NATIONAL COMPILATION PAPER - POLAND

SURVEYING THE NATURE AND SCALE
OF UNREPORTED HATE CRIMES
AGAINST MEMBERS OF SELECTED COMMUNITIES

Warsaw
30 JANUARY 2019

Contents

Abbreviations

CRM – Centre of Migration Research of University of Warsaw

LGBT – Lesbian, gay, bisexual and transgender

OCHR – Office of the Commissioner for Human Rights of the Republic of Poland

OSCE – Organization for Security and Co-operation in Europe

ODIHR – OSCE Office for Democratic Institutions and Human Rights

RDS – Respondent-driven sampling

Introduction

The purpose of this paper is to present the experience of conducting a victimization survey to assess the scale of hate crimes against selected communities in Poland, as well as the social and psychological consequences of such crimes. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the Commissioner for Human Rights of the Republic of Poland (OCHR) conducted the survey as part of ODIHR's project on "Building a Comprehensive Criminal Justice System Response to Hate Crime".

The document focuses on the organizational aspects of conducting the survey, including the key components of the process – from developing the grant application to reporting the survey results. In detailing this information, this paper aims to encourage other local, regional and national entities to carry out similar research projects. ODIHR and the OCHR took an innovative approach to the project by applying the - Respondent Driven Sampling (RDS) technique to collect survey data, which relies on study participants to recruit further respondents and analyses their social networks. As shown by the experience of conducting the survey in Poland, this data sampling technique has the ability to generate a serious public debate on the problem of hate crime under-reporting. Thus, collecting data in this way can contribute to developing a more effective and long-lasting criminal justice response to hate crimes across the OSCE region.

This paper begins by presenting the project and its partners, as well as the hate crime definition applied in the project. The background section presents basic official data on hate crimes and the results of a quantitative survey of victims of hate crime and victims of other crime.

The subsequent section contains information about the Respondent Driven Sampling technique for collecting and analysing data. In addition to describing how the RDS technique works, the paper demonstrates how it can be useful in studying communities vulnerable to hate crime.

The paper then goes on to map the stages of the project and the steps taken to implement it, as follows:

> Step 1: Designing and preparing the project.
> Step 2: Analysing national hate crime data and legislation.
> Step 3: Selecting the communities and types of crime covered by the survey.
> Step 4: Developing the terms of reference and contracting a service provider.
> Step 5: Conducting the formative study.
> Step 6: Holding a consultation meeting with selected representatives of the surveyed communities.
> Step 7: Conducting the RDS survey.
> Step 8: Data analysis and reporting.
> Step 9: Presenting the data.

Project partners

As part of its mandate, ODIHR assists OSCE participating States in addressing hate crimes as the most serious manifestations of intolerance. This includes raising awareness of the issue among government officials, civil society and international organizations, as well as supporting civil society efforts to monitor and report hate crimes.

Among many activities, ODIHR collects and publishes data on hate crime submitted by participating States, civil society and international organizations each year.[1] In addition, the Office runs several programmes for law enforcement and prosecutors aimed at improving criminal justice responses to hate crime.[2]

The Commissioner for Human Rights is the constitutional authority responsible for the legal control and protection of human rights in Poland.[3] The activities of the Commissioner are integral and independent from other state authorities, as defined by law. The Commissioner is appointed by the parliament (Sejm) and approved by the Senate for a five-year term. The Commissioner for Human Rights safeguards human and civic freedoms and rights specified in the Constitution and other legal acts. In order to fulfil this task, the Commissioner investigates whether actions undertaken – or not undertaken – by the entities obliged to observe and implement human and citizen rights and freedoms have not led to an infringement of the law or the principles of social coexistence and justice, and undertakes appropriate measures.

The Commissioner is also the national equality body upholding the principle of equal treatment by providing independent assistance to victims of discrimination in bringing complaints, conducting and publishing independent research on discrimination and issuing recommendations on problems related to discrimination.

Definition of a hate crime

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria: first, the act must constitute an offence under criminal law; second, the act must have been motivated by a bias.

Bias motivations are preconceived negative opinions, stereotypical assumptions, intolerance or hatred directed at a particular group that shares a protected characteristic, such as race, ethnicity, language, religion, nationality, sexual orientation, gender, mental or physical disability or other fundamental characteristic.

Hate crimes can include threats, property damage, assault, murder or any other criminal offence committed with a bias motivation. Hate crimes do not only affect individuals from specific groups. People associated with a group that shares a protected characteristic or people

---

[1] The data are published each year on ODIHR's Hate Crime Reporting Website: <www.hatecrime.osce.org>.
[2] "ODIHR's Efforts to Counter Hate Crime", OSCE/ODIHR, <https://www.osce.org/odihr/68668?download=true>.
[3] Website of the Commissioner for Human Rights of the Republic of Poland, <https://www.rpo.gov.pl/en/content/commissioner-human-rights>.

perceived to be members of such groups, as well as the property associated with these groups, can also be targets of hate crimes and can include human rights defenders, community centres or places of worship.[4]

Hate crimes affect the security of individuals, communities and societies as a whole. Effective responses to hate crime are necessary to prevent such crime from posing a serious security challenge. In extreme situations, they can lead to conflicts within and across national borders.

Project on "Building a Comprehensive Criminal Justice Response to Hate Crime"

ODIHR's project on "Building a Comprehensive Criminal Justice Response to Hate Crime" aims to strengthen co-operation among, and develop the skills of, criminal justice actors in the OSCE region in order to ensure a unified response to hate crime that also engages civil society. As part of the project, ODIHR has developed and disseminated a comprehensive set of tools to assist criminal justice actors in the fight against hate crimes.[5]

Tools developed within the project cover issues ranging from the training of police officers and prosecutors, improving hate crime data collection by criminal justice actors and developing inter-agency co-operation plans to address the problem.

In Poland, the project implemented an innovative methodology for mapping hate crimes by conducting a victimization survey of selected communities to obtain data on "invisible" hate crimes. The main objective of the project activities was to estimate the number of hate crimes against selected communities using the Respondent Driven Sampling technique, and to verify the effectiveness and accuracy of this technique when conducting research into the true scale of hate crimes in the OSCE region.

The outcomes and experiences of project activities were presented and discussed at a national workshop and will contribute to the development of toolkits – including training packages, methodologies and guidelines – on the topic of addressing hate crimes. ODIHR will present the final products and share them among practitioners and policymakers to as valuable resources by criminal justice actors across the OSCE region.

The project was funded by the European Commission under the Rights, Equality and Citizenship Programme and the United States.

---

[4] "What is hate crime", ODIHR Hate Crime Reporting website, <http://hatecrime.osce.org/what-hate-crime>.
[5] For more information, see: "Building a Comprehensive Criminal Justice Response to Hate Crime", ODIHR website, <https://www.osce.org/projects/criminal-justice-response-hate-crime>.

Background

National legislation

Poland's Penal Code does not contain a definition of hate crime, nor does it explicitly provide higher penalties for all crimes motivated by bias. Article 53 of the Penal Code defines the general principles of punishment applicable to all offences and requires courts to take into account the motivation of the perpetrator. However, this provision does not specifically provide higher penalties in the case of bias-motivated crimes involving, for example, the destruction of property.

However, the Penal Code contains certain provisions providing for separate criminal liability for some crimes motivated by bias.[6] Article 119 of the Penal Code provides for criminal liability for the use of violence and threat based on the victim's national, ethnic, racial, political and religious affiliation. This special provision relates to other provisions that introduce criminal liability for the general use of violence or threats included elsewhere in the Penal Code. Similarly, Article 257 of the Penal Code provides for punishments for physical attack and insulting a group or individual based on their national, ethnic, racial and religious affiliation. In addition, the Penal Code also contains provisions on acts of homicide and mass attacks against a national, ethnic, racial, political, religious group or group with a defined worldview committed with the intent to destroy such groups (Article 118).

The Penal Code also contains several provisions on hate speech. Article 126a of the Penal Code prohibits incitement to the offences included in Article 118, as well as incitement to violence and threats based on the victim's national, ethnic, racial, political or religious affiliation. Article 256, paragraph 1, provides for criminal liability for publicly promoting a fascist or other totalitarian regime and for inciting hatred based on national, ethnic, race or religious differences, while paragraph 2 of the same article prohibits the possession of such materials. Article 255 contains a general prohibition of incitement to commit a crime or its praise.

Polish hate crime legislation does not include all of the protected characteristics of hate crimes applied by ODIHR.[7] In particular, it does not protect against attacks based on the victim's sexual orientation and gender, or disability. The legislation also does not declare the participation in racist and xenophobic organizations as an offence as required by Article 4b of the Convention on the Elimination of All Forms of Racial Discrimination.[8] Finally, Polish legislation does not include provisions expressly treating bias motivation as an aggravating circumstance that increases sentences.

