

HATE CRIME AND HATE SPEECH REPORTING MECHANISMS: GOOD PRACTICES

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1. Introduction

The main purpose of this document is to provide you with guidance in the data collection phase of good practices concerning hate crime and hate speech reporting mechanisms. The ultimate goal is to come up with a comparable overview of reporting mechanisms allowing to identify best practices and principles applicable in developing and implementing such reporting mechanisms in other EU countries.

2. Why are reporting mechanism important

Hate crime and hate speech cases are typical example of crime with the high level of latency and underreporting, which has many negative consequences both for the victims of hate motivated incidents as well as for the addressing these issues as such. The reasons for underreporting may vary from low level of legal awareness to distrust towards the law enforcement. Therefore, reporting mechanisms (including reporting by third parties and anonymous reporting) are crucial in providing a more accurate picture of the true extent of hate crime and hate speech cases since the official statistics often do not reflect the true extent of this phenomenon.

Since the purpose of this collection of best practices is to identify those reporting mechanisms, which could be regarded as good practices, the first step is to collect all reporting mechanisms used in selected EU countries by different actors. There are many forms of reporting mechanisms, below is the division of reporting mechanism into several categories according to a list of criteria.

3. Typology of reporting mechanisms:

1. WHAT - Type of incidents:

- a. Hate crime
- b. Hate speech (including cyberhate)

2. WHO

- a. Anonymous
- b. Non-anonymous
- c. Direct reporting by victims of HC/HS
- d. Reporting by witnesses
- e. Third party reporting (NGOs)

3. TO WHOM

- a. Police
- b. Prosecutor`s office
- c. Third parties – churches, NGOs, community leaders

4. HOW - From of reporting

- a. Online
- b. Offline (in person, hotlines, paper forms)

4. What to collect:

Even though hate crime cases and hate speech cases have many issues in common, due to their different nature they are often collected in different ways. Moreover, recently there has been an increased attention given to issue of cyber hate, which resulted in creation of reporting mechanism for this particular form of hate speech.

To cover all the elements related to reporting mechanisms, each partner organisation should separate these two issues and as such collect information on two types of reporting mechanisms:

- I. *Hate crime reporting mechanism (either in your home country or in a different country where you have established links of cooperation)*
- II. *Hate speech and/or cyberhate reporting mechanism (in your home country)*

I. Hate crime reporting mechanism

There are two options regarding collection of data on hate crime reporting mechanisms: ideally, the **hate crime reporting mechanism should be from your home country** and the reported incidents should fit the criteria for hate crimes/hate motivated incidents as defined in your national legislation.

However, if there is no such mechanism implemented by neither state authorities nor NGOs in your home country, you can **identify other EU country where such mechanism exists and fill in the required information for other than your home country. Please consult the selection of other than your home country with project coordinator in order not to duplicate efforts of other partners.** This would, however require access to all the information described in the template below, so please make sure you can gather all the required information (due to cooperation with an NGO or having other working relationship with the entity operating such reporting mechanism). The information you gather should include the following data:

Hate Crime and Hate Speech Reporting Mechanisms - Good Practices Collection Methodology

Part I.

1. *Name of the country concerned*
2. *Who collects the data (police/prosecutor/court/NGO/other|*
3. *What type of incidents are recorded (typology of attacks – physical against person, property, verbal, threats of violence...)*
4. *Motives recorded (national, ethnic, religious, racial bias/hatred, xenophobia, anti-semitism, islamophobia, handicap, other)*
5. *Perpetrator identification/categorisation (membership in organised hate groups, extremism etc.)*
6. *Who can report (victim, witness, anyone, NGOs)*
7. *Anonymous/non-anonymous reporting*
8. *Form of reporting (online questionnaire, email address, app, telephone hotline, in person, paper forms)*
9. *Feedback to reports (in cases of non-anonymous reporting – what type of information is provided to those who report HC/HS cases)*
10. *Is legal/psychological support offered in the reporting process?*
11. *Processing of reports (What happens to reports once reported - all submitted to the law enforcement, weeded first by NGOs, other mechanisms)*
12. *Are reported cases reflected in any way in official statistics or not?*
13. *Number of cases reported annually using the mechanism (breakdown of types of reports if available)*
14. *Number of cases submitted for further action to police/prosecutors/courts from the reports annually*

Part II.

15. *What was the assessment of this mechanism by the victim groups/NGOs working with the victims*
16. *What are the main strengths and weaknesses of the reporting mechanism identified*
17. *Would you recommend to use this reporting mechanism as an example for other EU countries, why.*
18. *Any other observations*

Please use the template on reporting mechanisms in annex to record all the required information.

