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**MANUAL FOR DEVELOPMENT OF ONLINE HATE  
CRIME REPORTING MECHANISM**

SLOVAK REPUBLIC | PEOPLE IN NEED

# MANUAL FOR DEVELOPMENT OF ONLINE HATE CRIME REPORTING MECHANISM

Bratislava, 2018

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# INTRO

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Between 2016 and 2018, five non-governmental organizations from the Czech Republic (In IUSTITIA), Slovakia (People in Need), Hungary (Subjective Values Foundation), Lithuania (Human Rights Monitoring Institute) and Malta (The People for Change Foundation) implemented a project titled „*Tackling Hate Crime and Hate Speech*“, which aimed, among other things, at sharing experience with the functioning of online tools for reporting hate crime and hate speech.

While there were such instruments already implemented in the Czech Republic, Lithuania, Hungary and Malta, only one online tool was known in Slovakia, and it was out of operation at the time of the project implementation. The non-governmental organization People in Need, which analysed the instrument described it as an example of bad practice rather than good practice. This only underlined the need to take advantage of the experience of the project partners and to develop such an instrument in Slovakia as well.

In this publication, we describe the process that we have applied based on the compiled examples of good practice from abroad when creating a reporting tool in Slovakia. The development of the tool itself was preceded by several steps and stages described in this publication. The goal was to ensure that the tool would:

- Provide the most trusted space for victims, witnesses or others to share their experience with hate crime and hate speech-related incidents.
- Serve as a tool to enable non-governmental organizations as well as the state to confront and compare the official hate crime and hate speech statistics with the real situation.

Likewise, when preparing the tool, we focused on predicting and eliminating risks that could negatively affect its use.

Based on an analysis of the existing reporting mechanisms across Europe, we have identified key policies and procedures that can help meet the desired requirements of such reporting tool. In this publication, we tried to identify such principles and transfer these principles to other entities that may choose to develop a similar online reporting tool in their own country.

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# I. THE MAPPING PHASE

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The mapping process, which we applied before starting the actual development of the tool, is not an absolute necessity, but it can help to set the tool correctly and eliminate any risks related to its operation.

At this stage, we tried to answer the following questions:

**1. WHAT IS THE STATUS QUO OF HATE CRIME / HATE SPEECH IN THE COUNTRY BEFORE THE TOOL IMPLEMENTATION?**

## **Analysis of the problem in the country in which the tool is to be operated**

To accurately evaluate the functionality of the mechanism later on (whether it can really improve collection of data on this issue), it is necessary to get the initial baseline data.

We have achieved this goal by mapping the status quo of hate crime/hate speech, using the official statistics, as well as information from non-governmental organizations that deal with this type of crime.

Since crime rates of this type of crimes have a high latency rate (they do not appear in statistics and their actual prevalence does not correspond to the officially reported number of cases), we tried to identify the sources of this discrepancy. We have therefore analysed the most common barriers to detection and prosecution of these acts by the law enforcement agencies, as well as the needs and obstacles on the part of the victims.

For obtaining such data, we recommend preparing a questionnaire for non-governmental organizations and local stakeholders (field workers, social workers, community authorities and vulnerable groups etc.). Questions should be directed at gaining an overview of cases from the stakeholders' practice: how they are informed, what channels the victims or witnesses use to report incidents, what kind of cases are most prevalent, what services they provide to clients, what they perceive to be the main issues related to application of hate crime/hate speech legislation, what are the reasons their clients refuse to cooperate with the police etc.

**2. WHAT REPORTING MECHANISMS ARE THERE EXISTING IN THE COUNTRY WHERE THE TOOL IS TO BE IMPLEMENTED?**

## **Mapping of the domestic reporting tools and identification of their strengths and weaknesses**

To avoid producing a tool that would replicate the weaknesses of other existing mechanisms, we have come to identify other domestic tools. We assessed their functionality, visibility, the extent of the data collected and, if possible, ways of processing of the incoming reports and follow-up communication with the individual reporting the incident ("the notifier"). To

that end, we have developed an additional questionnaire and methodology to help us categorize the information obtained and to identify the strengths and weaknesses of specific reporting mechanisms.

We also tried to find examples of good practices in reporting mechanisms from countries not involved in the project. To this end, we organized an international seminar with the participation of organizations and institutions that run online reporting tools and collected examples of good practice presented in a joint document.

