and they both fell back into the car. Jocelyn held the woman and told the youths "back off and I will let her go", but she continued to be attacked, and Jocelyn let her go. Eventually, very shaken, scratched and bruised, Jocelyn drove off.

Later that night, the police woke Jocelyn out of bed at home to arrest her for assault (the young woman having reported the earlier incident as one in which she had been assaulted). Jocelyn was seen as the cause of the incident, rather than a victim of assault.

Her car had been vandalized outside her house, with the word “pervert” written on it. The car was damaged beyond repair.

Jocelyn contacted a transgender legal group which focuses on the rights and treatment of transgender people, and a defence lawyer was found. The case went to court and the judge found no reason to convict Jocelyn. Instead, they found there had been a great miscarriage of justice, and heavily criticized the police and the prosecution service for their handling of the prosecution.

The judge wrote a list of the reasons why Jocelyn was not guilty of assault. She was never told that she could file a counterclaim against the youths for assault. The police could find no fingerprints on the car, so the damage was not investigated. Jocelyn has since moved, in order to regain her privacy, having had to sell her home at a loss.

# Module 2: Understanding Bias

**Time:** 55 minutes

## Module learning objectives:

- Understanding the existence and the impact of bias, prejudice and harassment in societies;
- Understanding the impact of degrading language, slurs and jokes;
- Reflecting on their own biases towards different groups in societies; and
- Providing participants with a deeper understanding of the impact of stereotypes.

## Activity 2.1 – Assessing Bias

### Activity learning objective:

- Assessing the extent and the impact of bias, prejudice and harassment in societies.

**Time:** 15 minutes

### Materials:

- Flip chart
- Markers
- Post-it notes

### Required preparation:

- None

### Instructions:

1. Ask the participants to assess the extent of intolerance in their community on a scale of one to seven (one being low and seven being high). Emphasize that there is no correct answer to this question, but that you are looking for the collective impressions of the participants.
2. Write in large capital letters the word “ASSESSMENT” at the top of the flip chart paper, and then write the numbers one through seven from top to

bottom on the left side of the paper. Explain to the participants that these numbers represent a scale, with one representing the lowest rating and seven representing the highest.

3. Distribute post-it notes to participants and ask them to write on them the number they feel describes the presence of bias, prejudice and harassment in their community. Ask them to stick their post it notes on the scale on the flip chart.
4. Comment on the results of the scale, and ask them to briefly explain what factors they used to determine their assessment. Usually, participants will have assessed the seriousness of prejudice and harassment in different ways. Emphasize again that there is no one correct way to assess this issue.
5. Conclude this activity by stating that, now that participants have explored their perception around bias from their own point of view, it is essential to examine prejudice and harassment in a community from another's perspective.
6. Underline that everyone has biases. For this reason, the training is meant to provide a safe place for law enforcement and criminal justice professionals to reflect on their personal biases, as this is the first step in ensuring the sensitive and respectful treatment of hate crime victims. This requires learning to understand how stereotypes and beliefs shape our thoughts, communication patterns and actions. Through understanding their own personal biases, law enforcement and criminal justice professionals are able to identify where bias influences their behavior, so they can adjust their response, diminishing disrespectful and insensitive patterns of behavior and providing sensitive and respectful treatment for hate crime victims.
7. Emphasize that with explicit bias, individuals are aware (in other words "conscious") of their prejudices and attitudes toward certain groups. An example of this can be overt racism (e.g. racist comments).
8. One can also distinguish an unconscious bias (also known as implicit bias), which occurs automatically when the brain makes a quick judgment (usually activated by fear, anxiety, or conflict) based on social stereotypes and prejudices learned outside of our own conscious awareness.
9. Highlight that having an awareness of one's biases strengthens the ability to recognize how bias, prejudice and harassment are expressed in society. It is important to understand that, for minority groups, their protected characteristics can often be linked to current or historic discrimination, oppression and marginalization. Some characteristics that are now protected under hate crime laws may even have been illegal in the past (such as those related to sexual orientation or religion or belief).

**TIP:** If you have the impression that some participants may feel intimidated (because of the size or the composition of the group), you may collect the scores and stick them on flip chart yourself.

# Activity 2.2 – Hate Crime Victims’ Experiences of Prejudice and Stereotypes

## Activity learning objectives:

- Understanding that words are often the first step in a cycle of violence;
- Understanding the extent and impact of degrading language, slurs and jokes; and
- Understanding the experiences of hate and discrimination faced by victimized individuals and communities, and how these affect their lives.

**Time:** 30 minutes

## Materials:

- Training Material 2.2: Hate Crime Victims’ Experience

## Required preparation:

- Print out and cut selected statements from Training Material 2.2 – select statements based on common strands of hate crime prevalent in the national context. Make sure that the prepared materials contain at least one inappropriate joke to discuss the intent and impact of biased comments.
- Customization of Training Material 2.2: Hate Crime Victims’ Experience (optional).

## Instructions:

1. Warn participants that this part of the workshop requires participants to listen to and reflect on some very offensive statements and disturbing descriptions. Explain how the community statements on hate crime victims’ experiences were compiled, and that they contain hurtful and degrading comments.
2. Explain that you will be handing community statements to some of the participants, and that participants will be asked to stand and read their statements in a tone and volume of voice they choose (underline that they can use different body language as well). Emphasize that any participant who is not comfortable reading a statement aloud should pass the statement to another participant to read, or to the trainer.
3. Distribute the statements to participants. Reiterate that any participant who is uncomfortable reading a card should pass the card to another participant,



or to the trainer. Then ask the participants to stand and read their statements to the group, one-by-one in a loud voice.

4. Allow for a brief moment of silence after the last statement has been read. Ask the participants to describe their emotional or gut reactions to the statements. Ask if these statements were surprising, or whether they have heard some of these comments.
5. Refer back to the assessment activity and pose the following question to participants: How do they think the individuals who were the targets of these community statements would have rated the seriousness of the problem of bias, prejudice and harassment? Reflect on the result, particularly in relation to Activity 2.1. Underline that minority groups often experience stereotypes and biases every day. Hate crime victims have most likely gone through a number of bias-motivated hate crime incidents over an extended period. It is critical that our own perception does not diminish the perception and experiences of others. Consequently, believing victims of hate crime and their experiences is key to ensuring sensitive and respectful treatment.
6. You can ask participants where, or from whom, people come to believe that these comments, making such comments and the associated negative behaviours are acceptable. Write these responses on the chart paper. Responses usually include the media and popular culture, family, friends and leaders (both political and religious).
7. Discuss the difference between the speaker's intent and the impact that words have on those individuals who are targeted. Ask participants why people would tell offensive jokes. Mention, for example, that people often do not intend to make people feel hurt or degraded. Rather, they use degrading language and jokes to gain approval from others. Suggest that there may be language that people don't realize is inappropriate, and that it is important to note that the "appropriateness" of specific phrases and words can change over time. Add that usage of such language often trivializes victims' experiences. The victims may let things seen as trivial go, but they are affected, nonetheless.
8. Ask participants to identify the groups that are most vulnerable to being targeted with hate crimes in their national context. For this purpose, you can share some data on discriminated groups in their national context, based on the information from equality bodies, national human rights institutions or CSOs.
9. Collect the community statements from the trainees once the activity is completed.

**TIP:** If you are concerned that your audience may laugh or express approval of the community statements, you can add the following cautions:

Explain that some participants may be nervous or uncomfortable reading or listening to the statements. This might make some participants want to laugh. We understand that people sometimes mask discomfort by laughing. Even so, they are discouraged from laughing. Stress that there may be participants in the room who have heard these same words being said to them or to family members or friends in their communities. Ask the participants how it would make someone who had been harassed feel to hear others laugh during this activity.

**TIP:** Take time. Don't comment on every remark from participants. Give participants time to react. It is normal for there to be moments of silence before some participants speak.

# Training Material 2.2 – Hate Crime Victims' Experience

## Racism and Xenophobia

"Coming back from work, I found a sign near my home – it said: 'No Blacks allowed'." <sup>10</sup>

An Asian man was slammed to the floor by his neighbour, who had lost his job as a result of the COVID-19 pandemic. The attacker yelled, "I lost my job because of Asians." <sup>11</sup>

A man of African origin was wearing traditional dress and was approached by a group of youth, who called him "[racist slur]" and told him to go back to his country. <sup>12</sup>

## Bias against Roma and Sinti

"When I was little, I was told that [anti-Roma slur] would come and take me away if I misbehaved." <sup>13</sup>

A man, in a visibly aggressive manner, ran after four women of Roma origin, yelling "[Anti-Roma slur], I will \*\*\*\* you Roma mother ... Go back to where you came from, [misogynist slur]!" They hid in the store to avoid further verbal and physical attack. <sup>14</sup>

*A joke: Three men arrive to a hotel, but there is only one double room available. They are told that one of them have to stay in a stable. So one man goes to the stable and comes back in a minute saying that there is a cow in the stable and he cannot sleep there. Another man goes there and also comes back in a minute saying that he cannot sleep there as there is a pig. So the third man goes to the stable. In a minute the cow and the pig come to the room saying that they cannot sleep in the stable with that [Anti-Roma slur].* <sup>15</sup>

## Anti-Semitism

"While I was in the synagogue, and tried to protect myself and hide somewhere, I could not have known what the perpetrator said. I did not see the live stream. Neither did I need too in order to understand that there are still people who would gladly live in a homogenous society, according to their specific standards." <sup>16</sup>

"I walk mostly everywhere with a Kippah. And at least a few times a month I am confronted with an anti-Semitic incident. Mostly, it comes in the form of hateful comments, related to stereotypes or Israel or, most popularly, echoes of the Nazi past. Occasionally it comes in the form of shows of aggression." <sup>17</sup>

Walking behind a fence separating the cemetery from a public road, an unidentified male shouted, “You \*\*\*\*ing Jews, Hitler didn’t get you all, but we will!” at a family during a memorial stone-setting ceremony.<sup>18</sup>

## Bias against Muslims

Two girls, both under the age of 16, were walking along a pathway. Both of them were wearing headscarves. A young woman confronted them with a verbal attack. They tried to walk away as racial slurs were hurled at them, but the woman persisted, and the attack escalated to physical violence. One woman was pushed, punched in the face, kicked in the stomach and had her hijab torn off. The second victim wasn’t physically assaulted.<sup>19</sup>

A Muslim man gave a speech at the parliament about the Black Lives Matter movement and hate crime legislation. One email he received addressed him with racist slurs and told him that he needed to be stripped, placed in a stock and whipped unconscious. The author of the email also said they hoped that they were firebombed while in their house and to prevent him from running away he would be thrown back in. “Rotting is way too good for you after death. You should be butchered and sold as fresh meat, possibly pork.”<sup>20</sup>

A woman had her picture tweeted, with the accompanying text: ‘You Burqa wearing [misogynist slur].’<sup>21</sup>

## Bias against Christians

Members and supporters of a political party protested against Jehovah’s Witnesses. At about 10:00 a.m., about 25 persons gathered in front of the Kingdom Hall of Jehovah’s Witnesses in their city. With them was an Orthodox priest. The chairman of the party declared that the party intended to continue its campaign against Jehovah’s Witnesses until this kind of “sect” disappeared from the town. In addition, in some newspaper articles, members of the party made slanderous comments about Jehovah’s Witnesses.<sup>22</sup>

A priest was assaulted by an unnamed assailant as he prepared for Mass. The attacker began demanding answers to questions about his church and then slapped the priest in the face and threatened to kill him.<sup>23</sup>

Ten churches suffered theft or degradation beginning in a short period of time. Two suspects were arrested soon after and they both confessed to the crimes. During searches at their home, several objects of worship were found. According to the police, some of the objects, which amounted to several thousand euros, had already been sold. The damage caused in the affected churches included desecrated tabernacles, statues, and monstrances.<sup>24</sup>

## Bias against Members of Other Religions or Beliefs

A man was working in his liquor store when another man walked in, assaulted him, damaged products, shouted profanity and yelled "go back to your country." Singh, who is Sikh and wears a turban, followed the man outside to take a photo of his license plate so he could report the incident. The man then rammed his car into Singh, injuring his arms, legs and head, and breaking his pelvis, which required surgery. According to law enforcement officers, the suspect, a white man, targeted Singh because he believed he was an Arab.<sup>25</sup>

A Buddhist temple, which serves a mostly Asian community, was attacked with four bottles of citronella oil set afire in a parking lot. A fifth burning device was found in the mailbox. Offensive graffiti was sprayed on the temple some weeks earlier. The community has had its sense of safety ripped away. It has been forced to close the doors of the temple where they practice their religion. A woman who was at the temple the morning when members discovered the Molotov cocktails in the parking lot area of the building told the newspaper that she remained scared following the attack.<sup>26</sup>

A Hindu temple has been destroyed by vandals, who sprayed black paint on the deity and left a knife stabbed into a chair in the main hall. Religious images were sprayed with black paint, windows were broken, and walls spray-painted with inappropriate messages and graffiti. A knife was stabbed in a chair, and cabinets were emptied. "We come here to worship. We should not have to turn our backs to see who is behind us, but should be happy to come here and worship in peace," said a community member.<sup>27</sup>

## Bias based on Sex, Sexual Orientation or Gender Identity

A transgender woman was beaten by her brother, demanding that she leave the town and accusing her of bringing shame on the family.<sup>28</sup>

A transgender woman was walking downtown and was approached by two men who said "you damned [anti-transgender slur]", pushed her around, and then left her alone.<sup>29</sup>

"I uploaded a picture on my Facebook account. You could see me and my partner kissing each other in the picture. I felt that I wanted to share my happiness with other people. As I woke up the next day and checked my phone, I was surprised about the amount of news popping out on my home screen. There were already hundreds of comments. Most of the comments were clearly hate comments, written by people I didn't know. 'You should be burned.', 'You should be thrown into the gas chambers.', 'You should be exterminated. Kill them.' Those are only a few examples from hundreds of hate comments I found under the picture I uploaded. I was stunned. I couldn't feel safe anymore."<sup>30</sup>

## Bias against People with Disabilities

A woman in a wheelchair reported being subjected to ongoing violence from her neighbours over a period of three years. What began with verbal assault based on her impairment culminated in physical assault, during which the victim was pulled out of her wheelchair.<sup>31</sup>

“My neighbour was abusive and called me and my family benefit scroungers, because of our disabled child. The insults got worse and worse, in front of our children.”<sup>32</sup>

“I have received online abuse, due to having Asperger’s Syndrome. People online have accused me of lying about my Asperger’s and claiming benefits when they deemed I shouldn’t be, and they told me they’d report me for it. They have even made hurtful comments about my appearance and have gone so far as to insult my parents, who they know nothing about.”<sup>33</sup>

## Activity 2.3 – Stereotypes: Interrupting Unconscious Bias (optional)

### Activity learning objective:

- Understanding unconscious biases that exist in our societies;
- Deepening participants' understanding of their own biases.

**Time:** 10 minutes

### Instructions:

1. Explain that participants, as law enforcement professionals, might work with communities affected by the violent rejection of diversity and difference expressed through hate crime. The mechanisms of oppression that are embedded in our societies are a daily life phenomenon that can culminate in hate crime victimization.
2. Ask the participants to listen to the story, close their eyes if they prefer so and try to visualize what they hear.
3. Read the following story to the participants:

*You and your partner have decided to invest your savings in real estate and to buy an apartment in a nice neighborhood in your hometown. You have already signed an offer on an apartment not too big, not too small, small balcony, two bedrooms – and you are now on your way to a lawyer specialized in real estate to sign the purchase contract together with your partner. As you walk up the staircase to the office, you feel slightly nervous but also excited to be making this last step in finally settling down somewhere. You ring the bell, the lawyer opens and gives you a big smile, congratulating you to your new home. After completing all the paper work, you decide to celebrate the day together with your partner in a very nice and rather posh restaurant nearby. You order champagne, and caviar as a starter. The couple at the table next to you also seems to be celebrating something as they, too, drink champagne. To round off this special day, you have booked tickets for a Beethoven concert in the evening with the philharmonic orchestra. It is the first live concert you go to after a long Covid induced pause, and you know you had a perfect day when the conductor of the orchestra turns out to be the world-famous conductor you have always wanted to hear live!*

4. Ask participants the following questions:
  - *When listening to the scenario: did you imagine the real estate attorney to be a woman?*
  - *Was the couple at the other table in the restaurant gay?*
  - *Was the conductor of the orchestra black?*
5. Allow the participants to comment and explain that this activity helped to uncover some unconscious biases we might have. Add that we all have unconscious bias due to the fact that we have been normalized within the dominant societal norms of our immediate surrounding. In other words, what we watch on TV or movies, what we read in magazines and books, what music we listen to, who we follow and engage with on social media platforms and surround ourselves with in our daily lives create fast cognitive shortcuts that help us determine where we sit on the metro, who we eat lunch with at work or school, who we turn to for advice or invite to social gatherings and who we choose to offer a helping hand. These biases influence the way we think and act.
6. Summarize by saying that anyone working with hate crime victims need to understand how societal systems of privilege and oppression function, and how the experience of hate crime victimization goes beyond the individual violent act of hate and reveals the fundamental inequalities and exclusion mechanisms in our societies.



# Activity 2.4 – Stereotypes: Barometer of Opinions (optional)

## Activity learning objective:

- Understanding biases that exist in our societies; and
- Deepening participants' understanding of their own biases.

**Time:** 20 minutes

## Materials:

- Masking tape
- Training Material 2.4: Barometer of Opinions

## Required preparation:

- Customization of the statements from Training Material 2.4 to reflect the national context (optional).

## Instructions:

1. Stick tape on the floor of the room in a straight line.
2. Explain that you are going to read out several statements (Training Material 2.4). According to their personal assessment, the participants should physically position themselves somewhere along the tape.
3. Trainers point out the two extreme positions, "Yes" and "No", with the middle being "I don't know", and explain that the participants may choose any point along the line. There is no "right" or "wrong" answer.
4. Read out the statements in turn. Ask some of the participants why they have chosen their position. Start with those at the end points, and then ask some near the centre.
5. Before moving to the next statement, after the explanations have been heard, the trainers should check whether anyone wishes to change where they are standing on the line.
6. After having gone through the statements, bring the group back together for reflection. Discuss biases present in our societies towards different

groups, how the participants felt when they took their position on the line, and whether they felt pressure to move after hearing some arguments.

7. Trainers should connect the statements to the definition of stereotypes: *Stereotypes are associations and beliefs about the characteristics and attributes of a group and its members that shape how people think about and respond to the group.*
8. Explain that people stereotype others for many reasons other than age, class, race, religion or belief nationality, ethnicity, sex, gender, sexual orientation or disability. Ask participants to list some of these reasons for stereotyping and write them on the flip chart. This list can include where people live, their physical appearance (such as hair colour, tattoos, size and weight), their language or accent, the type of work they do, their pastimes, sports or hobbies, and many other reasons.
9. Explain that all of us have stereotypes about individuals or groups. You can pick a trait or characteristic that you have and ask what stereotypes people might have about you based on that trait or characteristic. Do not pick a characteristic that has stereotypes that you think might be hurtful to others who share that characteristic.
10. Point out that these stereotypes are often poor descriptors of groups but, even more so, they are always very, very poor ways to describe any individual person.
11. Ask about the possible consequences of stereotypes for communities.
12. Explain that stereotypes are the building blocks of hate crimes. The community statements read earlier and the hate crimes that will be discussed over the day are based on stereotypes. Most of these stereotypes are inaccurate assumptions about a group. All stereotypes are very poor predictors of the conduct of any one individual.
13. Close this module by discussing the escalation that can occur from stereotypes to hate incidents to hate crime, and even to mass civil disorder, ethnic cleansing or genocide.

# Training Material 2.4 – Barometer of Opinions

1. Men are better drivers than women.
2. I have nothing against black people, but I would not like my daughter/son to be married to one.
3. Persons with mental disabilities are lazy; they just look for the excuse not to work.
4. The problem with Roma people is that they do not want to change; they love their traditional way of life. They are lazy and sit around waiting for their social benefits and drink. "They live off other peoples' backs".
5. Asians are quite nice, but I wouldn't like one as a neighbour.
6. Migrants want to change our culture.
7. Transgender people just decide to be trans – this is their choice.
8. All Muslims are religious extremists.
9. I don't have anything against gay people, but I would not like my children to have a gay primary school teacher.
10. All lesbians are masculine.
11. Women should not drink and dress too attractively, particularly if they are going to walk alone at night.
12. Young, male migrants are a security risk.