II. Hate speech and/or cyberhate reporting mechanism (in your home country)

Hate speech reporting mechanisms are more widespread, especially mechanisms set up to report online hate speech (cyberhate) cases. Such mechanisms are operated mostly by NGOs who are members of two international networks dedicated to monitoring and dealing with illegal content on the internet: INHOPE and INACH. Therefore, you should be able to identify at least one (or maybe even several) hate speech/cyberhate reporting mechanisms in your home country.

The extent of data you should collect on this type of reporting mechanisms is similar to hate crime reporting mechanisms with some small differences:

Part I.

1. *Name of the country concerned*
2. *Who collects the data (police/prosecutor/court/NGO/other entity)*
3. *What is the categorisation type of incidents recorded (defamation, instigation of hatred, public display of sympathies towards totalitarian regimes, public support to racism and other forms of intolerance, verbal threats motivated by bias, threats of violence...)*
4. *Motives recorded (national, ethnic, religious, racial hatred/bias, xenophobia, anti-semitism, islamophobia, handicap, other)*
5. *Perpetrator identification/categorisation (membership in organised hate groups, extremism etc.)*
6. *Who can report (victim, witness, anyone, NGOs)*
7. *Anonymous/non-anonymous reporting*
8. *Form of reporting (online questionnaire, email address, app)*
9. *Feedback to reports (in cases of non-anonymous reporting – what type of information is provided to those who report HC/HS cases)*
10. *Is legal/psychological support offered in the reporting process?*
11. *Processing of reports (What happens to reports once reported - all submitted to the law enforcement, weeded first by NGOs, other mechanisms)*
12. *Are reported cases reflected in any way in official statistics or not?*
13. *Number of hate motivated cases reported annually using the mechanism (breakdown of types of reports if available)*

14. *Number of cases submitted for further action to police/prosecutors/courts from the reports annually*

Part II.

15. *Evaluation of the effectiveness, usefulness by victims and /or NGOs working with HC/HS cases*
16. *What was the assessment of this mechanism by the victim groups/NGOs working with the victims*
17. *What are the main strengths and weaknesses identified*
18. *Would you recommend to use this reporting mechanism as an example for other EU countries*
19. *Any other observations*

5. How to collect information on reporting mechanisms

Regardless of the type of reporting mechanisms, methods to identify and collect information on such mechanisms remain to great extent the same. Below are the basic steps to be taken in the data collection phase for both tasks (hate crime collection mechanisms and hate speech/cyberhate reporting mechanisms). While collecting the data please keep in mind, that these steps are not exhaustive and if know of other means of getting the required information, feel free to use them.

I. Internet research.

In the initial stage it is important to search for all the existing online HC/HS reporting tools. In order to do so, first identify bodies and institutions who might have such reporting mechanisms. In this regard, use your previous experience with these organisations and the mapping carried out in the previous stage of this project. Do make sure to include the following websites:

- a. Websites of Ministry of Interior and the police – local and national
- b. Websites of prosecutor's office
- c. Websites of courts and Ministry of Justice
- d. Websites of relevant NGOs working with HC/HS related issues
- e. Websites of NGOs providing assistance to victims of crimes
- f. Websites of NGOs working on illegal internet content monitoring and removal (INHOPE and INACH networks – identify local NGOs who are members of these networks in your country)

II. Reports of international organisations on hate crimes, hate speech and related issues.

Several IGOs (UN CERD, ECRI, ODIHR) and international NGOs (ENAR, Human Rights First, Amnesty International etc.) collect and publish reports either on the subject of hate crimes or national reports on issues related to HC/HS issues (racism, xenophobia). Make sure you read the latest reports of these IGOs and include any information which is present there into your information on reporting mechanisms. This might be also a good source of information on the existence of reporting mechanisms as such. National authorities usually present such reporting mechanisms as examples of good practice. One notable source of information coming from IGOs is the network of National Focal Points (NFP) on Hate Crimes set up by OSCE-ODIHR. Country specific information on hate crimes officially reported to OSCE-ODIHR could be found at <http://hatecrime.osce.org/>

Publicly available information present on websites of state authorities or NGOs, is not sufficiently detailed to assess the effectiveness, impact and the quality of reporting mechanisms. Therefore it is necessary to gather more information either by setting up personal meetings with the relevant actors you identified previously and by submitting written requests for information.