---

[6] "The Criminal Code", 6 June 1997,
<https://www.legislationline.org/download/action/download/id/7354/file/Poland_CC_1997_en.pdf >.
[7] "What is hate crime", *op. cit.*
[8] International Convention on the Elimination of All Forms of Racial Discrimination available at:
<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

Efforts to address hate crime

The project focused on the issue of estimating the scale of hate crimes and hate crime under-reporting – a major problem affecting all OSCE participating States that must be addressed in order to effectively combat such crimes. Public debate on the issue in Poland is based on official data provided mainly by the Prosecutor's Office, but also by the Ministry of the Interior and the police. The most frequently cited statistics provided by the Prosecutor's Office reflect the dynamic growth in such crimes since 2012 (see Figure1, below). These numbers include both hate crimes and crimes related to hate speech, including those committed on the internet. These figures underscore the urgent need to address the problem with hate crime in Poland.

Figure 1. Number of hate crimes cases opened each year. Source: National Public Prosecutor's Office, <https://pk.gov.pl/dzialalnosc/sprawozdania-i-statystyki/>.
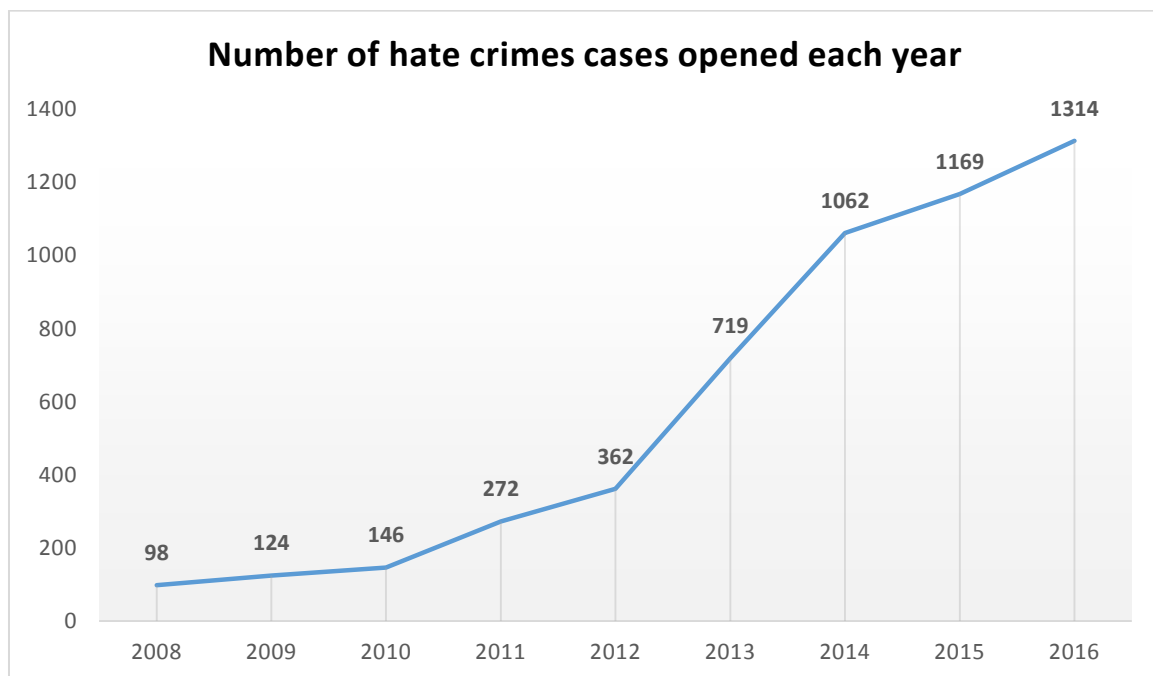
These figures are relatively low compared to the number of hate crime cases recorded in other European Union countries, as well as compared to the total number of crimes recorded in Poland. The figures presume, therefore, that the under-reporting and under-recording of hate crimes remains a particular problem in Poland. The Ministry of Interior conducted the first Police training programmes focused on hate crime in the country only in 2009, while larger scale training programmes from 2012 as part of preparations for the European Football Championship co-hosted by Poland and Ukraine. Between 2013 and 2015, projects that included hate crime monitoring, found an increase in the number of hate crimes reported.

Since 2006, the Ministry of Interior and Administration has co-operated with ODIHR to implement training programmes for police officers on preventing and combating hate crimes. The new version of the programme – Training Against Hate Crimes for Law Enforcement

(TAHCLE) – was created to update an earlier version (the Law Enforcement Officer Programme, or LEOP), and has been delivered to police officers across the country. The aim of the TAHCLE programme is to improve the competence of police officers in responding to hate crimes, including by providing them with the skills necessary to deal with victims of such crimes.[9] The programme also trains police officers to recognize and properly detect hate crimes, while also strengthening hate crime prevention activities. The training programme is ongoing will continue in the future. By the end of 2017, almost 104,000 officers attended the programme.[10]

On 26 February 2014, the Prosecutor General issued guidelines on conducting proceedings in hate crimes cases in order to establish uniform practices in the conduct of criminal proceedings for crimes committed based on the victim's nationality, ethnicity, race, political affiliation, religion or lack of religious affiliation, and irrespective of the legal classification of the offence. In doing so, the guidelines aimed to eliminate any irregularities in criminal proceedings and to ensure that the criminal justice system handles each hate crime properly. Prosecutors dealing with hate crime proceedings are obliged to inform their superiors about the nature of the case and the significant circumstances and actions connected with it.

Since 2015, Poland's National School of Judiciary and Public Prosecution has co-operated with ODIHR in implementing the Prosecutors and Hate Crimes Training (PAHCT) programme.[11] In September 2015 and March 2016, ODIHR trainers delivered the PAHCT training session. The PAHCT curriculum not only covers substantive issues but also includes a methodology to facilitate the training of trainers, so that individual participants can go on to train other prosecutors.

Since 2015, the National Police Headquarters in co-operation with the Ministry of Interior and Administration have organized specialized workshops on combating crimes motivated by racism and xenophobia for police officers from criminal investigation units that conduct activities related to tackling hate crimes. Between 2015 and 2017, 119 police officers attended the workshops, in addition to representatives of the Internal Security Agency, border guard and military police.[12]

In 2015, the police and the Ministry of the Interior launched a modern hate crime data collection system that allows for a detailed analysis of the nature and scale of hate crimes. The Ministry updates the system each month in order to enable the quick identification of new trends. For example, during the refugee crisis in mid-2015, the system identified a sharp uptick in the number of hate crimes committed against Muslims in Poland. In 2016, the

---

[9] See: *Training Against Hate Crimes for Law Enforcement (TAHCLE): Programme Description* (Warsaw: OSCE/ODIHR, 2012), <https://www.osce.org/odihr/tahcle>.

[10] Response of the Minister of Internal Affairs and Administration to parliamentary question no. 18534, Polish Parliament website, 15 February 2018, <http://www.sejm.gov.pl/sejm8.nsf/InterpelacjaTresc.xsp?key=65C7DD44>.

[11] See: *Prosecutors and Hate Crimes Training (PAHCT): Programme Description* (Warsaw: OSCE/ODIHR, 2014), <https://www.osce.org/odihr/pahct>.

[12] Response of the Minister of Internal Affairs and Administration to parliamentary question no. 18534, Polish Parliament website, 15 February 2018, <http://www.sejm.gov.pl/sejm8.nsf/InterpelacjaTresc.xsp?key=65C7DD44>.

European Union Agency for Fundamental Rights singled out the data collection system as a good practice.[13]

In 2016, the Commissioner for Human Rights conducted a study on the psychological and social consequences of hate crime, including a survey of selected groups targeted by such crime.[14] The aim of the study was to test the tool used to measure hate crime under-reporting, as well as to analyse hate crime characteristics and the surveyed communities' trust in police. The following groups were surveyed: people over 40 years of age, LGBT persons, people with disabilities, people of minority ethnic or national origin, and a control group consisting of people of Polish nationality who do not belong to any of the groups specified above. The groups were asked whether they had experienced one of the following in the last five years: physical attacks or other violation of bodily integrity, damage to property, threats or insults. The respondents were asked about their experience of such incidents, the perceived motivation of the perpetrators and their psychological well-being. Since only crime victims were selected for the survey, the study was unable to provide information on the frequency of specific types of crimes in relation to specific groups, although the research results demonstrated that it is relatively easy to find people from different groups who have experienced such crimes.

According to the results of the study, hate crimes are most often motivated by bias against people of different ethnic or national origin and LGBT persons, followed by bias against people with disabilities and people over 40 years of age . The psychological and social consequences for the victims of bias-motivated crimes (especially LGBT persons and those of different ethnic or national origin) are significantly more serious than in the case of similar crimes not motivated by prejudice. Thus, hate crime victims were found to experience more severe post-traumatic stress disorder symptoms and less support and acknowledgement of the harm by society. This study by the Commissioner for Human Rights inspired the research carried out as part of the present project.

