

# Building a Comprehensive Criminal Justice Response to Hate Crime

A Resource Toolkit



As part of its project on Building a Comprehensive Criminal Justice Response to Hate Crime, ODIHR has developed a toolkit of practical guides and methodologies aimed at strengthening the efforts of government institutions, criminal justice agencies and civil society organizations to address hate crimes.

Each publication focuses on a specific area of the criminal justice response to hate crime – from developing inter-agency co-operation plans to building the capacity of police and prosecutors to effectively investigate and prosecute hate crimes.

The toolkit draws on the experience of ODIHR project activities in Bulgaria, Greece, Italy and Poland to highlight good practices and lessons learned. Pilot training

held in various locations in Bulgaria formed the basis of the *Manual on Joint Hate Crime Training for Police and Prosecutors*. The *Methodology on Developing Inter-agency Co-operation Plans to Address Hate Crimes* was based on the experience of designing such a co-operation agreement in Greece. In developing the *Methodology on Mapping Unreported Hate Crimes Using Responent-Driven Sampling*, ODIHR partnered with the Polish Office of the Commissioner for Human Rights to conduct a pilot survey of unreported hate crimes among selected communities in the country. Finally, the *Guide to Addressing Hate Crime at the Regional Level* offers a wealth of examples from project activities in Lombardy, Italy, where ODIHR co-operated with regional institutions and organizations.

The publications developed as part of the toolkit are intended to be replicated and customized to national, regional and local contexts to guide efforts to improve the criminal justice response to hate crime across the OSCE region.

# MANUAL ON JOINT HATE CRIME TRAINING FOR POLICE AND PROSECUTORS

For the full publication, see: <https://www.osce.org/odihr/402296>

Police and prosecutors represent the front line in efforts to address hate crime. It is essential that they co-ordinate their efforts to ensure that hate crimes are properly investigated and prosecuted and that victims have access to essential services.

This Manual provides detailed information on how to successfully conduct joint training events for police and prosecutors to ensure their effective and long-lasting co-operation. It combines practical advice with key hate crime concepts and guidance on responding to, investigating and prosecuting hate crimes. It reviews the international legal framework to demonstrate how to overcome gaps in national legislation. Emphasis is placed on the value of using case studies to practice investigating hate crimes and correctly applying hate crime legislation.

The Manual complements and builds on the following programmes developed by ODIHR: [Training against Hate Crimes for Law Enforcement \(TAHCLE\)](#); [Prosecutors and Hate Crimes Training \(PAHCT\)](#); and [The Information Against Hate Crimes Toolkit \(INFAHCT\)](#).

## Good practices for police and prosecutors:

- ✓ Conduct joint hate crime training programmes for police and prosecutors;
- ✓ Develop guidelines and protocols on the specific steps that police and prosecutors must take;
- ✓ Appoint specialized police and prosecutors to create a network of national hate crime experts;

- ✓ Increase co-operation and improve communication with civil society organizations and community leaders; and
- ✓ Increase the diversity of the police force and prosecution service.

## ODIHR pilot training of police and prosecutors in Bulgaria:

In early 2018, ODIHR conducted joint training events for 70 police and prosecutors in three locations: Plovdiv, Sofia and Veliko Tarnovo. Participants were encouraged to critically reflect on the types and incidence of hate crime committed in their regions, including by studying victim and witness testimonials. They also learned how to properly recognize and record hate crimes using bias indicators. Following the training events, 97 per cent of participants expressed confidence in their ability to apply this knowledge to their work.



## DEVELOPING INTERAGENCY CO-OPERATION PLANS TO ADDRESS HATE CRIMES: A METHODOLOGY

For the full publication, see: <https://www.osce.org/odihr/402305>

This Methodology provides practical information on developing strategic, inter-agency co-operation plans to co-ordinate the work of government institutions, criminal justice agencies and civil society in preventing and addressing hate crime. It walks through the stages involved in designing customized plans, including conducting a needs assessment, engaging the support of leadership, determining the scope of the plan and monitoring its implementation.