III. Personal meetings (select bodies having reporting mechanisms)

It is highly advisable to arrange personal meetings with the institutions tasked with managing hate crime/hate speech reporting mechanisms, be it state run or NGO run efforts. Firstly, personal meetings with the appropriate bodies are the best way how to collect all the relevant data and assess the real impact, effectiveness and usefulness of the reporting mechanism in question. Secondly, during such meetings you can get information which is not publicly shared, especially get invaluable feedback on the effectiveness of the given mechanism (for example from NGOs working with victims or communities affected by HC/HS but also other state authorities or Equality bodies). Without such qualitative assessment it is not possible to separate effective reporting mechanism from the less effective ones.

However, it is of utmost importance to arrange the meeting with the people who are directly working with the reporting mechanism and/or victims affected by HC/HS case and not just anyone working in a given institution where the mechanism is based. Therefore, the first step is to identify the institutional structure (department, bureau, or even individuals) responsible for the reporting mechanism. In case of NGOs this is certainly the best way how to gather all the required information, since they fall out of freedom of information act. Depending on the situation in a given country, try to arrange personal meeting with some of these (or several) institutions and bodies:

Hate Crime and Hate Speech Reporting Mechanisms - Good Practices Collection Methodology

- a. Ministry of Interior
- b. Ministry of Justice/courts
- c. National police headquarters
- d. Prosecutor General/Attorney general office
- e. NGOs identified in the previous monitoring exercise (working with HC/HS, cyberhate, providing assistance to victims etc.)
- f. Equality bodies, if HC/HS cases fall under their competence

IV. Direct inquiries in writing (email or letters)

In some cases, it is more useful to gather the required information in writing using official request sent to the relevant authorities. Most EU countries do have freedom of information acts, so use them to access more detailed information on the reporting mechanisms. Even if there is no freedom of information legislation in your country, try to request more detailed information by sending an official letter with the template attached to the relevant bodies:

- a. Ministry of Interior
- b. Ministry of Justice/courts
- c. National police headquarters
- d. Prosecutor General/Attorney general office
- e. NGOs identified in the previous monitoring exercise (working with HC/HS, cyberhate, providing assistance to victims etc.)
- f. Equality bodies, if HC/HS cases fall under their competence

6. Submitting collected data

Once you complete all the stages and collect all the information on both types of reporting mechanisms, fill out the template for each mechanism. Before submitting the templates to project coordinator, please verify the content of the template with the factual data (Part I.) with the respective body/institution responsible for the reporting mechanism.

Based on all the information and interviews, fill out the second part of the template – qualitative assessment of the reporting mechanism.

Submit all the templates in English language to project coordinator no later than 20th September 2017 via email: gabriela.mezeiova@clovekvohreni.sk

Annex I

Template for data collection on hate crime reporting mechanism

Part I.

1. *Name of the country concerned*

2. *Who collects the data (police/prosecutor/court/NGO/other)*

3. *What type of bias/hate motivated incidents are recorded/typology of crimes – select those applicable*
 - a. *Physical attacks against person or group of people (bodily harm, killing, murder)*
 - b. *Attacks against property*
 - c. *Attack against places of worship*
 - d. *Verbal attacks*
 - e. *Threats of violence*
 - f. *Hooliganism*
 - g. *Other crimes motivated by bias*

4. *Types of bias/motives recorded – protected characteristics – select those applicable*
 - a. *nationality,*
 - b. *ethnicity,*
 - c. *race*
 - d. *religion,*
 - e. *gender*
 - f. *handicap*
 - g. *racism*
 - h. *xenophobia,*
 - i. *anti-semitism,*
 - j. *islamophobia,*
 - k. *other (please specify)*

Hate Crime and Hate Speech Reporting Mechanisms - Good Practices Collection Methodology

5. *Perpetrator identification/categorisation*
 - a. *membership in organised hate groups,*
 - b. *extremism*
 - c. *other group affiliation*
6. *Who can report - select those applicable (multiple choice)*
 - a. *victim,*
 - b. *witness,*
 - c. *NGOs,*
 - d. *anyone,*
7. *Identification of reporting person*
 - a. *Anonymous*
 - b. *Non-anonymous*
8. *Form of reporting – select those applicable*
 - a. *online questionnaire,*
 - b. *email address,*
 - c. *mobile app,*
 - d. *telephone hotline,*
 - e. *in person,*
 - f. *paper forms*
9. *Feedback to reports (in cases of non-anonymous reporting – what type of information is provided to those who report HC/HS cases)*
 - a. *Can reporting person request feedback Y/N*
 - b. *What type of information is sent back to person who reported a case*
 - c. *What is the average time for sending such feedback*
10. *Is legal/psychological support offered in the reporting process (either directly by the organisation running the reporting mechanism or is referred to a third party)*
 - a. *Legal assistance*
 - b. *Psychological assistance/counselling*
 - c. *Both*
 - d. *Other type of assistance*