# Activity 2.5 – Stereotypes: Train Journey (Optional)<sup>34</sup>

## Activity learning objective:

- Understanding biases existing in our societies, as well as deepening participants understanding of their own biases.

**Time:** 40 minutes

## Materials:

- Handout 2.5: Scenario - Train Journey

## Required preparation:

- Customization of Handout 2.5 to reflect the national context (optional).

## Instructions:

1. Give a copy of the scenario to each participant.
2. Briefly describe the scenario and tell them to read the descriptions of the people travelling on the train.
3. Now, ask each person individually to choose the three people they would most like to travel with and the three they would least like to travel with. Give participants a few minutes to do this.
4. Once everybody has made their individual choices, ask them to form into groups of four or five and to:
  - share their individual choices and the reasons for them;
  - compare their choices and reasons, and see where there are similarities; and
  - come up with a common list (the three pluses and the three minuses) by consensus, if possible (TIP: Do not push for consensus).
5. Back in the plenary, ask each group to present their conclusions, including the reasons for their common choices or lack of ability to form a consensus. They should also say in which “cases” there was most disagreement within the group. Depending on the time available, you could also ask only one group to share, and then move to questions for the whole group.

6. Following the presentations, the trainer should ask the following questions:
  - *Has anyone in the group experienced a similar situation in their life, either on a train or in another public place?*
  - *What considerations influenced their decisions?*
  - *If they couldn't reach agreement, what were the reasons; what was most difficult?*
  - *Which stereotypes does the list of passengers evoke?*
  - *Where do we get these stereotypes from?*
  - *How would they feel to be in a situation in which nobody would want to share a train compartment with them?*

7. If trainers have not done so already (as in Activity 2.3), they should introduce a definition of stereotypes to the participants.

*Stereotypes are associations and beliefs about the characteristics and attributes of a group and its members that shape how people think about and respond to the group.*

8. Explain that people stereotype others for many reasons other than age, class, race, religion or belief nationality, ethnicity, sex, gender, sexual orientation or disability. Ask participants to list some of these reasons for stereotyping and to write them on the flip chart. This list can include where people live, their physical appearance (such as hair colour, tattoos, size and weight), their language or accent, the type of work they do, their pastimes, sports or hobbies, and many other reasons.
9. Explain that all of us have stereotypes about individuals or groups. You can pick a trait or characteristic that you have and ask what stereotypes people might have about you based on that trait or characteristic. Do not pick a characteristic that evokes stereotypes that you think might be hurtful to others who share that characteristic.
10. Point out that these stereotypes are often poor descriptors of groups but, even more so, they always are a very, very poor way to describe any individual person.
11. Ask about the possible consequences of stereotypes on communities.
12. In facilitating the responses to the final question, explain that stereotypes are the building blocks of hate crimes. The community statements read earlier and the hate crimes that have been discussed over the day are based on stereotypes. Most of these stereotypes are inaccurate assumptions about a group. All stereotypes are very poor predictors of the conduct of any one individual.

13. Close this module by discussing the escalation that can occur from stereotypes to hate incidents, to hate crime, and even to mass civil disorder, ethnic cleansing or genocide.

## Handout 2.5 – Scenario: Train Journey

You are boarding the train for a week-long ride. You are travelling in a closed compartment, which you have to share with three other people. With which of the following passengers would you prefer to share?

1. An overweight financial broker.
2. A Black woman selling leather products.
3. A young artist who is HIV positive.
4. A man of Roma origin, just released from jail.
5. A rapper living a very alternative lifestyle.
6. A person with schizophrenia who plays the violin.
7. A transgender woman who doesn't want to go home.
8. A middle-aged migrant who has no visa and a one-year old child in her arms.
9. A young gay couple who keep laughing loudly.
10. A young migrant woman wearing a headscarf.
11. A farmer who speaks does not speak your language and has a basket full of strong cheese.
12. A refugee new to the country.
13. A Jewish man wearing a kippa.

# Module 3: Hate Crime and Hate Crime Victims – Concepts

**Time:** 60 minutes

## Module learning objectives:

- Defining and explaining the concept of hate crime;
- Explaining the impact of hate crime; and
- Explaining who hate crime victims are.

## Activity 3.1 – Definition of Hate Crimes

### Activity learning objectives:

- Building an understanding of the concept of hate crime and the distinctions between related concepts.

**Time:** 15 minutes

### Materials:

- Flip chart, marker
- Handout 3.1a: Hate Crime Definition and Related Concepts
- Handout 3.1b: National Hate Crime Legislation - Template

### Required preparation:

- Development of the Handout 3.1b: National Hate Crime Legislation, based on the Template

### Instructions:

1. Ask participants if they can provide a definition of hate crimes. After hearing their answers, present the definition of hate crimes used in the course.
2. Explain what a protected characteristic is; explain that minority groups are usually those targeted, but that anybody can be the victim of a hate crime.



3. Explain the difference between the emotion of hate and a bias motivation. Explain that a hate crime does not require that the perpetrator feels hate. Instead, it requires only that the crime is committed with a bias motivation. Bias means that a person holds prejudiced ideas about a person or a group. Since hate crimes are committed because of what the targeted person, people or property represents, the perpetrator may have no feelings at all about an individual victim.
4. Explain why it is important to address hate crimes (they tend to increase in numbers, to escalate into wider conflicts and to erode confidence in the rule of law). Explain that the impact of hate crime goes beyond its negative effect on an individual victim. As hate crimes are message crimes, the community that shares the characteristic of the victim may experience the attack as if they themselves were the victims. Hate crimes tend to increase in number if societies do not effectively respond, as (potential) offenders are encouraged to continue their activities out of a sense of impunity – even support – for their actions. Equally so, the severity of hate crimes tends to escalate. Offenders who start out committing minor offences often go on to carry out increasingly violent acts. Finally, when the hate is not addressed by the authorities and no clear message is sent to the perpetrators, communities might lose trust in their security and the state authorities. This can lead to further attacks, creating a spiral of violence that leads to serious social breakdown. In countries with a history of ethnic conflict, this is a particularly prominent phenomenon. These effects can be multiplied where a community has historically been marginalized and subjected to discrimination or persecution.
5. Explain the difference between hate crimes and related concepts, such as hate incidents and “hate speech” (see Handout 3.1a). Inform that it is important to have a clear distinction between different types of crimes and what characteristics are protected, because it helps to formulate the overall response to these phenomena. In some jurisdictions, however, these legal provisions might be exclusionary and might not protect all those that require such protection.
6. Ask participants to provide a brief description of laws concerning hate crimes in the country in which training is taking place. Comment on the two elements of a hate crime, the bias motivation directed at one or more of the specific groups listed in the law, and the specific types of offences that are covered by the law. If possible, the trainer should prepare a handout on this national context.
7. Distribute Handout 3.1b: National Hate Crime Legislation, and explain that it covers the relevant legal provisions in the trainees’ country.

# Handout 3.1a – Hate Crime Definition and Related Concepts

## Hate Crimes

Hate crimes always comprise two elements: a *criminal offence* and a *bias motive*. The first element of a hate crime is that an act is committed is a crime, such as assault or damage to property. Hate crimes always require a base offence to have occurred. If there is no underlying crime, there is no hate crime.

The second element of a hate crime is that the perpetrator must commit the criminal act with a particular motive, referred to as a “bias”. It is this element of bias motive that differentiates hate crimes from ordinary crimes. This means that:

- the perpetrator intentionally chose the *target* of the crime because of some *protected characteristic*; or
- the perpetrator expressed hostility towards a *protected characteristic* immediately before, during or after the attack.

The target may be one or more people, or it may be property associated with a group that shares a particular characteristic. The perpetrator might target the victim because of an actual, or even only a perceived affiliation with the group. Perpetrators may have mixed motivations.

Hate crimes can include murder, intimidation, threats, property damage, assault or any other criminal offence.

## Protected Characteristics

A protected characteristic is a common feature shared by a group, such as race, religion or belief, ethnicity, nationality or gender, or any other similar common factor that is fundamental to their identity, such as sexual orientation or disability.

## Concepts of Misperception, Hate Crime by Association and Mixed Motives

It is important to note that, when qualifying hate crime, the key concern is the motivation of the perpetrator to commit such a crime, and not the identity of the victim. If a perpetrator wrongly perceives the target as belonging to a group with a protected characteristic, the crime still qualifies as a hate crime. For example, a person with darker skin may be attacked because the perpetrator assumes that the person is of Roma

origin. If two men walking next to each other are attacked on the assumption that they are gay, then this would qualify as an attack against LGBTI persons, regardless of their sexual orientation.

In all these cases, it is irrelevant whether the victims actually hold these characteristics; it is sufficient that the perpetrator perceives them as such. Another example is when perpetrators choose their targets mistakenly assuming that they are associated with a certain group. For example, following the terrorist attack of 9/11, many Sikh men wearing a turban or beard were targeted in the United States because they were wrongly perceived as Muslims, based on their appearance. As the motivation in these crimes is bias against Muslims, they are still regarded as anti-Muslim hate crimes.

The identity of the victim also does not matter in cases of hate crime by association. One example of hate crime by association would be a mixed-race couple being the target of a racist attack. In such a scenario, both should be considered victims of a hate crime.

In a hate crime, the bias motivation of the perpetrator does not need to be the only motivation for the crime. A hate crime can also be committed with mixed motives. One example would be a perpetrator who targets Jewish shops because he thinks Jews are wealthy. In this case, the perpetrator has pecuniary motives, but is also motivated by anti-Semitism.

## Hate Incidents

An act that involves prejudice and bias of the sort described above, but that does not amount to a crime, is described as a “hate incident”. Although hate incidents do not involve crimes, such incidents often precede, accompany or provide a context for hate crimes. Records of hate-motivated incidents can be useful in demonstrating a context of harassment and providing evidence of escalating patterns of violence.

## Hate versus Bias

*A hate crime does not require that the perpetrator feels hate.* Instead, it requires only that the crime is committed with a *bias motivation*. Bias means that a person holds prejudiced ideas about a group. Since hate crimes are committed because of what the targeted person, people or property represent, the perpetrator may have no feelings at all about an individual victim.

## Hate Speech<sup>35</sup>

Expressions of hatred are often called hate speech. While often confused with hate crime, hate speech lacks the essential element constituting a hate crime, i.e. the fact that the same conduct, without a bias motivation, would still constitute a crime.

There is no internationally accepted and agreed definition of hate speech. Nevertheless, many countries have laws that criminalize speech because of its particular content, for example incitement to hatred, insulting certain groups within the population, denigrating a person's or a nation's "honour" or "dignity", Holocaust denial or glorification of totalitarian ideologies.

Although many of OSCE participating States have hate speech regulations, there is still no consensus among them on the criminalization of those forms of intolerance that do not incite hostility, discrimination or violence. Direct and immediate incitement to criminal acts, however, is universally prohibited within the OSCE region – whenever it occurs with a bias motive, it should be categorized as a hate crime, because a base offence exists.

Hate speech represents a threat, as it might create a hostile environment leading to large-scale conflict and encourage hate crime. Hateful discourse is often spread through online means of communication.

Response to hateful discourse might have a criminal and non-criminal character. Using the legal sanctions always requires caution, so as not to violate a person's fundamental right to freedom of expression. The response, however, might also include creation of counter-narratives for tolerance and non-discrimination, educational programmes and campaigns.

The target of hate crime is specific groups of individuals. Racist or biased speech before, during, or after a crime, may constitute evidence of motive and should form part of any criminal investigation. Similarly, if the perpetrator has items in their possession, such as books, music or posters that suggest bias or prejudice, this could constitute part of the evidence of motive.

## Discrimination

### Definition

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 are different.

Discrimination occurs when the principle of equal treatment is attacked either directly or indirectly, or both. The European Union Council Directive 2000/43/EC, dated 29th June 2000<sup>36</sup>, provides the following definition of discrimination:

1. For the purposes of this Directive, the "principle of equal treatment" shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.

2. For the purposes of paragraph 1:

– **1.2.1 Direct Discrimination**

Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of birth, racial or ethnic origin, gender, religion, beliefs or opinions, age, disability, sexual orientation or gender identity.

– **1.2.2 Indirect Discrimination**

Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put specific persons at a particular disadvantage compared with other persons, for any of the above mentioned reasons.

– **1.2.3 Non-Discrimination**

There is non-discrimination in a situation in which the unequal treatment or that provision, criterion or practice can be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

## Genocide

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.<sup>37</sup>

Hate crimes can be part of a process that leads to genocide. Individual acts of genocide may be considered to constitute hate crimes.

## Terrorism

Terrorism occurs in many different contexts and takes different forms. There is no international consensus on the definition of terrorism. However, some of its consistent features include:

- Its organized nature (whether the organization involved is large or small);
- Its dangerousness (to life, limb and property);

- Its attempt to undermine government, in particular (by seeking to influence policy and lawmakers); and
- Its randomness and consequential spreading of fear/terror among a population.

A prevailing characteristic of acts of terrorism is that they are crimes, even if they have an additional quality that requires that they be considered “terrorist” in nature. Terrorist acts are criminal acts and, therefore, subject to criminal law.<sup>38</sup> As such, they might be motivated by bias, but their characteristics make them a distinct category of crimes.

## Handout 3.1b – National Hate Crime Legislation – template

Hate crimes definition in a national context:	
Protected characteristics in a national context (paying attention to qualifications such as aggravated circumstance, enhanced penalty, etc.):	
Definition of hate speech in the national context:	
Definition of discrimination in a national context:	

# Activity 3.2 – Hate crime victims

## Activity learning objective:

- Understanding the specific vulnerabilities of hate crime victims.

**Time:** 15 minutes

## Materials:

- Handout 3.2a: Fragments of Identity

## Instructions:

This activity is divided into two exercises (3.2.1 and 3.2.2):

### Exercise 3.2.1 - Focusing on identity

1. Distribute Handout 3.2a to the participants.
2. Ask the participants to write their name on the paper.
3. Tell the participants that you will be reading out loud some identity markers, and that they need to choose the five that are the most important for them and that form part of their identity, and to write each in the circle.
4. Trainers read the following identity markers: place of work, type of work, age, ethnicity, gender, income, city they live in, educational background (school, university they attended), religion or belief, family status, their free-time activities, disability and parenthood.
5. After they have chosen their five, ask a few participants to share their choices with the group.
6. Then, ask them if they had to give up one characteristic, which one would it be. Repeat the question once or twice more, depending to how wide the choices are.
7. Discuss how some characteristics are an integral part of our identity - these are gender and gender identity, religion or belief, ethnicity/race, sexual orientation, age and disability. They affect our early socialization and are usually visible characteristics around which stereotypes and prejudices are formed. External characteristics, such as family status, education, work experience,



job, income, parenthood, residency, political opinions, hobbies, even also often dependent on the environment, can be potentially changed more easily, yet individuals may be powerless to change these.

8. Ask the participants to think about individuals coming from vulnerable communities. They often have to give up on one or more characteristics/parts of their identity in order to live a “normal” life and not to become victims of harassment, discrimination or hate crimes, such, as for example, not holding hands in public if they are a same sex couple, or not wearing symbols of their religion or belief in public. Ask the participants how they would feel if they had to do that on a daily basis (the trainer can share an example of a community statement of a Jewish person: *“I wear a chain with a Star of David, but I consciously don’t wear it in public, because I try to avoid anti-Semitic reactions that way.”*)
9. Discuss the impact on people who feel the need to hide their characteristics from others – what would the result be? How would the participants feel if they had to hide a characteristic?

### Exercise 3.2.2 - A Hate Crime Victim

1. Ask the participants about the definition of a “hate crime victim” and write the answers on the flip chart.
2. Share the definition of a hate crime victim with the participants.

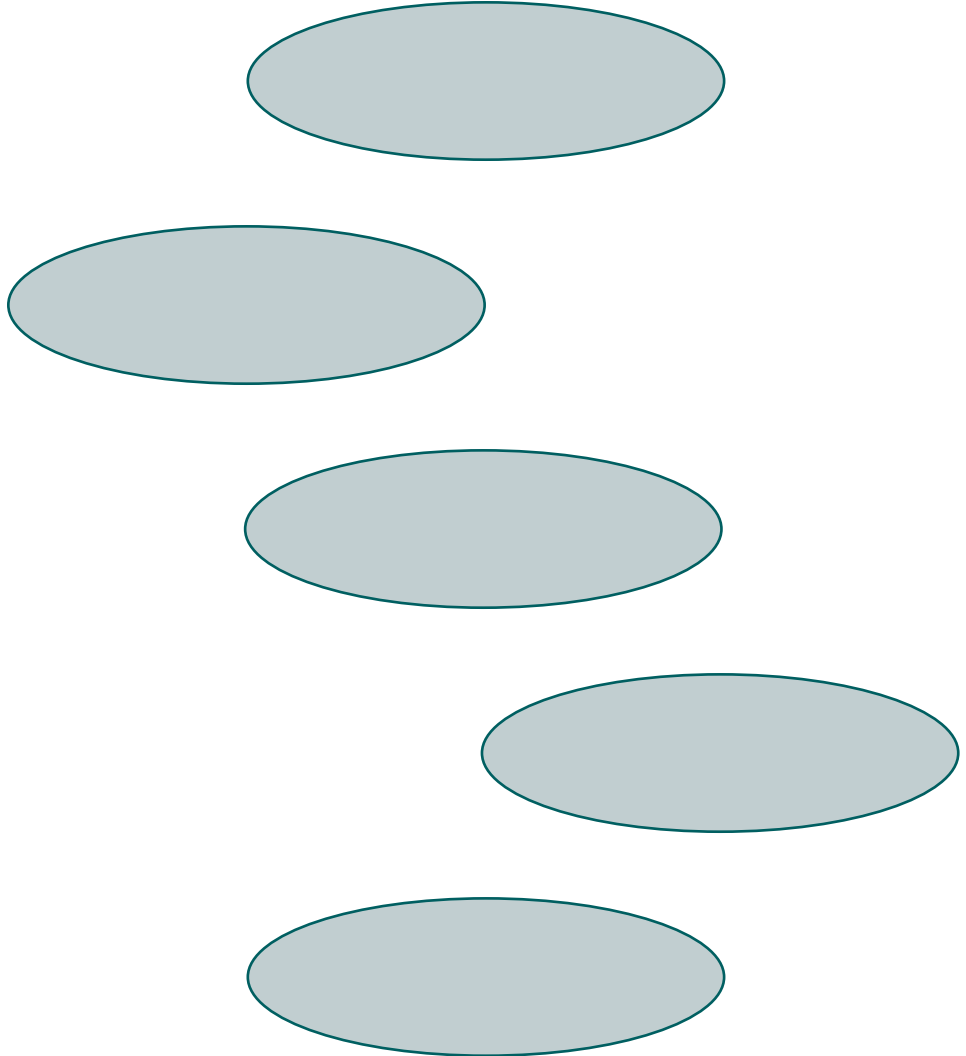
*A hate crime victim is a natural person who has suffered harm as a result of a hate crime. The “harm” can include injury or loss of life, material (property) and moral damage (including pain, physical, mental or emotional suffering), economic loss and loss of income, and loss of maintenance for dependents.<sup>39</sup>*

3. Underline that hate crime victims are targeted because of a perpetrator’s hostility to who they are or assumed to be, and to what they are perceived to represent.
4. Underline that, as all people have protected characteristics, anyone – both members of majority and minority groups – can become the target of a hate crime. Through hate crimes, perpetrators express prejudice towards whole communities, and individuals attacked are seen as representatives of their group by the perpetrators. Often, victims of hate crimes belong to groups in society that are marginalized and discriminated against, and they often don’t perceive this solely as an individual event, but as a continuum of non-criminal and/or criminal discrimination against them.

5. Explain that those who are more visible or easily identifiable as belonging to or affiliated with a group are also more likely to be targeted.
6. Note that, for some groups, these differences are gendered, resulting in women or men from the same group being attacked in different ways. Ask the participants if they can come up with the example. Share the example of Muslim women wearing headscarves, who are more likely to be attacked compared to Muslim men who are not wearing any religious symbols; likewise, Jewish men wearing a kippah/yarmulke are more likely to be attacked than Jewish women not wearing any religious symbols.
7. Explain that, as the building blocks of hate crime are stereotypes, and as a hate crime is meant to send a message of rejection and devaluation, not only to the targeted person but to the community they represent, the choice of victims reflects widespread prejudices in a society, which also affect the target and type of attack. For example, the destruction of aids is more common in disability hate crimes and “curative” rape in hate crimes against LGBTI people.

