

# “Facing Facts! Make Hate Crime Visible”

Hate Crime – Meaning, Development, Critique



ANDREA KOZÁRY

Dialóg Campus

**“FACING FACTS! MAKE HATE CRIME VISIBLE”**  
**Hate Crime – Meaning, Development, Critique**

This page intentionally left blank.

Andrea Kozáry

“FACING FACTS! MAKE  
HATE CRIME VISIBLE”

Hate Crime – Meaning,  
Development, Critique

Handbook for Law Enforcement

DIALÓG CAMPUS ❖ BUDAPEST, 2019

The work was created in commission of the National University of Public Service under the priority project PACSDOP-2.1.2-CCHOP-15-2016-00001 entitled “Public Service Development Establishing Good Governance”.

Peer-reviewed by  
András László Pap

The manuscript was finalized:  
November 2018.

© The Author, 2019  
© The Publisher, 2019

Reproduction is authorized, provided the source is acknowledged.

# Contents

INTRODUCTION	9
THE HANDBOOK	15
1. WHAT IS HATE CRIME?	
THE PHENOMENOLOGY OF HATE CRIME	17
1.1. Features of the criminal subject	17
1.2. Hate incident and hate crime	21
1.3. Main types of hate crime	23
1.3.1. Racism and xenophobia	24
1.3.2. Anti-Semitism	24
1.3.3. Anti-Roma hatred	26
1.3.4. Anti-Muslim hatred	28
1.3.5. Anti-Christian hatred	29
1.3.6. Anti-migrant hatred	29
1.3.7. Homophobia and transphobia	30
1.3.8. Hate crime against persons with disabilities	31
1.3.9. Extremism and terrorism	33
2. THE LINKS BETWEEN HATE CRIME: PREJUDICES, DISCRIMINATION AND HATE	35
2.1. The pyramid of hate	37
2.2. Social hate	39
2.3. Differences between prejudice and social hate	39
2.4. Special features: Bias or hate?	44
2.5. Police recorded hate crime, England and Wales, 2016–2017	45
3. DEFINITIONS AND LAW	47
3.1. Human rights law	49
3.2. Secondary EU legislation	50
3.3. Strategic EU documents	51
3.4. Other relevant documents	52
3.5. Hungarian legislation	54

3.5.1. The right to protection (Article 18)	56
3.5.2. Summary of the Hungarian domestic law codification	59
3.6. Further definitions of hate crime	60
3.6.1. The Association of Chief Police Officers (ACPO, UK)	63
3.6.2. The Scottish Government	65
4. HATE SPEECH – ONLINE SPEECH	71
4.1. A definition of hate speech	72
4.2. Hate speech in the light of the freedom of speech	74
4.3. Responses to hate speech and counter speech	75
4.4. Some examples to recognise and resist hate speech	77
4.5. Online hate	78
5. MOTIVATIONS OF HATE CRIME: VICTIMS AND OFFENDERS	81
5.1. Thrill seeking	81
5.2. Territorial defence	82
5.3. Retaliation	83
5.4. Mission	84
5.5. Victims of hate crimes	84
5.5.1. Discriminatory types of crime and indirect discrimination	86
5.5.2. Effects on victims	87
5.5.3. Victim support services	89
5.6. Offenders of hate crimes	90
6. POLICING AND COOPERATION IN THE CONTEXT OF HATE CRIME – PREVENTION OF HATE CRIME	95
6.1. Bias indicators	96
6.1.1. Target of the crime	96
6.1.2. Time and place of the incident	97
6.1.3. The nature of violence	97
6.2. Prevention and tackling of hate crime	99
6.3. Judicial experiences and prevention	100
6.4. Non-governmental organisations in Hungary	105
SUMMARY	107
HATE CRIME STORY	109
CASE STUDIES	113
Case Study #1	113

---

Case Study #2	113
Case Study #3	114
Case Study #4	114
Case Study #5	114
COMMUNITY STATEMENTS	117
IMPACT STATEMENTS	121
TRUE/FALSE ITEMS	125
GLOSSARY	137
REFERENCES	143
APPENDIX	153



This page intentionally left blank.

## Introduction

The title of this handbook was borrowed from the EU project *Facing Facts! Make hate crime visible* (2011–2015) since the National University of Public Service (NUPS) had been involved in it. The project was funded by the Rights, Equality and Citizenship (REC) Programme of the European Union.<sup>1</sup> After it has been completed, CEJI (A Jewish Contribution to an Inclusive Europe) together with 11 partners from 8 countries<sup>2</sup> representing different types of stakeholders applied for and won the *Facing all the Facts: Building capacity to monitor hate crime and hate speech through online learning (2016–2018)*<sup>3</sup> a European Commission-funded project. *Facing all the Facts!* is set to run until the end of 2018 and will establish new e-learning modules for the police, prosecutors, policy makers on hate crime and hate speech. These modules will become part of the e-learning platform called *Facing Facts Online* which is also launching the first e-learning course on hate crime monitoring for civil society organisations. The *Facing all the Facts!* project aims to generate more efficient responses to hate crimes and hate speech at national level and beyond in order to bias motivated incidents will no longer be denied and victims' rights will be protected.<sup>4</sup>

---

<sup>1</sup> *Facing Facts!* is an innovative programme aiming to tackle the issue of hate crime and hate speech in Europe and increase the capacity of civilian-society organisations to monitor hate crime. Since its inception in 2011, this initiative has been praised for its role in training on, and advocating for hate crime monitoring systems that expose overlooked hate motivated acts such as racist, anti-Semitic, anti-Muslim and homophobic hate crimes.

<sup>2</sup> 3 national law enforcement organisations: NUPS (HU), OSCAD (IT), NPCC (UK), 3 European organisations/networks: CEJI (BE), ENIL (BE), ERIO (BE) and 5 national civil society organisations active in hate crime monitoring: CST (UK), ENAR Ireland, PRAKSIS (GR), MCI (SP) and CIDI (NL).

<sup>3</sup> See more in the Appendix.

<sup>4</sup> What are we aiming to achieve?

- Improved knowledge about what works establish CSO-public authority cooperation and support key personnel in their efforts to convince decision-makers to document the full range, prevalence and impact of hate crime and hate speech in cooperation with the civil society and all relevant stakeholders.
- Improved ability to build robust evidence to legally prove hate motivation, and to understand how to keep vulnerable victims engaged in the criminal justice process.

Hate crime is – unfortunately – a daily reality throughout the world. It has special and particular motives, as well as identifiable social and psychological underlying causes. It is clear, however, that hate crime challenges many basic human rights and it is a rejection of many basic shared values, such as fairness, respect and tolerance, democracy and the rule of law. Thus, it poses a threat to the unity and cohesion of communities.

Hate Crime occurs in the majority of European countries. Since the 1970s, police have identified hate crime as a specific form of delinquency. Hate crime requires specific investigation methods and police cooperation. Although the European law and criminology knows the concept of hate crime, and all the relevant EU documents formulate the necessity of fight against prejudices and discrimination, it occupies a different place in the national legislative procedures, which makes police cooperation more difficult.

We know that hate crime is underreported and that there is great variation in this respect between countries across the EU. Different agencies are responsible for data collection, different definitions are used, and few countries have the means to record and track cases across the system. On top of this, there are few examples of equal, high quality cooperation across CSOs/NGOs and the police related to this topic.

Hate crime is a crime against the groups and communities to which people belong to. Hate crime is a human rights issue, a threat to community cohesion and a rejection of common and shared values. Society is strong when its communities are strong. And communities thrive when they are united by the positive values they share; values like fairness, respect and tolerance, democracy and the rule of law.

There is a spectrum of hate crime, which runs from abuse and harassment to violent extremism. Hate incidents and hate crimes are everyday features of the lives of some people and occur in ordinary, everyday circumstances. For some, persistent harassment and abuse may be an ongoing aspect of day-to-day existence. Other victims of hate crime may experience a process of escalation in which insults, vandalism and minor crimes increase in severity and intensity into more serious crimes of violence.

Hate crime is an offence that targets individuals, groups and communities on the basis of certain personal characteristics, known as 'protected characteristics'. Protected characteristics include race, national or ethnic

origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation and other similar characteristics which usually reach to the core of their identities. Put it concisely, hate crimes are criminal offences committed with a discriminatory or bias (prejudice) motive.

Hate crimes are message crimes. Perpetrators not only want the victims to hear their message of bias and hate, but they often want to share those messages with the community because they expect that the community shares their views. Some perpetrators believe that police officers will share their biases and even approve of their bias-motivated violence.

Hate crime is actually not an independent legal case in Hungary (as it is not in most of the other EU countries, as well) nevertheless, we quite often meet crime cases motivated by hate in the European countries. Prevention of and tackling against hate crime are tasks both for police and the society. That is why the future police officers and all of law enforcement employees should be prepared for proper handling of hate crime. That is why law enforcement officials all over the world should know how to deal with hate crime issues. As Paul Goldenberg, Programme Manager of the *Law Enforcement Officer Programme on Combating Hate Crime* said: “Law enforcement agencies, particularly front-line officers, have an important role to play in leading the fight against hate crimes. Police are often at the forefront of social change. They are in a unique and vital position in maintaining civil society and protecting the safety and security of a nation’s citizenry.”<sup>5</sup> For law enforcement officers to tackle any type of crime, they must first be aware of its existence, and then they need to be armed with the right tools to make an effective response. Hate crime is a prime example of a law enforcement issue where both awareness and the means to respond are often lacking.<sup>6</sup>

*The mission of the Faculty of Law Enforcement of the National University of Public Service* is: to focus on a current and sensitive problem which exists all over Europe and also affects the Hungarian society. As experiences and statistics show, the number of hate crimes has been rising in the last couple of years everywhere in Europe. In our case this has been affecting most severely the Roma, LGBTQI people, Jews and immigrants or refugees coming to Hungary.

---

<sup>5</sup> *Law Enforcement Officer Programme on Combating Hate Crime* s. a.

<sup>6</sup> *Ibid.*

In teaching the *Hate Crime* subject at the National University of Public Service, one must always keep in mind the special profile of the university and the expectations of students, considering their future professional status. We wish to approach the basic facts and questions of the citizenry's everyday problems from a pragmatic point of view. The teaching material discusses hate crime in great details and the views held against the vulnerable persons within the society and the community. Criminal law should serve justice for those involved in the conflict, both for the victims and offenders, so that the legal norm itself and its moral contents are strengthened. Furthermore, it should, at the same time, fulfil its preventive objectives, namely to contribute to the prevention of the emergence of similar conflicts and the possibility of repeating offence. It aims to repair the relationship between the offender, the victim and the community involved. It is especially important to consider new opportunities nowadays, when we are experiencing an exceptional period of criminal law reform in Hungary.

It is a common feature of police abuse of force/ethnic or racial profiling because it undermines the democratic accountability of the police and the image of democratic policing. Only when citizens trust the police and have confidence in that they are doing professional and fair police work, the law enforcement is supplied with necessary information and supported by those whom they serve.

The up-to-date interpretation of human rights played an important role in the transformation of police work. In the delicate balance of freedom and security, it was more and more necessary to develop a new law and order philosophy which could enable the police to become in effect the army of the law. This means no less than the assurance from the police to guarantee security without causing harm to individual rights and without decrease in the level of societal freedom. It can be said that one important task of the new system is the development of professionalism and the acquisition of a competent knowledge in this field.

Since some important strategic changes took place in the European crime-politics, and because these changes affected mostly the police, these challenges had to be dealt with by the police and by the emerging science of public order. There was a need for new theories and a new philosophy. In place of the traditional policing a new comprehensive security policy (e.g. trans-border organised crime, natural catastrophes, migration flow) had to be worked out.

Hate crimes received more serious attention in the past decade than ever before. According to some international and national researches (recently done by FRA or the Hungarian Otherness Foundation and some other more NGOs) professionals of different fields agreed that the key to improve the response to hate crimes lies in reforming the basic education and introducing targeted in-service training to professionals working in the field.

Budapest, November 2018

This page intentionally left blank.

## The Handbook

This handbook or textbook is aimed to provide study material for university students on BA and MA level, to postgraduate and Erasmus courses, police officers and other law enforcement authorities in middle/senior/special management functions, who during their earlier education did not study this topic.

The aim of the handbook is to raise awareness and the sense of urgency on the issue of hate crime, and to help users to better understand and identify issues in police attitudes and responses to it. The handbook aims to cover all the main aspects of hate crime, including the concepts, national and international legal bases, the characteristics/indicators and impacts of hate crimes, hate speech, investigation and response, prevention, policing and cooperation in the context of hate crime.