---

[13] "Hate Crimes Recording System", EU Agency for Fundamental Rights, <http://fra.europa.eu/en/promising-practices/hate-crimes-recording-system>.

[14] "Raport 'Przestępstwa motywowane uprzedzeniami. Analiza i zalecenia' [Report on crimes motivated by prejudice: analysis and recommendations]", website of the Commissioner for Human Rights, <https://www.rpo.gov.pl/pl/content/raport-przestepstwa-motywowane-uprzedzeniami-analiza-i-zalecenia>.

Respondent-Driven Sampling as a research technique for collecting and analysing data

Some communities can be described as "hidden" populations, as researchers do not have a list of community members from which to draw survey respondents. Researchers' access to hidden populations can be impeded by two factors: first, no sampling framework exists, so the size and boundaries of the population are unknown; and second, the presence of strong privacy concerns, such as where the group is stigmatized and/or where its members' residence status is irregular, making individuals reluctant to co-operate or causing them to give unreliable answers to protect their privacy.[15] Such problems are often encountered when attempting to survey undocumented migrants, who may avoid taking part in a survey for fear of disclosing their residence status or providing false answers. At the same time, migrants are particularly vulnerable to hate crimes and especially affected by the problem of hate crime under-reporting.

The Respondent-Driven Sampling (RDS) technique overcomes these challenges to allow for a quantitative survey that is also representative of members of the hidden population. This technique finds its theoretical justification in the theory of social networks, which sees networks as the building blocks of society. The theory of social networks has been repeatedly confirmed empirically. The psychologist Stanley Milgram showed that, in the United States, each individual could contact any other person through an average of six people. Milgram's study developed the principle known as "six handshakes" or "six degrees of separation".[16]

Translated into research practice, the implication of this theory is that if the surveyed population is networked then it is possible to reach all its members from a single survey respondent. Therefore, each member of the population has an equal opportunity to be included in the sample. The RDS technique was developed based on this theory. In the RDS technique, the sample is selected according to the snowball rule, so that initial survey respondents are asked to recruit further respondents from their network of contacts. A questionnaire interview is carried out with the respondents recruited for the survey, and then they are asked to recruit more people for the study. In this way, during the study a fragment of the social network of the survey's target population is reproduced. By calculating the weights and coefficients of variables, various types of biases related to the adopted sampling method can be controlled and, once an appropriate number of respondent interviews have been conducted, the data obtained are representative of the entire target population.

The main objection to the snowball sampling technique is that the arbitrary selection of the first respondents can make a survey unrepresentative. Thus, the sample is undermined by homophily, according to which people predominantly interact with others of similar social and demographic characteristics. In the case of an RDS survey, however, this effect is controlled by special indicators, and the decision to conclude the survey is made after eliminating the impact of selection bias on the obtained results.

Typically, the RDS technique achieves equilibrium with fewer respondent interviews in cases where survey respondents have different demographic characteristics and the recruitment

---

[15] D. Heckathorn, "Respondent-Driven Sampling: A New Approach to the Study of Hidden Populations", *Social Problems*, Vol. 44, No. 2, May 1997, p. 174-199.
[16] S. Milgram, "The Small World Problem", *Psychology Today*, Vol. 2, May 1967, pp. 60-67.

chain is long. This means that the survey benefits from having fewer initial respondents (the so-called seeds) and a long recruitment chain, rather than inviting more respondents at the beginning of the survey and keeping the recruitment chains short. Unfortunately, the number of necessary interviews remains unknown when the fieldwork begins. That is why it is so important to constantly analyse the progress of the fieldwork and to choose the first survey respondents appropriately.

It should be added that, in order to motivate respondents to take part in the study, they can be rewarded both for their participation in the interview and for effectively recruiting other respondents. It should also be emphasized that quantitative research must be preceded by a formative study to verify whether the target population is properly networked, to clarify the scope of the population and to identify its social situation. The formative study is also an opportunity to gather practical insights, including the opening hours of research centres, the languages spoken by respondents and the existence of any subgroups within the community (such as students, highly qualified professionals and manual labourers).

The RDS technique allows quantitative research to be conducted among populations that classic social surveys cannot reach thus researchers are restricted to conducting qualitative research among marginalized communities. Another advantage of the RDS technique is that it can control for the homophily effect and allow researchers to monitor the social network parameters of survey respondents. By relying on respondents to recruit others to the survey, the RDS technique allows researchers to include hard-to-reach members of the population who usually do not take part in classic social studies. The disadvantages of the RDS technique include the relatively high cost of conducting such surveys, owing to the need to provide respondents with incentives for participating in and recruiting others to the study. The RDS technique also requires that fieldwork be planned very thoroughly and that progress be closely monitored. In addition, during fieldwork, respondents' networks must be analysed and calculations made, while the survey response rate is also difficult to monitor. Finally, it is necessary to verify whether those applying to participate in the research meet the sample selection criteria.

Step 1. Designing the project

The project was designed as a part of a grant application to the European Commission. This required defining the concept of the project while leaving sufficient flexibility to allow for the innovative nature of the research. Due to the lack of similar projects on which to base the research, the project proposal could not draw on the experience of other organizations.

For these reasons, the project proposal contained just three tasks:

1) Preparing a pilot survey on unreported hate crimes in Poland.

2) Developing the methodology for mapping unreported hate crimes in Poland.

3) Conducting the pilot survey on unreported hate crimes in Poland.

To prepare for the pilot survey, the Office of the Commissioner for Human Rights conducted initial research, prepared terms of reference and documentation and provided expert advice to ODIHR for the open selection of a service provider (a research agency) to conduct the survey. To simplify the process, ODIHR undertook procuring the service provider, while the Office of the Commissioner for Human Rights supervised the service provider's substantive work through its expert staff, which included a research expert hired as part of the project.

The second task was to agree on the methodology for mapping unreported hate crimes in Poland. Once a service provider was selected, a consultation meeting was held to combine expertise on quantitative research methodologies with knowledge on countering hate crimes, as well as to collect insights and tips regarding the communities selected for the survey. The role of the meeting was also to discuss the scope of the research and to outline the content of the survey questionnaire, as well as to conduct a preliminary test of the questionnaire.

The third task involved conducting the pilot survey on unreported hate crimes in Poland. This included recruiting and training specialist staff to conduct the survey in the relevant languages and at various locations. The survey results were then analysed using advanced statistical models for each survey group with the aim of estimating the scale of hate crime under-reporting. OCHR and ODIHR tasked the service provider with presenting the findings and submitting a survey report.

It should be noted that when preparing the grant application, the specific communities to be included in the survey had not yet been selected. At this stage, the surveyed groups were identified according to the different categories of bias motivation (nationality, religion and race/skin colour). Due to the specifics of the RDS technique, information on the number of interviews to be conducted was also not provided. The challenge was to design the budget so that all cost categories would be taken into account. The following costs were foreseen: compensation for respondents; translation costs; higher than usual remuneration for interviewers (due to their involvement in recruiting other respondents); costs associated with the longer duration of the fieldwork; the cost of printing materials necessary for the RDS technique (including coupons used to recruit respondents); and the higher than usual cost of co-ordinating the research. Additional expenses were budgeted for to reflect the additional time required for researchers who may not be proficient in applying the RDS technique and in using the relevant software.

Proper budgeting is extremely important to the success of the entire project. Due to the limited experience of many research agencies in carrying out such RDS research projects, negotiations should be held with potential service providers to ensure that they fully account for the above costs, in order to maintain the scope of the study.

It should also be noted that the most significant expense associated with RDS surveys is the cost of reaching respondents. Therefore, when designing the project, it is worth making sure that effective contact can be made with the communities being surveyed.

## Step 2. Analysing national hate crime legislation and data

The research project began with an analysis of official data on hate crimes. In Poland, such data are collected by the National Public Prosecutor's Office and the Ministry of the Interior and Administration, which supervises the police.

Hate crime figures presented by the prosecutor's office were slightly higher than those provided by the police. This was a result of different methodologies (data provided by the prosecutor's office includes cases that did not lead to criminal proceedings), as well as features specific to Polish criminal procedure. At the same time, data provided by the Ministry were very detailed, allowing for a complex statistical analysis of raw data.

By analysing the nature and scale of hate crimes recorded in official data, it should be possible to obtain basic information on their frequency, the most prevalent bias motivations and the types of offences committed under a country's criminal law. Such data on the total number of hate crimes against a vulnerable group and on the types of these crimes allow researchers to make informed decisions when selecting the group to be included in the study or determining the sample size. In addition, data on the types of crime committed can determine the most appropriate research method; for example, where the most prevalent incidents feature crimes in which the primary target is not an individual but an entire community (such as related to hate speech, vandalism or the desecration of cemeteries), a research method other than victimization surveys might be applied.