# Handout 3.2a – Fragments of Identity

Listen to the characteristics that form part of our identity. Write the five most important ones for you, one in each of the circles below.



The image contains five light blue ovals with dark blue outlines, arranged in a descending staircase pattern from top to bottom. Each oval is intended for a student to write one of their five most important characteristics of identity.

# Activity 3.3 – What Makes Hate Crimes Different?

## Activity learning objective:

- Understanding the impact of hate crimes and hate incidents on victims and society.

**Time:** 15 minutes

## Materials:

- Handout 3.3a: Impact Statements
- Handout 3.3b: Impact of Hate Crimes

## Required preparation:

- Customization of Handout 3.3a (optional)

## Instructions

1. Discuss the impact of hate crimes and hate incidents. It is very useful to describe the impact of a hate crime or hate incident that you are familiar with, such as physical harm, shock or fear. Alternatively, you can use the following example:

*During the COVID-19 pandemic, Asian people experienced incidents which ranged from casual jokes to violent attacks and death threats, with people left too frightened to venture out alone and children ridiculed by their peers. A doctor who works in a local hospital's respiratory unit said she stopped her daily morning jog because of abuse. Another woman said she was so alarmed, she began wearing a label that read: "Please don't fear me – I don't have the virus." And one family had to withdraw their four-year-old boy from a football club after other parents told their children not to stand close to him.<sup>40</sup>*

2. Mention that studies have shown that hate crime victims experience more significant impacts than victims of similar crimes committed for other reasons. For example, hate crime victims spend more time in hospitals recovering from their injuries, lose more time from work, and have more intense and longer lasting feelings of lack of safety in their communities. In addition to the physical harm and shock experienced immediately after an attack, one of the most significant impacts of hate crime is post-victimization. The

emotional impact involves mental distress that will be short-lived, although this can still last for some weeks. The psychological impact involves more persistent and long-lasting mental distress.

3. Underline that every victim of hate crime is different and is affected differently. Many factors influence the impact of victimization, including the type of incident; a person's previous experience with discrimination, devaluation and disadvantage; the existence of social support circles; and an individual's economic and psychological resilience.
4. Emphasize that the impact of hate crime can depend on the intersectional nature of identities, when several personal characteristics operate and interact with each other at the same time in such a way as to be inextricable. The targeting of several intersecting characteristics in a multiple-bias hate crime, such as race and gender, for example, can also exacerbate the impact (and the culpability of the perpetrator).
5. Ask participants to assess what kind of reactions victims of hate crimes may have. Ensure that reactions mentioned in Handout 3.3b are discussed. These include:
  - Fear and terror;
  - Isolation;
  - Denial;
  - Self-blame;
  - Mental health problems.
6. Pass out up to ten impact statements (Handout 3.3a), printed and cut out, for participants to read them. These impact statements can be tailored to the national context. Warn the participants that the examples illustrate the use of offensive and abusive language. Explain that this is for training purposes only.
7. After the last impact statement has been read, allow for 15 or more seconds of silence. Then ask participants to briefly share their reactions to what they have just heard.
8. Highlight that hate crimes attempt to send a "message" to victims and their communities that they are not welcome and that they do not belong in the society. The role of the criminal justice system is to send a "message" back to the perpetrators and their community, saying "we will not tolerate hate crimes", and to the victims and their communities, saying "we take this seriously, we care about your safety and security". Mention that studies have shown that in addition to the physical harm and shock experienced immediately after an attack, one of the most significant impacts of hate crime is post-victimization.

9. Discuss secondary victimization. Explain that secondary victimization occurs when the seriousness of the hate crime that victims have experienced is minimized by the broader community and, in particular, by police or other government officials. Consequently, secondary victimization refers to the victimization that occurs not as a direct result of the criminal act, but through the inappropriate response of institutions and individuals to the victim.
  
10. Explain key ways that law enforcement and criminal justice system professionals contribute to secondary victimization include:
  - a lack of a response, or an unhelpful and denigrating response;
  - attributing responsibility for the crime to victims, or claiming the culpability of the victim (victim-blaming);
  - minimizing the seriousness of a reported hate crime and trivializing the individual victim's experience and consequences;
  - displaying negative attitudes or reinforcing the prejudices of the perpetrator, and treating the victim accordingly;
  - expressing sympathy and understanding for the perpetrator;
  - lacking appropriate knowledge, experience and skills to acknowledge the significance of the victim's identity for the crime they have suffered;
  - a lack of consideration for individual needs, especially the need for information and justice; and
  - the denial of victims' rights or victim status.
  
11. Emphasize the importance of a victim centered approach in working with hate crime victims to address their needs and uphold their rights.

# Handout 3.3a – Impact Statements

## Racism and Xenophobia

Some politicians stoked up fear and hatred for political gain. A woman, originally of African descent, after initially trying to ignore the abuse, decided to report the incidents to the police. She felt her victimization was dismissed by officers because she had not reported the incidents at the time at which they happened. She continued to report hate crimes as and when she experienced them but, again, she was disappointed by the response she received. On multiple occasions she was visited by police community-support officers, who told her that they could not investigate the hate crimes because there were no independent witnesses. The police failed in their duty because they did not take her statement or even try to collect any evidence, such as CCTV footage. As a result of her victimization and her experience with the police, she was left feeling isolated, unwanted and worthless.<sup>41</sup>

A man told a woman to go back home and threatened to hit her car for parking “too close” to him. “Basically, the cop was like, ‘I’m sorry that happened to you, but there’s nothing we can do’ (...) I was shocked, I was angry, I was sad ... I felt dismissed by the police,” said the victim. “Hates crimes aren’t only about receiving a complaint and investigating, it’s also outreach and information for people.”<sup>42</sup>

A woman stopped at a red light with her driver’s side window down when she heard someone yell out “[racist slur]” She looked around and saw four white men by her car. One sprayed a flammable liquid on her face and neck and threw a flaming lighter at her, she told police. “They had to pretty much scrub the skin off, which was extremely painful. Burn pain is something I can’t even really describe. I don’t know how to describe it. It was horrible.” She repeated the procedure every few days and had plastic surgery. She said her happy childhood memories of growing up have been overshadowed by the memories of this attack. “I never really knew someone could hate you just by looking at you. They didn’t know me. I didn’t know them. I was just driving my car and minding my own business.”<sup>43</sup>

## Anti-Semitism

“I am really scared about the safety of my child, who goes to a Jewish school. Every day I ask myself if I should send him to school somewhere else.”<sup>44</sup>

“I am confronted with anti-Semitic comments from colleagues at work – and I actually work at a police station.”<sup>45</sup>

“Why have I been having nightmares for over a year about him trying to kill me and about everything being so painful?”(From a victim of the Halle synagogue attack)<sup>46</sup>

“But participating in this trial, I have become frightened. And I have become angry. Angry at the number of witnesses who safely share their casual attitudes towards racism, their unwillingness to intervene when derogatory terms are used against minorities, their own involvement in hate groups and in propagating anti-Semitic attitudes.” (From a victim of the Halle synagogue attack)<sup>47</sup>

## **Bias against Muslims**

A 23-year-old Black woman wearing a hijab was waiting at a bus station when a man approached her, flailing his arms. He gestured with his fist, swore at her and threatened to physically assault and kill her. After contacting the police station, she “was not given the support” that she needed. She eventually reached out to the city council.<sup>48</sup>

A Muslim was hit by a car in the local area due to racism and bias against Muslims, and the community feels they are facing prejudice by other people in the neighbouring area. Local parents are beating up children from the Muslim community outside the local college. The principal of the school and the police are not helping the Muslim community. There are many incidents, and the number is growing.<sup>49</sup>

## **Bias against Christians**

One senior police officer made the following outrageous comment to a female Jehovah’s Witness who went to a police station to report an assault on her: “It is normal that you’ve been attacked, you are one of Jehovah’s Witnesses. As for me, I don’t like Jehovah’s Witnesses. You are a sect. Perhaps I wouldn’t have put paint on your face, but my foot for sure.”<sup>50</sup>

A refugee was injured while walking on the street, close to his home by three men, unknown to the victim. The victim believes that the attack is connected with his family and the fact that they do not accept his choice to become Christian. The victim visited the near police station to submit a complaint. The policemen ignored him and they were not cooperative with the victim for the submission of the complaint. The victim left the police station and never went back to try to submit the complaint again.<sup>51</sup>

## **Bias Based on Sex, Sexual Orientation or Gender Identity**

A transgender woman had been subjected to verbal abuse, intimidation and unwanted physical contact ever since she transitioned. She never felt confident enough to report the abuse, due to a lack of evidence. However, on one occasion she managed to record an incident on her phone. A group of people called her names, sang offensive songs and made rude gestures at her on the bus. It was only at the police station, as she was giving her statement, that she realized how much the incident had affected her. She dreaded having to appear in front of a jury, but she welcomed the opportunity to receive justice.



It was a shock to find the court hearing cancelled because the evidence had been lost. She had to wait another eight months for her case to be heard.<sup>52</sup>

“Already, when receiving my formal complaint, the police made homophobic statements. Despite inquiries in the aftermath, nothing happened. That’s why I avoided filing complaints in later cases. At the police, I felt the homophobia to be even worse than in general society.”<sup>53</sup>

“I had to file a complaint at the local police station, and while the duty desk officer was fine, when she went back of office to confer with duty sergeant, I was able to overhear a stream of transphobic abuse and ‘jokes’ from the back-office staff. When the duty officer returned, I pointed out to her I could hear everything, and she apologized but, again, I heard a transphobic remark from the back-office staff, leaving both myself and duty officer feeling embarrassed and humiliated.”<sup>54</sup>

A man was raped and assaulted. The person screamed transphobic slurs. He says the police didn’t take the case seriously. “The witness report painted me out to be like I was wasting police time. After being physically examined, mentally examined, all the stuff that happened to me, I had no support, no mental support. I had to find all that help myself. And then a lot of things just kind of went downhill from there. My life pretty much went downhill.” – “Do you regret reporting that to the police?” – “Yeah.”<sup>55</sup>

A boy was threatened by his older brother because he was gay. He called the police. When the patrol officers arrived they did not even take the victim into account, but started the discussion with his brother and father. The brother told them that what was happening was an act of education because the victim was in a relationship with a man at the time. The police addressed the victim saying that his brother was doing the right thing and that they would be much harsher in such a situation with their brothers. The boy called the police again, asking for another patrol to be sent. In the meantime, the policemen from the first crew filmed the victim crying and asking them for help, saying that this video would be posted on YouTube and everyone was going to laugh at him.<sup>56</sup>

## **Bias against People with Disabilities**

“I ran to the police station because I felt safe to do so. It was a major shock when I was handcuffed tightly so I could not move. I felt very scared and upset. I told the police I had autism. I wanted to speak to my Dad but I was not allowed to and my phone was taken. I felt no one was listening. When I was locked up, I held my head and cried. I felt like dying.” (From the victim of a disability hate crime taken for a perpetrator by the police)<sup>57</sup>

Alice has seven children, a number of which have autism. As a family, they have been the victims of disability hate crime frequently. She said, “Most of our experiences have involved being yelled at or threatened when out as a family. People call us offensive names like “[anti-disabled persons slur]” and “[anti-disabled persons slur]” and make us feel like we shouldn’t be part of the community. Our neighbour has also physically intimidated us

because they find my son frightening and don't want him out in his own garden. Now he not only feels isolated from the community, but his own garden too. Being told that your son is frightening to other people because of his condition is pretty awful."<sup>58</sup>

"Due to my son having autism, both he and my daughter were targeted and bullied. We had to move them to a new school to escape the verbal abuse and harassment. My son faced further hate crime while at college and was physically assaulted on multiple occasions. I sought advice and support from the head of the school, as I feared for my son's safety and health. Unfortunately, my concerns were dismissed and not taken seriously. It was very much understood as a case of, 'boys will be boys'. They dismissed the reasons for their behaviour. When the school didn't take the situation seriously, I resorted to contacting the police, as I saw the effect it was having on my son. No one should be made to feel this way by others because of their disability. Yet again, I was not taken seriously and dismissed. I rang the police and spoke to a few different officers and had to keep chasing them because they didn't take it seriously. Eventually, an officer recognized that this was a hate crime. The boys responsible for the abuse were suspended, but it was still a traumatic experience for myself and my family."<sup>59</sup>

# Handout 3.3b – Impact of Hate Crimes<sup>1</sup>

## Impact of Hate Crimes and Hate Incidents on Victims

Hate crimes attempt to send a “message” to victims and their communities that they are not welcome and that they do not belong in the society. Studies reveal that the consequences of hate crimes are greater than those of other crimes. For example, hate crime victims spend longer periods of time in hospitals, lose more time from work and have more intense and longer lasting feelings of a lack of safety than do victims of similar crimes committed for other motives. Some common emotional reactions of victims of hate crimes are:

**Fear and terror:** Some individuals may cease their everyday activities out of fear for themselves or their families.

**Isolation:** Some victims may believe that the majority population does not care about them, or will even approve of the hate crime they were the target of. This leads victims to feel isolated and alone.

**Denial:** Many victims of bias-motivated harassment or violence do not want to talk about what occurred because they believe that the conduct will only increase if they report it to the police. Other victims convince themselves that they were targeted for reasons other than bias because the idea that people hate them is too frightening.

**Self-blame:** Some victims who have been the target of slurs and stereotypes may convince themselves that the stereotypes are true and conclude that their own conduct caused the perpetrators to attack them.

**Mental health problems:** Some individuals who are subject to slurs and feel at constant risk of violence may begin to lose hope and spirit, and as a result develop mental health issues such as anxiety, depression, panic disorders and post-traumatic stress disorder (PTSD). Others may react with anger, leading to violence and retaliation.<sup>2</sup>

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1 More information available in the following ODIHR publications: *Hate Crime Victims in the Criminal Justice System* (Warsaw: OSCE/ODIHR, 2020); *Understanding the Needs of Hate Crime Victims* (Warsaw: OSCE/ODIHR 2020).

2 Considering that the victim-perpetrator reverse is a pervasive problem, this should be communicated in a sensitive manner.

## Impact of Hate Crimes on Targeted Communities and Societies

If government officials, and law enforcement officials in particular, do not respond robustly and swiftly to hate crimes, this can have serious consequences that reach beyond the targeted communities, or even beyond national borders.

- Targeted communities can lose confidence in law enforcement and government officials, and become increasingly alienated;
- Some members of targeted communities may decide to retaliate, thus engaging in criminal activity themselves;
- Retaliation may provoke further civil disturbances, which may increase the number of individuals harmed and increase property damage; and
- Hate crimes can escalate into significant ethnic conflict or, in some instances, into genocide.

## Secondary Victimization

Secondary victimization occurs when the seriousness of the hate crime that victims have experienced is minimized by the broader community and, in particular, by police or other government officials. Consequently, secondary victimization refers to the victimization that occurs not as a direct result of the criminal act, but through the inappropriate response of institutions and individuals to the victim.

Key ways that law enforcement and criminal justice system professionals contribute to secondary victimization include:

- a lack of a response, or an unhelpful and denigrating response;
- attributing responsibility for the crime to victims, or claiming the culpability of the victim (victim-blaming);
- minimizing the seriousness of a reported hate crime and trivializing the individual victim's experience and consequences;
- displaying negative attitudes or reinforcing the prejudices of the perpetrator, and treating the victim accordingly;
- expressing sympathy and understanding for the perpetrator;
- lacking appropriate knowledge, experience and skills to acknowledge the significance of the victim's identity for the crime they have suffered;
- a lack of consideration for individual needs, especially the need for information and justice; and
- the denial of victims' rights or victim status.

# Activity 3.4 – Hate Crime Victims’ Needs

## Activity learning objective:

- Understanding the specific needs of hate crime victims.

**Time:** 30 minutes

## Materials:

- Handout 3.4a: Ahmad’s Story
- Handout 3.4b: Quiz on Hate Crime Victims’ Needs and Rights

## Required preparation:

- Customization of Handout 3.4a, so that it reflects the national context (optional).

## Instructions:

1. Distribute Handout 3.4a: Ahmad’s Story and ask the participants to read it.
2. Ask the participants, based on the story, whether Ahmed was treated with sensitivity and respect? By who? In what way?
3. Explain that understanding a victims potential needs and being reactive to these can ensure the sensitive and respectful treatment of hate crime victims by criminal justice representatives. Having one’s needs assessed is part of sensitive and respectful treatment, ensuring hate crime victims receive the support they need is essential to their sensitive and respectful treatment.
4. Explain that hate crime victims should be encouraged to articulate their needs themselves and persons working with hate crime victims should avoid anticipating these needs. Nevertheless, for the sake of exercise ask the participants to brainstorm, based on the story, which needs should be addressed to ensure the sensitive and respectful treatment of hate crime victims by criminal justice representatives. Based on what has been shared ask the participants what do they think could have been done differently at certain points of Ahmed’s story?
5. Explain that the needs of hate crime victims are directly related to their rights. Underline that not all needs apply to all victims, and not all victims experience these needs similarly.

6. Explain that the basic notion of human rights lies in the recognition of the needs of people, in this context of hate crime victims. Hence, the needs of victims are reflected in (binding) rights for victims and clear obligations on states to ensure these rights in practice. You may ask the participants how are the rights and needs of hate crime victims are ensured in their national context?
7. Underline that it is important to address the following needs in the list below:
  - The need for personal safety and security – a victim needs to feel physically and emotionally safe when reporting a crime in a police station, when giving evidence or when taking in the proceedings in a courtroom. Underline here that the criminal justice system needs to ensure protection from perpetrators;
  - The need for practical help – medical assistance, support and, possibly, additional security measures;
  - The need for emotional and psychosocial support – to be listened to and heard; to be believed and taken seriously; and to be understood;
  - The need for confidentiality and trust – data protection and privacy;
  - The need for information and advice – for accessible information about the victim’s rights and criminal justice system procedures (such as the status of the investigation, information about how the justice process works and specific information pertaining to their case, as well as the management of the victim’s expectations and providing them with a time framework for the process and a contact person) and about available support and services;
  - The need to find your way through criminal justice system – treatment of victims; legal aid, translation; to be informed about decisions taken; to be heard or not to be heard;
  - The need for respectful and dignified treatment; and
  - The need to understand and be understood.
8. Emphasize that each of these needs brings a corresponding obligation on the part of the criminal justice system – the underlining idea is to ensure the victim’s involvement in decision-making about themselves throughout the process.
9. Distribute Handout 3.4b: Quiz on Hate Crime Victims’ Needs and Rights to each participant. Inform the participants that the goal of the exercise is to

match the needs of hate crime victims to the rights provided. Give participants three to five minutes to complete the exercise, and check their replies when the time is finished.

Answer key: personal safety and security – *the right to protection*; practical help – *the right to support*; emotional and psychosocial support – *the right to access victim support services*; confidentiality and trust – *the right to support*; information and advice – *the right to information*; finding one's way through the criminal justice system – *the right to participate in criminal proceedings and access to justice*; respectful and dignified treatment – *the right to non-discrimination*; the need to understand and be understood – *the right to understand and be understood*.

## Handout 3.4a – Ahmad’s Story<sup>60</sup>

Ahmad is a young man who recently came to Europe, escaping war in his home country and hoping to make a new home.

A few months after his arrival, Ahmad’s friend was the target of an unprovoked knife attack by a right-wing attacker. Ahmad intervened to protect his friend. This encounter left him scarred emotionally and physically, as his palm was slit open by the attacker. He had become a victim of a hate crime.

After this incident, a social worker from the refugee support center near where the two young men live introduced Ahmad to a counselling centre for persons affected by right-wing, racist and anti-Semitic violence. From that point on, Ahmad received support from the counsellors at the centre; he learned to trust his counsellors and relied on them for emotional support, practical help in organizing his life, and aid in navigating the complicated bureaucracy.

On a winter’s day, in broad daylight, Ahmad and his friend became the victims of another attack, this time at a busy train station in a provincial town. Two attackers first racially assaulted the young men, then threw beer bottles and beat and kicked them. Although the attack lasted several minutes, none of the many passers-by tried to stop the attack. Someone did, however, call the police, who arrived at the crime scene shortly after the perpetrators abandoned the station, leaving their victims crouched on the ground.

Ahmad was seriously injured in the attack; his jaw was broken. He also suffered shock and trauma. His friend survived the attack largely unharmed. When classifying the attack, instead of documenting grievous bodily harm, the police recorded the incident as bodily harm. Further, despite information that the perpetrators repeatedly used racist language, the police disregarded the bias motive. Because of this, the case was not reported and registered officially as a hate crime case. The police officers also did not refer Ahmad to a counselling centre and did not ensure that an interpreter was present when he was first summoned for an interview.