The content of *the handbook is based on* EU initiatives, scientific research and publications in the law enforcement field. The principles of the EU's law enforcement strategy provide the framework for law enforcement activity, their responses to recent issues and conflicts within society, and close cooperation with the civil sphere on an international level.

The chapters (topics) of the handbook aim to build on each other, step by step, in a logical order, and to provide systematic, up-to-date material on hate crime. Apart from this introduction, the handbook consists of six chapters with additional case studies, quiz questions, glossary, an appendix and references. The earlier chapters cover the more theoretical topics, and they become progressively more practical in the later parts of the handbook.

In this handbook, I would like to utilise the experiences and results I have gained from my daily work and from my activities in various projects,<sup>7</sup> (for more information, see the Appendix) courses, workshops,

---

<sup>7</sup> ComPHEE (2011–2014) and *Facing all the Facts. Building capacity to monitor hate crime and hate speech through online learning (2016–2018)*.



conferences, working group meetings<sup>8</sup> and seminars. I wanted to focus on a current and sensitive problem which exists all over Europe and affects all European societies. As experiences and statistics show, the number of hate crimes has been increasing from the beginning of the 21<sup>st</sup> century everywhere in Europe. This has been affecting most severely the Roma, LGBTIQ (lesbian, gay, bisexual, transgender, intersex, queer) people, Jews, immigrants and refugees coming to Europe.

It is very important to deal effectively with hate crimes and incidents, even more so given the extra focus placed on them by numerous social, political, economic and financial issues throughout Europe and in the rest of the world. These issues include the increased flow of migrants (mostly Muslim asylum seekers from the Middle East) that started a few years ago, and the effects of the Brexit referendum in the UK.

---

<sup>8</sup> I would like to express my thanks for the support and cooperation of the colleagues (Albin Dearing, Gerhard Haberler, Karl Göran Stanton, Paulo Vaz and Hugh McCormack) during the experts meeting in preparing the content of the online Hate Crime module at the CEPOL HQ in Budapest in 2016.

# 1. What is Hate Crime?

## The Phenomenology of Hate Crime

### 1.1. Features of the criminal subject

Hate is like a virus, and no society is immune. There are three key components to an effective law enforcement response to hate crimes – all of which are familiar to everyone. These are: police-community cooperation; training; and data collection.

In the latter part of the 20<sup>th</sup> century, the term *hate crime* and the legal logic it implies diffused across the globe as civil rights groups and criminal justice systems responded to an age-old form of violence – that which is organised around axes of social differentiation and targets minorities – in newfound ways. Thus, it is appropriate to conceptualise hate crime as part of a larger complex process of legal and cultural regulation of violence directed toward minorities in the U.S., and recently, across the globe.

The concept of *hate crime* first emerged in the United States in the late 1970s and has since been institutionalised in social, political, and legislative discourse in the U.S. and abroad.

Although it remains an empirical question whether the U.S. and other countries that use the term to refer to a subset of crime are experiencing greater levels of hate- or bias-motivated violence than in the past, it is beyond dispute that the term *hate crime* has found a home in various spheres of social and institutional life. From the introduction and politicisation of the term in the late 1970s to the continued enforcement of hate crime law at the beginning of the 21<sup>st</sup> century, modern civil rights movements constructed the problem of bias-motivated violence in ways that distinguish it from other forms of violent crime; state and federal politicians made a legislation that defines the parameters of hate crime in ways that distinguish it from other types of violent crime; judicial decision-makers elaborated and enriched the meaning of hate crime as they determined the constitutionality of *hate crime* as a legal concept that distinguishes types of violence based on the motivation of the perpetrator; and law enforcement officials continue to investigate and

prosecute bias-motivated incidents as a special type of crime that warrants enhanced penalties.<sup>9</sup>

Criminology and the police define hate crime in a similar way. In every definition one can find how victims of hate crime are selected by offenders. The main aspect of selection is the targeted group. If the targeted person is a member of a minority group that is different from the offenders' group – it could be race, ethnicity, national origin, religion, disability or sexual orientation – he or she will be very likely a victim.

According to the FBI definition, hate crime is "a criminal offense committed against a person or property that is motivated in whole or in part by the offender's bias against a race, religion, ethnic/national origin group or sexual orientation group. Hate crimes (also called bias crimes) are, perhaps, the most severe form of discrimination. Hate crimes are criminal offenses in which there is evidence that the victims were chosen because of their race, ethnicity, national origin, religion, disability, or sexual orientation."<sup>10</sup>

Hate crimes occur in different forms and against a variety of particular groups: a swastika scrawled on a grave in a Jewish cemetery; racist and threatening telephone messages against African Americans; physical assaults against gay men and lesbians. In some instances, hate crimes result in the deadliest form of violence: murder.<sup>11</sup>

Hate crimes are usually defined as criminal acts committed with a bias motive. This means that any crime, be it a crime against a person, his/her life, bodily integrity or property, will be a hate or bias-motivated crime if at least one of the motives is that person's presumed or actual membership or association with a defined group of persons. Such groups usually share an often visible, immutable, fundamental characteristic, such as nationality, ethnicity, language, religion, sexual orientation or a similar ground, constituting a marker for group identity. In hate crimes legislation aiming at special protection for such groups, such characteristics are called "protected characteristics".

The term *hate crime* captures a rather slippery concept. When trying to understand and explain it, "the scholarly and policy literature tends not to

---

<sup>9</sup> JENNESS 2003.

<sup>10</sup> WHITLEY–KITE 2010.

<sup>11</sup> ALTSCHILLER 2005.

use the word ‘hate’, but rather terms such as ‘bias’, ‘prejudice’, ‘difference’ and ‘hostility’.<sup>12</sup>

*A hate crime* can be defined as:

- a) any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership of a group as defined in part b.
- b) a group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other, similar factor.

According to the OSCE,<sup>13</sup> hate crimes comprise of two elements: a criminal offence, committed with a bias motive. Firstly, there has to be an act that constitutes an offence under criminal law (the “base offence”). Secondly, the criminal act is committed with a particular motive (the “bias motivation”). This means that the perpetrator intentionally chose the target of the crime (one or more people) because of some protected characteristic shared by a group, such as race, religion, ethnicity, nationality, disability, sexual orientation or other similar common factor.

This raises three difficulties. If there is no base offence, the act does not constitute a criminal offence, and is therefore not regarded as a hate crime. Yet a non-crime hate incident, or hate speech not breaking criminal law, may still have a severe negative effect on the victim: of psychological impact or feeling of vulnerability. Secondly, the range of protected characteristics that are covered by the law vary from country to country. In many countries disability or sexual orientation are not protected characteristics. Thirdly, the knowledge of a hate crime on one individual may have a negative impact of fear or vulnerability on others within a community sharing the same characteristics.

---

<sup>12</sup> IGANSKI 2008, 1.

<sup>13</sup> OSCE: The Organization for Security and Co-operation in Europe (OSCE) is an inter-governmental organisation of 57 participating states from Europe, Asia and North America. It addresses a wide range of security-related issues, including arms control, human rights, national minorities, policing strategies and counter-terrorism. Office for Democratic Institutions and Human Rights (ODIHR) Miodowa 10, 00-251 Warsaw, Poland. Available: [www.osce.org/odihr](http://www.osce.org/odihr) (Accessed: 8 November 2018.)

The OSCE also argue that the term *hate crime* can be misleading as *hate* against a non-protected group is not regarded as a hate crime; but an offence would still be regarded as a hate crime in the absence of hatred if it constituted of a criminal act and was motivated by discrimination against a protected characteristic of the victim. In simple terms, hostility does not have to be present unless the law specifically says so.

A further complication: the term "race" can lack clarity as this is regarded as a social construct rather than a scientific concept. "Ethnic group or national origin" are clearer terms to use in legislation. However, race is commonly used both in law and in common usage, as is the well-known term racism. It is therefore best to have a broad range of protected characteristics set out in legislation, including race, ethnicity, national origin, nationality, religion, disability, sexual orientation and transgender. Some countries have an open-ended list in their hate crime legislation by including "and other characteristics". Although this may appear all encompassing, it can also bring problems as it may be difficult to implement due vagueness in what constitutes "other characteristics". Many attributed personal characteristics are not protected characteristics. For example, if someone who is a real fan of a football team (team A) treats the supporters of another team (team B) in a disrespectful manner, this creates a personal characteristic ("supporters of team B"). However, this label will hardly affect the lives and societal status of those concerned and hence does not constitute discrimination. Being a supporter of a particular football team is, therefore, not a protected characteristic.

While hate crimes are discriminatory in that the perpetrator treats his/her victim differently than others by singling him/her out only because of, e.g. his/her appearance or other protected characteristic, they need to be distinguished from the general discriminatory behaviour. While the latter involves actions that are not necessarily criminal actions (e.g. hiring or failing to hire an employee, issuing an administrative order, etc.), a hate crime will only exist if the underlying action is already a criminal act. This is reflected in the legislation governing both phenomena: anti-discrimination legislation belongs into the sphere of civil or administrative law, while hate crimes provisions are always part of criminal legislation.

Every hate crime has two elements. The first element is that an act is committed that constitutes a criminal offence under ordinary criminal law. The second element is that the offender intentionally chose a target with a protected characteristic. A protected characteristic is a characteristic shared

by a group, such as “race”, language, religion, ethnicity, nationality or any other similar common factor. For example, if a person is assaulted because of his or her real or perceived ethnicity, this constitutes a hate crime.

Hate crimes always require a base offence to have occurred. If there is no base offence, there is no hate crime. The target may be one or more people, or it may be property associated with a group that shares a protected characteristic.

Because there are variations in legal provisions from country to country, there is some divergence in what constitutes a crime. In general, however, most OSCE countries have criminalised the same types of acts. This relative consistency in the criminal codes of the participating States provides at least some basis for comparison among them in terms of statistical, policy and legal approaches.

## 1.2. Hate incident and hate crime

The term *hate incident* or *hate-motivated incident* is used to describe an incident or act committed with a bias motive that does not reach the threshold of a hate crime, either because a criminal offence was not proven or because the act may not have been a criminal offense under a particular state’s legislation. Nonetheless, hate-motivated incidents may precede, accompany or provide the context for hate crimes. Since hate motivated incidents can be precursors to more serious crimes, records of such incidents can be useful to demonstrate not only a context of harassment, but also evidence of escalating patterns of violence.

A hate incident is any act, whether consisting of conduct, speech, or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.

Hate incidents involve behaviours that, though motivated by bias against a victim’s race, religion, ethnic/national origin, gender, age, are not necessarily criminal acts. Hostile or hateful speech, for example may be motivated by bias but is not illegal. They become crimes only when they directly incite perpetrators to commit violence against persons or property, or if they place a victim in reasonable fear of physical injury. Officers should thoroughly document evidence in all bias-motivated incidents. Law enforcement can help to defuse potentially dangerous situations and prevent bias-motivated criminal behaviour by responding to and documenting

bias-motivated speech or behaviour even if it does not rise to the level of a criminal offense.

When a hate crime or bias related incident occurs, many individuals' and groups' feelings of fear, outrage or alienation are intensified. When this happens, it is important that the victims know what type of resources within the community are available for them. This is important not only for the victims, but also for the larger community.

Hate crimes differ from other crimes in their effect on victims and on community stability:

- Hate crimes are often especially brutal or injurious.
- Victim(s) usually feel traumatised and terrified.
- Families of victims often feel frustrated and powerless.
- Others in the community who share the victim's characteristics may feel victimised and vulnerable.
- Hate incidents can escalate and prompt retaliatory action.
- Hate crimes and hate incidents create communitywide unrest.

Since the 1970s, it became clear for the police, that hate crime is a specific form of delinquency, which has special motives, social and psychological bases. Hate crime requires specific investigation methods and police cooperation. It is necessary to give special attention to the contact of hate crime and the terrorism. It makes the police cooperation harder that although the European law knows the hate crime concept, it occupies different place in the national legislative processes.

Police officers and investigators have important roles to play in responding to hate incidents and crimes. By doing the job efficiently and carefully, police can reinforce the message that hate crimes will be investigated aggressively, thus enhancing the likelihood of a successful prosecution.

Educational programming that integrates hate crime for law enforcement officials strengthens the police officers' understanding and capacity to respect and protect the rights of others, especially those who are excluded or discriminated against such as minorities, bringing law enforcement officers closer to the communities they serve and positions law enforcement officers to claim their own rights.