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## II. THE GOAL SETTING PHASE

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We consider this phase crucial as it will significantly influence the final form of the questionnaire in the online tool and set the conditions for its smooth operation.

To streamline the preparation process, this section offers a selection of the most important questions that should be addressed at this stage. Answering them should help matching the expectations of the tool authors with those of the target group (victims, witnesses) for whom the tool is designed.

**1. WHAT IS THE PURPOSE OF DATA COLLECTION?  
WHAT PURPOSE SHOULD THE TOOL SERVE?**

**Be clear about what exactly you want and can do with reporting of the incidents.**

It may seem that the answer to this question is less important than others, or that the answer could wait until the cases are actually reported.

In fact, the answer to this question is crucial for creating the structure of the questionnaire itself. If the main objective is to use the reported cases for legal purposes (e.g. to forward them to law enforcement agencies, or provide legal aid to the victims, etc.) then it is important that the questionnaire itself provide enough information relevant to assess the legal aspects of the reported incident.

If the primary objective is to use the data obtained rather for "sociological purposes" (data collection to gain better understanding of the problem), then the questionnaire will comprise completely different questions than in the previous case.

If the developers, or operators of the tool do not seek further cooperation with the notifier and do not plan to provide specific assistance, then it is necessary to state this information on the website itself where the tool will be located. It will allow the user to decide in advance whether he/she wants to report the incident despite the fact that no service will be provided, and the information will be used only for "statistical purposes". At the same time, this will enable to correctly manage the expectations of the notifiers.

## WHAT PURPOSE COULD THE TOOL FULFIL AND WHAT SHOULD BE TAKEN INTO ACCOUNT:

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### a) The tool is intended only to gain better understanding of the problem

Making use of the tool for monitoring purposes is a useful and often necessary solution. Often, given the lack of NGO capacities, this is the only way to map the problem of hate crime and hate speech more closely without having to act directly on the ground and bear the costs associated with it.

Such a "statistically-oriented" questionnaire may include questions that will allow to get an overview of the following issues:

Who is the most frequent victim?

- What is the age of the victims
- The vulnerable group who were targeted
- The gender of the person concerned
- Whether she was the victim for the first time, or has had experience with a similar type of incident

Where the incidents occur most often

- The area where the incident occurred
- Online or offline

Whether the victims report their cases to the competent authorities, and if not, why

- Did the person report the incident to the police (it is possible to insert a range of options with a box to complete the reasons for not doing so)
- Which organizations (if any) have already been approached with the request for help

The nature of incidents

- Did the act involve violence or weapons
- Was it verbal or physical
- Did the offender act against the victim or other persons in the past in a similar way (if that is the case)

### Advantages:

- Minimal cost of operating the tool and high level of sustainability

### Disadvantages:

- Reduced willingness to report cases and the resulting greater effort required to motivate victims to report incidents

### b) The tool serves for better detection of hate motivated incidents and the operator will cooperate with the police

One of the purposes that the reporting mechanism may serve is the correction of official hate crime statistics. The goal is to reduce the traditionally high latency of this kind of crime

- a situation where official statistics do not reflect the real extent of this category of crime in the society.

Such a use of the tool involves a certain type of cooperation with law enforcement agencies. At least to the extent that the tool operator acts as a "screening element": it performs the legal qualification of the incoming cases, possibly assessing which criminal offense might be involved pursuant to the national criminal legislation. Subsequently, the case is referred to the competent authorities. This refers them a greater number of cases that they would not otherwise receive.

Using the tool for this purpose may be sensitive, as we assume that many victims may not be willing to participate in criminal proceedings with their testimony.

In any case, when using the "legal" tool, it is important to inform the user in advance that their report may be processed as a complaint to the police, while allowing them to decide whether to report it anonymously or using their real name. Likewise, the questionnaire should offer them the opportunity to check whether they will be interested in direct cooperation with the law enforcement agencies.

### **Advantages**

- It helps to objectify information about the crime
- Some of the notifiers will appreciate if the operator of the tool, on their behalf, addresses the authorities
- **Disadvantages** One part of the users who do not want to make their case available to the police could be discouraged from reporting
- Requires existence of legal capacities on the operator's side
- Requires correct, pre-agreed cooperation with law enforcement agencies<sup>1</sup>

### **c) The tool will serve as a hotline (legal, psychological, social)**

This purpose may also be an additional feature while operating the other instruments mentioned above, in particular the second type.