Figure 2. Number of hate crime cases against specific communities in 2016, including crimes related to hate speech.
Source: National Public Prosecutor's Office, <https://pk.gov.pl/dzialalnosc/sprawozdania-i-statystyki/>
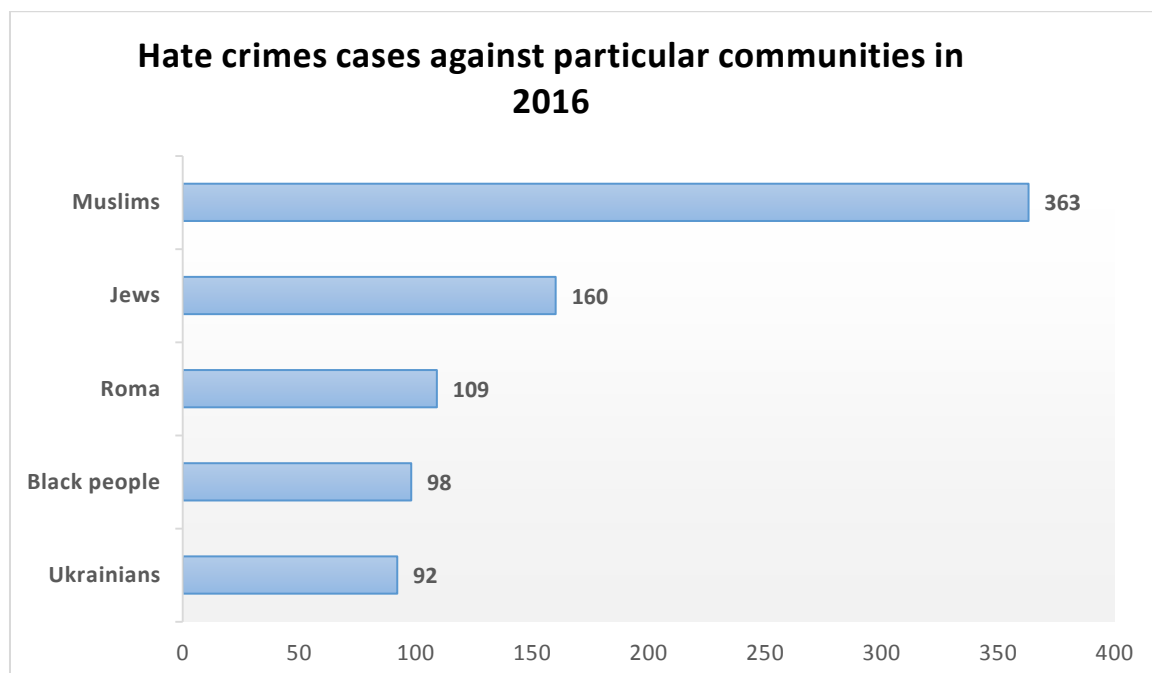
According to a 2016 report by the National Public Prosecutor's Office, hate crimes in Poland are most often committed against Muslims, Jews, Roma and people of African descent.[17] This suggests that these communities should be included in research on hate crimes. In order to determine what types of crime were most often committed against particular vulnerable communities, data from a 2016 report by the Ministry of the Interior and Administration were also analysed. The data included both narrowly understood hate crimes and those included in the Polish Penal Code, such as incitement to violence, incitement to hatred and public insults based on the victim's ethnic, national, racial or religious affiliation, including those committed online. The data were disaggregated according to the legal classification of the offence and on the groups targeted by hate crime. Thus, according to the report covering 2016, the most frequently reported hate crime involves hate speech posted online (44 per cent of all crimes, usually directed at whole communities and not individuals); offensive graffiti in public spaces (17 per cent); direct verbal insults (11 per cent); offensive slurs, gestures or presenting a hateful flag or banner (7 per cent); threats (6 per cent); and use of violence (5 per cent). Less frequently reported were damage to property (2 per cent), physical attacks against the victim (2 per cent), hateful publications and articles (2 per cent), and offensive posters, leaflets or stickers (2 per cent).

Table 1. Hate crimes (including hate speech) by motivation and type of crime.
Source: Ministry of the Interior and Administration (accessed on 05/09/2018), <https://www.spoleczenstwoobywatelskie.gov.pl/sites/default/files/analiza_mswia_policja.pdf>

		Groups targeted by hate crime as percentage (%) of total hate crime cases							
		Black and multiracial people	Muslims	Ukrainians	Roma	Catholics	Muslims	Russians	Jews
Type of offence as percentage (%) of total hate crimes	Online hate speech	39	57	42	71	50	53	0	63
	Offensive graffiti in public spaces	13	4	6	4	15	15	50	27
	Direct verbal insults	27	16	19	10	0	4	5	1
	Damage to property	2	3	3	0	23	1	36	2
	Offensive slurs, gestures or flags/banners	6	12	11	3	0	15	5	4
	Threats	11	8	6	10	4	5	0	1

[17] *Wyciąg ze sprawozdania dot. spraw o przestępstwa popełnione z pobudek rasistowskich, antysemickich lub ksenofobicznych prowadzonych w 2016 roku w jednostkach organizacyjnych prokuratury [Extract from the report on cases of offenses committed from racist, anti-Semitic or xenophobic motivation conducted in 2016 in the organizational units of the prosecutor's office]* (Prokuratura Krajowa, 2017), <https://pk.gov.pl/dzialalnosc/sprawozdania-i-statystyki/wyciag-ze-sprawozdania-dot-spraw-o-przestepstwa-popelnione-z-pobudek-rasistowskich-antysemickich-lub-ksenofobicznych-prowadzonych-w-2016-roku-w-jednostkach-organizacyjnych-prokuratury/>.

Use of violence	8	9	11	3	0	3	0	0
Other	2	0	3	3	4	3	5	2
Physical attacks	8	5	6	0	0	0	0	0
Other insults	1	1	0	1	8	1	5	1
Insults via mass media, including online	2	3	0	4	4	1	0	0
Hateful publications and articles	0	1	6	1	0	1	0	3
Offensive posters, leaflets or stickers	0	0	3	0	0	4	0	1

The data contained in Table 1 demonstrates that particular groups are targeted by certain types of crime. Given that some types of crimes are committed more often, and that some motivations are more frequent, the data must be standardized so that the sum of values in columns and rows is zero per cent (Table 2).

Table 2. Hate crimes (hate speech included) by motivation and types of crime (standardized)
Source: Ministry of the Interior and Administration (accessed on 05/09/2018),
<https://www.spoleczenstwoobywatelskie.gov.pl/sites/default/files/analiza_mswia_policja.pdf>.

		Groups targeted by hate crime as percentage (%) of total hate crime cases (standardized)							
		Black and multiracial people	Muslims	Ukrainians	Roma	Catholics	Muslims	Russians	Jews
Type of offence as percentage (%) of total hate crimes (standardized)	Online hate speech	0	6	-3	17	14	9	-65	22
	Offensive graffiti in public spaces	-2	-26	-19	-18	12	5	27	21
	Direct verbal insults	20	18	14	17	-47	-9	10	-24
	Damage to property	-17	-8	-13	-35	44	-21	51	-1
	Offensive slurs, gestures or flags/banners	0	14	7	-12	-46	21	11	4
	Threats	15	10	1	23	3	4	-37	-19

Use of violence	22	26	24	5	-29	0	-24	-24
Other	-12	-38	-8	6	17	1	29	4
Physical attacks	34	25	25	-19	-17	-24	-12	-13
Other insults	-14	-13	-37	-4	41	-9	35	2
Insults via mass media, including online	-1	8	-32	27	28	-5	-12	-13
Hateful publications and articles	-26	-5	28	3	-14	-2	-10	26
Offensive posters, leaflets or stickers	-19	-18	12	-10	-8	31	-3	15

Standardizing the data made it possible to identify the types of crimes most often committed against particular groups. Thus, crimes most frequently committed against people of African descent and Muslims include physical attacks, the use of violence and insults made in person (direct insults). Similar types of crime target Ukrainians, in addition to the preparation or dissemination of hateful publications and articles. In the case of Roma, the most frequently recorded incidents include threats and insults made in person, as well as via mass media and online. With regard to Catholics, the most frequent offences were insults (including graffiti in cemeteries) and damage to property (including the desecration of places of worship). Similar crimes were committed against Russians, including insulting comments directed at the group posted online. Jewish people are primarily subject to hate speech disseminated in publications and articles and posted on the Internet, as well as attacks against property, including anti-Semitic graffiti in public spaces.

Step 3. Selecting the communities and types of crime covered by the survey

As noted above, a victimization survey is not appropriate for crimes targeting entire communities, but rather for those targeting individuals. When crimes affect entire communities – such as hate speech on internet or the desecration of public spaces – a single crime is likely to be reported multiple times (such as when the crime is widely reported in the media) or not at all (such as when an incitement to hatred against the community is posted on websites rarely visited by members of the community). Therefore, victimization surveys should only be used to research crimes that are directed at individual members of the community, such as the use of violence or physical attacks against a person.