Why is it so important to identify an incident as a hate incident? Because a hate incident is different in that:

- it does not just affect the victim;
- it can impact upon entire communities;

- there can be hundreds of “victims”;
- the society as a whole is a victim;
- there is a very high risk of repeated victimisation;
- there is a high probability that the hate incident, e.g. a racist incident, is one piece of a local jigsaw puzzle of incidents which if completed will give pointers to the offenders;
- there is a significant risk that, unchecked, the perpetrators will descend to graver forms of hate crime; and
- perpetrators/haters may be formally or informally organised – it can be a conspiracy crime.

Hate Crime is a crime which involves prejudice against a particular group, whether this is based on religion, colour, nationality, sexual orientation, disability, gender or some other characteristic. Hate crimes (also called bias crimes) are the most severe form of discrimination. Hate crimes are criminal offenses in which there is evidence that the victims were chosen because of their race, ethnicity, national origin, religion, disability, or sexual orientation.

Hate crime is a crime that targets individuals, groups and communities on the basis of certain personal characteristics, known as “protected characteristics”.

Protected characteristics include race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, and other similar characteristics which usually go to the core of their identities. Hate crime is also a crime against the groups and communities that the victims belong to.

### **1.3. Main types of hate crime**

In Europe, reports and statistics by international bodies, national authorities and civil society organisations identify the most widespread forms of hatred and intolerance.

These are:

- Racism and xenophobia
- Anti-Semitism
- Anti-Roma hatred
- Anti-Muslim hatred
- Anti-Christians hatred



- Anti-migrant hatred
- Homophobia and transphobia
- Hate crime against persons with disabilities

Definitions of hate crime need to be both understandable and useable by the judiciary and lawyers, policy makers and law enforcement officials; and of course, victims.

### *1.3.1. Racism and xenophobia*

Racism can be defined as a discriminatory attitude (bias) or hostility on the basis of a person's race, skin colour, language, or national or ethnic origin. It is based on the incorrect premises that some races are superior to others and that a person's social and moral individualities are predetermined by his or her innate biological characteristics.

It is important to underline that while some specific groups are more vulnerable, any ethnic group can be a target of racism.

Xenophobia can be defined as a fear of that which is perceived to be foreign or strange.

Racism and xenophobia are closely linked because people who share a national origin may also share other protected characteristics that give rise to racism (skin colour, language, etc.), which means that victims of xenophobia can also become victims of racism.

In times of a social and economic crisis, racism and xenophobic sentiments towards migrants and other minorities tends to increase. This is as a result of intolerance speech by some politicians and sensationalist media coverage, resulting in a feeling of insecurity by the general population that could lead to an escalation of hate. These factors are exploited by extremist movements to gain support and recruit new members and sympathisers for their causes, by using inflammatory rhetoric, especially within an unemployed and unhappy young population.

### *1.3.2. Anti-Semitism*

The Jewish community has long been one of most targeted communities for hate crimes. The systematic offences and attacks not only on Jewish people

but also vandalism against synagogues and Jewish cemeteries have a great psychological impact on the whole Jewish community. For example, in 2007, there was a neo-Nazi attack on a Jewish cemetery in Lisbon, Portugal, in which graveyards of Jews that survived the concentration camps were vandalised, causing a great impact on the Portuguese Jewish community.

It is important to highlight the great trauma experienced by the Jewish community through different periods of European history, making any violent and repugnant act against the Jewish community an attack on Jewish culture, religion or traditions. Robert S. Wistrich used the term “the longest hatred” to emphasise the Jews’ plight from pre-Christian times to the Holocaust.

Anti-Semitism defines a discriminatory attitude or discrimination against Jews and the Jewish community and is based on stereotypes and preconceived myths that target Jews as a people, their religion and/or their way of life. Some of those discriminatory attitudes (biases), stereotypes and conspiracy theories derive from the assumption that Jews control the media, economy, government or other societal institutions and are responsible for phenomena like capitalism.

Although anti-Semitism can manifest in different ways and forms, evidence shows that while physical attacks on Jews and attacks on synagogues have decreased, online hate speech has grown and is one of the most important concerns for the main Jewish organisations.<sup>14</sup>

From 2013, the Median Opinion and Market Research Institute conducted a comprehensive survey commissioned by Action and Protection Foundation on the Hungarian society’s relation to the Jewish population, including an examination of issues such as opinions and ideas related to the Jewish people; a look at how widespread and intense anti-Semitic prejudice is; public perceptions of anti-Semitism; attitudes towards the social engagement of Jewish organisations; the society’s awareness of conflicts between the government and the Jewish community in the recent past. One of the main findings of the study was that an increase – albeit slight – can be seen in the levels of anti-Semitism over the last few years. The proportion of strongly anti-Semitic respondents grew from 20% in 2013 to 23% in 2015. 26% of the population agreed with the statement “I don’t like Jews”.

---

<sup>14</sup> For more information, see the website of CEJI and FRA’s “Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism”. Available: [www.ceji.org](http://www.ceji.org); <http://fra.europa.eu/en/publication/2013/discrimination-and-hate-crime-against-jews-eu-member-states-experiences-and> (Accessed: 8 November 2018).

### 1.3.3. *Anti-Roma hatred*

Anti-Gypsyism,<sup>15</sup> a term indicating the specific expression of biases, prejudices, and stereotypes that motivate the everyday behaviour of many members of majority groups towards the members of Roma and Traveller communities, is deeply rooted within European countries with a strong presence of Roma people.

Physical abuse or harassment of Roma and Travellers by the police has been reported in countries including Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, the Czech Republic, France, Georgia, Greece, Hungary, Italy, Portugal, Romania, the Russian Federation, Serbia, Slovakia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine. These reports show that there is a pattern of excessive use of force by police against Roma during police custody and in the course of police raids, which sometimes have led to the death of the victim.<sup>16</sup>

The common association of Roma/Romani with common criminality contributes to the escalation of anti-Roma rhetoric that leads to ongoing marginalisation and constant "migration" (wandering and travelling in groups) within Europe, seeking better conditions.

Hate crimes against Roma include assault, vandalism of property and violent aggression that can lead to murder.<sup>17</sup> For example, in 2008 and 2009 Hungarian right-wing extremists murdered six Roma persons, including a five-year old boy.

The Amnesty International in a report entitled *Violent attacks against Roma in Hungary* shows how racially motivated crimes have an impact on individual victims, communities and society as a whole. It also shows how shortcomings in the Hungarian justice system hinder the prevention of and

---

<sup>15</sup> More information: Antigyptism and Antisemitism in Hungary, Summary of the final report 2018. Available: [http://politicalcapital.hu/pc-admin/source/documents/EVZ\\_Antigyptism%20Antisemitism\\_final%20report\\_%20summary\\_180228](http://politicalcapital.hu/pc-admin/source/documents/EVZ_Antigyptism%20Antisemitism_final%20report_%20summary_180228) (Accessed: 8 November 2018.)

<sup>16</sup> *Human rights of Roma and Travellers in Europe* 2012.

<sup>17</sup> Hungary is suffering of a large number of ethnic-based conflicts of which the majority involves Roma people. Their estimated number by far exceeds that of other minority groups. Estimates go from 4–6% to up to 7–10% of the total population, which means from 400,000 to up to 1 million Roma people. During the national census in 2011, when citizens were asked about national affiliation on an anonymous basis, 315,583 people defined themselves as Roma but in 2001 only 190,046. The latest sociological research shows that approximately 8% of the population is Roma.

response to such attacks.<sup>18</sup> The Hungarian police have been accused of being slow to investigate the killings, refusing for a long time to see any link or racial motive.

Between July 2008 and August 2009 eight attacks were committed against Roma victims by unknown persons in North-East Hungary.<sup>19</sup> The men used guns, grenades and petrol bombs in nine assaults on Roma over a 14-month period. Among the victims were a couple in their forties, an elderly man, a father and his son, and a single mother with a 13-year-old daughter.

In these attacks, 6 people died and 55 were seriously injured. In one attack a house was set ablaze and as a Roma father and his five-year-old son fled they were shot dead. In 2009, early in the morning on 23 February, in Tatárszentgyörgy, in the small north-eastern village a Jeep stopped in front of a house on the outskirts of the village. It is well-known in such villages that the few houses on the border belong to the Roma, a minority under fierce and unmasked racist attack in today's Hungary. The passengers of the Jeep threw a Molotov-cocktail into the house. The inhabitants wanted to flee the house when gun-fire opened on them from the Jeep outside of their door: a 4-year-old child and his father died in the attack, several other family members were injured. Although shots had been heard, the initial police investigation treated the case as an accident. Only after the intervention of Viktória Mohácsi, then a Member of the European Parliament, investigators found the bottles used for the Molotov cocktails, as well as lead shot and shot cartridges. The police report was changed after the autopsy which confirmed that Róbert Cs. and his son were shot dead. The Independent Police Complaints Board concluded that the failure of the police to treat the murder as a hate crime seriously hindered the investigation and thus violated the rights of the victims.

The trial of four serial killers charged with murder on racial grounds started in Budapest in March 2011 and lasted over 30 months (167 days). A court (after a two and half year trial) found four men guilty of killing six Roma people in racist attacks. Life sentences were handed down to three persons, a fourth defendant got a 13-year prison sentence. On that topic there

---

<sup>18</sup> *Violent attacks against Roma in Hungary* 2010.

<sup>19</sup> 2008, 21 July Galgagyörk, 8 August Piricse, 5 September Nyíradony, 29 September, Tarnabod, 3 November Nagycséc, 15 December Alsózsolca. 2009, 23 February Tatárszentgyörgy, 22 April Tiszalök, 3 August Kisléta.

is a documentary movie film of award-winning filmmaker Eszter Hajdú: *Judgment in Hungary*.<sup>20</sup> The film documents the trial from the very first day until its end in August 2013. It was hard to judge the cause of the policemen’s lackadaisical, careless handling of the case. (Was it because they did not care very much about the Gypsy victims? Was it because they were lazy? Was it because they were incompetent? Were they misled by the doctor who did not notice the gunshot wounds inflicted by a hunting rifle? What about the firemen who never checked whether the fire was a case of arson? There were too many questions.)

In some European countries statistics show the use of firearms, explosives and improvised incendiary devices are often used against Roma people and their homes. For example, in August 2016, there was a Molotov cocktail attack on a Romani encampment in Marseille, France.<sup>21</sup>

Law enforcement officials need to take steps towards increasing the confidence of hate crime victims, so that they, in turn, feel safe enough to report such crimes to the police. That can only be done if Roma groups are assured that thorough investigations are made in instances of police ill treatment of Roma. To bridge this trust gap, it is crucial for the police to receive adequate training on community policing that can help them to handle conflict resolution at local levels.

#### 1.3.4. *Anti-Muslim hatred*

The stereotyping of Muslims is very old. Anti-Muslim hatred is defined as discriminatory attitudes (bias) against Muslims and the religion of Islam, but its causes and characteristics are still questioned by some scholars who prefer to use the term “cultural racism”. The term “Islamophobia” is also often used in the media, but this is a recent neologism and is not a correct term.

Anti-Muslim hatred manifests as verbal and physical attacks on Muslims and as vandalism against mosques and has a great impact on Muslim

---

<sup>20</sup> *Official Trailer – Judgment in Hungary by Eszter Hajdu (Ítélet Magyarországon) (2014)*. Available: [www.youtube.com/watch?v=BGDt6HRZYtk](http://www.youtube.com/watch?v=BGDt6HRZYtk) (Accessed: 8 November 2018.)

<sup>21</sup> For more information see the article from OSCE-ODIHR and the Roma page on FRA’s website: <http://hatecrime.osce.org/what-hate-crime/bias-against-roma-and-sinti>; <http://fra.europa.eu/en/theme/roma> (Accessed: 8 November 2018.)

communities. For example, in December 2014, a mosque was attacked in the town of Eskilstuna, Sweden, injuring five people.

In some Member States, organised groups such as PEGIDA (Patriotic Europeans Against the Islamisation of the West) and HOGESA (Hooligans Against Salafists) have been responsible for several hate crime incidents and attacks against the Muslim community.<sup>22</sup>

Central European politicians have quickly discovered that the wave of Islamophobia which has seized their countries is a very useful political tool for deflecting attention away from the unsolved problems of their societies.

### *1.3.5. Anti-Christian hatred*

Anti-Christian hatred can be defined as a discrimination and intolerance against Christians. Most of the attacks on Christians and their religion manifest thought vandalism and destruction of places of worship, hate graffiti and the desecration of cemeteries. For example, in Norway in 1992, anti-Christian groups made arson attacks on several Norwegian Christians. Hate crimes against Christians occur mostly in places where Christianity is the minority religion. Anti-Christian hatred remains a concern on the agenda of some Member States.<sup>23</sup>

### *1.3.6. Anti-migrant hatred*

Anti-migrant hatred, closely connected to racism and xenophobia, has increased in recent years.<sup>24</sup> This has raised awareness in Member States regarding the proper protection of the rights of migrants in Europe.