What followed the attack at the train station were months of fear, uncertainty, emotional distress and self-blame. The attack, coupled with his interactions with the police, shattered Ahmad’s hope of feeling safe in and protected by his new country. The counsellors took measures to increase Ahmad’s feeling of safety; they listened to Ahmad’s account of what happened at the train station and his despair. They helped Ahmad deal with his sense of shame for not fitting in, for not speaking the local language fluently and for many other things for which he was holding himself responsible. On Ahmad’s behalf, they intervened with the hospital to get an earlier appointment for an urgently needed second surgery, which the hospital had initially scheduled for one year later.



The counsellors guided Ahmad, who wanted to play an active role in bringing the perpetrators to justice and preventing others from falling victim to racist violence, on how to lodge a criminal complaint. When the police handed Ahmad documents without explaining their content or indicating the timeframes for submitting them, the counsellors explained in plain language the forms and the process. Without the counsellors' involvement, Ahmad would not have been able to lodge the complaint and stay informed about the case.

# Handout 3.4b - Quiz on Hate Crime Victims' Needs and Rights

Needs of Hate Crime Victims	Rights of Hate Crime Victims
Personal safety and security	The right to information
Practical help	The right to support
Emotional and psychosocial support	The right to understand and be understood
Confidentiality and trust	The right to participate in criminal proceedings – access to justice
Information and advice	The right to access victim support services
Assistance in finding one's way through criminal justice system	The right to receive support
Respectful and dignified treatment	The right to protection
To understand and be understood	The right to non-discrimination

# Module 4: The Sensitive and Respectful Treatment of Hate Crime Victims by Criminal Justice Representatives

**Time:** 135 minutes (police officers); 165 minutes (prosecutors, judges)

## Module Learning Objectives:

- Understanding what sensitive and respectful treatment of hate crime victims includes during the first response, investigation and prosecution, and in trial proceedings; and
- Exploring international obligations that support the sensitive and respectful treatment of hate crime victims.

## Target group:

Module 4 targets law enforcement officers, prosecutors and judges. For this purpose, each activity indicates which target group the activity is for.

## Activity 4.1 – What Does It Mean to Treat a Hate Crime Victim in a Sensitive and Respectful Manner?

### Activity learning objective:

- Improving understanding on how to treat a hate crime victim in a sensitive and respectful manner

**Target group:** police officers, law enforcement officials, prosecutors, judges

**Time:** 15 minutes

## Materials:

- Training Material 4.1a: Treating Hate Crime Victims in a Sensitive and Respectful Manner: Case Studies
- Handout 4.1a.: Treating Hate Crime Victims in a Sensitive and Respectful Manner: Case Studies
- Handout 4.1b: Sensitive and Respectful Treatment Essentials
- Flip chart

## Required preparation:

- Customization of Handout 4.1a (optional)

## Instructions:

1. Share one of the statements from Handout 4.1a on a PowerPoint slide or distribute the printed version to the participants. You can use case studies customized to the national context.
2. Ask the participants what they have to do to be able to engage with the victims in these cases in a sensitive and respectful manner. Write their answers on the flip chart.
3. Distribute Handout 4.1b: Sensitive and Respectful Treatment Essentials and let them go through the Handout on their own.
4. Review some of these elements of sensitive and respectful treatment, particularly those not mentioned in the discussion. Underline that sensitive and respectful verbal and non-verbal communication should be the foundation of all interaction with a hate crime victim. Equally so, for victims to feel heard and understood, it is necessary to apply active listening skills. One should be aware of your own existing prejudices and biases, and work to change these. Be aware of and actively avoid any discriminatory language or conduct. People who have experienced hate crime turn to law enforcement agencies and other support organizations with the hope of receiving assistance and protection. They place their trust in these institutions at a time when they feel violated and are at their most vulnerable. The attitudes and behaviour of the people working in these institutions towards the victims of hate crime must not create further divisions and victimize people again but, instead, be examples of support, showing them the sensitivity and respect that all community members deserve.
5. Along with identifying and ensuring a victim's safety and medical needs are addressed, it is extremely important to ask the victim how they want to be helped and supported. They may need access to practical support – both

immediate and long term. This can include psychological assistance, legal advice, interpretation, etc. Receiving support from individuals who understand what they are going through and are trained on hate crime victimization is essential. Some people may know their rights and where to go for support, but many others are confused and need detailed information and advice. Responding to this need empowers a victim and helps restore their agency and decision-making abilities, thus strengthening their self-esteem.

6. Explain that it is the victim that should articulate their needs in the first place. Underline that it is extremely important to ask the victim how they want to be helped and supported.
7. Underline that they should take into consideration the victim's personal characteristics, as well as the circumstances of the crime. Re-highlight the importance of believing the victim's perception of the incident and ensuring this is taken into account. Not feeling understood can lead to a sense of isolation and detachment. Being understood allows a victim to feel they can express their needs and accept offers of assistance.
8. Remind them about the importance to record the assessment in a thorough way and to share it with other officers working on the case, as well as the prosecutors and investigating and deciding judges at the later stages of the proceedings, following national laws on data and information sharing. Underline the importance of confidentiality to hate crime victims. For many victims, experiencing a hate crime can erode the trust in oneself, in the community, in society and in the values of our societies. Hate crime victims need to feel like they have a voice for their needs; they need to be reassured that their information will be treated confidentially and only shared with their consent. By regaining trust, a victim has the capacity and strength to accept assistance and to work through and overcome the impact of the crime.
9. Finally, underline that it is important to provide information to the victim, such as contact details for communication about their case, information on victims' rights, complaint mechanisms/processes, the steps in the criminal proceedings and what their role is, and a list of relevant victim support services. Reaffirm the need hate crime victims have to understand what the processes are and involve. They need to be kept informed to help reduce insecurity and disorientation around the process, which might seem complex and confusing.

# Training Material 4.1a – Treating Hate Crime Victims in a Sensitive and Respectful Manner: Case Studies

Discuss with the participants what they have to do to be able to engage with the victims in these cases in a sensitive and respectful manner? Identify the characteristics indicating the bias motive for the attack on the victim and whether, due to these characteristics, one should pay specific attention to certain issues.

Highlight that the participants should:

- familiarize themselves with the list of protected characteristics and understand how characteristics often intersect to ensure proper identification of hate crime victims, taking into consideration the perpetrator's perception of the victim's characteristics.
- be aware of personal biases related to a victim's culture, religion or belief, sexual orientation, gender identity or lifestyle;
- use sensitive and respectful verbal and non-verbal communication – be aware of and actively avoid any discriminatory language or conduct;
- always ask a person how they wish to be addressed, instead of assuming a person's gender identity based on their appearance, marital status, etc;
- ensure that safety and medical needs are addressed;
- take the victim's report of the hate crime seriously;
- ask the victim how they would like to be helped and supported. Initiate the individual needs assessment (INA) process to identify immediate security and safety needs, identify the risk of further victimization, intimidation or retaliation, and refer to appropriately trained professionals to conduct a further in-depth assessment;
- inform the victim how their personal data is going to be dealt with;
- empower victims to make informed decisions and participate in the criminal justice proceedings, if this is their choice, by explaining their rights;
- understand that victims require information and may be distrustful of the criminal justice process; and

- provide protection and support, independent of a victim's willingness to file a complaint.
1. A lesbian girl left a coffee shop known to be gay-friendly with her friend. One-hundred metres from the place she is attacked by a group of men, some of whom are armed with sticks. They call her different names and threaten that they will convert her to a "proper" woman. She is badly beaten with sticks, punched and kicked. A passer-by called the police. She feels scared and is not making much sense, she is yelling at the police officer.
  2. An asylum seeker has just recently arrived to this country and is not fluent in the local language. He went out drinking at the night club with friends. It was 4 a.m. and he was a bit tipsy. As he was leaving, a group of skinheads attacked him, screaming slurs at him, calling him a "terrorist who wants to Islamize Europe". He was severely beaten and ended up in the hospital. The police are called, but he is not sure whether to file a complaint, as he is not sure how it will affect his asylum procedure.
  3. A transgender woman was going home from work when she was beaten up by a gang of boys on a bus. The bus driver asked for help, but none of the passengers jumped in. The gang kept on yelling "[anti-LGBTI slur]...You are a freak...". When she left the bus, they kept following her.
  4. A family was granted refugee status. One evening, a group of 35 people from the neighborhood attacked their house, breaking in, physically assaulting the father and one of his daughters, and damaging windows, while shouting "go home" and other offensive slogans. This followed after the neighbors had accused the family – specifically, their youngest son – of the theft and destruction of a helmet. The group shouted that the family was staying in the house free of charge and was receiving assistance without providing anything in return. The family was afraid and wondered how they would continue living in this neighborhood.<sup>61</sup>
  5. In the city there are numerous Christian places of worship, two mosques and a synagogue. The country officially recognizes its Jewish and Muslim minorities, and they have a long history in the city. Over the last 18 months, a series of attacks have taken place on Jewish targets around the country. Their windows have been smashed, and a petrol bomb was thrown inside a synagogue. The fire caused extensive damage before it could be extinguished. When police spoke to the Rabbi of the synagogue, he said he believed they were targeted because they were Jewish. People are afraid of coming to the synagogue.

## Handout 4.1a – Treating Hate crime Victims in a Sensitive and Respectful Manner: Case Studies

An asylum seeker has just recently arrived in this country and is not fluent in the local language. He went out drinking at the night club with friends. It was 4 a.m. and he was a bit tipsy. As he was leaving, a group of skinheads attacked him, screaming slurs at him, calling him a “terrorist who wants to Islamize Europe”. He was severely beaten and ended up in the hospital. The police are called, but he is not sure whether to file a complaint, as he is not sure how it will affect his asylum procedure.

A transgender woman was going home from work when she was beaten up by a gang of boys on a bus. The bus driver asked for help, but none of the passengers jumped in. The gang kept on yelling “[anti-LGBTI slur]...You are a freak...”. When she left the bus, they kept on following her.

A lesbian girl left a coffee shop known to be gay-friendly with her friend. One-hundred metres from the place she is attacked by a group of men, some of whom are armed with sticks. They call her different names and threaten that they will convert her to a “proper” woman. She is badly beaten with sticks, punched and kicked. A passer-by called the police. She feels scared and is not making much sense, she is yelling at the police officer.

A family was granted refugee status. One evening, a group of 35 people from the neighborhood attacked their house, breaking in, physically assaulting the father and one of his daughters, and damaging windows, while shouting “go home” and other offensive slogans. This followed after the neighbors had accused the family – specifically, their youngest son – of the theft and destruction of a helmet. The group shouted that the family was staying in the house free of charge and was receiving assistance without providing anything in return. The family was afraid and wondered how they would continue living in this neighborhood.<sup>62</sup>

In the city there are numerous Christian places of worship, two mosques and a synagogue. The country officially recognizes its Jewish and Muslim minorities, and they have a long history in the city. Over the last 18 months, a series of attacks have taken place on Jewish targets around the country. Their windows have been smashed, and a petrol bomb thrown inside a synagogue. The fire caused extensive damage before it could be extinguished. When police spoke to the Rabbi of the synagogue, he said he believed they were targeted because they were Jewish. People are afraid of coming to the synagogue.



# Handout 4.1b – Sensitive and Respectful Treatment Essentials

## Sensitive and Respectful Essentials during the Criminal Justice Process

### The basics:

- Familiarize yourself with the list of protected characteristics and understand how characteristics often intersect to ensure proper identification of hate crime victims.
- Be aware of personal biases related to a victim's culture, religion or belief, sexual orientation, gender identity or lifestyle.
- Do not assume that a person's physical appearance is connected to a specific religion, belief or culture and be careful to not make assumptions about their behaviour based on perceived notions of their traditions or culture.
- Sensitive and respectful verbal and non-verbal communication should be the foundation of all interaction with a hate crime victim.
- Be aware of and actively avoid any discriminatory language or conduct.
- It is necessary to apply active listening skills when interacting with hate crime victims, so they feel heard and understood.
- Acknowledge that victims might require information or need to gain trust before they are comfortable in reporting.
- Always asking a person how they wish to be addressed, instead of assuming a person's gender identity based on their appearance, marital status, etc.
- Respect the victim's perception of having been targeted by a bias motivated offender.
- Take the victim's report of the hate crime seriously.
- Do not ignore a victim when you arrive at the crime scene.

## First contact with the victim:

- Ensure the victim is in a safe, private environment when conducting questioning.
- Separate the offender from the victim and get them out of sight and earshot of each other.
- Inform the victim of their rights and the support available to them as a victim of hate crime, and refer them to available support services.
- Obtain an exact record of the victim's account, including any perception of the offender's bias motivation.
- Provide support and materials available in a relevant language, or refer them to a service provider where they can access information.
- Immediately assign the case to a member of the hate crimes special unit, if one exists, and in accordance with policy.
- Initiate the individual needs assessment (INA) process. Conduct an initial assessment to identify immediate security and safety needs, identify the risk of further victimization, intimidation or retaliation, and refer to appropriately trained professionals to conduct a further in-depth assessment.

## Conducting an interview:

- If the victim requests, and if possible, have the police officer who conducts the interview be of the same gender, ethnic origin, etc.
- Identify any communication needs. Ensure respect for the victim's right to have an interpreter, lawyer and/or other person of the victim's choice present during the interview and at all stages of the criminal justice process.
- Ensure that appropriate support and protection measures have been discussed with the victim and initiated before the interview.
- Inform the victim about their right to privacy and data protection, to prevent reluctance to share personal details. Discuss any available options to restrict the offender's access to the victim's personal information in the file.
- Reassure the victim that information is not provided to the victim's family or to other non-parties to the proceedings or the media.

- Explain whether other state authorities outside the criminal justice system (e.g., immigration authorities) will have access to the case file. Discuss whether the proceedings may affect the victim's residency status, if relevant.
- Encourage the victim to tell their story in their own words. Facilitate the victim's free narrative and let them finish speaking.
- Let the victim approach at their own pace. Accept that there might be questions they are not yet ready or willing to answer.
- Ask the victim what they think motivated the perpetrator. Avoid any questions that might be interpreted by the victim as suggesting they were to blame for the crime.
- Keep the interview length of time, the number of interviews and interviewers to a minimum.

### Informing about the investigation and next steps:

- Explain that the incident has now been recorded and is being investigated as a possible hate crime.
- Inform the victim about probable next steps in the investigation, and manage expectations as to the case outcome. Clarify the factors that influence how sentences are determined or how the decision is made to apply restorative justice or suspended sentences.
- Describe the evidential requirements necessary for successful prosecution of both the base offence and the hate element. Explain that in some hate crime cases only the base offence will be prosecuted if there was not enough evidence to prove the hate element.
- Stress that any decision in favour of options that do not lead to the prosecution of the suspect or to the hate element of the crime being prosecuted does not mean that the victim is not believed.
- Provide information about whether the victim has the right to request specific investigative steps or to appeal any decision made at the investigation stage, and how to exercise this right.
- Describe the options a prosecutor typically has in terms of dropping the case, plea-bargaining, opting for restorative justice or prosecution.

- Determine how a victim would prefer to be contacted and what they would like to receive communications about. If they want to remain engaged, follow up with the victim regularly and inform them about new developments.
- Pro-actively share updates on the case with the victim, if they so wish. Equally, respect the victim's wish to not receive any information.
- When all investigations are concluded, inform the victim of how the case is proceeding, including the grounds for next steps.
- Re-assess the victim's needs and refer them to or offer information on support organizations at any point where circumstances change and at any stage of the criminal proceedings.

# Activity 4.2 – How to Respond to and Engage with Hate Crime Victims?

## Activity learning objectives:

- Building active listening skills for understanding the impact of verbal and non-verbal communication in engaging with hate crime victims; and
- Building an understanding of risk and the individual needs assessment.

**Target group:** police officers, prosecutors

**Time:** 30 minutes

## Materials:

- Handout 4.2: Role-Play – Victim and Law Enforcement Officers

## Preparation required:

- Prior to the training, check on the specifics of the current individual needs assessment (INA) process in the national context.
- Type each scenario included in Handout 4.2 on a separate card, print them and cut them out.
- Customization of Handout 4.2 (optional)

## Instructions:

1. Decide how many scenarios you would like to use (depending on the time available and the size of the group).
2. Tell the group that they will have the opportunity to role-play the situation of initial contact between the hate crime victim and police officers.
3. Type each scenario included in Handout 4.2 on a separate card, and form groups of two for each scenario to be used.
4. Explain that one participant will play the role of a victim, while the other will play the role of a law enforcement official, based on information provided at the card.
5. Ask a group to sit in the middle of the room and role-play the situation from their card. Explain that if anyone is not comfortable with the exercise, they

do not have to participate. Be ready to step in and take part in case there are not enough trainees willing to participate.

6. Ask other participants to watch the role-play and write down their observations, such as on the body language and language used by the police officer and the officer's trust in what the victim was saying? Warn the participants that the role plays may contain offensive and abusive language. Explain that this is for training purposes only.
7. Repeat this for each scenario.
8. Have a discussion about what the participants have seen. Some questions to lead the discussion would be:
  - What did you observe
  - How did you feel observing the role play?
  - How did the participants feel as a victim when the police officer approached them in this manner?
  - Did anything in how the police officer approached the victim send a message that they trusted the victim and were there to support them?
  - What was the body language used by the police officer?
  - What was the language used by the police officer?
  - Did the police officer acknowledge the experience of the victim?
9. Underline that a police officer's initial contact with a hate crime victim is one of the most important and critical moments for hate crime victims. In this context, underline that it is important that the police officer:
  - separates the offender from the victim and reassures the victim that they are safe;
  - asks whether the victim feels comfortable speaking where they are;
  - asks the victim if they need support in communicating;
  - explains in a plain language what is going to happen next and who the victim's contact person is going to be;
  - actively avoids asking questions that start with "Why?";
  - allows the victim to determine the pace of the conversation, and is understanding if the victim needs more time;
  - offers breaks;
  - offers to accompany the victim where they want to go after they have reported a crime – they should not be sent off alone; and
  - reassures the victim how their personal data is going to be dealt with and offers to refer the victim to someone who can provide specialist support.

10. Explain that it is important to avoid making assumptions or personal value judgments about the victim's culture, religion or belief, sexual orientation, gender identity or lifestyle. Police officers need to be mindful of the language they use and to ask the victim how they wish to be addressed (languages differ in how many gender markers they have in their grammar, like pronouns, possessives, forms of address or case endings, so check on this in the customization phase). It is also important for officers to be supportive – to be mindful of how loudly they are speaking and the tone they use, as well as avoid using commandeering or harsh language. Equally so, they should be mindful of the location and timing of interview. The interview should take place in a non-threatening environment and, if possible, with officers in plain clothes.
11. Explain that the police should check whether the person wishes and/or requires assistance in reporting their case. If the victim does not have adequate language skills, arrange for the assistance of an interpreter or intermediary specialist. Finally, the police should identify and collect any evidence that indicates a potential bias motivation, like hate propaganda or hate symbols.
12. Underline that it is important to inform victims of their rights at this stage and of available support, while explaining next steps. Emphasize that, as the victim may be in shock or scared, the police should be aware of how to provide complex information.
13. Go back to victims' statements from the role-play, select a case, and either put it on a PowerPoint slide or distribute copies to all participants.
14. Ask the participants to think of what the individual needs of these victims might be and to write them down. Explain that it is the victim that should articulate their needs in the first place.
15. Underline that it is extremely important to ask the victim how they want to be helped and supported.
16. Ask the participants if and how they conduct INAs for hate crime victims. Discuss who is responsible for risk assessments and INAs in their national context. Underline that in the case it is another authority, the police should refer the victim to them upon first contact. Present the support services in place in their national context, such as CSOs and social service centres. Highlight the importance of conducting an INA at the earliest possible stage, in order to determine the individual needs of the person and their risk of suffering repeat victimization, intimidation and retaliation.
17. In case trainees are not familiar with the INA process, explain that it is an interview with the victim that is aimed at establishing their needs and applying adequate protection and support measures.

The following information should be captured by an INA:<sup>63</sup>

**General information about the victim, unless the person chooses to remain anonymous:**

- Name, gender, date of birth and contact details. This kind of identifying information may be subjected to data protection laws. Depending on the legal framework in a given country, certain legal arrangements may need to be put in place before any information of this type can be shared. The victim's consent is a prerequisite for recording, storing and sharing their data.