Taking into account the above-mentioned data, crimes committed against individuals mainly target people of African descent, Muslims and Ukrainians. With regard to Roma, however, it should be noted that the Roma in Poland predominantly live in isolated communities, and crimes targeting them can be better researched using techniques other than RDS. Meanwhile, the Jewish community in Poland is relatively small, and most anti-Semitic incidents involve incitement to hatred and insults posted online, as well as the desecration of graves in Jewish cemeteries. Therefore, conducting victimization surveys among the Jewish community could produce misleading results.
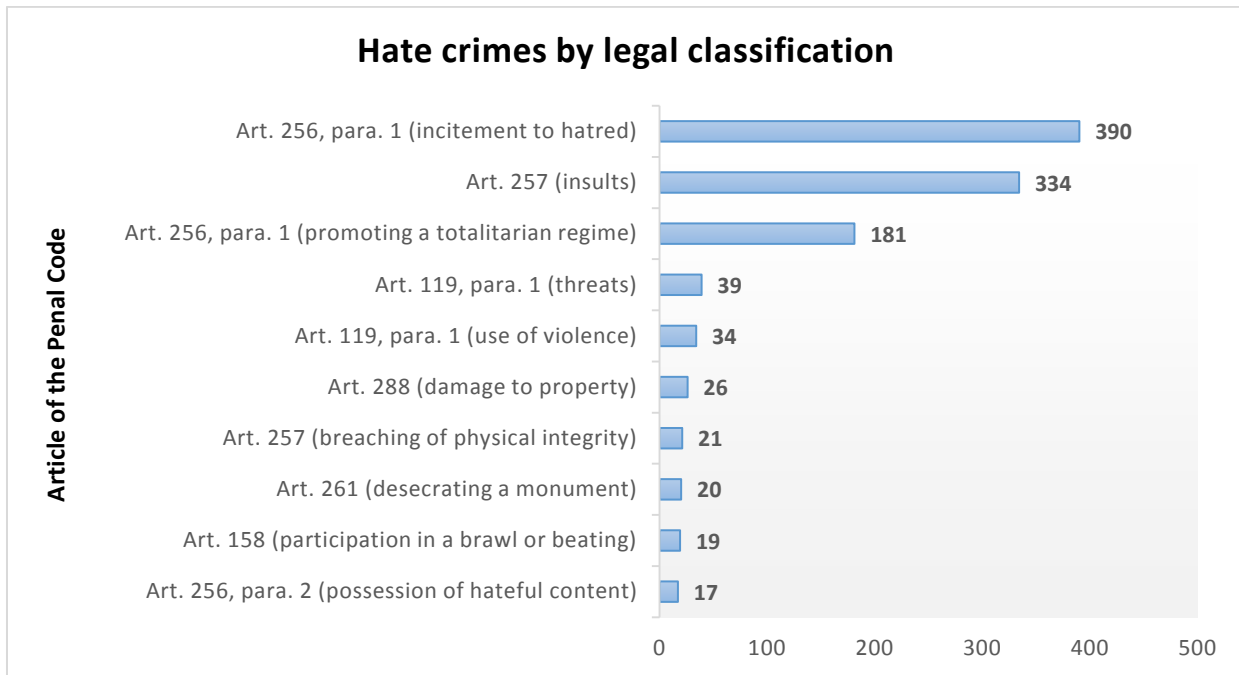
With regard to crimes motivated by racism, xenophobia and anti-Muslim bias, the RDS survey in Poland collected data on the basis of respondents' country of origin and not on their skin colour or religious identifiers (such as the hijab), even though such features may have been used by a perpetrator to select their victim. This is because the RDS technique requires that the surveyed population be part of the same network, and research has shown that migrants form social networks based primarily on their place of origin, and not on their skin colour or religion. Therefore, the RDS research conducted in Poland surveyed people of African descent (those from sub-Saharan African countries), Muslims (those from Arab countries) and Ukrainians.

As part of the research, official hate crime data were also analysed in terms of the legal classification of such crimes. Such data are obtainable from both the National Public Prosecutor's Office and the Ministry of the Interior and Administration.

Figure 3. Hate crimes (including hate speech) by legal classification.
Source: Ministry of the Interior and Administration (accessed on 05/09/2018),
<https://www.spoleczenstwoobywatelskie.gov.pl/sites/default/files/analiza_mswia_policja.pdf>.

Hate crimes by legal classification

Article of the Penal Code	Count
Art. 256, para. 1 (incitement to hatred)	390
Art. 257 (insults)	334
Art. 256, para. 1 (promoting a totalitarian regime)	181
Art. 119, para. 1 (threats)	39
Art. 119, para. 1 (use of violence)	34
Art. 288 (damage to property)	26
Art. 257 (breaching of physical integrity)	21
Art. 261 (desecrating a monument)	20
Art. 158 (participation in a brawl or beating)	19
Art. 256, para. 2 (possession of hateful content)	17

Article 256, paragraph 1, of the Penal Code is the legal classification most often used to initiate criminal proceedings in hate crime cases. To the extent that the article penalizes incitement to hatred, 390 proceedings were initiated in 2015, while to the extent to which it penalizes the promoting a totalitarian regime, 181 proceedings were conducted.

The next most frequent basis for initiating criminal proceedings in hate crime cases is Article 257, paragraph 1, of the Penal Code. The article has been used to initiate 334 proceedings to the extent that it penalizes insults, and 21 proceedings to the extent that it penalizes physical attacks. More information on the articles of the Penal Code used to initiate criminal proceedings in hate crime cases can be found in Figure 3. The above data refer both to articles that appear alone and those that apply in conjunction with other articles of the Penal Code.

If crimes related to hate speech are excluded from the above legal classifications (since hate speech is usually directed at entire groups), the following hate crimes are covered by Poland's Penal Code:

1. Threats
2. Use of violence
3. Damage to property
4. Physical attacks
5. Direct verbal insults

Based on this analysis, the above crimes were included in the survey questionnaire. Sexual assault was also included owing to the assumption that its reporting rate would be low and due to the gender dimension of the crime.

Step 4. Developing the terms of reference and contracting a service provider

Determining the scope of the study

One of the biggest challenges of the research project was in developing detailed terms of reference with which to contract a service provider to carry out the survey. It was important to ensure that the research agency selected for the role had sufficient experience in implementing RDS projects. Thus, almost all the major decisions regarding the project's methodology had to be taken when developing the terms of reference.

In order to gather knowledge and experience, the OCHR established co-operation with the Centre of Migration Research of the University of Warsaw (CMR), which had previously conducted economic research using the RDS technique. As part of this co-operation, CMR expert Agata Górny, PhD, reviewed the draft methodology and took part in the work of the committee tasked by ODIHR with contracting a service provider. This co-operation resulted in CMR including questions relating to hate crimes within the Chinese, Ukrainian and Vietnamese communities in their own RDS research, while the OCHR included questions prepared by CMR in the questionnaire used in the project. On 4 December 2017, an agreement was signed between the Commissioner for Human Rights and CMR to enable the implementation of joint research projects, provide mutual assistance and exchange experience and statistical data. The agreement not only refers to the ongoing research project, but also to other initiatives undertaken by OCHR and CMR in the future.

The objectives of the research project were defined as follows:

1) Evaluate the magnitude of hate crimes in the country and develop a typology of the groups covered by the study.

2) Conduct a segmentation of the surveyed communities according to their experience of hate crimes and identify particularly vulnerable groups.

3) Identify the reasons for hate crime under-reporting, including barriers to reporting such crimes to law enforcement agencies.

4) Identify the impact of hate crimes on victims, their families and communities.

5) Identify the needs of hate crime victims.

In defining the scale and types of hate crime, the project also set out to compare the survey findings with data from the Ministry of the Interior and Administration on the number of hate crime cases committed against members of the surveyed groups.

The contract with the service provider on conducting the research project included the following:

1) preparing the final research methodology;

2) preparing the questionnaire and all materials necessary to conduct the RDS survey, including recruitment coupons, in co-operation with the OCHR;

3) conducting a qualitative formative study and the RDS survey, and submitting data as it is collected during fieldwork and monitoring the survey's progress;

4) creating an electronic database of quantitative results in the SAV format, according to the requirements described in the terms of reference;[18]

5) drafting a report on the survey; and

6) preparing infographics summarizing the key findings of the research project.

Formative study

Potential service providers were given a large degree of flexibility in terms of the design of the formative study – a qualitative preliminary study that precedes the RDS survey. The contract noted that the formative study aimed to determine the feasibility of conducting an RDS survey among the groups to be surveyed. In particular, the formative study allowed researchers to evaluate the size and density of community networks and the frequency of social interactions within the group. It also set out to identify the community-defining parameters (such as affiliation with a religious, national or regional association), respondents' daily routines, the languages spoken by respondents and any subgroups within the community. The contract also noted that the formative study should determine the method used to select first respondents (the "seeds"), convenient opening hours for the research centre, an appropriate mode of compensation for respondents (taking into account the culture of the surveyed groups) and any other aspects of the community that may affect the results of the RDS survey.