---

<sup>22</sup> For more information see Europol's TE-Sat 2015, and the website of Tell MAMA: [www.tellmamauk.org](http://www.tellmamauk.org) (Accessed: 8 November 2018.)

<sup>23</sup> For example, in September 2016, Hungary opened an office to tackle Christian persecution. More information on the website of the Observatory on Intolerance and Discrimination against Christians. Available: [www.intoleranceagainsthchristians.eu/](http://www.intoleranceagainsthchristians.eu/) (Accessed: 8 November 2018.)

<sup>24</sup> For more information see the website of the European Network Against Racism (ENAR). Available: [www.enar-eu.org/Map-of-anti-migrant-violence-hatred-and-sentiment-in-Europe](http://www.enar-eu.org/Map-of-anti-migrant-violence-hatred-and-sentiment-in-Europe) (Accessed: 8 November 2018.)

During the summer of 2015, tens of thousands of refugees travelled through Hungary to Germany and Sweden, with very little help from the Hungarian Government.

The refugee crisis laid bare major cultural differences between EU member states in the west and those in the east. While every government except Germany showed reluctance to help, the so-called Visegrád group – the former communist states of Poland, Hungary, Slovakia and the Czech Republic – assumed an openly hostile attitude towards them. For most of the past two centuries, the historical cultural narrative of these four countries has been based on defensive nationalism and on the notion of victimhood. The notion of defending pure, small, vulnerable national communities from foreign influence has been potent. Much more than in Western Europe, a narrative was quickly constructed that framed the refugees from the Middle East and from Africa as an outside menace.

Anti-migrant hatred also increased in the UK after the Brexit referendum, especially in areas that voted to leave the EU. In fact, police statistics show hate crimes to have tripled in some of the most Eurosceptic parts of Britain. (As reported by the National Police Chiefs' Council – NPCC.)

The EU referendum campaign began on Friday, 15 April 2016, with the result announced on Friday 24 June, the day after the referendum. Around this time there was a clear spike in hate crime, e.g. offences with a xenophobic element (such as graffiti targeting certain nationalities) can be recorded as race hate crimes by the police.

An increase in racially or religiously aggravated offences in March 2017 can be observed – the Westminster Bridge attack occurred on the 22 March 2017. Although there were only nine days remaining in March when the attack took place, an increase is still apparent.

### *1.3.7. Homophobia and transphobia*

Homophobia and transphobia are defined as discriminatory attitudes (bias) towards a person's sexual orientation or gender identity. The LGBTIQ (lesbian, gay, bisexual, transgender, intersex and queer) community is historically one of the main targeted groups for hate crimes. Attacks on the LGBTIQ community tend to be violent and can lead to murder, as happens in several European countries (e.g. in the UK).

These crimes often occur because of the high rates of discrimination and marginalisation and low social acceptance of LGBTIQ persons, sometimes perceived in terms as ‘weak’, ‘ill’ or ‘morally wrong’. These negative assumptions and misconceptions may also be rooted in cultural, religious or political convictions. The LGBTIQ community is often described by conservative or ideologically motivated media, politicians and religious leaders as a danger to public health and to traditional structures such as family or marriage.<sup>25</sup>

The Matthew Shepard and James Byrd, Jr.<sup>26</sup> Hate Crimes Prevention Act, also known as the Matthew Shepard Act is an American Act of Congress, passed on October 22, 2009, and signed into law by President Barack Obama on October 28, 2009. It is the first federal law to extend legal protections to transgender people.

In June 2011, the UN Council adopted Resolution 17/19 – the first United Nations resolution on human rights, sexual orientation and gender identity expressing “grave concern” at violence and discrimination against individuals based on their sexual orientation and gender identity. Its adoption paved the way for the first official United Nations report on the issue prepared by the Office of the High Commissioner for Human Rights.

### *1.3.8. Hate crime against persons with disabilities*

Discriminatory attitudes (bias) against people with disabilities is only recently being recognised as hate crime. In some cases, the discriminatory attitudes against people with disabilities is based on the incorrect assumption that people with physical or mental impairments are inferior.

This has a great impact upon a group that already has to deal with day-by-day difficulties and barriers to full participation in society. Among other causes, the lack of political and social policies that facilitate and grant access to basic services to people with disabilities, commonly leads to them being denied equal opportunities to succeed in the society.

---

<sup>25</sup> For more information see the LGBTI page on FRA’s website: <http://fra.europa.eu/en/theme/lgbti> (Accessed: 8 November 2018.)

<sup>26</sup> Shepard was a gay student who was tortured and murdered in 1998, Byrd was an Afro-American man who was tied to a truck by two white supremacists, dragged from it, and decapitated.



Most common hate crimes perpetuated against people with disability assume the form of verbal abuse, vandalism, cruelty, humiliation and degrading treatment, frequently related to the nature of the disability. In some cases, it can lead to aggression, violence and murder.<sup>27</sup>

There is a very tragic incident of Fiona Pilkington from Leicester in 2007. She killed herself and her 18 years old disabled daughter Francesca after Leicester Police failed to investigate her 33 complaints to them about harassment. Her daughter, who had developmental delay, was the target of a group of boys, some as young as ten.

The 38-year-old mother complained to the police, the council and her MP in a bid to stop nearly a decade of abuse of her mentally disabled daughter Francesca Hardwick, 18, and dyslexic son Anthony. The group of youths threw stones and eggs at her home in Leicestershire, urinated on a wall, invaded the garden and pushed fireworks through the letter box. Anthony was beaten up in the street and locked in a shed at knifepoint. The final call to the police came on the day of Miss Pilkington's death in October 2007, when she was told to 'ignore' girls trampling over her hedge and mocking Francesca. The police felt she was over-reacting and did not connect the various calls to assess how vulnerable the family was. They felt it was not worth prosecuting for. The jury at the inquest into her death, 2 years later, ruled that Fiona and her family had been failed by the local councils in the area, as well as the police and that those failings had contributed to her death. The case of Fiona Pilkington is seen in the sector as a turning point in agencies being more responsive to vulnerable victims of anti-social behaviour.<sup>28</sup> The main lesson learned from this is that people with disabilities are far more vulnerable than others, therefore, for the police not to take her pleas for help seriously resulted in this tragic incident. Also, it shows that hate crime against disabled people is just as harmful as any other group, if not more.

---

<sup>27</sup> For more information see the page on people with disabilities on FRA's website: <http://fra.europa.eu/en/theme/people-disabilities> (Accessed: 8 November 2018.)

<sup>28</sup> *Fiona Pilkington* s. a.

### *1.3.9. Extremism and terrorism*

Some police forces tend to refer to certain bias crimes in political terms. Thus, neo-Nazis attacking the homes of asylum-seekers or refugees are sometimes conceptualised, registered and communicated to the public as ‘right-wing extremism’, not as incidents of racist violence and large-scale hate crime.

While such a conceptualisation may serve legitimate purposes, there is a risk that in classifying such crimes in political terms will ignore, overlook or play down the element of discrimination and its impact on the victims’ rights and dignity. Using political terminology conceives the offence not as a matter of the rights of individuals and their protection but as a public issue or a matter of state security. Therefore, such a translation of individual rights abuses into a terminology of public or state security comes with a risk of failing to acknowledge the victims as victims of discrimination.

Similarly, framing violence as terrorism must not distract attention from the rights of victims. On 7 January 2015, two brothers, Saïd and Chérif Kouachi, forced their way into the office of the French satirical newspaper Charlie Hebdo and killed 11 people injuring 11 others. Hence, 22 individuals suffered severe violence for the sole reason that they were perceived by the offenders as representing a certain liberal and pluralistic ideology, promoting the right to freedom of expression and criticism of religions. While this incidence is, of course, to be contextualised within a wider political framework of international terrorism, this should not lead to overlooking that the individuals concerned are entitled to recognition – not only as victims of violent crime, but also as victims of political or religious discrimination.

This page intentionally left blank.

## **2. The Links between Hate Crime: Prejudices, Discrimination and Hate**

Prejudice is the background for discrimination, but it does not supply enough basis for hate crimes. Prejudice wants to put target groups at the bottom of its virtual hierarchy. Its results are degradation and worthlessness of these groups, but these ones are slight to commit such crimes as serial killings against Roma, or Breivik's action in Norway. Prejudice wants to rule society, and to keep down the minorities.<sup>29</sup>

From a social psychological viewpoint, prejudice is an attitude directed toward people because they are members of a specific social group, and it is actually an emotional component of racism.<sup>30</sup> From a sociological viewpoint, bias can be defined taking into account its latent and open goals, and social and societal consequences, too. Looking at prejudice from this side, it seems to be the cognitive form of the intention to form a rigid hierarchical structure in the society, in which the stratum are divided from each other strictly, and they have impassable boundaries.

There is sometimes only a narrow divide between acts of discrimination prohibited by equalities legislation and acts that would be sufficient to constitute a hate crime. Discrimination means making an unjust distinction in the treatment of other people, on such grounds as race, sex or sexual orientation. Hate crime is part of a continuum of discrimination that is founded in prejudice and that, at its' most extreme, leads to genocide. Discrimination is a practical realisation of nightmares of prejudice. Since, prejudice has evolved parallel with the spread of equality in societies from the end of the 19<sup>th</sup> century; it is interference with the identity development of a minority. One of the main aims of prejudice and discrimination is that the members of subordinated groups do accept the identity of their own, which is forced by the ruling groups. The other major aim is institutionalisation of segregations; in case of failure of that, they form an

---

<sup>29</sup> BONILLA-SILVA 2006.

<sup>30</sup> BREWER-BROWN 1998; GREEN-GABBIDON 2009.

informal hierarchy to hinder subordinated groups' access to public goods. If it is successful, privileges have arisen in the society for the majority.

Discrimination is a matter of the offender's attitude, not of whether the distinction made is factually correct or not. So, if a person abuses another for being Jewish, this forms an instance of anti-Semitic abuse, independently of whether the victim actually *is* Jewish or not (or identifies themselves as being Jewish or not). All that matters is that the offender's abuse expresses a discriminatory – e.g. racist or anti-Semitic – attitude.<sup>31</sup>

This distinction between attitude and factual accuracy is not merely a matter of theory but it is also important in practice. If the police, following the logic of the offender, enquire whether the victim actually *is* Jewish – or a foreigner, or gay – they accept the distinction made by the offender as relevant in the situation where the victimisation occurred and thereby reinforce discrimination. This would then constitute 'secondary victimisation', that is, the re-enactment of the offender's violation of the victim's right not to be discriminated against.

Why are we concerned about discrimination? The reason is that our legal order is based on the concept of human dignity, which implies that all individuals share – and are to be treated as sharing – the same social status as persons. While all individuals are unique, it is up to them to decide and to demonstrate by their actions how they are special and what defines them. Forcing labels on others violates their right to decide for themselves who they are and how they want to be perceived and acknowledged by others.

Some prefer the term 'bias crime' over 'hate crime', because 'bias' is closer to what is the essential element of hate crime, namely discrimination. On the other hand, 'hate crime' has become widely used and understood. While 'bias crime' is more precise, the term 'hate crime' is more popular. Here the terms 'hate crime' and 'bias crime' are used interchangeably.

Challenging discrimination and prejudice is therefore the key to preventing hate crime. In turn, taking robust and effective action to tackle hate crime is a key element of wider diversity and equality strategies.

Hate crimes undermine a person's dignity, their individuality, their sense of worth, and their respect for their place in society. The psychological impact of hate crimes can be far greater than other types of crime: they send a message that the victim and/or their group are not an accepted part of society in which they live. Instead, the crime highlights

---

<sup>31</sup> FRA 2012a, 19.

the perceived difference of the victim's group from the perpetrator's group in a fundamental way – race, ethnicity, national origin, religion, disability, sexual orientation, etc.

Every hate crime incident (hate speech as well) is an attempt on the democratic society's life. Prejudice generally makes impossible the peaceful democratic conditions in a multicultural society. That is why to analyse, investigate and prevent hate crime incidents is an important task for the police officers.