**Communication needs:**

- Does the victim have any specific communication needs? For example, do they require an interpreter, hearing devices or other specialist disability support? Is the victim sufficiently emotionally stable to provide an account of the events? Does the victim need the presence of either a confidant or a trustee?

**Details of the crime:**

- What is the type of crime? What are the circumstances under which it occurred? Who or what was the crime directed at (e.g., the victim, family members, close relations or property)? What was the damage suffered (e.g., physical injury, psychological harm, damaged property)? If an individual believes they suffered due to their nationality, citizenship, religion or belief, ethnicity, nationality, language, disability, sex, sexual orientation, gender identity, social class, etc., the possible bias motivation of the crime should be recorded, regardless of the interviewer's own personal assessment.
- Is there any immediate risk to the victim or are there any immediate support needs?
- Does the victim fear any immediate harm? Does the victim know the offender, or are there any other factors that put them at heightened risk of immediate harm? Has the victim previously been a victim of crime and, therefore, might be at greater risk of repeat victimization?

**What is the impact of the crime?**

- How strongly has the victim been affected by what has happened? Have the victim's relationships been affected? Are they feeling isolated? Who else has been affected, and how (e.g., family, close relations, community)? What is the continuing impact of the hate crime on the victim's day-to-day life?

**What mid- or long-term support or protection measures can be put in place to address any needs identified?**

- What type of support does the victim want? What type of support has been identified as necessary?



18. Go back to the role-play scenarios (particularly scenarios 1 and 2) and underline that victims need to be believed and taken seriously by law enforcement officials, which means that the victim's perception about the bias, prejudice or hate motivation needs to be taken seriously by the police and all actors within the criminal justice system. The bias perceived by the victim should be recorded, investigated, prosecuted, punished and mentioned in public statements. Taking the victim's words seriously is a precondition for an effective response to hate crimes, as only when people believe that their claims are going to be taken seriously will they report the crime that they have experienced and provide evidence.
19. Explain that participants should identify safety and medical needs and ensure that they are addressed.
20. Underline that they should take into consideration the victim's personal characteristics, as well as the circumstances of the crime.
21. Remind them to record the result of the assessment in a thorough way and to share it with other officers working on the case, as well as with the prosecutors and investigating and deciding judges at the later stages of the proceedings, following national laws on data protection and information sharing.
22. Underline that it is important to provide information to the victims, particularly the contact details for communication about their case; to introduce victims' rights, including complaint procedures; to explain the course of criminal proceeding and what their role in them is; and to provide a list of and the contacts for relevant victim support services.

# Handout 4.2: Role-Play – Victims and Law Enforcement Officers

## Scenario 1

### Hate Crime Victim

You are a Roma man who wanted to go to a disco, but when you tried to enter the club, the guards told you that you are not allowed in because you are a “[anti-Roma slur]”. You asked the security guards why, but they pushed you into a side alley, where they brutally beat you. Your eye was injured and your nose broken. You were taken to a local hospital for treatment, and then discharged the next day, but you fainted later that day and had to be re-hospitalized. You want to bring criminal charges against the perpetrator.

### Police Officer

While the victim speaks, roll your eyes and minimize the seriousness of the attack by saying “It was just a regular bar fight, this happens all the time”, or ask “are you sure you weren’t drinking”?

## Scenario 2

### Hate Crime Victim

You are an asylum seeker who has just recently arrived in this country and you are not fluent in the language. You went out drinking at the night club with friends. It was 4 a.m. and you were a bit tipsy as you were leaving, when a group of skinheads attacked you, screaming slurs at you and calling you terrorist who wants to “Islamize Europe”. You were severely beaten, and you end up in the hospital. The police were called, but you are not sure whether to file a complaint, as you are not sure how it will affect your asylum procedure.

### Police Officer

Attribute the responsibility for the attack to the victim, use stereotypes about “proper” Muslims not being allowed to drink, and point out the fact that the victim doesn’t speak the local language.

## Scenario 3

### Hate Crime Victim

You are a lesbian and you and a friend were leaving a coffee shop known to be gay friendly. One-hundred metres from the shop you are attacked by a group of males, some of whom are armed with sticks. They call you different names and threaten that they

will convert you to be a “proper woman”. You are badly beaten with sticks, punched and kicked. Some passers-by called the police. You feel scared and are not making much sense, and you are yelling at the police officer.

### **Police Officer**

The victim is not making much sense; she is yelling at you so, when you talk to the victim trying to calm her down, you raise your voice.

## **Scenario 4**

### **Hate Crime Victim**

You are a trans woman. When going home after work, you were beaten up by a gang of boys on a bus. The bus driver asked for help, but none of the passengers jumped in. The gang kept on yelling “[anti-LGBTI slur] ... You are a freak ...”

### **Police Officer**

Be unsure how to talk to the victim – use the wrong pronoun (i.e., “he”) when speaking with them. Tell a joke about the protected characteristic to a colleague or label the victim with a stereotype.

## **Scenario 5**

### **Hate crime victim**

You and your boyfriend were walking home holding hands after attending a party. A passer-by with his girlfriend, shouted “anti-LGBTI slur”. You turned and tried to challenge the man about his language, but they pushed you. The situation escalated when a group of four young males got out of a car and gave a bottle to the main abuser, who threw it at you. They forced you to the ground, kicking you in the face and ribs.

### **Police Officers**

Summarize in your own words what the victim told you. While the victim is talking, nod your head, say, “uh-huh,” “I hear what you are saying,” etc.

## **Scenario 6**

### **Hate Crime Victim**

You and your boyfriend are in an interracial relationship, and you keep receiving racist, xenophobic and sexist comments online. You even moved to another city to escape the abuse, but anonymous racist slurs continued on Facebook from former “friends” of your partner. Messages such as: “She’s a [anti-Asian slur], mental [anti-Asian slur] who needs to be chopped up and dumped in the canal ... You’ll have an AIDS-ridden Black crack head raping her... We need to stab the [misogynist slur] ...” You decide to report it to the police.<sup>64</sup>

## Police Officer

Don't take bias motivation into consideration or dismiss it as irrelevant. Also, while you talk to the victim, let your tone and posture show that the victim is wasting your time and that you don't have time to listen to this.

## Scenario 7

### Hate Crime Victim

You are a 61-year-old who has a muscle-wasting disease. You are terrorized by local youths on the basis of your disability: they bang on your windows, throw bottles and shout abusive names such as "freak" and "[ageist slur]". They spit on you and push and tip your wheelchair. You want to report this harassment because you cannot take it anymore.

## Police Officer

Keep checking what the victim means to tell you. If you are not sure what the victim just said or meant, ask them to repeat it.

## Scenario 8

### Hate Crime Victim

You are an eight-month pregnant Roma woman, and were walking home when you were attacked by masked men dressed in black uniforms. They chased you while carrying whips and spitting on you. You are very scared and rattled; you cannot finish sentences and are not making much sense.

## Police Officer

Keep interrupting the victim with questions and comments.

## Scenario 9

### Hate Crime Victim

You were leaving the synagogue and wearing a kippah/yarmulke, when a group of men started attacking you and calling you different names.

## Police Officer

Express sympathy with and understanding of the perpetrator because you know that "Jews always exaggerate".

## Scenario 10

### Hate Crime Victim

You are a woman originally from Sudan who has immigrated to Europe, and you are wearing a headscarf. You are not fluent in the local language, but you wanted to go for coffee with people you met at the language course. The waiters at the coffee shop tell you that they don't serve drinks to migrants and that you should leave, or they will kick you out. Another customer starts complaining and grabs your headscarf and pushes you around.

### Police Officer

Cross your hands and act as if you want to resolve the situation as quickly as possible, as this is not a serious crime, and she is just wasting your time.

# Activity 4.3 – Unmasking Bias Motivation

## Activity learning objective:

- Ensuring investigation of bias motivation.

**Target group:** police officers, prosecutors

**Time:** 30 minutes

## Materials:

- Handout 4.3a: Hate Crime Cases – Bias Indicators
- Handout 4.3b: Bias Indicators
- Training material 4.3: Annotated Hate Crime Cases – Bias Indicators

## Required preparation:

- Customization of Handout 4.3a (optional)

## Instructions:

1. Underline that victims need to be listened to and taken seriously by law enforcement officials, which means that the victim's perception about the bias, prejudice or hate motivation needs to be taken into consideration by the police and all actors within the criminal justice system. The bias perceived by the victim should be recorded, investigated, prosecuted, punished and mentioned in public statements. Taking the victim's words seriously is a precondition for an effective response to hate crimes, as only when people believe that their claims are going to be taken seriously will they report the crime that they have experienced and provide evidence. It is an element of broadly understood sensitive and respectful treatment.
2. Explain that in order to unmask the bias motivation, one can use the bias indicators. ODIHR proposes a list of bias indicators, identification of which is important for the effective investigation of hate crimes: victim or witness perceptions; comments, written statements and gestures by the perpetrator(s); the involvement of organized hate groups or their members; the location and timing of the crime; patterns or the frequency of previous crimes or incidents; the nature of the violence; and the lack of other motives.
3. Explain that while interviewing a suspect, they might obviously state their motive, assuming that their actions are justified. In most cases, however,

finding their motivation presents substantial difficulties. Therefore, for the purpose of finding out the bias motive of the crime at the stage of investigation, the police should take into consideration the presented indicators. Distribute Handout 4.3b: Bias Indicators, and review the indicators with the group.

4. Select a hate crime case presented in Handout 4.3a and share it with the participants. You can use a case specific to the national context. Warn the participants that the examples may illustrate the use of offensive and abusive language. Explain that this is for training purposes only.
5. Divide the participants into three groups, and ask them to do the following in relation to the case studies presented in the Handout:
  - Discuss whether a crime has occurred;
  - Identify evidence of bias motivation in the given scenario; and
  - Consider what other evidence the police could look for to uncover bias motivation.
6. Use Training material 4.3: Annotated Hate Crime Cases – Bias Indicators to guide you throughout the exercise.
7. Note that it is important that the victim does not necessarily need to be a member of a protected group, but that the attackers selected the victim *assuming* them to be.

# Handout 4.3a: Hate Crime Cases – Bias Indicators

## Case 1 - Attack on a Transgender Woman

A transgender woman was standing in line in front of a bank when she was approached by a man who spat at her, shouting that she was abnormal, that she was an “abomination”, and that she should be put down. The woman did not know the man and had never met him before. When she tried to ignore him, he attacked her, beating her, shouting that only a mentally ill person would look like that. The attacker left her on the floor, injured and scared. A passer-by called the police.

### Tasks:

1. Discuss whether a crime has occurred.
2. Identify evidence of bias motivation in the written scenario.
3. Consider what other evidence the police could look for to uncover bias motivation.

## Case 2 - Attack on a Person with a Disability<sup>65</sup>

A man has no legal capacity because he is mentally and physically disabled as a result of an illness he suffered in his early childhood. His mother takes care of him, including feeding, dressing and washing him. She also helps him move about, as his feet are severely deformed. For years now, students from the nearby primary school have harassed them. Children are ringing the family doorbell at odd times, spitting on the man, hitting and pushing him around, burning his hands with cigarettes, vandalizing their balcony and shouting obscenities at them, mostly relating to the fact that he is a person with disability and a member of an ethnic community (“... you [anti-disabled person slur] ... you don’t belong here, go back to ... you are an enemy ...”). As a result, he is deeply disturbed, afraid and anxious. His doctor recorded deep stress as a result of children’s attacks on him, and recommended psychotherapy, as well as establishing for him a secure and calm environment.

### Tasks:

1. Discuss whether a crime has occurred.
2. Identify evidence of bias motivation in the written scenario.
3. Consider what other evidence the police could look for to uncover bias motivation.



### Case 3 – Attack on Migrants

During the election campaign, a lot of hate speech was directed at migrants by the far-right parties. Following one such statement made by a leader of the party, which called for sending all migrants home, a case was recorded at the bus stop. A male migrant and his girlfriend left the bus to have a coffee in a nearby coffee shop and, while they were paying for their coffee at the counter, they heard racist slurs from a group of young men. They weren't sure whether they understood well, so they decided to ignore them and sat down to drink their coffee. But the group of men started making monkey sounds and slowly approaching them. As they approached, they started throwing glasses at them, and then punching the man. Then they ran away.

#### Tasks:

1. Discuss whether a crime has occurred.
2. Identify evidence of bias motivation in the written scenario.
3. Consider what other evidence the police could look for to uncover bias motivation.

# Handout 4.3b – Bias Indicators

Identification of bias indicators is important for the effective investigation of hate crimes. While interviewing a suspect, they might obviously state their motive, assuming that their actions are justified. In most cases, however, finding their motivation presents substantial difficulties. Therefore, for the purpose of finding out the bias motive of the crime at the stage of investigation, the police should take into consideration the following indicators.

## Victim/Witness Perception

- Do the victim and/or witnesses perceive that the criminal act that occurred was motivated by bias?
- Was the victim engaged in activities promoting their group at the time of the incident?
- Has the suspect left a specific object/item at the crime scene that indicates bias motivation?

## Comments, Written Statements, Gestures or Graffiti

Perpetrators of hate crimes frequently make their prejudices clear before, during and/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 insults to graffiti, are powerful evidence of motivation.

- Did the suspect make comments, written statements or gestures regarding the victim's membership or perceived membership in a group?
- Were drawings, markings, symbols or graffiti left at the scene of the incident?
- If the target was property, was it an object or place with religious or cultural significance, such as a place of worship, a cultural centre or a historical monument?
- Was there any specific activity on social media by the perpetrator expressing negative attitudes towards the targeted group(s)?

## Differences between Perpetrator and Victim in terms of Ethnicity, Religion or Belief, or Cultural Background

- Do the suspect and victim differ in terms of their racial, religious, belief, cultural or ethnic/national background or sexual orientation?
- Is there a history of animosity between the victim's group and the suspect's group?

- Is the victim a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred?
- Is the alleged victim a well-known person, for example, a religious leader or human rights defender?

## Organized Hate Groups

While not all hate crimes are perpetrated by organized groups, members or associates of such groups are often involved in the commission of such crimes (for example, members of homophobic, xenophobic or anti-Semitic groups).

- Were objects or items left at the scene that suggest the crime was the work of an extremist nationalist organization?
- Is there evidence that such a group is active in the neighbourhood (e.g., posters, graffiti or leaflets)?
- Did the offender behave in a way associated with membership in a hate organization, such as using Nazi salutes?
- Did the offender have clothing, tattoos or other insignia associating them with a particular hate group?
- Did a hate group recently make public threats towards a particular group?

## Location and Timing

- Did the incident occur on a date of particular significance (e.g., a religious holiday, International Woman's Day, or a day with some historical association, such as Adolf Hitler's birthday)?
- Did the incident occur during a specific part of the day, when other members associated with the victim group frequent the area when the incident occurred (e.g., during prayers)?
- Was the victim in or near an area or place commonly associated with or frequented by a particular group (e.g., a community centre, a place of worship or a school store)?
- Did the incident occur only a short time after a change in a minority's presence in the area (e.g., the first minority family to move into the area, the opening of a refugee centre)?

## Patterns/Frequency of Previous Crimes or Incidents

- Have there been similar incidents in the same area against the same group?
- Has there been a recent escalation of incidents against the same group, beginning with low-level harassment and non-criminal activity and rising to more serious criminal conduct, such as vandalism or assault?

- Was there a previous incident that may have sparked a retaliatory response against the targeted group?
- Has the victim or community recently received threats or other forms of intimidation in the form of phone calls or mail?

## Nature of the Violence

As hate crimes tend to be message crimes, the degree of violence, damage and brutality tend to be serious.

- Did the incident involve unprovoked and extreme violence or degrading treatment?
- Was the incident carried out publicly or in a way to make it public, such as the recording and posting on the internet?
- Did the violence involve racist symbols or did the property damage involve symbols or substances meant to defile or desecrate, such as excrement or animal parts?

**Note 1:** The police officer should ask the victim if they have any idea why a specific offence has been committed against them.

**Note 2:** Even if the suspect is mistaken in their perception of the victim belonging to a specific group, the offence is still considered a hate crime, as it was bias motivated.

# Training Material 4.3 – Annotated Hate Crime Cases – Bias Indicators

## Case 1 – Attack on a Transgender Woman

*A transgender woman was standing in line in front of the bank when a man approached her and spat at her, shouting that she was abnormal, that she was an “abomination” and that she should be put down. The woman did not know the man and had never met him before. When she tried to ignore him, he attacked her, beating her, shouting that only a mentally ill person would look like that. The attacker left her on the floor, injured and scared. A passer-by called the police.*

1. Discuss whether a crime has occurred;  
**Yes - assault.**
2. Identify evidence of bias motivation in the written scenario
  - **Comments, written statements, gestures or graffiti:** abnormal, “abomination”, should be put down, only a mentally ill person would look like that.
  - **Differences between Perpetrator and Victim:** the victim is a transgender woman; the perpetrator is a man.
3. Consider what other evidence the police could look for to uncover bias motivation.
  - **Victim and witness perception:** How did the victim perceive the attack?
  - **Organized hate groups:** Whether the attacker might belong to one.
  - **Location and timing:** Were the location or timing relevant to the attack (e.g., prior to, during or after a Pride event)?
  - **Patterns/frequency of previous crimes or incidents:** Were there similar incidents in the same area or against victims from the same group?
  - **Nature of the violence:** Unusual levels of violence used, or the use of weapons, etc.
  - **Lack of other motives**

## Case 2 – Attack on a Person with a Disability

*A man has no legal capacity because he is mentally and physically disabled as a result of an illness he suffered in his early childhood. His mother takes care of him, including feeding, dressing and washing him. She also helps him move about, as his feet*

are severely deformed. For years now, students from the nearby primary school have harassed them. Children are ringing the family doorbell at odd times, spitting on the man, hitting and pushing him around, burning his hands with cigarettes, vandalizing their balcony and shouting obscenities at them, mostly relating to the fact that he is a person with a disability and a member of an ethnic community (“... you [anti-disabled person slur] ... you don’t belong here, go back to ... you are an enemy ...). As a result he is deeply disturbed, afraid and anxious. His doctor recorded deep stress as a result of children’s attacks on him, and recommended psychotherapy, as well as establishing for him a secure and calm environment.

1. Discuss if a crime has occurred;  
**Yes – assault.**
  
2. Identify evidence of bias motivation in the written scenario
  - **Witness perception:** doctor’s opinion
  - **Comments, written statements, gestures or graffiti:** shouting obscenities, you cripple, you don’t belong here, go back to
  - **Differences between Perpetrator and Victim:** identifiable disability, ethnic background of the victim
  - **Location:** Vandalizing balcony belonging to the victim.
  - **Patterns/frequency of previous crimes or incidents:** The incidents continue for years (ringing the doorbell at odd times, spitting, hitting, pushing around, burning hands with cigarettes, vandalizing balcony, shouting obscenities mostly relating to disability and ethnicity).
  - **Nature of the Violence:** Degrading (spitting, burning hands).
  
3. Consider what other evidence the police could look for to uncover bias motivation.
  - **Witness perception:** How did the mother and neighbors perceive the attacks?
  - **Organized hate groups:** Were the attackers sympathizing with an organized hate group?
  - **Nature of violence:** Unusual levels of violence used, use of weapons, etc.
  - **Lack of other motives**

### Case 3 – Attack on migrants

*During the recent election campaign, a lot of hate speech was directed at migrants by the far-right parties. Following one such statement made by a leader of the party, who called for sending all migrants home, a case was recorded at a bus stop. A male migrant and his girlfriend left the bus to have a coffee in a nearby coffee shop and, while they were at the counter paying for the coffee, they heard racist slurs from group of young men. They weren’t sure whether they understood well, decided to ignore them, and sat down to drink their coffee. But the group of men started making monkey sounds and*

*slowly approaching them. As they approached, they started throwing glasses at them and then punching the migrant man. Then they ran away.*

1. Discuss if a crime has occurred;  
**Yes – assault.**
  
2. Identify evidence of bias motivation in the written scenario
  - **Comments, gestures:** Racist slurs, the perpetrators were making monkey sounds.
  - **Differences between perpetrator and victim on ethnic, religious, belief or cultural grounds:** The victims belonged to the migrant community
  - **Timing:** During an election campaign that included hate speech against migrants, after a particular statement by a party leader.
  - **Nature of violence:** brutal assault, throwing glasses at the victims; the perpetrators attacked in a group.
  