Potential service providers were free to choose the methods for conducting the study, which could include in-depth interviews, focus group interviews or other ethnographic research techniques, such as participant observation, diary studies and day-in-the-life ethnographies (whereby researchers spend time with study participants to observe their behaviour). Potential service providers were required to clear any interview tools – such as the use of interview scenarios – with the OCHR in advance.

RDS survey

The terms of reference described the major rules for conducting the RDS survey, including on recruiting a set of initial respondents ("seeds") who would go on to recruit three people to undergo the same interview. At this stage, the respondents would receive coupons in order to recruit three more people to the study. The terms of reference required the service provider to monitor the recruitment process. In particular, the service provider was tasked with ensuring that recruited respondents do not take part in the interview earlier than two days after the person who recruited them has done so. This was to prevent respondents who are more available than others (such as students) from being over-represented in the survey.

---

[18] SAV is a file extension used for the saved data of the Statistical Package for the Social Sciences, which is a software platform used for advanced statistical analysis.

Furthermore, research staff were tasked with verifying whether respondents are members of the surveyed community, and to arrange interviews in a research centre. It was also permitted to hold interviews outside the research centre provided there was a justification for doing so.

As noted above, the RDS technique makes it impossible to determine the number of interviews required before fieldwork begins. However, to help potential service providers calculate the research costs, the terms of reference indicated an approximate range of between 200 to 350 interviews per community. In line with the terms of reference, recruitment would be brought to an end either when the obtained sample had reached a stable composition or when a maximum target sample size has been reached. The decision to stop recruiting respondents was to be made in consultation with the OCHR.

Research tool

The research tool was to be developed by the service provider in close co-operation with the OCHR. The service provider was permitted to conduct Computer Assisted Personal Interviews (CAPI) or Paper & Pen Personal Interview (PAPI). The time required to respond to the questionnaire was estimated to be about 30 minutes.

Compensation for respondents

The terms of reference required the service provider to give each respondent 40 Polish zlotys (approximately 10 Euros) for their participation in the survey and 20 Polish zlotys (approximately 5 Euros) for effectively recruiting one person to the study. Each respondent would receive two coupons to give to the respondents recruited by them. The terms of reference also noted that the respondents of the last recruitment wave should be paid compensation without recruiting respondents to the study, since they would not receive recruitment coupons. The compensation was to be paid in cash or equivalent, including coupons or vouchers. The terms of reference noted that the exact form of compensation would be determined before fieldwork began based on the results of the formative study and in agreement with ODIHR and the OCHR.

The terms of reference also provided a system for settling compensation. Accordingly, coupon numbers would be registered on a special list and marked with serial numbers, which were also entered into an electronic database containing the survey results.

Language issues

In line with the terms of references, the working language of the research was English, while the languages used in the survey interviews included English, French, or Polish for respondents from Arab and sub-Saharan African countries, and Polish, Russian, or Ukrainian for those from Ukraine.

Since the CRM had already planned an RDS survey among Ukrainians in Warsaw, it was decided to conduct this part of the survey in another city. Therefore, the terms of reference indicated that the final decision as to where to conduct the survey would be made in consultation with the service provider and the OCHR.

The terms of reference also included a general consultation clause, according to which the service provider was required to consult with ODIHR and the OCHR before making any arrangements that could affect the results obtained.

In line with the terms of reference, the service provider was also required to allow a representative of the OCHR to monitor the project's implementation, including by being present during interviews, listening to telephone conversations with respondents and receiving weekly progress reports.

Other rules

The service provider was required to ensure that the research met the relevant standards, in particular interviewing standards. The terms of reference specified the size and composition of the research team (including the number of qualitative researchers, quantitative researchers, operations co-ordinators and interviewers), as well as the requirements for team members' qualifications, experience and language proficiency. These requirements were verified using résumés submitted by the service provider.

The operations co-ordinators were tasked with arranging interviews with potential respondents who applied to take part in the survey and evaluating their eligibility for the study. For this reason, special importance was placed on their language proficiency. It was recommended that researchers be recruited from the community selected for the study.

The criteria for selecting the service provider included their knowledge and understanding of the research subject, the objectives of the study, the fieldwork procedure and data analysis methods, as well as an assessment of the provider's financial stability.

Following a public tender organized by ODIHR, a final offer was negotiated within the framework of the budget. This was achieved by having the OCHR agree to take on some tasks related to recruiting participants for the formative study and establishing contacts with the surveyed communities.

Step 5. Conducting the formative study

The implementation of the formative study did not cause major difficulties. The service provider benefited from the contacts provided by the OCHR. A scenario for the study was developed by a qualitative researcher and approved with some changes by the OCHR research expert. The formative study took the form of individual in-depth interviews and small, focus group interviews with 21 persons in Warsaw and Krakow. The findings of the formative study suggested that the understanding of hate crime varies among the communities being surveyed. Most respondents, with the exception of civil society activists, admitted that they lacked a clear understanding of what a hate crime is. Many spontaneously understood hate crime as a type of discrimination, and did not necessarily think of hate crimes as an offence under criminal law. A few respondents acknowledged the criminal aspect of the term, but associated such crimes with physical violence. As a result, it was decided to question respondents not only about their experiences of hate crime but also their experiences of discrimination.

According to the formative study, hate crimes stoke fear not just in the victims but in the wider community. Such crimes cause members of the community to hide their identity, including by not wearing certain clothes – such as a hijab – or wearing clothes to hide their skin colour, such as a hood and long sleeves. It also leads victimized communities to avoid speaking their native language in the presence of others. Thus, the formative study's findings corroborated Erving Goffman's theory of social stigmatization, according to which individuals deal with stigma by trying to conceal it.[19] Therefore, a set of statements regarding respondents' habits and behaviour was included in the survey questionnaire.

The formative study also looked closely at barriers to reporting hate crimes. Among the reasons for hate crime under-reporting, participants in the formative study cited low levels of trust in the police, a lack of confidence that reporting the crime would have an impact, negative opinions they had heard about the procedures for reporting such crimes, and fear that the perpetrator would take revenge. Other reasons for not reporting hate crimes included a lack of awareness of hate crime, a lack of knowledge of reporting procedures, low language proficiency, no legal support and a lack of awareness of foreigners' rights. Regarding the language barrier, one participant noted that "the fact that someone can speak basic Polish does not mean that he or she understands what the police is saying". Participants also cited the need to protect themselves psychologically from secondary victimization, the short length of their intended stay in the country and cultural issues, such as an unwillingness to engage the police in conflict situations. Some participants expressed the idea that, as foreigners, they should tolerate some mistreatment in return for being allowed to stay in the country. Such attitudes confirm the system justification theory, according to which individuals justify the status quo even when it is harmful to them in order to support the social structure in which they live.[20] The theory provided one of the theoretical foundations of the research project, and following the formative study it was decided that the survey questionnaire should include questions to measure the degree to which respondents justify the system.

---

[19] Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (Englewood Cliffs, N.J.: Prentice-Hall 1963.
[20] J. Jost and J. van der Toorn, "System justification theory", *Handbook of Theories of Social Psychology*, Vol. 2, 2012.

The primary purpose of the formative study was to identify the structure of selected communities, to identify any subgroups within these communities and to define the profiles of the seed respondents for the survey.

Muslims

The project defined the community to be surveyed as Muslims, even though those included in the survey were all nationals of Arab countries. In fact, the Muslim population in Poland is diverse, and includes many other nationalities. The formative study showed that the community can be divided according to language, religious affiliation and socio-economic status.

Thus, the Muslim community includes the following language subgroups: Arabic speakers, Polish speakers, Russian speakers (from Central Asia), Hindi speakers (from India), Urdu speakers (Pakistan), Bengali speakers (Bangladesh) and Turkish speakers. Religious subgroups include those who visit the mosque and those who do not. Socio-economic subgroups include skilled professionals, manual labourers and students.

As such, the formative study identified the following subgroups within the community: Arabs, Central Asians, Indians, Pakistanis and Bangladeshis, students, business people, professionals and corporate expats, and others.

Arabs are primarily manual labourers employed in kebab restaurants and bars. They speak Arabic, English, or Polish, and were recruited in mosques and ethnic restaurants. They are vulnerable to hate crimes due to their socio-demographic profile.

Another segment of the community is a group of Russian-speaking refugees from Central Asia who regularly visit the mosque on Fridays and are perceived as very religious. Though their skin colour and language distinguish them from Arabs, they are often recognized as Arab and Muslim because of their dress, including the wearing of the hijab and a specific style of beard.