## 2.1. The pyramid of hate

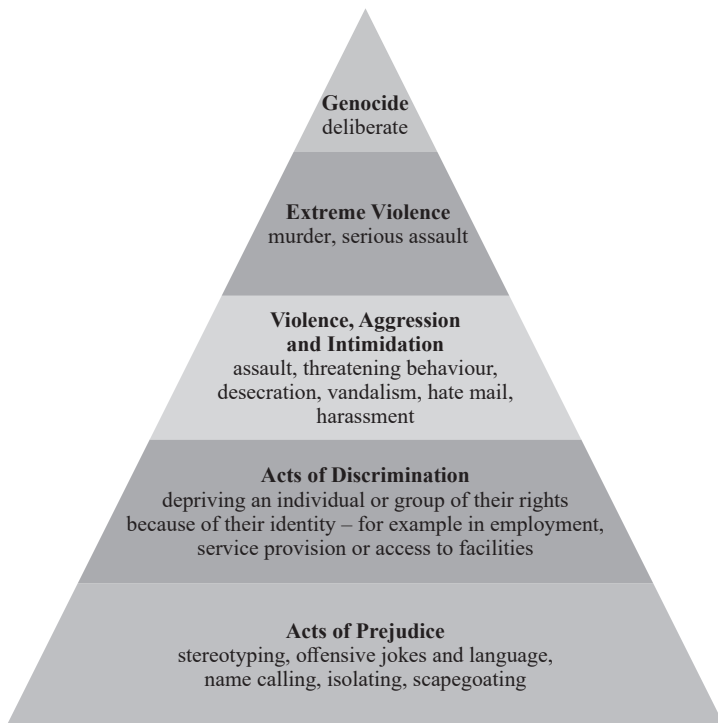


Figure 1.  
*The pyramid of hate*

Source: Made by the author.

There is a spectrum of hate crimes, which runs from abuse and harassment to extreme violence. This can be illustrated through the pyramid of hate. The "Pyramid of Hate" shows the steps between behaviours that we may encounter on an everyday basis up to extreme acts of violence. Failure to challenge subtler acts of bias or prejudice creates an environment in which hatred and discrimination can flourish.

This pyramid is similar to Allport's Scale of Prejudice and shows five different levels of bias behaviours, increasing in severity from prejudicial acts at the bottom to genocide at the top.

Hate crime occupies the highest three levels of the pyramid of hate, starting with 'violence, aggression and intimidation'. It therefore rests on the foundations of 'acts of prejudice' (stereotyping, offensive language, etc.) and 'discrimination' (denial of employment, services, etc.).

Like a real pyramid, the upper levels are supported by the lower levels. So, if people and/or authorities treat behaviours on the lower levels as being acceptable or 'normal', it results in the behaviours at the next level up becoming more accepted. If this acceptance continues through the more severe types of bias behaviours, then this can lead eventually to the highest level of the pyramid, genocide.<sup>32</sup>

---

<sup>32</sup> Gordon Allport, a psychologist, created Allport's Scale in 1954. It is a measure of the manifestation of prejudice in a society. The scale contains 5 stages of prejudice, ranked by the increasing harm they produce.

*Stage 1: Anti-locution*

Anti-locution ("speaking against") means making jokes about another group, but also the expression of hateful opinions. In the former case it is also called derogatory speech, and in the latter case it is called hate speech. Both cases can be examples of prejudice, prejudice in the sense of an opinion reflecting negative stereotypes and negative images based on preconceived judgments rather than facts. Anti-locution is often believed to be harmless, but it can harm the self-esteem of the people of the targeted group, and it can clear the way for more harmful forms of prejudice. The line between violent words and violent acts is often very thin. The self-image of a group can be hurt, which can sometimes become a self-fulfilling prophecy.

*Stage 2: Avoidance*

People in a group are actively avoided by members of another group. Harm is done through isolation and by preparing the way for more harmful acts. Xenophobia, or the fear of foreigners or strangers or of that which is foreign or strange, results in exclusion. This exclusion can take various forms:

## 2.2. Social hate

Hate is not only a psychological phenomenon. If we are looking at prejudice and racism only as a psychological phenomenon, we cannot successfully confront them. So, we need a concept to interpret hate crime in the context of inter-group relations, public goods, and work of the social and societal power.

The hate, which appears and works in the context of prejudice and hate crime is called *social hate*. Every society needs to have a common reality, without that one, it cannot be regarded as society, because it makes possible for different groups and personal realities to understand each other, so common reality offers a field to interpretation, and management of conflicts.<sup>33</sup> Social hate, similarly to facility for consensus is a dimension of common reality. Social hate puts persons and social groups in a rigid social hierarchy, which is profitable only for the constructors of it. Such hierarchical groups are for instance races; they do not exist without a construction process.

“‘Race’ is a socially constructed mode of human categorization. That people use marks on the bodies of others to divide the field of human subjects into the subgroups we call ‘races’ is a social convention for which no deeper justification in biological taxonomy is to be had.”<sup>34</sup>

## 2.3. Differences between prejudice and social hate

The difference between prejudice and social hate is not a quantitative one. The consequences of prejudice are not only constructed, but also

---

### *Stage 3: Discrimination*

A group is discriminated against by denying them equal access to opportunities, goods and services. Discrimination is intended to harm a group by preventing it from achieving goals, getting education or jobs, etc.

### *Stage 4: Physical attack*

This has become known as hate crime. Groups are the victim of vandalism, the burning of property or violent attacks on someone’s physical integrity such as lynching, pogroms etc.

### *Stage 5: Extermination*

The extermination of a group through genocide, ethnic cleansing etc.: World War II, Rwanda, Bosnia.

<sup>33</sup> See more in KRÉMER 2013.

<sup>34</sup> LOURY 2002, 5.



defended by prejudices. This, like a border divided social groups from each other; similarly to other borders, it has weak and sensitive parts. These parts are particularly important to defend the fictional differences inside the human race. Such a part is the labour market, namely the access to jobs, especially to better jobs. At the weak parts of this virtual border appears discrimination hampering equality of education, bringing down possibilities to get a job etc.

*Social hate* constitutes *enemies*, who threaten, by their being, the domination of privileged groups. The far-right groups (xenophobe, neo-Nazi and other extreme right alienations) think that members of minority groups want to destroy their social order, attacking the majority by their way of life, or even by their integration. The real social processes can transform to attacks of enemies, which is why they think, minorities permanently threaten the social order. In the Hungarian society the Roma, Jewish people and gays are marked out to that role.<sup>35</sup>

The respective literatures on crime and prejudice both point to the economy as a likely determinant of hate-motivated offending. Scholars of prejudice find that poor or deteriorating economic conditions are associated with elevated levels of prejudice, while research on crime and violence cites economic conditions as a correlate of offending. If both crime and bigotry are to some extent correlated with economic conditions, it follows that crimes of bigotry would increase as economic conditions worsen. Indeed, several recent attempts to theorise hate-motivated offending posit such a correlation.<sup>36</sup> Levin suggests that hate crime perpetrators often have an *economic motivation*, where racial and religious minorities purportedly serve as scapegoats during times of economic turmoil.<sup>37</sup> Likewise, Levin surmises that intimidation, arguably an inherent component of hate crimes, is used to eliminate or reduce competition for scarce resources. Consistent with these accounts, rational choice models also posit that strategic crime or violence against out-groups would be more likely during economic stagnation, much like voting for extremist candidates is associated with material self-interest.<sup>38</sup> Despite these theoretical reasons for implicating the economy as a primary correlate of hate crime offending, however,

---

<sup>35</sup> FLECK et al. 2012.

<sup>36</sup> KROHN et al. 2009, 540–541.

<sup>37</sup> LEVIN–MCDEVITT 1993.

<sup>38</sup> MEDOFF 1999.

extant work yields mixed results and research increasingly suggests that macroeconomic circumstances are irrelevant.

Scholars find no evidence that hate crimes are more prevalent in economically depressed areas of New York City. Lyons, in some models, even finds that anti-black incidents are more common in economically affluent communities.<sup>39</sup> Economic conditions may be consequential for hate crime offending, but they could be mediated by political elites or organisations that attribute blame to a particular minority group, much like labour unions did with blacks and immigrants. Little research to date has examined the nexus of economics, local politics and hate crime offending in the contemporary era. Finally, much research is based on cross-sectional comparisons. Research on analogous behaviours from non-US settings indicates that temporal changes in economic conditions, as opposed to static circumstances, influence patterns of offending.

As with economic conditions, the respective literatures on prejudice and hate crime suggest an association between racial heterogeneity, social integration and hate crime offending. Classic social disorganisation theory posits that crime rates increase with racial heterogeneity. Like poverty and residential mobility, heterogeneity inhibits the development of effective informal social controls that buffer against crime and delinquency. To the extent that hate crime rates positively correlate with general crime rates, social disorganisation theory would predict more hate crime offending where heterogeneity is high and informal social control is low. Theories of prejudice are also instructive here, although various perspectives yield different predictions for hate crime offending.<sup>40</sup> One line of thought in the tradition of Blalock's seminal work on power threat predicts increasing discriminatory behaviour by the majority group as the minority group size increases, particularly when minorities can viably compete for political power. Prior work showing that lynching in the American South increased with the percentage of blacks in the county is largely consistent with this account. Alternatively, a "power-differential hypothesis" anticipates more discriminatory behaviour, such as hate crime, in homogeneous areas where majority group members "may be emboldened to attack by the perception that law enforcement officials and the majority of those living

---

<sup>39</sup> LYONS 2007.

<sup>40</sup> KROHN et al. 2009, 542–543.

in the neighbourhood are unsympathetic to the victim's group".<sup>41</sup> From this perspective, there is safety in numbers.

Although the above-mentioned perspectives are entirely tenable and should partly guide future work, the two most definitive statements to date on the ecological correlates of hate crime offending align with an alternative "defended neighbourhoods" explanation. This perspective draws on the ethnographic work and emphasises race, identity and territoriality as an inspiring out-group animus. Mostly white neighbourhoods purportedly seek to maintain their racial composition and will rely on discrimination, harassment, and presumably racially motivated crime to threaten, exclude, or even eject minority group members. It follows that hate crimes would occur most frequently in homogeneous neighbourhoods that experienced a recent influx of minority group members. To test this, Green, Strolovitch, and Wong examined racially motivated hate crimes in New York City using hate crime reports from the NYPD's Bias Crime Unit between 1987 and 1995. They find that hate crimes perpetrated by whites against three minority groups – blacks, Latinos, and Asians – occurred most frequently in mostly white neighbourhoods that experienced an influx of minorities.<sup>42</sup> More recently, Lyons analysed hate crimes reported to the Chicago police department to assess neighbourhood variation in levels of anti-white and anti-black hate crimes. Arguably the greatest novelty of Lyons's work is that he incorporates data on community social cohesion and informal social control from the Community Survey of the Project on Human Development in Chicago Neighbourhoods, which allows for a more complete test of the defended neighbourhoods thesis. His insightful analysis concludes that anti-black hate crimes are more prevalent in white neighbourhoods with high levels of informal social control that experienced an influx of blacks in recent years. Lyons concludes that "anti-black hate crimes are most numerous in relatively organized communities with higher levels of informal social control, and especially in internally organized white communities undergoing the threat of racial invasion".<sup>43</sup> The findings are notable and perhaps counterintuitive because general violent crime rates tend to be the lowest in areas characterised by substantial informal social control, suggesting that the antecedents of anti-black hate crime are not

---

<sup>41</sup> GREEN et al. 1998, 375.

<sup>42</sup> GREEN et al. 1998.

<sup>43</sup> LYONS 2007, 847.

only unique, but completely the opposite of the correlates of non-bias crime. Stated differently, crime is associated with social disorganisation, but hate crime against minorities is associated with social organisation.

The literature on prejudice and discrimination, particularly work situated in the group threat tradition, frequently invokes the concept of political threat. This notion refers to the actual or perceived loss of political clout by a demographic group. Many whites, for instance, express concern about black political gains, and legislative bodies have attempted to dilute black political power to hinder the ability of blacks to participate in elections. It follows from the literatures on violence and discrimination that hate crimes may, in part, constitute a reaction to either perceived loss of political clout by majority groups or a form of grievance expressed by minority groups to vent feelings of alienation and political powerlessness. One could reasonably hypothesise that political gains by a given group incites resentment among other groups, and this resentment manifests in hate-motivated crime.<sup>44</sup> More recently, King and Brustein (2006) show that major violent episodes against Jews in pre-WWII Germany increased with political support for leftist political parties, where Jews were disproportionately represented. Following this research, one could hypothesise that some members of the majority group are increasingly violent and discriminatory when they perceive a loss of political power, and thus hate crimes are apt to increase.<sup>45</sup>

Still, such a “political threat” hypothesis is balanced by an equally tenable suggestion that hate crimes can only flourish in an enabling political environment.<sup>46</sup> The latter notion implies that people act on their prejudices when the political environment turns a blind eye to discrimination or when right-wing parties have significant political clout. The veracity of such claims remains uncertain, as these and related hypotheses have yet to receive much attention in the study of hate crime.