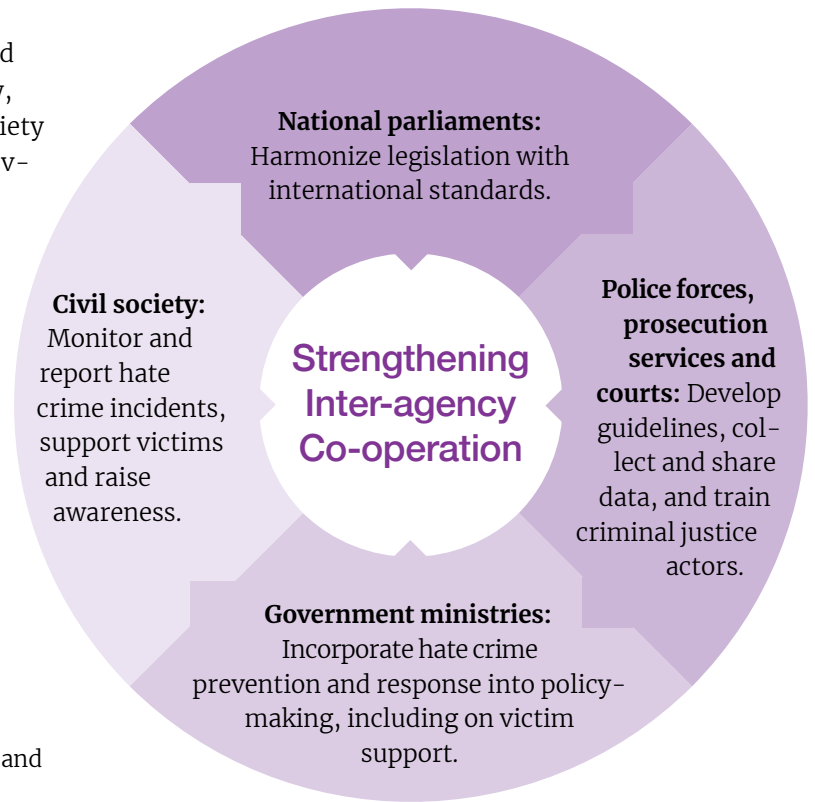
It encourages institutions to collectively overcome the most common stumbling blocks in co-ordinating an effective response to hate crime, including fragmented and inconsistent hate crime data collection and sharing, vague legislation, insufficient co-ordination among criminal justice agencies and a lack of guidelines on investigating and prosecuting hate crimes.

The Methodology outlines the wide range of actors that might be involved in developing the plan, including

criminal justice agencies, government ministries and public bodies working on education, health, equality, non-discrimination and social welfare, and civil society organizations. All actors have a role to play in improving the criminal justice response to hate crime and developing more effective and long-term policies to tackle the problem.

### Good practices in developing inter-agency co-operation plans to address hate crimes:

- ✓ Co-ordinated efforts and effective communication among all relevant actors;
- ✓ High-level political commitment;
- ✓ Impartial assessment of hate crime trends and responses;
- ✓ Commitment to specific tasks and timeframes;
- ✓ An inclusive process that incorporates civil society's and victims' perspectives; and
- ✓ Sustainable implementation of the interagency co-operation plan.



## MAPPING UNREPORTED HATE CRIMES USING RESPONDENT-DRIVEN SAMPLING: A METHODOLOGY

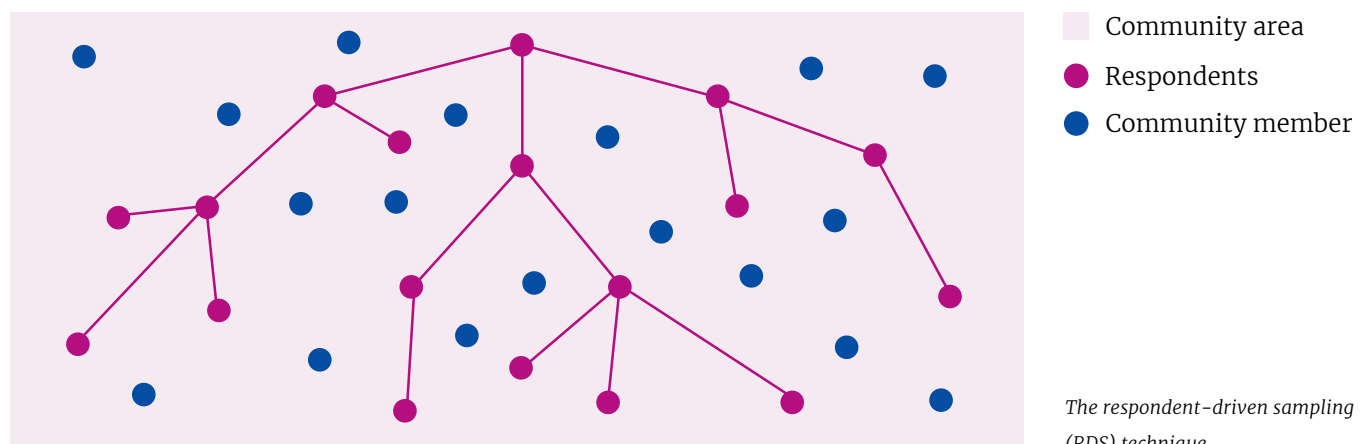
For the full publication, see: <https://www.osce.org/odihr/402314>