Migrants from Bangladesh, India and Pakistan are mainly economic migrants and low-skilled workers, with many working for food delivery companies. Little is known about them among the core Muslim community centred on the mosque, although they were reported to attend Friday prayers. Their numbers have increased sharply recently, making them more visible. They are vulnerable to hate crime owing to their increasing numbers and the fact that locals have difficulty in correctly identifying their ethnicity, while their perceived gentle character can make them seem to be "easy victims". In addition, their Polish language proficiency is generally low, and as recent arrivals they have limited knowledge of their rights and how to access support.

Students are considered a distinct community. They are usually Arabs from Arabian Peninsula countries and tend to share dorm rooms/apartments and socialize together. Their relaxed and unstructured schedule distinguishes them from the "working class". They are vulnerable to hate crime because of their ethnicity, religion, and the fact that they are often socially active, visiting nights clubs and using public transport at night. At the same time, this group is quite

self-contained and does not network with other groups. Students occasionally visit the mosque but do not form part of the religious community. Students can be recruited via student affairs offices and the restaurants they frequent. They usually have a good command of English.

Business people are mainly Turkish and work in trade, real estate, construction and the restaurant industry (as owners). They are well-adapted and not particularly vulnerable to hate crimes. They can be recruited in mosques, Turkish religious centres or the restaurants they own and frequent. However, the formative study identified them as unwilling participants in the survey owing to their tight schedule. It was suggested that they might take part in the survey if the interviews are conducted in locations where they socialize.

Professionals and corporate expats work mainly in the technology industry. They often live in Poland together with their families and mainly come from India. They are believed to be less vulnerable to hate crime owing to the support they receive from employers, including assistance on arrival in the country and accommodation in secure condominiums. They can be contacted via their employers or in neighbourhood office parks. They speak English well.

Sub-Saharan Africans

The sub-Saharan African community has decreased in size in the last decade. The structure has also changed from students and former students to mainly economic migrants. The community broadly consists of those from Nigeria and those from other sub-Saharan African countries.

Nigerians are the biggest sub-group and differ greatly from Africans from East African and French-speaking countries. They are stereotypically thought of as outgoing, money-oriented, and tough. Nigerians came to Poland as business people, spouses, students, and football players, many of whom play in small towns and experience racist incidents. They speak English, which is the official language of Nigeria. Many of them work as tradespeople in markets in Warsaw. This group is seen as very unwilling to participate in the study and share their experiences. Therefore, it was recommended that respondents from this community be reached via influential leaders able to ensure their personal commitment to participate.

The formative study also highlighted the need to distinguish between a group of refugees mainly from East Africa and the rest of the community. This group mostly work in kebab restaurants and have a low level of English. The refugees can be approached by civil society activists or cultural assistants assigned to support them (such as translators and those providing administrative assistance).

As in the case of the Muslim community, a separate student subgroup was distinguished among the sub-Saharan African community. These students represent a small community and do not have links with long-term economic migrants. They are vulnerable to hate crimes owing to their active social life, which includes visiting clubs, and using public transport at night.

Ukrainians

The Ukrainian community is divided into Poles with Ukrainian roots, Ukrainians from western Ukraine, and those from eastern Ukraine. Migrants from western Ukraine are often well-established and speak Polish and Ukrainian well. They are susceptible to hate crime due to historically difficult relations between Poland and Ukraine. Ukrainians from eastern Ukraine are mostly new arrivals and mainly Russian-speaking. They are often mistaken for Russians. The formative study identified the following subgroups of the Ukrainian community: students, manual labourers (long-term migrants), manual labourers (seasonal and short-term migrants) and professionals.

Ukrainian students are a large community at almost every university, and even represent the majority at some private universities. They work in cafés, shops and the tourist industry, with more and more of them entering more skilled professions. They are vulnerable to hate crime owing to their active social life and being visible in public places, including cafés and public transport. Participants in the formative study noted that speaking Ukrainian in public can trigger negative comments. Ukrainians were identified as willing participants in the survey and could be reached via Ukrainian student associations and Ukrainian-focused non-governmental organizations.

Manual labourers who are long-term migrants have settled into life in Poland. Many of them have brought or plan to bring their families to Poland. They work in home services and renovation and are mainly susceptible to minor verbal incidents and nuisance behaviour. Long-term migrants were expected to be unwilling to participate in the survey due to their long working hours.

Manual labourers who are seasonal and short-term migrants work in construction or factories, usually on the outskirts of cities and in smaller towns.

Seasonal workers are usually employed via employment agencies or agents. They come for short periods (three to six months) and work intensively. Seasonal workers are susceptible mainly to labour rights violations and may be victims of abuse in everyday situations. It was determined that this group would be difficult to reach as their activities are limited to their home and workplace, while their employers are seen as reluctant to help contact them.

Information obtained during the formative study formed the basis for discussions during the consultation meeting, and helped to develop the quantitative research methodologies and determine the criteria for selecting the initial respondents (seeds).

Step 6. Holding a consultation meeting

On 24 November 2017, a consultation meeting was held at ODIHR. The purpose of the meeting was to discuss the most important issues concerning the methodology for conducting the RDS survey, in particular determining the criteria for selecting the first respondents (seeds), developing the research tool and establishing the actual number of hate crimes based on official data.

To ensure a well-informed discussion, the consultation meeting was held after the formative study was completed.

The meeting was attended by representatives of ODIHR, the European Union Agency for Fundamental Rights, the OCHR, the Ministry of the Interior and Administration, the CMR and the service provider. Representatives of the surveyed communities and non-governmental organizations that provide assistance to migrants were also invited to the meeting.

During the meeting, CMR researcher Agata Górny, PhD, highlighted the importance of having respondents estimate the size of their networks. She also noted that, in CMR's experience, some interviews would have to be conducted outside of the research centre. To motivate respondents to participate in the survey, she proposed including an expiration date on the coupons. Meeting participants also discussed issues related to compensation for respondents, the size of the community, the timing of interviews, support from community leaders and verifying the eligibility of respondents. A decision was made to allow interviews to be conducted in Arabic.

The most important issues discussed were identifying subgroups within the surveyed populations and determining the profiles of initial respondents (seeds). The results of the formative study were analysed in detail. Due to the important relationship between socio-economic status and susceptibility to hate crimes, it was decided to make social class variables an important element when determining the profiles of initial respondents.

The formative study had identified the approximate profile of seed respondents to be recruited to the survey in order to gain the best possible coverage of the target populations. It was determined that each of the subgroups identified have limited social networks, and would therefore need to be represented among seed respondents (see Table 3).

Table 3. Identified subgroups

Surveyed group	Subgroups
Ukrainians	- East and West Ukrainians - Ages 18-30, ages 30 and above - Manual labourers (short-term and seasonal workers) - Students

Muslim country nationals	- Arabic-speaking manual labourers - Students - Muslim women who wear headscarves - Recent arrivals (less than three years in Poland) - Mosque attendees and non-attendees
Sub-Saharan Africans	- Nigerians - Recent arrivals (less than three years in Poland) - Refugees - Students

Based on the subgroups identified during the formative study and discussions held at the consultative meeting, a list of optimum profiles for seed respondents was created that would allow for the widest possible access to each surveyed group (see Table 4).

Table 4. Selected seed profiles

Surveyed group	Seed profiles	
Ukrainians	Two students	- One from East Ukraine, one from West Ukraine - One male, one female
	Two manual labourers	- One from East Ukraine, one from West Ukraine - One male, one female - At least one over 35 years old
	Two skilled professionals	- One civil society worker/affiliate - One not affiliated with civil society
Muslim country nationals	One business owner/entrepreneur	- Turkish national - Male
	Two students	- One male, one female - Non-Turkish nationality

	One manual labourer	• Non-Turkish national	• Preferably one male, one female
	One civil society/ religious organization affiliate	• Skilled professional	
Sub-Saharan Africans	Two students	• One Nigerian, one non-Nigerian • One male, one female	
	One asylum seeker / refugee	• Non-Nigerian • Preferably one female	
	One manual labourer		
	One civil society worker	• Male • Non-Nigerian • More than three years in Poland • Over 35 years old	

Step 7. Conducting the RDS survey

When developing the research tool (questionnaire), the expert employed by the OCHR took into account the research objectives and methodological assumptions. Since social research on hate crime focuses primarily on the psychology of such crimes, including how biases develop into stereotypes and discrimination, a sociological perspective was taken when developing the questionnaire. In particular, this process was informed by the work of Erving Goffman, the sociologist who described and analysed the social phenomena of stigma, including the methods and symbols used to stigmatize groups of people.[21] This theoretical approach can be applied to the problem of hate crime and, more broadly, to discrimination, to conclude that skin colour and other visible signs of belonging to a social minority constitute a social stigma. As described by Goffman, members of a social minority often adopt strategies of concealment to hide such visible signs and avoid stigma. The theory's validity in the context of hate crime was verified during the formative study, during which representatives of the surveyed groups mentioned everyday behaviours and activities aimed at concealing their identity. Such behaviours included wearing long-sleeved shirts even in summer, covering a hijab under a hood and not speaking in the language of their country of origin in public. Therefore, the quantitative study also set out to measure the scale of this phenomenon.