---

<sup>44</sup> LEVIN-MCDEVITT 1993.

<sup>45</sup> KING-BRUSTEIN 2006.

<sup>46</sup> LEVIN-MCDEVITT 1993; PERRY 2001, 179.

## 2.4. Special features: Bias or hate?

Hate crimes differ from ordinary crimes not only because of the motivation of the offender, but also because of the impact on the victim. The perpetrator selects the victim because of his or her membership of a group; this suggests that one member of such a group is interchangeable with any other. Unlike victims of many other criminal acts, hate crime victims are selected on the basis of what they represent rather than who they are. The message that is conveyed is intended to reach not just the immediate victim but also the larger community of which that victim is a member. Thus, they are sometimes described as symbolic crimes.

Hate crimes are designed to intimidate the victim and the victim's community on the basis of their personal characteristics. Such crimes send a message to the victim that they are not welcome; they have the effect of denying the victim's right to full participation in society. They also send a message to members of the community sharing the same characteristics that they also do not have a place and could equally be a target. Hate crimes, therefore, can damage the fabric of society and fragment communities.

Taken literally, the phrases "hate crimes" or "hate motive" can be misleading. Many crimes which are motivated by hatred are not categorised as hate crimes. Murders, for instance, are often motivated by hatred, but these are not "hate crimes" unless the victim was chosen because of a protected characteristic.

Conversely, a crime where the perpetrator does not feel "hate" towards the particular victim can still be considered a hate crime. Hate is a very specific and intense emotional state, which may not properly describe most hate crimes.

Hate crimes can be committed for one of a number of different reasons:

- the perpetrator may act for reasons such as resentment, jealousy or a desire for peer approval;
- the perpetrator may have no feelings about the individual target of the crime but has hostile thoughts or feelings about the group to which the target belongs;
- the perpetrator may feel hostility to all persons who are outside the group in which the perpetrator identifies himself or herself; or
- at an even more abstract level, the target may simply represent an idea, such as immigration, to which the perpetrator is hostile.

Despite the absence of hate towards the target, any one of these motivations would be sufficient to classify a case as a hate crime.

While the term “hate crimes” has become common, its use can lead to misunderstandings of the concept. For this reason, in this handbook the word “bias” is used in preference to “hate”. Bias has a broader meaning than hate, and a bias motive only requires some form of prejudice on account of a personal characteristic. Bias can be felt in respect of a person, or a characteristic or an idea (where the victim symbolises that characteristic or idea).

**Case Highlights: The Theo van Gogh murder (Netherlands)  
Hate crime offender denies feeling “hate”**

Theo van Gogh was a well-known filmmaker in the Netherlands who made films and public statements that were extremely critical of Islam. On 2 November 2004, Mohammed Bouyeri approached him in the street and shot him eight times and attacked him with a knife. Two knives were left implanted in his torso, one attaching a five-page note to his body.

In court Bouyeri stated that he did not hate his victim, and that this killing was motivated by his beliefs: “I did what I did purely out of my beliefs. I want you to know that I acted out of conviction and not that I took his life because he was Dutch or because I was Moroccan and felt insulted.”

He was convicted of murder and sentenced to life imprisonment. No enhancement for bias was applied; hence, the question of motive was never considered by the court.

When preparing hate crime laws, the drafting choices of legislators will determine whether the law requires the perpetrator to feel “hate”.

## **2.5. Police recorded hate crime, England and Wales, 2016–2017**

In 2016–2017, there were 80,393 offences recorded by the police in which one or more hate crime strands were deemed to be a motivating factor. This was an increase of 29% compared with the 62,518 hate crimes recorded

in 2015–2016, the largest percentage increase seen since the series began in 2011–2012.

The increase over the last year is thought to reflect both a genuine rise in hate crime around the time of the EU referendum and also due to ongoing improvements in crime recording by the police. The Office for National Statistics have stated that increases in recent years in police recorded violence against the person and public order offences have been driven by improvements in police recording. Around nine in ten hate crime offences recorded by the police are in these two offence groups.

There was a further increase in police recorded hate crime following the Westminster Bridge terrorist attack on 22 March 2017.

The number of hate crime offences in 2016–2017 for the five centrally monitored strands were as follows:

- 62,685 (78%) were race hate crimes;
- 9,157 (11%) were sexual orientation hate crimes;
- 5,949 (7%) were religious hate crimes;
- 5,558 (7%) were disability hate crimes; and
- 1,248 (2%) were transgender hate crimes. It is possible for a hate crime offence to have more than one motivating factor which is why the above numbers sum to more than 80,393 and 100%.<sup>47</sup>

---

<sup>47</sup> O'NEILL 2017.

### 3. Definitions and Law

The *OSCE-ODIHR* define hate crime as a criminal act motivated by a bias against a certain group.<sup>48</sup> The OSCE further state that for a criminal act to qualify as a hate crime, it must meet two criteria:

- The act must be a crime under the criminal code of the legal jurisdiction in which it is committed.
- The crime must have been committed with a bias motivation.

The OSCE regard “bias motivation” to mean that the perpetrator chose the target of the crime on the basis of protected characteristics; a “protected characteristic” as a fundamental or core characteristic that is shared by a group, such as race, religion, ethnicity, language or sexual orientation; and that the target of a hate crime may be a person, people or property associated with a group that shares a protected characteristic. Hate crimes are criminal acts committed with a bias motive. It is this motive that makes hate crimes different from other crimes. A hate crime is not one particular offence. It could be an act of intimidation, threats, property damage, assault, murder or any other criminal offence.

The term “hate crime” or “bias crime”, therefore, describes a type of crime, rather than a specific offence within a penal code. A person may commit a hate crime in a country where there is no specific criminal sanction on account of bias or prejudice. The term describes a concept, rather than a legal definition.

Hate crimes always comprise two elements: a *criminal offence* committed with a *bias motive*.

The first element of a hate crime is that an act is committed that constitutes an offence under ordinary criminal law. This criminal act is referred to in this guide as the “base offence”. Because there are small variations in legal provisions from country to country, there are some divergences in the kind of conduct that amounts to a crime; but in general, most countries criminalise the same type of violent acts. Hate crimes

---

<sup>48</sup> *Hate Crime Laws: A Practical Guide* 2009.



always require a base offence to have occurred. If there is no base offence, there is no hate crime.

The second element of a hate crime is that the criminal act is committed with a particular motive, referred to in this guide as “bias”. It is this element of bias motive that differentiates hate crimes from ordinary crimes. This means that the perpetrator intentionally chose the target of the crime because of some *protected characteristic*.

- The *target* may be one or more people, or it may be property associated with a group that shares a particular characteristic.
- A *protected characteristic* is a characteristic shared by a group, such as race, language, religion, ethnicity, nationality, or any other similar common factor.

Which characteristics should be included in a hate crime law is a complex issue that must be resolved by taking into account each State’s own history and circumstances. This question is one of the most significant policy decisions for legislators.

### **A hypothetical example**

#### **What does a hate crime look like?**

A school is set on fire. Police initially decide it is a simple arson. However, the school is attended predominantly by Roma children, and investigations reveal that there have been previous incidents of graffiti on the school with anti-Roma slogans such as “Roma get out”.

The perpetrators are caught and admit they were responsible for the fire and the graffiti. They say they were motivated by a desire to “cleanse” their area of “aliens”.

The base offence is arson. But the bias motivation, on the grounds of “race” or ethnicity, makes this a hate crime.

The EU does not define hate crime itself although the Charter of Fundamental Rights of the European Union prohibits discrimination, thus obliging EU Member States to combat crimes motivated by racism, xenophobia, religious intolerance or by a person’s disability, sexual orientation or gender identity. The EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, which entered into force in 2008, ensures that certain serious manifestations

of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal penalties throughout the EU.<sup>49</sup> The Victims Directive 2012, which came into force at the end of 2015, required Member States to put victims at the heart of the criminal justice system and provide support to them.<sup>50</sup>

The UK criminal justice definition of hate crime is: “Hate crimes and incidents are any crime or incident where the prejudice of the perpetrator against an identifiable person, or group of persons, is a factor in determining who is victimised.”<sup>51</sup> This clearly includes criminal offences and incidents that do not reach the threshold for prosecution as a criminal act.

This is further defined by the UK police forces as: “A hate incident is any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race, religion, sexual orientation, disability or transgender.” And also as: “A hate crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race or perceived race, religion, sexual orientation, disability or transgender.”<sup>52</sup>

The legal aspects partly relate to each of:

### 3.1. Human rights law

Namely:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Article 14 stipulates the prohibition of discrimination: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social

---

<sup>49</sup> *Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law* 2008.

<sup>50</sup> FRA 2008.

<sup>51</sup> WHINE 2016.

<sup>52</sup> *The Agreed Definition of ‘Monitored Hate Crime’ for England, Wales and Northern Ireland* s. a.

origin, association with a national minority, property, birth or other status.”<sup>53</sup> As well as:

- The Charter of Fundamental Rights of the European Union (Charter). Article 21 under the heading of “Non-discrimination” posits in its first paragraph: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”<sup>54</sup>

### 3.2. Secondary EU legislation

- The Framework Decision on combating racism (FDR).<sup>55</sup> The Council Framework Decision of 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law established legally binding minimum standards for countering severe forms of racism and xenophobia by criminal law definitions, and
- the Victims’ Rights Directive (VRD) was adopted in October 2012 with a transposition deadline by November 2015, marks a huge step forward in the development of victims’ rights. The Directive aims “to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health”.<sup>56</sup>

---

<sup>53</sup> *European Convention on Human Rights* 2013.

<sup>54</sup> *Charter of Fundamental Rights of the European Union* 2012.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

### 3.3. Strategic EU documents

- *Article 2 of the Treaty on European Union (TEU)*: The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.<sup>57</sup>
- *Stockholm Programme*: “Since diversity enriches the Union, the Union and its Member States must provide a safe environment where differences are respected and the most vulnerable protected. Measures to tackle discrimination, racism, anti-Semitism, xenophobia and homophobia must be vigorously pursued.”<sup>58</sup>
- *Council Framework Decision 2008/913/JHA* of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.<sup>59</sup>
- Council conclusions of 25 February 2011 on the role of the Council of the European Union in ensuring the effective implementation of the Charter of Fundamental Rights of the European Union,<sup>60</sup> its conclusions of 23 May 2011 on the Council’s actions and initiatives for the implementation of the Charter of Fundamental Rights of the European Union<sup>61</sup> and its conclusions of 6 June 2013 on fundamental rights and rule of law and on the Commission 2012 report on the application of the Charter of Fundamental Rights of the European Union.<sup>62</sup>

---

<sup>57</sup> *Treaty on European Union (TEU)* 1992.

<sup>58</sup> *The Stockholm Programme – An open and secure Europe serving and protecting citizens* 2010, with special attention to section 2.3.

<sup>59</sup> *Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law* 2008.

<sup>60</sup> 6387/11 FREMP 13 JAI 101 COHOM 44 JUSTCIV 19 JURINFO 5.

<sup>61</sup> 10139/1/11 FREMP 53 JAI 318 COHOM 131 JUSTCIV 128 JURINFO 30.

<sup>62</sup> 10168/13 FREMP 73 JAI 430 COHOM 99 JUSTCIV 139 EJUSTICE 53 SOC 386 CULT 65 DROIPEN 63.

- *Directive 2012/29/EU of 25 October 2012* establishing minimum standards on the rights, support and protection of victims, specifically making references to victims of hate crime.<sup>63</sup>
- Council conclusions on combating hate crime in the European Union (Justice and Home Affairs Council meeting Brussels, 5 and 6 December 2013).<sup>64</sup>
- European Commission Home Affairs: *EU Internal Security Strategy: a new impetus* 20/06/2014.<sup>65</sup>

### 3.4. Other relevant documents

- Article 14 of the European Convention of Human Rights.<sup>66</sup>
- FRA Opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime.<sup>67</sup>
- FRA Hate crime in the European Union.<sup>68</sup>
- Hate Crime Laws. A Practical Guide. OSCE ODIHR.<sup>69</sup>
- The UN International Covenant on Civil and Political Rights, adopted by the General Assembly resolution 2200A (XXI) of 16 December 1966.<sup>70</sup>
- International Convention on the Elimination of All Forms of Racial Discrimination, Adopted by UN General Assembly resolution 1206 (XX) of 21 December 1965.<sup>71</sup>
- ECRI General Policy Recommendation No. 1 on Combating Racism, Xenophobia, Anti-Semitism and Intolerance, adopted by

---

<sup>63</sup> OJ L 315, 14.11.2012. 57. Denmark did not participate in the adoption of this Directive and is not bound by it.