3. Consider what other evidence the police could look for to uncover bias motivation.
  - **Victim/witness perception:** How do victims and witnesses perceive the attack?
  - **Organized hate groups:** Did the perpetrators belong to a hate group?
  - **Patterns/frequency of previous crimes or incidents:** Have there been other similar incidents against migrants in the area, against these particular victims or other migrants?
  - **Lack of other motives**

# Activity 4.4 – Empowering Hate Crime Victims by Validating Their Experience and Providing Information about Their Rights

## Activity learning objectives:

- Building the capacity of criminal justice representatives to interview victims in a sensitive and respectful manner;
- Raising the capacity of criminal justice representatives to explain criminal proceedings to hate crime victims; and
- Raising the understanding of criminal justice representatives on the right to information for hate crime victims.

**Target group:** police officers, prosecutors

**Time:** 60 minutes

## Materials:

- Handout 4.4a: Interviewing Dos and Don'ts
- Handout 4.4b: Case Study – Member of a Religious or Belief Community
- Handout 4.4c: Important Information to Help Hate Crime Victims Understand the Prosecution of Hate Crime

## Required preparation:

- Customization of Handout 4.4b (optional)

## Instructions:

1. Divide the participants into groups of five.
2. Tell the participants that you will provide them with a case that reflects a real-life situation. The case includes different roles: the role of a victim, the role of a police officer, the role of a neighbour as a witness, the role of a representative of a CSO, and the role of a prosecutor.
3. Distribute Handout 4.4a and briefly discuss the principles of sensitive and respectful interviewing with participants. Underline that sensitive and respectful treatment of victims of hate crime is not at odds with a fair investigation.



It is the right of a victim of crime, and remains so without prejudice to the rights of the offender. It should be stressed that engagement with the victim cannot be reduced to them serving as a source of information. Validation of victims' experiences, information about their rights and the provision of the opportunity to participate in the proceedings are required.

4. Underline that the interview can result in re-victimization if conducted inappropriately. In contrast, if it is conducted in a sensitive and respectful manner, it can contribute to a victim's safety and security needs, and also help build trust.
5. Explain that, during the interview, a hate crime victim's interviewer must be conscious of how many questions are being asked, what is being asked and whether previous interviews have been conducted, and then tailor their process accordingly. Emphasize that law enforcement and criminal justice system professionals should be aware that, for the victim, recalling an event can be traumatic, and that this might influence not only the victim's well-being but also their ability to recollect details of the incident or grasp the interviewer's questions. Hence, the number of interviews and interviewers of the victim should be kept to a minimum. Attention should be paid to the time it takes to conduct the interview; if it is too long, this increases unwarranted stress and additional trauma. Interviews should only be conducted by police officers or by other criminal justice system professionals who have received training in interviewing victims with special protection needs or who have expertise in hate crime.
6. Underline that it is critical to practice active listening and ask questions with sensitivity and respect. This includes paying attention to the interviewer's word choice, tone of voice, micro expressions and body language. Hence, it is important for an interviewer to introduce themselves to the victim and explain their role as an investigator; to remain calm, objective and professional; to facilitate the victim's free narrative and let them finish speaking; to accept that there might be questions the victim is not yet ready or is unwilling to answer; to ask the victim what they think motivated the perpetrator; and to encourage the victim to tell their story in their own words.
7. Finally, explain that if a hate crime victim requires interpretation or communication assistance, this should be offered and provided free of charge. Officers must respect the victim's right to have an interpreter, lawyer and/or other person of choice present during the interview. Hearing devices or other specialist disability support should also be made available, and all communication should be tailored to the victim's age, maturity, intellectual and emotional capacity, and their literacy capacity and any mental or physical disability should be taken into account. When using translators/interpreters, a law enforcement officer should use an independent and qualified interpreter. Immediate interpretation assistance from friends, family members or

neighbours should only be used in emergency situations and for an initial account, in order to avoid potential conflicts of interest. When possible, use an interpreter who shares a similar personal background or has an affinity with the victim – for example, an interpreter who shares the same gender with the victim. It is equally important for police officers to encourage the interpreter to identify any other language or cultural barriers to achieving effective communication and understanding between the interviewer and the interviewee. Finally, this assistance should be available throughout the entire criminal proceedings.

8. Underline that, if possible, the interviewer should allow the victim to have a support person present during the interview. This could be a family member, friend or support organization representative. This is particularly important if the victim does not appear to be able to give an account of the events. It should be underlined that a victim's physical, mental health and emotional condition must be determined before proceeding with an interview.
9. Distribute Handout 4.4b and ask the participants of the group to each take one of the roles and role-play the situation. Warn the participants that the role plays may contain offensive and abusive language. Explain that this is for training purposes only.
10. Once they have finished, ask the participants to reflect on how they felt in their role (of a victim, of a police officer, of a prosecutor or of a CSO). What was particularly challenging for them (e.g., communication, co-operation with other stakeholders, not being believed, other participants in the role-play not understanding their role, etc.). How did they feel as a victim in relation to the response by the police? What was difficult for those who played the role of the police and prosecutors, (e.g., formulating their responses to the victim, other challenges in communicating with the victim, co-operation between them, etc.)? As a representative of CSO, what was challenging in their communication with other stakeholders – were they able to intervene in the criminal justice system and support the victims? Which obstacles did they face?
11. Underline that law enforcement and criminal justice professionals should avoid any questions that might be interpreted by the victim as blaming them for the crime. Interviewers must avoid asking whether the victim provoked the incident; asking why they were dressed in a certain way or were present in a specific location at a certain time; making any verbal judgement about the victim's behaviour; questioning the veracity of the victim's statement; telling the victim they might have misinterpreted the offender's behaviour or overreacted; asking the victim whether they think the offender was just joking or under the influence of alcohol, drugs or other narcotics; asking the victim if they are mistaken about the offender's motivation; or asking them whether they can prove what they perceived to have been the offender's bias motivation.

12. Underline that, regardless of the outcome of the investigation and prosecution, it is crucial that hate crime victims are well informed about their rights and the process of criminal proceedings. Reflect on the role-play case, identify when and what information should have been shared with hate crime victims (such as information of what is to follow and their role during the investigation) in order to ensure an effective response to hate crime.
13. Ask the participants about the kind of information they normally pass to the hate crime victims and the way in which they do it.
14. Give the participants Handout 4.4c *Important Information to Help a Hate Crime Victim Understand the Prosecution of Hate Crime* and go through it together. Underline that, in simple terms, law enforcement and other criminal justice professionals can never keep victims too informed of their rights and the progress of their case. Underline how important it is to follow up with the victim regularly and inform them about new developments, particularly if the case lasts for a prolonged period.
  - Highlight that hate crime victims may not be aware of their rights and the criminal justice process in general. Victims might not have been in contact with the criminal justice system prior to the case at hand and, importantly, trauma may affect the victim's ability to process and retain key information. Therefore, once the interview has been completed, law enforcement personnel should again walk the victim through the next probable steps in the investigation. The amount and level of information victims wish to be provided varies and should be personalized to the victim. Some victims might want to receive written material or be referred to online resources, if available, while others might prefer an oral explanation. Knowing what information to share and how to share it helps to ensure a victim-centred approach. It is a victim's right to be informed and receive assistance, so they are able to understand the information being provided. Therefore, law enforcement or other criminal justice system professionals should provide the necessary information orally or in writing, based on the victim's preference, in simple and accessible language(s), taking into account the personal characteristics of the victim, including any disability that may affect their ability to understand or be understood. The address or telephone number for contacting the victim should be the one the victim chooses. Additionally, the contact details of a person that can keep the victim informed and respond to their questions should be provided.

# Handout 4.4a – Interviewing Dos and Don'ts

## DO

### Before the interview:

- ✓ If at the scene, separate the offender from the victim.
- ✓ Reassure the victim that they are safe.
- ✓ Ask the victim whether they feel comfortable speaking where they are.
- ✓ Plan the interview in a peaceful environment, and avoid stressful telephone interviews where the stakeholders cannot be heard.
- ✓ Pay attention to the time it takes to conduct the interview; if it is too long, this increases unwarranted stress and additional trauma.
- ✓ Ensure interpretation services are available, using an independent and qualified interpreter. Wherever possible, use an interpreter who shares a similar personal background or has an affinity with the victim, for example, an interpreter who shares the same gender with the victim. (Immediate interpreting assistance from friends, family members or neighbours should only be used in emergency situations and for an initial account, in order to avoid a potential conflict of interest. Using children as interpreters should be avoided).
- ✓ Encourage the interpreter to identify any other language or cultural barriers to achieving effective communication and understanding between the interviewer and the interviewee.
- ✓ Be aware of support organizations available.

### Think about your behaviour:

- ✓ Explain in plain language what is going to happen next and who the victim's contact person is going to be.
- ✓ Introduce yourself to the victim and explain your role as investigator.
- ✓ Remain calm, objective and professional.
- ✓ Facilitate the victim's free narrative and let them finish speaking.

- ✓ Ask whether the victim needs communication support.
- ✓ Let the victim determine the pace of the conversation; be understanding if they need more time; offer breaks.
- ✓ Accept that there might be questions the victim is not yet ready or is unwilling to answer.
- ✓ Ask the victim what they think motivated the perpetrator.
- ✓ Encourage the victim to tell their story in their own words.
- ✓ Watch your micro-expressions and body language.

### Supporting victims in understanding the process and their rights:

- ✓ Inform the victim about their right to privacy and data protection, to prevent reluctance to share personal details.
- ✓ Reassure the victim of how their personal data is going to be dealt with.
- ✓ Reassure the victim that information is neither provided to their family or to other non-parties to the proceedings or the media.
- ✓ Explain whether other state authorities outside the criminal justice system (e.g., immigration authorities) will have access to the case file. Discuss, if applicable, whether the proceedings could affect the victim's residency status.
- ✓ Discuss any available options to restrict the offender's access to the victim's personal information in the file.
- ✓ Explain in plain language what is going to happen next and who the victim's contact person is going to be.
- ✓ Offer to accompany the victim where they want to go after they reported a crime – do not send them away alone.
- ✓ Offer to refer the victim to someone who can provide specialist support.

## DON'T

- ✓ Do not ask questions that might be interpreted by the victim as if they were to blame for the crime:
  - Don't ask whether the victim provoked the incident.
  - Don't ask why the victim was dressed in a certain way or present in a specific location at a certain time.
  - Don't make a verbal judgement of the victim's behaviour.
  - Don't question the veracity of the victim's statement.
  - Don't tell the victim they might have misinterpreted the offender's behaviour or overreacted.
  - Don't ask the victim whether they think the offender was just joking or under the influence of alcohol, drugs or other narcotics.
  - Don't ask the victim whether they might be mistaken about the offender's motivation.
  - Don't ask the victim whether they can prove their perception of the offender's bias motivation.
  - Don't ask "why" questions.
- ✓ Do not conduct too many interviews. The number of interviews and interviewers of the victim should be kept to a minimum.
- ✓ Do not allow the interview to last for too long, as this may increase unwarranted stress and trauma.

# Handout 4.4b: Case Study – Member of a Religious or Belief Community<sup>66</sup>

## Case – A Member of Religious or Belief Community

The victim lives in a small village and is a leading member of the Vaishnava Hindu religious community in his country, otherwise known as the Hare Krishna movement. For six years, between September 2001 and June 2007, he was subjected to a series of physical attacks by unidentified attackers that were so serious on three occasions that his injuries required hospital treatment. He reported the attacks to the police each time, insisting that they were religiously motivated hate crimes, which he ascribed to members of an extremist nationalist organization.

**Victim:** One evening in July 2005 you suffer another attack. Close to a relative's flat, you meet three unknown youths, one of whom stabs you in the stomach. The incident is reported to the police by the local hospital that provided you with urgent medical care. The police then advise you not to go out in the evenings, since this "clearly provokes" others. They seem to be more interested in discussing your religious beliefs than the incidents in question. You realize that most of the attacks against you were committed around a major national and religious holiday.

**Police:** You arrive at the hospital and interview the victim, who describes the attack and insists that it was religiously motivated. You do not actively listen to what the victim is saying, instead showing a lot of interest about his religious beliefs (referring to "the strange sect"). In the following days, you try to contact the victim at his relative's address, but without success. You feel the victim failed to provide necessary details of the incident. In addition, the victim had a mobile phone but he did not immediately call the police, which would have greatly facilitated the investigation. You visit several locations in an attempt to "identify" the extremist nationalist organization, but "do not obtain any useful information". In the end, you file a criminal complaint against the unidentified perpetrators with the Municipal Public Prosecutor's Office, classifying the incident as "a minor bodily injury inflicted by means of a dangerous weapon".

**Neighbours:** When talking to the police, you say that the victim mostly lives with his parents in another village and is rarely here. You inform the police that you saw the incident in question. You mention victim's religious affiliation, as well as his "rather strange appearance".

**Representative of a CSO - the Youth Initiative for Human Rights:** The victim asks for help, and you jointly file a criminal complaint with the District Public Prosecutor's Office, stating that he was a victim of a crime that "incited ethnic, racial and religious hatred and intolerance". You also submit a medical certificate documenting the injuries. You receive no information from the police on what steps they have taken.

You support the victim in bringing the complaint to the Ministry of Internal Affairs, stating that the police had not acted with the necessary diligence. As a result, one of the investigating officers was disciplined with a 10-per cent salary reduction.

**District Public Prosecutor's Office:** You inform the police about this criminal complaint and request "necessary measures be taken". You manage to provide further evidence in support of the victim's complaint regarding the police investigation, stating that the police had failed to provide any information related to the attacks. You mention that there is official recognition of the extremist nature of organizations such as those in the victim's complaint, but that the police still found reason to doubt the victim's claims.



# Handout 4.4c – Important Information to Help Hate Crime Victims Understand the Prosecution of a Hate Crime<sup>67</sup>

## Tips to support a hate crime victim's awareness of, and participation in, the criminal justice process:

### First responders:

- ✓ Ensure the victim understands the incident has now been recorded and will be investigated as a hate crime.
- ✓ Inform the victim about probable next steps in the investigation.
- ✓ Describe the evidential requirements necessary for a successful prosecution of both the base offence and the hate element.
- ✓ Provide the victim with information about whether they have the right to request specific steps in the investigation, including regarding the bias motivation, and how to exercise this right.
- ✓ Clarify whether the victim has the right to appeal any decision made at the investigation stage, and how to exercise this right. Explain the difference between formal and informal decisions or steps during the investigations, if necessary.<sup>3</sup>

### Law enforcement should provide all relevant information, including:

- ✓ information on the victim's rights, including available complaint procedures;
- ✓ contact details for communication about the victim's case;
- ✓ the course of the criminal proceedings and the victim's role in these; and
- ✓ a written acknowledgement of their report, including the file number.

They should also ask the victim whether and how they wish to be contacted to receive case updates.

<sup>3</sup> In some jurisdictions victims might only have the right to appeal formal decisions, which have been issued in writing by the prosecution or the judiciary in contrast to informal decision, which are regularly made by practical execution.

### Follow-up investigation:

- ✓ Explain the challenges of proving a bias motivation beyond a reasonable doubt, given that there is often no manifest evidence.
- ✓ Illustrate that, in some hate crime cases, only the base offence will be indicted if there was not enough evidence to prove the bias element.
- ✓ Let the victim express their feelings about what they would expect to be a just outcome. Include the victim's wishes in the case report and advocate for them to be taken into account by the prosecutor.
- ✓ Inform the victim about the different ways the prosecutor may proceed after the investigation. Describe the options the prosecutor typically has in terms of dropping the case, plea-bargaining, opting for restorative justice or bringing an indictment.
- ✓ Stress that any decision in favour of options that do not lead to the indictment of the suspect or the bias element of the hate crime does not mean that the victim is not believed. Explain that the criminal justice response to hate crime is influenced by a number of different factors.
- ✓ Manage expectations as to the case outcome. Clarify the factors that influence how sentences are determined or decisions to apply restorative justice or suspended sentences.
- ✓ Discuss with the victim the concepts of punishment and rehabilitation in the criminal justice system, and point out that imprisonment might not always be the best way to make perpetrators realize the seriousness of their crime and/or refrain from offending in the future.

### The nominated point of contact should seek to:

- ✓ follow up with the victim regularly and inform them about any new developments;
- ✓ once the investigation is concluded, inform the victim on how the case will/will not proceed, including the reasoning behind the prosecutor's decision;
- ✓ pro-actively share updates with the victim on their case, in line with the victim's wishes. Equally, the victim's wishes to not receive any information should be respected;
- ✓ be reachable. If possible, several options for communication should be provided; and

- ✓ in the event the investigation is extended, check in with the victim regularly. Remind them of and renew the offer to provide information on or refer the victim to support organizations as circumstances change.

# Activity 4.5 – Hate Crime Victim Support in Preparation for, During and After the Trial

## Activity learning objective:

- Building understanding on how to ensure the sensitive and respectful treatment of hate crime victims in preparation for and during the trial, as well as in post-trial procedures

**Target group:** prosecutors, judges

**Time:** 30 minutes

## Materials:

- Handout 4.5: Sensitive and Respectful Essentials During the Criminal Justice Process

## Required preparation:

- None

## Instructions:

1. Remind participants that sensitive and respectful treatment of hate crime victims needs to be reinforced throughout the criminal proceedings if the case goes to trial (see Handout 4.5). Remind them of the importance of active listening, respectful dialogue and informed communication.
2. Divide the participants into three smaller groups and ask them what they should bear in mind when ensuring the sensitive and respectful treatment of victims in the three following phases of the trial process:
  - Preparation for the trial (group one)
  - During the trial (group two)
  - In the post-trial period (group three)
3. Ask each group to report on their discussion.
4. Underline that it is crucial to put in place protection measures to avoid intimidation and secondary victimization before the proceedings start. Consider

granting a victim the necessary status to facilitate their active participation in the proceedings at the earliest possible stage.

5. Offer interpretation and translation support, if needed.
6. Check whether legal advice and representation is required.
7. Emphasize that it is important to explain the victims' participation rights, hence guiding them through trial.
8. Informing the victim is critical – inform them about whether they have the option to withdraw from participation or the right to not be informed; let them know if there are any court or other fees potentially incurred as a result of the criminal proceedings. Provide information on the right to compensation from the state and/or the offender, and how to exercise this right, if available in your jurisdiction.
9. Highlight that legal representation and other support at trial should be provided for victims.
10. Stress that the possibility of being accompanied by a support person (including a CSO representative) throughout the trial may be powerful instrument.
11. Underline that it is important to ensure the victim's right to be heard (e.g., by presenting an impact statement) and facilitate their active participation rights, including through the use of communication technology.
12. Stress that bias motivation needs to be addressed at all stages of criminal proceedings, including in the court's findings.
13. Underline that, once the court has handed down its decision, victims should be provided with a comprehensive briefing on the judgement and the grounds for the decision, as well as on the protection and support measures available in the post-trial stage.
14. Underline that the victim should be provided with information on – or renew the offer to refer the victim to – specialist victim support providers.
15. Distribute Handout 4.5 and briefly review each point.

# Handout 4.5 – Sensitive and Respectful Treatment Essentials during the Criminal Justice Process

## Sensitive and Respectful Treatment Essentials during the Criminal Justice Process

### Preparing for trial:

- At the earliest possible stage in the proceedings, consider granting the victim the necessary status to facilitate their active participation.
- Initiate an INA process to see if other needs are identified to support the victim during the proceedings.
- Offer interpretation and translation support, if needed. Access should be granted free of charge and both in the preparation stage for and during the trial (e.g., for consulting a lawyer).
- Determine whether legal advice and representation is required. If available, access should be granted through legal aid.
- Discuss with the victim their options or requirements with regard to appearing in court, whether protection and support mechanisms can be accessed at the trial stage and, if so, which type (e.g., psychosocial support).
- Guide the victim through the trial by explaining their participation rights. Explain how to provide evidence or to make a statement regarding evidence produced by the prosecution or the defence.
- Inform the victim about whether they have the option to withdraw from participation or have the right to not be informed about the proceedings.
- Inform the victim of any court or other fees that could potentially be incurred as a result of the criminal proceedings, including legal representation costs or damages the alleged offender might be entitled to claim from the victim in the event of their acquittal.
- Provide information on victim's rights to reimbursement of costs, including for travel expenses, translation or interpretation, support services and legal advice and representation.

- Point out the right to compensation from the state and/or the alleged offender and how to access this right, if available in your jurisdiction.