The questionnaire also included a number of scales and sets of questions aimed at categorizing hate crime perpetrators in Poland according to a widely used typology developed by Jack Levin and Jacek McDevitt.[22] These questions also helped to verify the implementation in Poland of European Union Directive 2012/29 on the minimum standards in terms of the rights, support and protection of crime victims.[23] Diagnostic tools were included to measure symptoms of depression, post-traumatic stress disorder and secondary victimization among hate crime victims. Questions were also asked about respondents' levels of trust, lifestyles and attitudes to enable comparisons with the relevant findings of the European Social Survey conducted in Poland.[24]

It should be emphasized that, in order to calculate the weights of different variables needed to conduct surveys based on the RDS technique, the questionnaire had to include questions about respondents' recruitment coupon number, as well as the coupon numbers of coupons distributed to others. Questions were also included to determine the size of the social network of the surveyed population (the number of people). Interviewers were instructed to pay special attention to accurately recording this information, as it was crucial for analysing data collected in the survey.

---

[21] Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity*, *op. cit.*

[22] Jack Levin and Jack McDevitt, "Hate Crimes", The Encyclopedia of Peace, Violence, and Conflict (Second Edition) (Cambridge, Massachusetts: Academic Press, 2008), <https://jacklevinonviolence.com/articles/HateCrimesencyc92206FINAL.pdf>.

[23] Directive 2012/29/EU of the European Parliament and of the Council of October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 14 November 2012, L 315/57, <https://ec.europa.eu/antitrafficking/legislation-and-case-law-eu-legislation-criminal-law/directive-201229eu_en>

[24] "ESS8-2016 Edition 2.0", European Social Survey website, Norwegian Centre for Research Data, 15 October 2018, <https://www.europeansocialsurvey.org/data/download.html?r=8>.

Test interviews were held to assess the duration of interviews and time taken to answer individual questions by representatives of the surveyed groups, and according to whether the respondents had experienced hate crime. These pilot interviews were identical to the actual interviews conducted as part of the survey.

The main obstacle to conducting the fieldwork was the slow recruitment of Muslim and sub-Saharan African respondents and the rapid recruitment of Ukrainian respondents. The problem of slow recruitment was addressed by replacing seeds that were unsuccessful in recruiting further people to the study. The problem of rapid recruitment was addressed by discontinuing recruitment from among the respondents that were becoming over-represented (in this case, Ukrainian students). The over-representation of certain groups would have significantly distorted the survey results. Despite responding promptly these problems, the fieldwork was significantly delayed. The inability to predict the duration of fieldwork remains a fundamental problem of RDS surveys, however. Such problems can be averted by developing a list of the contact details of potential replacement seeds and by monitoring interview data in each recruitment chain. Moreover, the academic support provided by the CRM was extremely important in resolving such issues.

Step 8. Data analysis and reporting

The next step consisted of analysing the data obtained in the survey and reporting the findings. It was important to use the dedicated software for projects employing the RDS technique: RDS-Analyst and RDSAT. This software is available free-of-charge and enables users to calculate the coefficients and weights of variables specific to RDS surveys. However, many issues related to the use of this software had to be considered, in particular the selection of appropriate weights and socio-demographic variables. It was also necessary to analyse data from the Ministry of the Interior and Administration in order to compare it with the results of the RDS survey.

For this project, the RDSAT software was used to monitor the progress of fieldwork and to calculate the number of waves required to achieve equilibrium for each demographic variable. Equilibrium was reached at around the fifth wave of respondents for the majority of socio-demographic variables monitored (gender, age, occupational status and size of the household). The dichotomous variable of respondents' experience of hate crime was also monitored and reached equilibrium at the first wave. The strong result for this variable validated the decision to determine seed profiles based on socio-economic status. It also meant that people who had been targeted by hate crime recruited both those who had experienced and those who had not experienced such crime.

The RDS Analyst application was used to prepare analytical weights, which helped to offset some sampling biases. The RDS Analyst not only allows RDS-I and RDS-II weights to be calculated (as is the case with RDSAT), but also calculates the more efficient SS estimator. The SS estimator requires that the approximate size of the surveyed population be estimated. SS analytical weights can be exported to programmes used to analyse statistical data, such as SPSS or Stata. The weights are exported based on the report containing the respondent's number and the value of the coefficient for each respondent.

Due to a delay in the fieldwork, the OCHR decided to conduct a preliminary analysis of the partial database, which was prepared during fieldwork and contains data for a given number of interviews. Since the database does not include data from all the interviews, results cannot be reported from the partial database. However, it is possible to plan an analysis and prepare a script with which to automatically complete the analysis once the final database is ready.

Step 9. Presenting the data

The results of the study were presented at a workshop held on 27 June 2018 at the Office of the Commissioner for Human Rights. The workshop was attended by representatives of ODIHR, the European Union Agency for Fundamental Rights, the UNHCR office in Poland, the Ministry of the Interior and Administration, the National Public Prosecutor's Office, the police, the border guard, local government and non-governmental organizations.

The meeting began with speeches by Sylwia Spurek, Deputy Commissioner for Human Rights, and Katarzyna Gardapkhadze, First Deputy Director of ODIHR. Next, the experience of implementing the project was presented with the aim of encouraging participants to conduct similar research projects applying the RDS technique in other cities. The results of the research project were presented, and are briefly discussed below.

During the survey, over 600 respondents were asked about their experience of the six types of hate crime identified by researchers (namely: insults, threats, damage to property, physical attacks, use of violence and sexual assault). Drawing on the survey results, it was estimated that over 18 per cent of Ukrainians, 8 per cent of Muslims and as much as 43 per cent of people from Sub-Saharan African countries had experienced at least one hate crime in 2016 and 2017. Using data provided by Poland's Office for Foreigners, researchers estimated the number of hate crimes targeting these communities in the regions covered by the survey.

In the case of the Ukrainian community in the Lesser Poland Voivodeship – the largest of the groups surveyed – it was estimated that over 44,000 hate crimes were committed in 2016 and 2017. Meanwhile, Muslims and migrants from sub-Saharan African countries in the Mazovian Voivodeship experienced an estimated 4,300 and 3,000 hate crimes, respectively.

These estimated figures were compared with official data on hate crimes collected by the Ministry of the Interior and Administration. Thus, only 18 criminal proceedings were opened into cases concerning hate crimes against Ukrainians in the Lesser Poland Voivodship in 2016 and 2017. In the Mazovian Voivodeship, just 31 criminal proceedings were held in hate crime cases targeting persons from Muslim or Arab countries in the same period, while 47 criminal proceedings were held with regard to hate crimes targeting persons from sub-Saharan Africa.

Importantly, representatives of the surveyed communities had the opportunity to take the floor at the meeting.[25] This initiative aimed to deepen the survey's findings, while also expressing gratitude to those who had been instrumental to the study by spreading the word about the survey among their communities and helping to recruit seed respondents. An academic panel was also held, during which the RDS technique was discussed in detail. The panel presented other projects that used this innovative research technique, providing ideas and inspiration to participants for future research.

---

[25] "ODIHR supports research on unreported hate crimes and hate incidents in Poland", ODIHR website, 29 June 2018, <https://www.osce.org/odihr/386313>

Lessons learned

The experience of implementing this research project highlighted the difficulty of predicting the duration of fieldwork when using the RDS technique. Thus, such research should be planned to allow **extra time for fieldwork**. Certain tasks in this research project tasks could have been started earlier. For example, the OCHR waited for a service provider to be selected in order to jointly design a questionnaire. However, it would have been more efficient to develop the tool before hiring the service provider.

Consideration should also be given to whether the requirements set out in the **terms of reference were too restrictive**, since considerable time was lost in negotiating with the service provider. The most challenging task for the service provider was recruiting respondents from the surveyed communities. Having ODIHR and OCHR undertake this task would have reduced costs and increased the pool of potential service providers.

A valuable and important good practice was the **previous co-operation between minority organizations** and the OCHR that went beyond the framework of the project. The project would have struggled to fulfil its objectives without the leaders of such organizations who assisted with the implementation of the research project from the outset. These organizations provided vital knowledge during the formative study, helping to identify seed respondents, an Arabic translator and an operations co-ordinator. In particular, a leader of the sub-Saharan African community helped to overcome recruitment issues in this surveyed group by proposing seed respondents who successfully recruited others and produced the longest recruitment chains. Therefore, engaging community leaders is crucial for the success of research projects using the RDS technique.

This project has also demonstrated the importance of cultivating **positive attitudes towards the research project among the surveyed community**. Particular attention should be paid to the atmosphere in the research centre and the training of interviewers.

Finally, the research project benefited greatly from the co-operation established with the CMR, which provided access to the **latest academic research on the field of study**. The CMR were relied on for their experience and insight into the most challenging problems encountered during the research project.