<sup>64</sup> *Council conclusions on combating hate crime in the European Union* 2013

<sup>65</sup> *EU internal security strategy: a new impetus* 2014.

<sup>66</sup> *European Convention on Human Rights* 2013.

<sup>67</sup> FRA 2013a.

<sup>68</sup> FRA 2008.

<sup>69</sup> *Hate Crime Laws: A Practical Guide* 2009.

<sup>70</sup> *International Covenant on Civil and Political Rights* 1966.

<sup>71</sup> *International Convention on the Elimination of All Forms of Racial Discrimination* 1965.

ECRI on 4 October 1996, concerning law, law enforcement and judicial remedies.<sup>72</sup>

- ECRI General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination adopted on 13 December 2002.<sup>73</sup>
- OSCE Ministerial Council Decision No. 4/03 of 2 December 2003 on tolerance and non-discrimination.<sup>74</sup>
- OSCE PC Decision No. 621 on Tolerance and the Fight against Discrimination, Xenophobia and Discrimination of 29 July 2004.<sup>75</sup>

The International Covenant on Civil and Political Rights<sup>76</sup> and the International Convention on the Elimination of All Forms of Racial Discrimination<sup>77</sup> (hereinafter: ICERD) adopted in the framework of the United Nations calls for the importance of fight against discrimination. The latter treaty even requires that “all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin” shall be considered offences punishable by law.<sup>78</sup>

The Council of Europe’s Commission on Intolerance and Racism (hereinafter: ECRI) has also called upon Member States to ensure that national laws, including criminal laws, “specifically counter racism, xenophobia, anti-Semitism and intolerance, inter alia by providing [...] that racist and xenophobic acts are stringently punished through methods such as defining common offences but with a racist or xenophobic nature as specific offences [and] enabling the racist or xenophobic motives of the offender to be specifically taken into account”.<sup>79</sup>

In 2008, the European Union passed a Framework Decision on combating certain forms and expressions of racism and xenophobia by

<sup>72</sup> *ECRI General Policy Recommendation No. 1* 1996.

<sup>73</sup> *ECRI General Policy Recommendation No. 7* 2002.

<sup>74</sup> *Ministerial Council Decision No. 4/03 on tolerance and non-discrimination* 2003.

<sup>75</sup> *Decision No. 621. Tolerance and the Fight Against Racism, Xenophobia and Discrimination* 2004.

<sup>76</sup> The UN International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. Acceded to by the Republic of Moldova on 26 January 1993.

<sup>77</sup> Adopted by the UN General Assembly resolution 1206 (XX) of 21 December 1965. Acceded to by the Republic of Moldova on 26 January 1993.

<sup>78</sup> See Article 4(a) of the CERD.

<sup>79</sup> *ECRI General Policy Recommendation No. 1* 1996.

means of criminal law, in an attempt to approximate criminal legislation in EU member states in the above field.<sup>80</sup>

Numerous OSCE Commitments also concern OSCE Member States' fight against discrimination and hate crimes, notably Ministerial Council Decision 4/03 on Tolerance and Non-Discrimination<sup>81</sup> of 2003 and Permanent Council Decision 621 of 2004 on Tolerance and the Fight against Racism, Xenophobia and Discrimination.<sup>82</sup>

### 3.5. Hungarian legislation

Hungarian criminal legislation identifies two forms of hate crime:

- violent offences committed against the member of a group, and
- incitement to hatred of a community.

The recently adopted Criminal Code (Act C of 2012) deals with these in Chapter XXI, Paragraph 216, on crimes against human dignity and certain basic rights, as well as Chapter XXXII, Paragraph 332, on crimes against public peace.<sup>83</sup> The predecessor, Article 174/B of Act IV of 1978 ordered the legal punishment of anyone "who assaults another person for being part, whether in fact or under presumption, of a national, ethnic, racial or religious group, or compels him or her by force or by threat of force to do, not to do, or to endure something",<sup>84</sup> and the perpetrator to be imprisoned up to five years. (The Hungarian legislators accepted the demands of prominent Hungarian

<sup>80</sup> *Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law* 2008.

<sup>81</sup> OSCE MC Decision 4/03 of 2 December 2003: "The Ministerial Council [...] 8. Recognizes the need to combat hate crimes [...]"

<sup>82</sup> *Decision No. 621. Tolerance and the Fight Against Racism, Xenophobia and Discrimination* 2004: "The Permanent Council [...] Decides, 1. The Participating States commit to: Consider enacting or strengthening, where appropriate, legislation that prohibits discrimination based on, or incitement to hate crimes [...]"

<sup>83</sup> Since then a number of modifications have been made, the most important of which was *Lex Gyöngyöspata*. The sanctioning of flagrantly anti-social behaviour with a potential to create panic was added to the Criminal Code in 2011. Act IV of 1978, Article 174/B. Paragraph (1a), ratified by Act XL of 2011, in force from May 7, 2011. According to the law in force, see Act C of 2012, Article 216, chapter (1).

<sup>84</sup> Act XVII of 1996, Article 3, in force since June 15, 1996.

human rights watch organisations<sup>85</sup> and agreed to revise their earlier position, which claimed that “the various groups within society, in view of their possible variegation, cannot be listed even as examples”<sup>86</sup> thus mentioning explicitly such protected qualities as disability, gender identity and sexual orientation, the open-list method of the 2008 bill was nevertheless preserved.)

The crime of violence against a member of a group may be established if the perpetrator assaults or otherwise coerces the victim, because they belong to a protected group. Additionally, this is also the case if the perpetrator demonstrates provocative behaviour against a community that is apt to cause alarm. The crime is only affected if there is a concrete victim. Incitement against a community most often means hate speech, and it can only be defined as such on the condition that it is committed in public. Incitement to hate crimes does not target concrete individuals but a group of people. It is important to add that other crimes may also be categorised as having been committed on racist motives. In such cases the courts must pass a heavier sentence.<sup>87</sup> Apart from these, Paragraph 333 of the Criminal Code also describes the crime of denial of the crimes of the national socialist regime. Furthermore, Paragraph 335 bans the distribution and use in wide public, or public display of the symbols of various autocratic regimes (among them the Swastika, the SS insignia, the arrow cross).

In the course of monitoring, on the one hand, all incidents that fall in the category of hate crime are considered hate incidents. These may

---

<sup>85</sup> See the materials of the rights watch organisations Amnesty International Magyarország [Amnesty International Hungary], Háttér Társaság a Melegekért [Háttér Support Society for LGBT People in Hungary], Magyar Helsinki Bizottság [Hungarian Helsinki Committee], Nemzeti és Etnikai Jogvédő Iroda [Legal Defence Bureau for National and Ethnic Minorities], Társaság a Szabadságjogokért [Hungarian Civil Liberties Union]: *Javaslatok az új Büntető Törvénykönyv gyűlölet-bűncselekményekre vonatkozó szabályozására* [Proposals for regulating hate crimes in the new Criminal Code], March 6, 2012. Available: [http://gyulolettellen.hu/sites/default/files/btkvelemen\\_y\\_2012-03-06.pdf](http://gyulolettellen.hu/sites/default/files/btkvelemen_y_2012-03-06.pdf) (Accessed: 8 November 2018.); furthermore, *Javaslatok az új Büntető Törvénykönyv gyűlölet-bűncselekményekre vonatkozó szabályozására az Országgyűléshez benyújtott T-6958 sz. törvényjavaslat vonatkozásában* [Proposals for regulating hate crimes in the new Criminal Code in relation to draft proposal T-6958 submitted to Parliament], May 3, 2012. Available: [http://gyulolettellen.hu/sites/default/files/btkvelemenparl\\_2012-05-03.pdf](http://gyulolettellen.hu/sites/default/files/btkvelemenparl_2012-05-03.pdf) (Accessed: 8 November 2018.)

<sup>86</sup> Legal reasoning attached to Law C. XXI. 216. of 2012 on the Criminal Code, 155.

<sup>87</sup> The Criminal Code does not include racist motives verbatim, but for example the case of *contemptible motive* is fulfilled, if someone commits a crime out of such a motivation. Hungarian Civil Liberties Union (TASZ) 2012, 3–4.



be crimes identified as such by the Criminal Code (violent assault of a member of a community, incitement to hatred of a community, denial of the crimes of the national socialist regime, use of symbols of autocratic regimes), but can also include other acts mentioned in the Criminal Code, if prejudice can be proven as a motivating factor.

The general provisions of the Directive<sup>88</sup> were mostly transposed into the national law. Besides the fact that the Directive has not been fully transposed, the several significant discrepancies detectable between the provisions of laws and other rules and the actual practice give rise to serious concerns. One of the reasons for the partly incorrect transposition and the practice undermining the rights is the classic Code of Criminal Procedure which entrenches the rights of defendants behind the law and does not emphasise sufficiently the rights of aggrieved parties, and the continental criminal justice system which is strongly centred on the police and the prosecution. Law enforcement usually looks at the aggrieved party only as one of the witnesses in the case, and the significant part of the aggrieved parties' procedural rights stem from their positions as witnesses. Even though there are certain victim support institutions available, they are rarely applied due to financial and technical reasons (e.g. video conferencing).

Cooperation between the Victim Support Service and the civil society is poor and desultory. Communication between the Victim Support Service and LGBTIQ organisations is extremely rare, and there is no cooperation between them. The individual assessment of victims to identify specific protection needs (Article 22) is completely missing from the Hungarian law, and, accordingly, the right to protection of victims with specific protection needs (Article 23) cannot be considered transposed.

### *3.5.1. The right to protection (Article 18)*

The Hungarian law deals with the protection of aggrieved parties and witnesses rather extensively. It may be requested in the course of the procedure that the personal data of the witness are treated confidentially

---

<sup>88</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

and to declare someone a particularly protected witness. In case of a more serious threat, there is also a possibility for personal protection.

It may be ordered *ex officio* by the court, the prosecutor or the investigating authority and shall be ordered upon the request of the witness (aggrieved party) or the attorney acting on behalf of the witness that the personal data of the witness (aggrieved party) are handled separately and confidentially among the documents. In such cases the data of the witness treated confidentially may only be accessed by the court proceeding in the case, the prosecutor and the investigating authority.<sup>89</sup> A witness may be declared particularly protected if his/her testimony concerns substantial circumstances of an outstandingly serious case, if the evidence expected to be provided by his/her testimony cannot be substituted by any other means, if his/her identity, place of residence and the fact that he/she is intended to be heard by the prosecutor or the investigating authority is not known by the defendant and the defence counsel, and if exposing his/her identity would entail that the life, the physical integrity or the personal freedom of the witness or the witness's relative would be seriously threatened.<sup>90</sup>

In exceptionally justified cases it may be ordered that the aggrieved party, the witness, or any other person with respect to them receives protection established in a separate law.<sup>91</sup> The following may receive personal protection: participants of the criminal proceedings and, with respect to the latter, any other person in an endangered situation. Personal protection may be applied in the course of the criminal proceedings and also after the procedure is closed.<sup>92</sup> Personal protection may be provided in particular by regular patrolling service, technical device, ensuring the continuous flow of information, providing protective gear, through guards, or at a place being protected by guards and being under

---

<sup>89</sup> Code of Criminal Procedure (CCP), Article 96 (1).

<sup>90</sup> CCP, Article 97.

<sup>91</sup> CCP, Article 98 (1), extract.

<sup>92</sup> Government Decree 34/1999 (II. 26.) on the Conditions of Ordering and the Rules of Implementing the Personal Protection of the Participants of Criminal Proceedings and Members of the Authority Conducting the Procedure, Article 2, extract.

the control of a law enforcement agency entitled to order or provide personal protection.<sup>93</sup>

As part of the victim support services, in the framework of its general obligation to provide information, the Victim Support Service provides information of a general nature which also covers the prevention of secondary victimisation, while when more complex legal aid is required, the aggrieved party is referred to the Legal Aid Service.