In this case, the questionnaire should not omit questions that identify the needs of the notifier and allow them to determine what type of service the client needs or may be recommended. Finally, the questionnaire, as a mandatory field, should include the possibility of contacting the client.

### **Advantages:**

- It is assumed that a large proportion of clients will be more motivated to use the tool
- The tool operator gains a very detailed insight into the problem (both from the point of view of the victims as well as from the point of view of the possibilities and obstacles to be faced by the law enforcement agencies' practice)

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<sup>1</sup> They must accept the operator as the entity that performs the "screening mechanism" role. Their cooperation agreement may include an undertaking that the operator sends the police the data either as a ground for initiating criminal proceedings or as merely operational information (in which case it leaves the police the option of deciding and assessing whether or not to initiate proceedings ex off).)

- The tool operator has direct contact with the notifier

#### Disadvantages:

- Costs for sustainability of the operation (specialized service personnel necessary)
- Longevity in terms of achieving measurable results in provision of the services



#### Identify what types of data should be collected by the tool

Clarifying the thematic scope is also one of the questions to be answered before developing the mechanism itself. If you decide to collect data on hate crimes and/or on illegal hate speech (such as hatred on the Internet), focus only on these particular areas. Do not extend the scope to cover other illegal phenomena (violence against women, domestic violence, abuse of minors, violations of other human rights, etc.).

There was a tool in Slovakia that covered many issues related to illegal or objectionable online content. However, it covered different types of crime, with different types of victims who had very different needs and assistance requirements (cyberbullying, child pornography, stalking, hate speech etc.).

Such a wide range required targeted way of promoting the tool, corresponding with the diversity of the target groups. It is not easy to manage such a broadly defined tool, as it results in a significant demand for personnel capacities and special skills, but also requires focused and well-planned visibility of the tool in the target communities. Since such capacities and efforts were lacking, in the end, it led to poor awareness of the tool and a low reporting rate. Except for removing malicious content from the Internet - and ultimately only the content related to child pornography was being removed - it has failed to serve any other purpose.

In this respect, we therefore recommend focusing on one type of crime and not to add hate crime as an additional element of an instrument that has been created for reporting of other online or offline phenomena.

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## III. THE TOOL DESIGN PHASE

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The following recommendations have been formulated mainly through the mapping and evaluation of tools in various European countries analysed in the project before launching the tool itself. Based on this, we identified the following recommendations:

#### 1. Formulate the questions so that they fulfil the main aim of the tool

This recommendation is implementing the conclusions from the previous phase in which the objectives have been defined. The questions in the form must therefore lead to obtaining

the information that points towards the set objectives and to serve the purpose why the tool was designed.

If we want to use the tool, for example for legal purposes, the questionnaire cannot ignore questions relevant with regards to criminal proceedings. The questionnaire may include questions about witnesses of the incident, evidence from the incident as an attachment, medical reports etc. For example, in the context of Slovak criminal law, it is relevant whether the victim of bodily harm with hateful motives suffered injuries with treatment taking more than 7 days. Therefore, the form contains a question as to whether the victim contacted a physician and whether his or her incapacity for work lasted more or less than 7 days.

If you devise a questionnaire to generate statistics and explore the hate crime-hate speech phenomenon on a sociological level, you can leave some space in the questionnaire for example to indicate the vulnerable group, to which the action was directed, the age of the victim etc. With periodic evaluation of questionnaires, you can generate statistics for a certain period of time.

## **2. Keep the optimal balance between the degree detail and length**

It is understandable that we want the tool to capture as much relevant information as possible. However, keep in mind that user's patience is limited. A too detailed questionnaire usually discourages the user from completing it.

In a consultancy with IT experts, we have been advised that the questions should only appear gradually after the previous one has been completed. But at the same time, the user will see how many questions (steps) are generally needed for reporting and in which phase the user currently is.

## **3. Work with the perspective of the victims - keep the language and design user-friendly**

Identify who the most vulnerable group that your tool can best serve and think about the group you presume will really be able to use it. If they are foreigners or ethnic minorities, prepare the tool also in their linguistic mutation.