### During the trial:

- Discriminatory or degrading language must be prohibited at all times, and this must be enforced by the judge during the proceedings.
- Access to legal representation, translation services and other protection and support measures should be determined and offered throughout the trial.
- Ensure the possibility to be accompanied by a support person, such as a family or community member, as well as a CSO representative, throughout the trial.
- Reduce unwanted possible contact with the alleged offender during or after the hearing, for example, by arranging for separate waiting rooms and/or entrances.
- The victim should be informed if there are court or other fees potentially incurred by the criminal proceedings and about the potential right to compensation from the state and/or the alleged offender, and how to exercise this right, if available in the victim's jurisdiction
- During all questioning, inquiries into a victim's personal life should be restricted to what is strictly necessary for presenting the case.
- Ensure the victim's right to be heard (e.g., by presenting an impact statement), and facilitate their active participation rights, utilizing communication technology as appropriate.
- If requested by the victim and available under law, the hearing should be arranged to take place without the presence of the public, to protect the victim's privacy.
- Take account of the bias motivation in the decision where there is evidence. Clearly state the court's findings on bias motivation, both in the courtroom reading and in the written decision.

### After the trial:

- Provide a comprehensive briefing to the victim on the judgement and the grounds for the decision.
- Support and ensure the victim in exercising any right they have to compensation and/or appeal.

- Respect the victim's wishes and safety and privacy needs when considering communication with the media about the verdict.
- Continue available protection and support measures in the post-trial stage.
- Provide information on or renew the offer to refer the victim to specialist victim support providers.
- Communicate about any remaining processes or follow-up, providing detailed information.
- Consider the use of restorative justice programmes offered or designed by those communities against which the offender's bias motivation was directed.



# Module 5: Institutional Measures to Ensure the Sensitive and Respectful Treatment of Hate Crime Victims

**Time:** 50 minutes

## **Module learning objectives:**

- Reflecting on institutional measures to ensure sensitive and respectful treatment in place in the participants' national context.

## Activity 5.1 – Institutional Measures to Ensure the Sensitive and Respectful Treatment of Hate Crime Victims

### **Activity learning objective:**

- Increasing the understanding that institutional measures are needed to ensure the sensitive and respectful treatment of hate crime victims, and reflecting on the participants' national context

**Time:** 20 minutes

### **Materials:**

- Handout 5.1: Institutional Measures to Ensure the Sensitive and Respectful Treatment of Hate Crime Victims

### **Required preparation:**

- None

### **Instructions:**

1. Explain that treating hate crime victims in a sensitive and respectful manner should be part of a hate crime response at an institutional level, as a culture of sensitive and respectful treatment is a whole-of-institution exercise.
2. Ask the participants to brainstorm about which institutional measures need to be put in place to ensure sensitive and respectful treatment, and to write these on the flip chart. Give examples of institutional measures, such as: setting up a reporting system, nominating hate crime police officers and prosecutors, ensuring diversity within the criminal justice system, producing guidelines on how to engage with victims, evaluating responses to victims on various levels (both individual and institutional), allocating resources for training personnel on hate crime victimization, increasing and improving community outreach, and co-operation agreements between different institutions.
3. Distribute Handout 5.1 and connect those measures shared by the participants with the following categories:
  - Conducting an institutional needs assessment: Explain the need for an assessment to identify where change, modification or improvement is needed in building and strengthening sensitive and respectful institutional patterns for protecting and supporting hate crime victims. In carrying out such an assessment, it is important to foresee co-operation with hate crime victim support CSOs. For this purpose, focus groups, surveys and key leadership engagement should be used. The assessment should answer questions such as: Do the authorities publicly demonstrate commitment to supporting hate crime victims – through statements, examples, written communication – and also within their own hierarchies? Are hate crime victims’ rights and needs published in a document available to all police officers?
  - Hate crime institutional protocols: Stress that, at the institutional level, states should identify and implement laws, policies, protocols, guidance and training required to deliver effective and sensitive hate crime victim support. Such protocols should: address every stakeholder in criminal proceedings and define their respective role in hate crime victim support at each level; recognize hate crime victims as a particularly vulnerable group and explain their specific needs; provide institutional and personal practical guidance for respectful and sensitive communication with and treatment of hate crime victims; consider practical recommendations to facilitate appropriate behaviour and engagement; and understand the importance of information provision and a conducive environment.
  - Accessible reporting systems and co-operation with support organizations: Share with participants’ various forms of reporting (for example:

single-entry recording, web page reporting, third-party reporting, anonymous reporting). This should be tied to the need to understand support structures in their jurisdiction and the types of support offered.

- Sensitive and respectful treatment training programmes: Underline the need for continuous training for all criminal justice system representatives.
- Organizational culture: Explain that the importance of a victim-centred approach, the seriousness of hate crimes, an awareness of hate crime victims' needs, and the necessary frameworks to combat against discriminatory police work must be endorsed and enforced by police management and senior peers. Police management must actively prevent and counteract pejorative attitudes towards the social service aspects of policing that see them as "soft policing", in contrast to supposedly higher-value "hard policing", offender-oriented tasks. In order to earn the trust of the public, there must be a commitment to eliminating any direct or indirect practices of over-policing.<sup>68</sup> These practices may exist in the form of racial profiling, disproportionate stops and searches or other police checks, biases in prosecution and sentencing, and discriminatorily targeting members of minority groups. Talk about structural elements of the problem. Discuss how diversity in the criminal justice workforce will enable stronger relationships between minority and other marginalized communities and their respective criminal justice professionals.
- Supervision and oversight mechanisms: Explain that supervision is important for criminal justice representatives, particularly police officers; it should be in place to ensure support to officers enabling them to provide sensitive and respectful treatment to hate crime victims, and that this should be done in a constructive manner, with regular feedback. It is equally important to ensure the establishment of an independent complaint body that is accessible to victims, so they are able to report any police misconduct.
- Community outreach: Underline the need for continuous communication with vulnerable communities through liaison officers. In order to identify vulnerable communities, you can use data from equality bodies/national human rights institutions, civil society organizations and international human rights mechanisms (such as UN treaty body recommendations; country reports by Council of Europe bodies and practice of the European Court of Human Rights).
- Awareness-raising campaigns: Explain that these can focus on the concept of hate crimes, the rights of victims, reporting and victim supporters. Remind participants that communications by criminal justice system

representatives should focus on the sensitive and respectful treatment of hate crime victims.

4. Divide the participants into two groups. Ask each group to prioritize these institutional measures according to their importance, bearing in mind the legislative framework in place in their national context, and compare them with the elements discussed. In the discussion, underline that, regardless of their position, they all can effect change in their national context. Ask the participants to think of ideas how they could effect changes (for example, a police officer may ask for training on the sensitive and respectful treatment of hate crime victims or ask their superiors which specialist support providers work in their national context)

**TIP:** Bear in mind that the trainer's approach here very much depends on participants of the training and which elements they identify. For example, front line police officers might identify their training needs, while mid- and senior-level management might think of the instruction in broader sense. This is a downstream exercise and some participants may not feel they are the one's responsible for changes at the institutional level. As such, trainers need to try to relate to the participants' professional backgrounds. At the same time, use this opportunity to underline that each of them can effect change in their national system, and reflect in the discussion on what they can do practically to support such changes.

# Handout 5.1 – Institutional Measures to Ensure the Sensitive and Respectful Treatment of Hate Crime Victims<sup>69</sup>

## INSTITUTIONAL MEASURE

### Conducting an institutional needs assessment

*Keywords: needs assessment, in co-operation with CSOs*

In order to build and strengthen sensitive and respectful institutional responses in protecting and supporting hate crime victims, it is essential to assess gaps and needs, as well as to identify where change, modification or improvement is needed.

Conducting an institutional needs assessment should include co-operation with hate crime victim support CSOs.

## FOR DISCUSSION

Through an institutional needs assessment, a critical look at the essential elements of a system for sensitive and respectful treatment should be analyzed, such as:

- Do the authorities publicly demonstrate commitment to supporting hate crime victims, through statements, examples and written communication, as well as within their own hierarchies?
- Are hate crime victims' rights and needs published in a document available to all police officers?
- Does policymaking involve consultation with community-based civil society organizations, including victim's organizations, as equal partners?
- Does training and guidance on sensitive and respectful treatment, in particular sensitive interviewing of hate crime victims, exist and is it available to front line officers?
- Are specialist "victim" officers (with special training, including on hate crime victimization) available or on call?
- Is psychological support available to the interviewing officer or on call?

- Are there measures and checks in place to ensure the victim's safety and prevent re-victimization, in particular, measures to avoid over-interviewing or exposure to the defendant?
- Can a hate crime victim be accompanied by person of choice at any procedural stage or during an interview?
- Are the premises where interviews with hate crime victims are conducted accessible and friendly?
- Is information about the steps in the process and victims' rights provided early? Is this information comprehensive?
- Are interpreters and translated materials readily available for relevant languages (i.e., not only the official language)?
- Is the way a victim is treated in the criminal justice system monitored, and is data collected and used to strengthen a victim-centred approach by the police?
- Are there oversight and complaint mechanisms in place and available to victims that deal with complaints about secondary victimization and non-sensitive and non-respectful treatment?
- Are investigations into police misconduct independent?

**INSTITUTIONAL MEASURE**

**Hate crime institutional protocols**

*Keywords: responsibilities of key stakeholders defined*

Hate crime protocols should: address every stakeholder in criminal proceedings and define their role in hate crime victim support at all levels; recognize hate crime victims as a particularly vulnerable group and explain their specific needs; provide institutional and personal practical guidance for the respectful and sensitive communication with and treatment of hate crime victims; consider practical recommendations to facilitate appropriate behaviour and engagement; and understand the importance of information provision and a conducive environment.

**FOR DISCUSSION**

**Denmark – Instruction (no. 2/2011) on Hate Crime**

Instruction (no. 2/2011) on Hate Crime provides guidelines for the police and prosecutors on how to handle hate crime cases.

This practice helps to ensure transparency and a uniform approach by police and prosecutors when applying Section 266b of the Danish Criminal Code in hate crime cases.

The instruction contains detailed guidelines, supplemented with relevant case law, as to what should be considered a violation of Section 266b. All charges of violations of Section 266b must be submitted to the Director of Public Prosecutions, along with a recommendation on how to charge the perpetrator. The Director then decides whether or not to proceed with the prosecution.

The guidelines also help to ensure that the police clarify the hate crime aspect of the case during their investigations when circumstances indicate that a hate crime offence has been committed (in full or in part). They also ensure that the prosecutor collects the evidence that is needed in such cases to prove aggravating circumstances, as mentioned in Section 81, no. 6, of the Criminal Code.

### **Croatia – Protocol for Procedure in Hate Crime Cases**

The aim of the Protocol is to ensure that the competent bodies participating in uncovering, proceeding against and monitoring the prosecution of a hate crime operate efficiently, in order to enhance the system of monitoring hate crime and the protection of victims. The Protocol describes the tasks of the competent bodies participating in uncovering, acting on and monitoring the prosecution of hate crimes, the modes and substance of co-operation between them, and their remaining duties and activities, such as training on combating hate crime. The Protocol ensures regular co-operation between key stakeholders involved in the process – the Interior and Justice Ministries, the State’s Attorney Office and criminal and misdemeanor courts, as well as the Government Office for Human Rights and the Rights of National Minorities, as the central body whose purview it is to gather, consolidate and publish data on hate crime.

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## **INSTITUTIONAL MEASURE**

### **Accessible reporting systems and co-operation with support organizations**

*Keywords: accessible, co-operation with CSOs*

Offering a variety of accessible reporting options for hate crime victims shows a commitment to ensuring their access to justice. It is important to:

- Offer flexible reporting options, ideally online and accessible 24/7.
- Let the victim decide whether and how they want to be contacted by the authorities, or whether communication should run through a CSO, if available.
- Offer options for anonymous reporting.
- Assure victim confidentiality to everybody who reports a hate crime or hate incident.

Third-party reporting options have been identified – in these, CSOs act as liaisons for or on behalf of the victim in reporting hate crimes to the authorities.

**FOR DISCUSSION**

**Belgium – The Centre for Equal Opportunities and Opposition to Racism (UNIA)**

In Belgium, the Interfederal Centre for Equal Opportunities and Opposition to Racism (UNIA) plays an active role in co-ordinating and offering victim support.

To do so, it co-operates with police, specialist support service providers and CSOs. UNIA has the ability to act on complaints regarding discrimination related to age, sexual orientation, civil status, birth,<sup>4</sup> civil status, disability, financial status, health conditions, physical or genetic characteristics, political opinions, race, religion or belief, sexual orientation and social origin. When a victim comes to UNIA, the case is treated independently and confidentially, and UNIA works with the victim to determine the next steps.

This is an example where a victim can easily approach an equality body in order to report a hate crime and receive support in determining next steps.

**The Netherlands – Discriminatie.nl<sup>70</sup>**

This website provides information about discrimination, remedies and organizations that can assist victims. For more information on a specific case, a dedicated webtool (‘Meldwijzer’) helps

<sup>4</sup> By “birth” the origin of one of the parents is meant. Unequal treatment based on a characteristic of one or both parents or of the children is prohibited. Source: Unia.be, Other criteria of discrimination.



	<p>users find the local, regional or national organization to which they can turn (i.e., Anti-Discrimination Service, Police, National Human Rights Institute, Complaints Desk Internet Discrimination (MiND)).</p> <p>The website also includes a digital form for reporting discrimination to the nearest Anti-Discrimination Service.</p>
<p><b>INSTITUTIONAL MEASURE</b></p>	<p><b>Implementing specific training on sensitive and respectful treatment for criminal justice system authorities.</b></p> <p><i>Keywords: training on the sensitive and respectful treatment of hate crime victims, self-reflection</i></p> <p>All ranks within law enforcement and all criminal justice professionals who interact or engage with, or act on behalf of hate crime victims should receive training on the sensitive and respectful treatment of hate crime victims.</p> <p>Inviting CSOs and affected communities to have their say in conceptualizing training, or even being a part of the training, helps integrate hate crime victims’ practical needs and encourages understanding among all stakeholders. Guidance documents customized to the various roles practitioners may play in hate crime victim support and hate crime investigations should be dovetailed to complement training as potential reference tools.</p>
<p><b>FOR DISCUSSION</b></p>	<p><b>The United Kingdom – A comprehensive training manual for law enforcement on hate crime<sup>71</sup></b></p> <p>The College of Policing has a comprehensive training manual for law enforcement on hate crime – the Hate Crime Operational Guidance. The Guidance provides “practical advice and instruction” for law enforcement on hate crime investigation, response and treatment of victims, including good practices on, “critical incident management, family liaison, community engagement and independent advice, third-party reporting, and changes in the way hate crime investigations are conducted”. The Guidance prescribes service delivery for the victims of hate crime and practical approaches to victim care. As a result, law enforcement officers are not only trained to work effectively with hate crime victims, but are also provided a readily accessible “how-to” manual to use throughout the course of their work.</p>

**INSTITUTIONAL  
MEASURE**

**Organizational Culture**

*Keywords: endorsement by police management, diversity of the police force*

The importance of a victim-centred approach, the seriousness of hate crimes, an awareness of hate crime victims' needs and the necessary frameworks to combat against discriminatory police work must be endorsed and enforced by police management and senior officers.

**FOR  
DISCUSSION**

**The Council of Europe – The European Commission against Racism and Intolerance (ECRI)**

In its country monitoring reports on Council of Europe member States, ECRI highlights that law enforcement and criminal justice system institutions, in structure and composition, should reflect the diversity of society, actively aiming to reflect minority representation.

This commitment to change and inclusion can be readily evidenced by active recruitment strategies to promote diversity at all levels. Diversity in the criminal justice workforce will enable stronger relationships between the minority communities and their respective criminal justice professionals. It can also help improve the inter-organizational understanding of minority issues and bring different perspectives into policies and procedures.

In some countries, there are specialized police teams that consist of women and other minority groups who have undergone specific training in order to ensure gender-sensitive and victim-sensitive approaches, while taking into account the specific vulnerabilities of hate crime victims.

**The United Kingdom – True Vision, a police-owned web resource for hate crime**

True Vision is a website set up by the police, showing their commitment to take hate crime seriously and provide support to the hate crime victims in a sensitive and respectful manner.

The website is a communication tool for reaching out to individuals and communities affected by hate crime. It offers include guidance on "what is hate crime", "internet hate crime", and

	<p>“prosecuting hate crimes”. The website also provides information on other partner agencies able to provide information and support to hate crime victims.</p> <p>The site is supported by an active social media presence and an accompanying mobile phone app. Social media platforms are used to provide reassurance to affected groups, particularly in the wake of high-profile crimes, and to signpost people to resources on the main website.</p> <p>Another of the site’s functions is to provide transparency on hate crime statistics and government policies developed to combat hate crime. The site contains publicly viewable documents on both of these topics, in addition to various research reports related to hate crime.</p>
<p><b>INSTITUTIONAL MEASURE</b></p>	<p><b>Establishing independent complaint mechanisms for misconduct by law enforcement and criminal justice system professionals.</b></p> <p><i>Keywords: supervision, independent complaint mechanism</i></p> <p>Supervision is important for criminal justice representatives, particularly police officers; it should be in place to ensure support to officers so that they are able to provide sensitive and respectful treatment to hate crime victims and should be done in a constructive manner, with regular feedback.</p> <p>It is equally important to ensure the establishment of an independent complaint body that is accessible to victims, so they are able to report police misconduct.</p>
<p><b>FOR DISCUSSION</b></p>	<p><b>National human rights infrastructures</b></p> <p>Many states have set up national human rights infrastructure, including national human rights institutions, Ombud’s institutions and equality bodies.</p> <p>These often receive complaints by citizens, and one area of their work may be related to misconduct by law enforcement personnel. These should be easy to access for citizens and should have developed procedures for working with different types of vulnerabilities.</p>

Equality bodies have worked extensively, for example, on ethnic profiling. This allows them to identify discriminatory patterns and issue recommendations for fair policing.

More information on individual states can be found through their networks and information on their members:

ENNHRI (national human rights institutions): [www.ennhri.org](http://www.ennhri.org)

EQUINET (equality bodies): <https://equineteurope.org>

IOI (ombuds institutions): <https://www.theioi.org/the-i-o-i>

**INSTITUTIONAL MEASURE**

**Community Outreach**

*Keywords: building trust*

Mistrust is a major characteristic of the relationship between minority groups and criminal justice systems.

Engagement between criminal justice system professionals and minority groups should be implemented to break down outdated attitudes and foster mutual understanding and trust. This interaction will also better inform customized policy and practice.

**FOR DISCUSSION**

**The United Kingdom – Information Sharing Agreement<sup>72</sup>**

The Community Support Trust (CST) is an NGO that provides representation and advice for the Jewish community on security and anti-Semitism. CST receives reports of anti-Semitic incidents from victims, witnesses and other sources. This agreement allows CST to share these reports with the police, and vice versa. It builds on working practices previously developed by CST and police forces in Manchester and London since 2011.

**The United Kingdom – Facing Facts – make hate crimes visible<sup>73</sup>**

This initiative trains civil society organizations to record hate crimes and helps them to build their advocacy capacity for influencing local and national agencies.

	<p>The network also acts as an information exchange platform for a growing group of CSOs and Facing Facts’ international partner organizations. International conferences have been organized to facilitate dialogue among relevant actors.</p> <p>Future plans include the development of online courses on hate crime/hate speech monitoring. Specifically tailored for law enforcement agencies and public authorities, they would have a country focus of Belgium, Greece, Hungary, Italy and the United Kingdom.</p>
<p><b>INSTITUTIONAL MEASURE</b></p>	<p><b>Conducting awareness raising on hate crime and what to do if you are a victim of hate crime.</b></p> <p><i>Keywords: awareness raising</i></p> <p>Many hate crime victims are unaware of their rights and/or the relevant victim support system. Comprehensive information must be made widely accessible through various communication channels and in multiple languages, and institutionally co-ordinated.</p> <p>Launching information campaigns can assist in raising awareness of the topic while simultaneously building trust with communities.</p>
<p><b>FOR DISCUSSION</b></p>	<p><b>Italy – The Observatory for Security against Acts of Discrimination (OSCAD)</b></p> <p>OSCAD is a multi-agency body formed by the Italian national police and the Carabinieri, housed within the Department of Public Security at the Ministry of the Interior that takes a holistic approach to tackling hate crime.</p> <p>Training is also a priority for OSCAD; it is needed to raise awareness among police staff and improve their efforts in preventing and combating discrimination and hate crime. Training and information seminars have focused on specific topics presented by experts from the equality body, NGOs, universities and international organizations. They have covered: OSCAD, and its roles and responsibilities; ethnic profiling; hate speech in new media; human rights in law and in practice; LGBTI hate crime; Roma, Sinti and Travellers’ issues; capacity building in law enforcement; and how to deal with vulnerable victims.</p>

# Activity 5.2 – Specialist Support Providers

## Activity learning objective:

- Raising understanding of the role of specialist support providers in the criminal justice system.