Hate Crime and Hate Speech Reporting Mechanisms - Good Practices Collection Methodology

11. *Processing of reports (What happens to reports once reported)*
 - a. *All information is submitted to the law enforcement*
 - b. *Reports are weeded first by NGOs to remove clearly irrelevant reports*
 - c. *Other mechanism/procedure*
12. *Are reported cases reflected in any way in official statistics or reports issued by state bodies Y/N?*
13. *Number of cases reported annually using the mechanism for the three past years*
 - a. *Number of cases reported annually (if possible include data for three past years)*
 - b. *Number of relevant reports (excluding reports of cases not related to HC or abuses of reporting mechanisms annually, if possible include data for three past years)*
 - c. *Number of cases submitted for further action to police/prosecutors/courts from the reports annually*

Part II.

14. *What was the assessment of this mechanism by the victim groups/NGOs working with the victims*

15. *What are the main strengths and weaknesses of the reporting mechanism identified*

16. Would you recommend to use this reporting mechanism as an example for other EU countries, why.

17. Any other observations

Annex II

Template for data collection on hate speech/cyberhate reporting mechanism

Part I.

1. *Name of the country concerned*
2. *Who collects the data (police/prosecutor/court/NGO/other)*
3. *What is the categorisation type of incidents recorded*
 - a. *Defamation of person due to one of the protected characteristics (nationality, race, ethnicity, religion, gender, handicap etc.)*
 - b. *Instigation of religious, national, racial hatred,*
 - c. *Holocaust denial*
 - d. *Public display of sympathies towards totalitarian regimes, including use of symbols*
 - e. *Public support to racism and other forms of intolerance,*
 - f. *Verbal threats motivated by bias,*
 - g. *Threats of violence*
 - h. *Other – please specify*
4. *Types of bias/motives recorded – protected characteristics– select those applicable*
 - a. *nationality,*
 - b. *ethnicity,*
 - c. *race*
 - d. *religion,*
 - e. *gender*
 - f. *handicap*
 - g. *racism*
 - h. *xenophobia,*
 - i. *anti-semitism,*
 - j. *islamophobia,*
 - k. *other (please specify)*
5. *Perpetrator identification/categorisation*

Hate Crime and Hate Speech Reporting Mechanisms - Good Practices Collection Methodology

- a. *membership in organised hate groups,*
 - b. *extremism*
 - c. *other group affiliation*
6. *Who can report - select those applicable (multiple choice)*
 - a. *victim,*
 - b. *witness,*
 - c. *NGOs,*
 - d. *anyone,*
7. *Identification of reporting person*
 - a. *Anonymous*
 - b. *Non-anonymous*
8. *Form of reporting – select those applicable*
 - a. *online questionnaire,*
 - b. *email address,*
 - c. *mobile app*
 - d. *in person*
 - e. *other – please specify*
9. *Feedback to reports (in cases of non-anonymous reporting – what type of information is provided to those who report HC/HS cases)*
 - a. *Can reporting person request feedback Y/N*
 - b. *What type of information is sent back to person who reported a case*
 - c. *What is the average time for sending such feedback*
10. *Is legal/psychological support offered in the reporting process (either directly by the organisation running the reporting mechanism or is referred to a third party)*
 - a. *Legal assistance*
 - b. *Psychological assistance/counselling*
 - c. *Both*
 - d. *Other type of assistance*
11. *Processing of reports (What happens to reports once reported)*
 - a. *All information is submitted to the law enforcement*

Hate Crime and Hate Speech Reporting Mechanisms - Good Practices Collection Methodology

- b. Reports are weeded first by NGOs to remove clearly irrelevant reports*
 - c. Other mechanism/procedure*
12. *Are reported cases reflected in any way in official statistics or reports issued by state bodies Y/N?*
13. *Number of cases reported annually using the mechanism for the three past years*
- a. Number of cases reported annually (if possible include data for three past years)*
 - b. Number of relevant reports (excluding reports of cases not related to HC or abuses of reporting mechanisms annually, if possible include data for three past years)*
 - c. Number of cases submitted for further action to police/prosecutors/courts from the reports annually*

Part II.

14. *What was the assessment of this mechanism by the victim groups/NGOs working with the victims*

15. *What are the main strengths and weaknesses of the reporting mechanism identified*

16. Would you recommend to use this reporting mechanism as an example for other EU countries, why

17. Any other observations