Whatever language you use, think it must be comprehensible from the point of view of the formulated instructions - avoid long, unclear expressions, professional vocabulary.

Even the visual aspect may be important - in this case, however, less is more. The website user should not leave a too sterile and impersonal impression, but the user should not be disturbed by the cramped page design either.

## **4. The notifier must feel safe and secure on your website**

The user who wants to report the incident must be confident that the data provided will not be misused and that the purpose of the tool's operation will be fulfilled.

Think about how you can strengthen this confidence and incorporate this information into the actual site where the tool will be hosted. For example:

- Describe the operator's previous experience with hate crime or working with victims to emphasize your credibility and experience.
- Highlight how you protect your database of reported incidents
- Explain the process following the notification of an incident, explain your relationship with the police or other authorities
- Explain how the notifier can communicate with you
- Describe the purpose for which you want to use the data and what type of service you provide to the reporting party

## **5. Enable anonymous reporting but leave the option to provide contacts**

In connection with the above-mentioned rule of trust and security, it is important for the notifier to be able to report the act anonymously. The questionnaire should therefore allow also anonymous submission. However, even an anonymous client may also ask for feedback. Therefore, the form should offer a non-mandatory field with contact details (e.g., the email address) of the reporting person for sending feedback.

## **6. Prepare the web page where the tool is hosted**

The tool itself will be a part of a website, so its content should be well-structured. It should not be a universal "all-encompassing" portal that covers all sorts of issues since a website filled with articles, videos, blogs, or studies may reduce access to the tool itself. At the same time, however, the website must offer at least brief information on the issue, so that the user understands what falls within the range of incidents to be reported. Therefore, the site should have the opportunity to briefly introduce the user to the issue and explain clearly what cases can be reported by the tool.

In addition, the site should provide information about:

- Who is running the tool
- To whom the reported information is sent and how it is protected
- What are the follow-up options after reporting the case - how the tool operator handles them and to whom it is being forwarded (if it is forwarded at all)
- Define precisely the purpose for which the tool is set up to prevent mistakes in user expectations
- Provide a brief instruction on operating the tool

When designing a website, it is obvious that the name of the domain should be as close as possible to the theme and focus of the tool.

Optimizing the website for mobile phone use is essential. Any hate crime/hate speech victim/witness may want to report the incident immediately after it took place and will probably first look for the tool through search engines on their mobile phone. If the site is not optimized for mobile devices, it may happen that until the victim gets to the computer, the initial emotion and the decision to report the act between time is gone and therefore the incident is not reported.

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## IV. THE PHASE TO ENSURE SUSTAINABILITY OF THE TOOL OPERATION

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### 1. Visibility and accessibility of the tool to the target groups

The future and sustainability of the instrument depends on whether it will actually become a relevant choice for victims or witnesses if they want to report an incident. This will not happen if there is a weak awareness of the instrument.

The tool and its promotion should therefore be highly targeted. If young people are frequently victims of hate crimes in your country, set up cooperation with schools and ask them to promote the tool. You can also target online portals for the youth (music sites, student sites) using banners or articles. Youth targeting is also worthwhile if your tool collects information about unlawful hate speech in the online environment, as the youth is the most active group online. You can ask Facebook page administrators who manage attractive youth groups to feature links to your tool from time to time.

Establish collaboration with people in your country who might serve as "liaison officers" for vulnerable communities: field workers, social workers, non-governmental organizations working with minorities or representing minorities. Ask them to help you with promoting the tool in their communicating with their clients or on their online channels.

You do not need to forget about regular tool information or publishing your reports with your own communication tools (website, fan page, press release, etc.)

### 2. Working with data, statistics and data protection

Generation of regular statistics of incoming reports and protection of such a database should be a matter of course. When developing this tool, you can request that the automated case sorting be featured according to the chosen criteria so that you and your employees do not have to manually encode reports into spreadsheets.

Secure this database with encryption and host it in a strictly protected area with restricted access.

### 3. Regular evaluation of the tool operation

Introduce the tool evaluation period and identify the strengths and weaknesses you encountered during the operation. If possible, eliminate the obstacles that have proven to be the causes of shortcomings and strengthen and promote what has proven to be the advantages of your tool.