**Time:** 30 minutes

## Materials:

- Handout 5.2: List of Support Service Providers - Template

## Preparation Required:

- Customization of Handout 5.2: List of Support Service Providers

## Instructions:

1. Explain that co-operation between criminal justice system bodies and CSOs is key to reinforcing trust by hate crime victims. CSOs often collect data on hate crime and provide support to victims. They are often the first point of contact for victims, by providing different types of support, ranging from emotional, legal, psychological and medical support. Sometimes, they may also support victims in reporting hate crime incidents. CSOs possess understanding of vulnerable group members' experiences, which contributes to trust in their work. For this reason, CSOs can support criminal justice system representatives in understanding the impact of hate crime on victims and their communities. By supporting victims, CSOs can bridge the gap between victims and the criminal justice system, particularly in relation to reluctance on the part of victims to become involved with criminal justice system processes.
2. Ask the group to think of how specialist support providers can support victims in the criminal justice system, and write the answers on the flip chart.
3. Underline that co-operation between CSOs and the criminal justice system may take different forms, but that such co-operation plays a critical role in reinforcing a hate crime victim's trust in the criminal justice system. Emphasize that specialist service providers may provide counselling and psychological, legal and practical support to victims. CSOs can serve as contact points, liaising with authorities and supporting a victim in different ways: by accompanying or representing the victim throughout the criminal proceedings or by serving as a third-party reporting system. They can provide follow-up

and regular contact with victims, including information sharing on their cases. Such co-operation is best implemented through formal co-operation agreements.

4. Ask the group to think of different forms of co-operation between CSOs and criminal justice system bodies (they can build on experience in other areas, for example, gender-based violence or other human rights issues), and how this co-operation can support criminal justice professionals. Write the answers on the flip chart.
5. Emphasize that CSOs who are specialist service providers can support criminal justice systems in developing policy and providing capacity building of criminal justice system professionals, to improve the sensitive and respectful treatment of hate crime victims.
6. Explain that it may sometimes be challenging to set up such co-operation. Such co-operation should be regular and comprehensive, in order to address needs of hate crime victims.<sup>74</sup> Remind the participants that, in spite of their specific expertise and skills, CSOs are often not considered equal partners by the authorities and are consequently excluded from the development or upgrading of victim support. This contributes to the mutual distrust that may exist between CSOs and criminal justice system agencies. Explain that a clear referral system and institutional measures can make such co-operation easier.
7. Hate crime victims regularly turn to the CSOs working with their community, but these organizations might not be integrated into the general victim support system. For this reason, it is important to ensure co-operation among all types of victim support CSOs – including those supporting all victims of hate crime, those assisting certain victim communities and those working on hate crime more broadly.
8. Underline that in order to effectively meet legal and policy standards, regular and continual personal contacts should be maintained between the same pool of those working on hate crime cases within the criminal justice system and at CSOs. This may mean setting up special units within criminal justice system, especially in larger cities. Underline that it is important to define short and fast communication channels and clear single points of contact.
9. In order to ensure quality and effectiveness, the state should determine requirements when setting quality standards and/or determining the criteria for registering or accrediting service providers. Such standards and methodologies should be co-developed by all relevant stakeholders, including CSOs.
10. Clarify that the issue of data sharing should be laid out in detail, i.e., whether and under which circumstances the sharing of personal information is allowed, in line with victims' consent and data protection laws.

11. The state should provide funding for the provision of hate crime victim support, which should be sufficient and, if possible, multi-year funding. Otherwise, the types of services that CSOs provide depends on the resources they have, and quite often does not include legal representation and/or shelters.
12. Divide the participants into two groups and ask them to agree on at least two steps that can be taken in the immediate future in building co-operation between CSOs and the professionals working within the criminal justice system. These can be different things, depending on the national context, ranging from meeting with local CSOs that work on hate crime and provide support to victims so that they can learn more about each other's work, to ensuring regular contacts, exchange of information or the signing of formal agreements. Let the groups share the steps they identified.
13. Finally, ask the participants if they can name some CSOs active in their national context that work on hate crime issues and provide support to victims. If they are unable to list any, provide them with a list of specialist support providers identified before the training (Handout 5.2). Ask participants whether they are familiar with these or have referred to them before. If such organizations do not exist nationally, provide them with examples of CSOs active at the European level (such as ILGA, Amnesty International and the European Roma Rights Centre).



# Handout 5.2 – List of Support Service Providers – Template

## National organizations providing victims support

Name:

Website:

Contact point:

Short description of the organization's activities (training, monitoring, what type of victim support, etc.):

## National organizations working on hate crime

Name:

Website:

Contact point:

Short description of the organization's activities (training, monitoring, victim support, etc.):

# Handout – Evaluation: Pre- and Post-Training Evaluation Forms

## Pre-Training Evaluation

1. What is your gender?  
a. Woman b. Man c. Other d. Prefer not to say
2. How much previous experience do you have in working on hate crimes?  
a. A lot of experience b. Limited experience c. No experience at all
3. To what extent do you think the training course will be relevant to your daily work?  
a. Relevant b. Somewhat relevant c. Not relevant at all
4. To what extent do you understand hate crime victims' needs?  
a. I understand them well b. I understand them to some extent c. I don't understand them at all
5. Are you familiar with hate crime victim support service providers in your area?  
a. Yes b. No c. I know where to find that information
6. Which of these is not a hate crime protected characteristic?  
a. Ethnicity b. Law Enforcement c. Sexual Orientation d. Gender
7. Does a victim need to be a member of a group whose characteristic is protected to be considered a hate crime victim?  
a. Yes b. No c. I don't know
8. Does the victim have to report the crime to the police to be granted the status of hate crime victim?  
a. Yes b. No
9. List some hate crime victims' needs that have to be taken into account by criminal justice system.

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10. I would be comfortable sharing a coffee with a colleague who often expresses anti-Semitic statements.
  - a. Very much agree
  - b. Agree
  - c. Agree to a certain degree
  - d. Don't agree
  - e. Completely disagree
  
11. Law enforcement or other criminal justice system professionals should provide the necessary information in easy and accessible language to a hate crime victim, taking into account any disabilities and the language abilities of the victim.
  - a. Very much agree
  - b. Agree
  - c. Agree to a certain degree
  - d. Don't agree
  - e. Completely disagree
  
12. Victims have right to be accompanied by a person of their choice during the trial. This could be a family member, community member or CSO representative.
  - a. Yes
  - b. No
  - c. I don't know
  
13. What would you like to take away from the training?
   

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14. Which teaching methods would you prefer to be used (you may choose more than one option)?
  - a. Presentations by trainers
  - b. Role-plays Participatory learning
  - c. Role-plays
  - d. Small group discussion
  - e. Role-plays Problem solving or case studies

## Post-Training Evaluation

What is your gender?

- a. Woman
- b. Man
- c. Other
- d. Prefer not to say

## A. TESTING KNOWLEDGE

1. To what extent do you understand hate crime victims' needs?

- a. I understand them well b. I understand them to some extent c. I don't understand them at all
2. Do you know where to refer hate crime victims?  
a. Yes b. No c. I know where to find that information
3. Which of these is not a hate crime protected characteristic?  
a. Ethnicity b. Law Enforcement c. Sexual Orientation d. Gender
4. Does a victim need to be a member of a group whose characteristic is protected to be considered a hate crime victim?  
a. Yes b. No c. I don't know
5. Does the victim have to report the crime to the police to be granted the status of hate crime victim?  
a. Yes b. No
6. List some hate crime victims' needs that need to be taken into account by criminal justice system.
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7. Sharing a joke with my colleagues about women while taking a statement from a Roma woman just attacked does not affect the victim.  
a. Yes b. No
8. I would be comfortable sharing a coffee with a colleague who often expresses anti-Semitic statements.  
a. Very much agree b. Agree c. Agree to a certain degree d. Don't agree e. Completely disagree
9. Law enforcement or other criminal justice system professionals should provide the necessary information in an easy and accessible language to the hate crime victim, taking into account any disabilities and the language abilities of the victim.  
a. Very much agree b. Agree c. Agree to a certain degree d. Don't agree e. Completely disagree

10. Victims have the right to be accompanied by a person of their choice during the trial. This could be a family member, community member or a CSO representative.
- a. Yes            b. No            c. I don't know

## B. ACQUIRED SKILLS

1. How relevant is the knowledge you have gained for your everyday work?  
a. Very Relevant   b. Relevant   c. Relevant to a certain degree   d. Not relevant  
e. Not relevant at all
2. How strong is your confidence that you can apply the knowledge you have gained in your activities?  
a. Very weak   b. Weak   c. Moderate   d. Strong   e. Very strong
3. How often do you expect to be able to apply the knowledge you have gained in your activities?  
a. Never   b. Rarely   c. Sometimes   d. Often

4. What specific actions will you take away from the training to apply the specific knowledge you have gained?

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5. Has your understanding of prejudice/bias/stereotyping changed as a result of the training?  
a. Yes            b. No

If yes, please specify:

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### C. TEACHING METHODS

1. How do you rate the teaching method?  
a. Very weak b. Weak c. Good d. Very good e. Excellent
  
2. How do you assess the opportunities for interaction with the trainers?  
a. Very weak b. Weak c. Good d. Very good e. Excellent
  
3. How do you rate the quality of the curriculum, handouts and other training materials?  
a. Very weak b. Weak c. Good d. Very good e. Excellent
  
4. Please rate your trainers in the following areas:
  - a. Role-Knowledge of the subject  
a. Very weak b. Weak c. Good d. Very good e. Excellent
  
  - b. Creating interest in the subject / activities  
a. a. Very weak b. Weak c. Good d. Very good e. Excellent
  
  - c. Answering your questions  
a. a. Very weak b. Weak c. Good d. Very good e. Excellent

Please provide below any other comments on the training, including weaknesses, strengths and tips for further improvement:

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# Endnotes

- 1 Terms “bias motivated crimes” and “hate crimes” refer to the same phenomenon and are used interchangeably in the text.
- 2 “*Encouraging Hate Crime Reporting. The Role of Law Enforcement and Other Authorities*” (Luxembourg: Publications Office of the European Union, 2021), p. 25.
- 3 E.g., *A Long Way to Go for LGBTI Equality*, (Luxembourg: FRA 2020); *Second European Union Minorities and Discrimination Survey. Being Black in the EU*, (Luxembourg: FRA 2018); *Antisemitism: Overview of Antisemitic Incidents Recorded in the European Union 2009-2019*, (Luxembourg: FRA 2020).
- 4 OSCE Ministerial Council, Decision No. 13/06, “*Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding*”, Brussels, 5 December 2006.
- 5 “*Training Against Hate Crimes for Law Enforcement (TAHCLE): Programme Description*” (Warsaw: OSCE/ODIHR, 2012).
- 6 “*Prosecutors and Hate Crimes Training (PAHCT) Programme Description*”, (Warsaw: OSCE/ODIHR, 2014).
- 7 Based on the ECtHR case of *Škorjanec v. Croatia (Application no. 25536/14)*, Strasbourg, March 2017.
- 8 Monish Bhatia, “*Racist Hate Crimes against Those Seeking Asylum*”, University of Oxford, Faculty of Law website, 12 May 2017.
- 9 Lewis Turner, Stephen Whittle & Ryan Combs, “*Transphobic Hate Crime in the European Union*” (ILGA-Europe and Press for Change, May 2009).
- 10 Josh Halliday, “*‘No Blacks’ Graffiti on 10-Year-Old’s Salford Home Condemned*”, *The Guardian*, 17 February 2019.
- 11 “*Mandates of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; the Special Rapporteur on the Human Rights of Migrants; and the Working Group on Discrimination against Women and Girls*” (OHCHR, 12 August 2020), p. 2.
- 12 Based on cases reported to ODIHR in the course of the annual Hate Crime Reporting cycle.
- 13 Based on cases reported to ODIHR in the course of the annual Hate Crime Reporting cycle.
- 14 Based on the experience of women in “*Romani Women from Central and Eastern Europe: A ‘Fourth World’, or Experience of Multiple Discrimination*”, Association of London Government, 2001.
- 15 Based on materials used in *Training Against Hate Crimes for Law Enforcement (TAHCLE)* methodology.
- 16 NSU Watch, “*Listen to the Survivors! – Closing Statements of Survivors at the Halle Trial*”, 18 December 2020.
- 17 *Ibid.*
- 18 Community Security Trust, “*Antisemitic Incidents. Report 2018*”, p. 18.
- 19 Stephanie Thomas, “*Hate Crime Unit Investigating Attack on 2 Muslim Girls in Calgary Park*”, iHeart-RADIO, 22 March 2021.
- 20 Annie Brown, “*Humza Yousaf Receives Death Threats from Racist Troll Who Claimed he Should Be ‘Butchered and His Family ‘Firebombed’*”, *Daily Record*, 21 August 2020.
- 21 Imran Awan, Irene Zempi, “*We Fear for Our Lives. Offline and Online Experiences of Anti-Muslim Hostility*”, Birmingham City University, Nottingham Trent University, TellMAMA, October 2015, p. 7.
- 22 “*Hate speech and hate crimes against Jehovah’s Witnesses*”, 1 June 2011.
- 23 “*Report 2018*” (Vienna: Observatory on Intolerance and Discrimination Against Christians in Europe, 2019), p. 44.

- 24 *"Report 2019"* (Vienna: Observatory on Intolerance and Discrimination Against Christians in Europe, 2019), p. 32.
- 25 Vignesh Ramachandran, *"How the Sikh Community's Experiences With Hate Crimes Shows Why Data Collection Is So Important"*, PBS News Hour, 21 June 2021.
- 26 Katherine Kokal, *"Buddhist temple attack: Molotov cocktails, profane graffiti leave Chinese community shaken"*, *Palm Beach Post*, 6 October 2021.
- 27 *"Hindu temple vandalised in U.S."*, *The Hindu*, 31 January 2019.
- 28 Based on cases reported to ODIHR in the course of the annual Hate Crime Reporting cycle.
- 29 Based on cases reported to ODIHR in the course of the annual Hate Crime Reporting cycle.
- 30 Based on the ECtHR case of *Beizaras and Levickas v. Lithuania (Application no. 41288/15)*, Strasbourg, 14 January 2020.
- 31 *"Hate Crime against People with Disabilities"* (Warsaw: OSCE/ODIHR, 2016).
- 32 *Dimensions, "#ImWithSam – Experiences of Hate Crime"*, 10 October 2016.
- 33 *"Sarah's Experience of Online Hate Crime"*, Leonard Cheshire, 11 May 2019.
- 34 Based on materials published in the *EDUCATION PACK. Ideas, resources, methods and activities for non-formal intercultural education with young people and adults*, Council of Europe, 2016.
- 35 *Hate Crime Laws: A Practical Guide* (Warsaw: OSCE/ODIHR, 2009), pp. 25-26.
- 36 EU, *"Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin"*, Official Journal L 180 , 19/07/2000 P. 0022 – 0026, article 1.
- 37 *Convention on the Prevention and Punishment of the Crime of Genocide. Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948*, 12 January 1951.
- 38 *Countering Terrorism, Protecting Human Rights. A Manual*, (Warsaw: ODIHR 2007); *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach*, (Warsaw: ODIHR 2014), p. 23.
- 39 *"Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, and Replacing Council Framework Decision 2001/220/JHA, Article 2, Point 1"*, Official Journal of the European Union, 2012.
- 40 *Jersey Evening Post, "Chinese People 'Too Scared to Venture out Alone' Amid Rising Coronavirus Abuse"*, 7 May 2020.
- 41 University of Leicester, The Centre for Hate Studies, *"Hate Crime: Identifying and Dismantling Barriers to Justice"*, p. 15.
- 42 Katelyn Thomas, *"'Go Back to Jamaica': Police Distinction between 'Hate Crime' and 'Hate Incident' Shocks and Angers Black Montrealer"*, 23 June 2020, *CTV News Montreal*.
- 43 Mary Kekatos, *"Black EMT, 18, Says She Was Sprayed with Lighter Fluid and Set on Fire in Horror Attack by Four White Men While She Was Sitting in Her Car at a Stoplight"*, *Daily Mail*, 26 June 2020.
- 44 *"Experiences and Perceptions of Antisemitism - Second Survey on Discrimination and Hate Crime against Jews in the EU. Survey Quotes"*, 2018.
- 45 *"Experiences and Perceptions of Antisemitism - Second Survey on Discrimination and Hate Crime against Jews in the EU"*, (Luxembourg: FRA 2018), p. 62.
- 46 NSU Watch, *"Listen to the Survivors! – Closing Statements of Survivors at the Halle Trial"*, *op. cit.*, note 16.
- 47 *Ibid.*
- 48 Emily Mertz, *"Another Black Muslim Woman Threatened at Edmonton Transit Station"*, *Global News*, 24 February 2021.



- 49 Muslim Engagement and Development (MEND) 2019, as reported to ODIHR.
- 50 *"From the European Association of Jehovah's Witnesses, Submission to the UN Human Rights Committee, Prior to the Adoption of the List of Issues, 132nd Session (28 June to 23 July 2021) France"* (The European Association of Jehovah's Witnesses, 3 May 2021), p. 12.
- 51 Racist Violence Recording Network (RVRN), Greece, 2020, as reported to ODIHR.
- 52 *"Hate Crime: Identifying and Dismantling Barriers to Justice"* (University of Leicester, The Centre for Hate Studies), p. 10.
- 53 *A Long Way to Go for LGBTI Equality*, (Luxembourg: FRA 2020).
- 54 Lewis Turner, Stephen Whittle & Ryan Combs, *"Transphobic Hate Crime in the European Union"*, *op. cit.*, note 9, p. 24.
- 55 Tobias Chapple, *"Transphobic Hate Crime Reports Have Quadrupled over the Past Five Years in the UK"*, *BBC News*, 11 October 2020.
- 56 Courtesy of GENDERDOC-M Information Centre, incident reported to ODIHR as part of the "Report on the Hate Crimes and Hate Incidents Based on Sexual Orientation and Gender Identity in the Republic of Moldova, Year 2020".
- 57 Mary O'Hara, *"Why Are the Police Failing Too Many Victims of Disability Hate Crime?"*, *The Guardian*, 29 June 2016.
- 58 *"Reports of Violent Disability Hate Crime Continue to Rise as Number of Police Charges Fall Again"* (United Response, 8 October 2020).
- 59 *"Disability Hate Crime Has Left Me Feeling Unsafe"*, *Leonard Cheshire*, 8 October 2020.
- 60 *Understanding the Needs of Hate Crime Victims* (Warsaw: ODIHR 2020), pp. 31-32.
- 61 Based on UN Committee on the Elimination of Racial Discrimination (CERD), *"Communication No. 46/2009 Opinion Adopted by the Committee on the Elimination of Racial Discrimination at its Eightieth Session, 13 February to 9 March 2012"*, 2 April 2012, p.5.
- 62 *Ibid.*
- 63 *Model Guidance on Individual Needs Assessments of Hate Crime Victims*, (Warsaw: OSCE/ODIHR, 2021).
- 64 *"Hate Crime: Identifying and Dismantling Barriers to Justice"*, *op. cit.*, p. 12, note 52.
- 65 Based on the ECtHR case of *Đorđević v. Croatia (Application no. 41526/10)*, Strasbourg, 24 July 2012.
- 66 Based on the ECtHR case of *Milanović vs Serbia case (Application no. 44614/07)*, Strasbourg, 14 December 2010.
- 67 *Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System* (Warsaw: OSCE/ODIHR 2021).
- 68 *Ibid.*
- 69 *"Compendium of Practices for Hate Crime"* (European Union Agency for Fundamental Rights).
- 70 The Netherlands – Discriminatie.nl found here: *Discriminatie*.
- 71 *Hate Crime Operational Guidance* (Coventry: College of Policing Limited, 2014).
- 72 United Kingdom National Police Chiefs' Council *"Information Sharing Agreement"*, 1 March 2015.
- 73 *"Facing Facts – Make Hate Crimes Visible"*, webpage.
- 74 *The State of Support Structures and Specialist Services for Hate Crime Victims – Baseline Report*, (Warsaw: OSCE/ODIHR, 2020).