The Methodology addresses the problem of hate crime under-reporting with a step-by-step guide to surveying the scale of unreported hate crimes among selected communities using an innovative research technique: respondent-driven sampling (RDS).

RDS allows researchers to reach marginalized groups by having initial survey respondents recruit further participants using coupons distributed within the community. When applied to hate crime victimization surveys, this research technique can expose the hate crime experiences of communities not represented in traditional surveys. Comparing survey responses with official data

opens up public debate on the problem, leading to informed policy-making and a more effective criminal justice response to such crimes.

The Methodology draws on the lessons learned during an ODIHR-commissioned pilot survey to present a ten-step process for designing an RDS survey. It outlines how the types of hate crime and victim communities to be studied can be selected based on an analysis of official data and national legislation. Above all, the Methodology highlights the importance of tailoring the survey to the local context and the findings of desk research.



## Developing an RDS survey step-by-step:

**Step 1.** Project design: identify relevant partners and conduct desk research;

**Step 2.** Analyse national hate crime legislation and data;

**Step 3.** Based on the desk research, select the communities and types of crime to be surveyed;

**Step 4.** Develop terms of reference to identify a suitable research agency to conduct the survey;

**Step 5.** Conduct a formative study to determine the survey's feasibility;

**Step 6.** Hold a consultation meeting to discuss the survey methodology, identify the profiles of initial survey respondents and develop research tools;

**Step 7.** Conduct the RDS survey, paying careful attention to the development of recruitment chains and recording data about recruitment "coupons";

**Step 8.** Analyse the data using dedicated RDS software;

**Step 9.** Interpret the findings: compare survey results with official data and estimate the total number of hate crime victims and cases among surveyed communities; and

**Step 10.** Present the findings to facilitate public discussion.

## GUIDE TO ADDRESSING HATE CRIME AT THE REGIONAL LEVEL

For the full publication, see: <https://www.osce.org/odihr/402536>

While it is essential that national institutions provide a strategic, over-arching response to hate crime, addressing manifestations of hate at the regional level is no less important. Drawing on ODIHR project activities in Lombardy, Italy, this Guide presents the advantages – and challenges – of taking a regional-level approach. By co-ordinating the work of regional actors and institutions, this approach can help shape a more effective hate crime response that is tailored to the local hate crime context. Above all, the regional approach allows for local ownership of the problem, forging trust between communities and local authorities and reinforcing their commitment to address hate crime.

A **regional baseline assessment** can be conducted to map efforts to counter hate crime and determine areas for improvement in a particular region. It can examine the roles of regional criminal justice agencies, analyse hate crime data for the region and identify co-operation among institutions and their training needs. The assessment can be used to develop benchmarks that gauge the effectiveness of the criminal justice response to hate crime at the local level.

### Regional-level activities and good practices:

- ✓ Engaging and promoting trust among key partners;
- ✓ Raising awareness of the regional hate crime context among local communities;
- ✓ Reviewing and collecting hate crime data to establish patterns and trends in the region;
- ✓ Incorporating hate crime prevention into regional educational policies;
- ✓ Customizing hate crime training programmes by studying examples of hate crime in the region; and
- ✓ Promoting reconciliation through victim-led communication with hate crime perpetrators (restorative justice).

As part of its mandate to promote tolerance and non-discrimination across the OSCE region, ODIHR assists participating States in strengthening criminal justice responses to hate crime. This includes delivering

training events, reviewing hate crime legislation and offering its expertise to institutions and civil society. For more information and to request assistance, see the contact details provided below.

#### More information

For more information about the project and ODIHR's hate crime work, visit:

<http://www.osce.org/projects/criminal-justice-response-hate-crime>

<https://www.osce.org/odihr/tolerance-and-non-discrimination>

<http://hatecrime.osce.org>

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