Article 18 has been transposed into the Hungarian law. The rights pertaining to treating personal data confidentially are often violated in practice.<sup>94</sup>

Victim support is not mentioned among the output requirements of the Master training for lawyers.<sup>95</sup> Victim support is not mentioned either in the curricula for the advanced legal exam, published by a ministry.<sup>96</sup> The task profile of the professional requirement module called “criminal tasks of the police” contains, among others, the following requirement: performing the tasks of the police related to victim support and domestic violence.<sup>97</sup>

The obligation to provide systemic in-service training to police officers likely to come into contact with victims has not been transposed. The actual training or in-service training of certain professionals is possible only on an ad hoc basis, through submitting grant applications. The obligation to provide postgraduate training to lawyers, judges, prosecutors and attorneys likely to come into contact with victims has not been transposed. Topics

---

<sup>93</sup> Government Decree 34/1999 (II. 26.) on the Conditions of Ordering and the Rules of Implementing the Personal Protection of the Participants of Criminal Proceedings and Members of the Authority Conducting the Procedure, Article 12 (2), extract.

<sup>94</sup> See e.g. the Budapest Police Headquarters’ Reconnaissance Department – Division for Miscellaneous Criminal Offences expressly acknowledged in the criminal case no. 01000-970/2014 that they violated the rules of treating personal data confidentially. (Source: archives of Hättér Society.) Another example is minute no. 12.B.V.33.334/2013/14 in a case before the Pest Central District Court, according to which the judge read out aloud the name of the aggrieved party in a court procedure conducted because of “violence against the member of a community” in spite of the fact that the confidential treatment of personal data was ordered, claiming that the name was also included in the police report the judge had to read out.

<sup>95</sup> Decree 15/2006 (IV. 3.) OM of the Minister of Education on the Training and Output Requirements of Bachelor and Master Trainings.

<sup>96</sup> Decree 5/1991 (IV. 4.) IM of the Minister of Justice on the Advanced Legal Exam, Article 5.

<sup>97</sup> Government Decree 217/2012 (VIII. 9.) on the Professional Requirement Modules of the Specialized Qualifications Acknowledged by the State, Point 376.

related to victim support appeared in the training program of the Hungarian Justice Academy in the last five years only occasionally and tangentially, and the LGBT aspect was not presented. Sensitisation training for judges related to certain possible victim groups was initiated for the first time in 2015, in a limited and experimental manner.<sup>98</sup>

Hungary has several substantive offences in place. Its legal framework was recently updated in 2013 to include additional characteristics including sexual orientation, gender identity and disability.

### 3.5.2. *Summary of the Hungarian domestic law codification*

Aggravating circumstance, qualifying circumstance or *sui generis* provision:

- *Sui generis* “hate crimes”
- Hate as a qualifying circumstance, penalty enhancements
- Hate as an aggravating circumstance, general sentencing provisions

The scope of base crimes:

- Crimes versus incidents
- Intentional crimes
- Types of base crimes
- Protected groups
- Majority and minority protection: hate crime laws cutting both ways
- Actual, perceived membership, and being associated with a group member

The bias motive:

- The discriminatory selection model
- The hostility model
- Multiple biases
- Mixed motives

In Hungary, the Criminal Code provides more severe sanctions for hate crimes: assault, coercion and anti-social behaviour committed with a bias

---

<sup>98</sup> The Hungarian Justice Academy, operating as part of the National Judicial Office, launched a sensitisation program for judges in March 2015, the LGBTIQ community constituting one of its target groups.

motive constitute a crime called violence against a member of a community. Bias motivation is considered a qualifying or aggravating circumstance in case of several other crimes.

In Hungary, the Roma, religious minorities (Jewish people), sexual minorities (lesbian, gay, bisexual and transgender people), foreigners and asylum seekers are the most common victims of hate crimes.

### 3.6. Further definitions of hate crime

"Different organisations and agencies follow different definitions of a hate crime, but all uphold the basic principle that it is a crime which involves prejudice against a particular group, whether this is based on religion, colour, nationality, sexual orientation, disability, gender or some other characteristic."<sup>99</sup> "Hate crimes occur when individuals purposely select their victims and inflict violence or other intimidating acts upon those victims because of specific characteristics, such as race, religion, national origin, or gender."<sup>100</sup>

The term "hate crime" was developed in the United States of America where it is juridically relevant. Meanwhile this term is in use in Europe, too. In England, it is often used instead of the official term "racially aggravated offences", in Germany one is talking about "Hasskriminalität" and in the Netherlands the English word itself was introduced into the Dutch language. The question, however is, whether we should make use of the term "hate crime" on the continent.

Speaking in criminal law terms, most offences defined by Penal Codes or in case law can be categorised as "hate crimes" if motivated by hatred.

Murder or homicide as well as bodily injury, damage of property, offensive graffiti, insult, intimidation, vandalism, obscene telephone calls etc. The victim of "hate crimes" can be a person, a group of persons, an organisation, a state, or religious institutions.

All "hate crimes" consist of criminalised acts or omissions that become "hate crimes" by the subjective motivation of the offender only and it is just the motivation of the offender that is generally so extremely difficult to

---

<sup>99</sup> *A Guide to Fighting Hate Crime* s. a., 10.

<sup>100</sup> HUDSON 2009, 11.

recognise and to prove. Only in some cases, circumstantial evidence will make the offender's intent obvious.

Often a background investigation of the accused or eyewitness reports of the crime are the only means to detect the offender's intent. That is even more a weak basis as legislators in some countries (United States of America, England and Belgium) are convinced that if an offence was motivated by hatred it is automatically a qualified offence that must be punished with more hardship than ordinary offences. But is it correct indeed, to reproach somebody extra for his or her motives? In literature and in practice, there are different answers given to this question in Europe. In the absence of clear definitions and common criteria about what the motives must be like to qualify an ordinary offence to become a hate crime a lot of doubts and uncertainties arise. Furthermore, subjective motives are judged by the subjective opinions of the police and the public prosecutors who have to decide whether the offence committed was a "hate crime" or not. The "hate crime concept" cannot offer legal certainty and thus it is not in conformity with the principle of legality. Obviously, this is a major problem and an argument against adopting the term "hate crime".

The importance of this avoidance is stressed by the not less important circumstance that the term "hate crime" points so strongly in the direction of rather spectacular incidents of violent crime. In reality however, there is a high number of not at all spectacular discriminatory offences disturbing public peace as well as the well-being of those becoming victims of criminal and other discrimination, while the extent of intense racist violence and crime is, according to empirical research, relatively moderate.

The considerable difference between the American hate crime concept and our criminal discrimination concept is the result of the fact that in America the importance given to freedom of speech does not allow the creation of something like our concept of specific criminal discrimination. There must happen spectacular incidents indeed, before the freedom of speech can be affected, may it just be indirectly.

There is also a third reason pleading against the term "hate crime", namely the inevitable relation of reactions and actions. In case of "hate crime", the term suggests something extraordinary mean and wrong and automatically causes a subconscious urge to use corresponding reactions that can easily be overreactions. The risk of overreaction might not be extremely high in prosecuting and sentencing, but it might be high in connection with detecting activities by the police and even more in reporting about "hate crime" in

the media. The latter being of great influence on public opinion and able to create unrealistic, eventually even very exaggerated views that can bring on commotion, feelings of insecurity and hostility against certain groups in society. These emotions can also result in aggression and violence, perhaps also in feeling the need of making one's own justice, reactions that are all a threat to community life and therefore must be prevented.

Since the shocking and tragic murder of Stephen Lawrence in 1993,<sup>101</sup> hate crime in the UK has come a long way. The inquiry into his death, and the subsequent Macpherson Report, were all catalysts for change – not only in the way the police and the criminal justice system deal with racially-motivated crimes, but also in the broader recognition of hate crimes. The tireless work since the report was published in 1999 has led to the UK being amongst the world leaders in responding to the challenges of hate crime. More importantly, there is a greater understanding now of the disproportionate impact hate crimes have on victims, and of the need to work across agencies and with the voluntary sector to overcome the barriers which have caused those who have previously been reluctant to come forward. The law has changed too, with the creation of new offences and courts being given enhanced sentencing powers to deal with offenders.

The definition of a hate crime in the UK was founded in 2007 and now it is a common definition used by authorities such as the Crown Prosecution and the Prison services. The definition is as follows: “Crimes committed against someone because of their disability, gender-identity, race, religion or belief, or sexual orientation are hate crimes and should be reported to the police. Involves any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic.”<sup>102</sup>

---

<sup>101</sup> Stephen Lawrence, a black British man from South East London was murdered in a racially motivated attack while waiting for a bus on the evening of 22 April 1993. The eighteen-year-old boy was stabbed to death in an unprovoked attack by a gang of white youths. The case became one of the highest profile racial killings in UK history.

<sup>102</sup> *Hate Crime, England and Wales, 2014–2015* 2015.

*3.6.1. The Association of Chief Police Officers (ACPO, UK) define hate crime as:*

*“Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate.”<sup>103</sup>*

This is a crime where the perpetrator’s prejudice against any identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition developed by ACPO. A victim of hate crime does not have to be a member of a minority or someone who is generally considered to be ‘vulnerable’. For example, the friends of a visible minority ethnic person, lesbian or refugee may be victimised because of their association. In some cases, the perpetrator’s perception may be wrong. This can result in a person entirely unconnected with the hate motivation becoming a victim. In reality, anyone can become a victim of a hate crime.

*Hate crime can take many forms including:*

- physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson;
- threat of attack – including offensive letters, abusive or obscene telephone calls, groups gathering and loitering with a view to intimidate, and unfounded, malicious complaints;
- verbal abuse or insults – offensive leaflets and posters, abusive gestures;
- extreme forms of bullying in the workplace that constitutes a criminal offence.

*Hate incidents*

Some incidents which are perceived by the victim or someone else as being motivated by prejudice or hate do not involve criminal offences. Although such incidents may not necessarily be investigated by the police, hate incidents will still be recorded.

---

<sup>103</sup> ACPO Guide to Identifying and Combating Hate Crime 2000.



Hate crime is a manifestation of prejudice and discrimination, where the perpetrators' hostility against an identifiable group of people is a key factor in determining who is victimised. Both adults and children can be victims.

*Hate Crime* is any criminal offence where anyone believes the victim has been targeted because of their race/ethnicity, religion/belief, gender/gender identity, disability, age, sexual orientation or any other actual or perceived difference.

*Hate crime can take many forms, including:*

- *Violence:* hitting, punching, pushing, slapping, kicking, beating, assault with weapons, murder.
- *Damage to property:* offensive graffiti, desecration of graves or places of worship, vandalism to cars, smashing windows, arson attacks.
- *Threats:* offensive letters, abusive messages, groups hanging around to intimidate.
- *Verbal abuse:* insults and name calling.
- *Malicious communications:* obscene telephone calls/texts, distributing offensive leaflets and posters, threatening letters, hate mail.
- *Isolation:* deliberate exclusion, giving "the cold shoulder", spreading rumours or gossiping about someone.
- *Humiliation and degradation:* putting excrement through letterboxes, spitting, name calling, abusive gestures, spreading malicious rumours.
- *Sexual violence:* rape, sexual assault, sexual intimidation.
- *Harassment:* making unfounded, malicious complaints against someone, repeated, low level incidents of verbal abuse, threats or intimidation, dumping rubbish outside homes or through letterboxes, stalking, following the victim, persistent phone calls, emails, post or texts.

3.6.2. *The Scottish Government has agreed that hate crime should be defined as:*

“A crime motivated by malice or ill will towards a social group. Any crime where the perpetrators’ prejudice against any identifiable group of people is a factor in determining who is victimised.”<sup>104</sup>

a) *To establish the hate element of any crime in statutory legislation, one of the following circumstances must be present:*

- at the time of committing the offence or immediately before or after doing so, the offender evinces towards the victim (if any) of the offence malice and ill will relating to the protected characteristic (or presumed protected characteristic) of the victim; or
- the offence is motivated (wholly or partly) by malice or ill will towards persons who have one or more protected characteristics in that they are identified or have perceived association with an identifiable group.

b) *The key aspects of hate crime are as follows:*

- there must be active ill will or elements of vindictive feelings towards an individual or their perceived association with a social group;
- the crime is based on the motivation of malice or ill will towards a social group which means the question of whether the victim of a hate crime actually belongs to a social group or not, is irrelevant; for example, if someone is the victim of a homophobic attack, whether they are gay or not is irrelevant;
- an individual may be targeted because of their vulnerability which should not be automatically interpreted as a hate crime; for example, an elderly female who is assaulted and robbed may have been targeted because she is vulnerable, as opposed to being targeted due to ill will or malice towards her belonging to a specific social group;
- if a crime is perceived to be a hate crime by the victim or any other person, including a police officer, it should be recorded and investigated as such.

---

<sup>104</sup> *Hate Crime Guidance Manual 2010.*

### *c) Protected characteristics*

In 2009 ACPOS published the *Diversity Booklet – A Practical Guide*, which provides detailed information and advice in relation to all diversity matters.

Currently, statutory legislation exists (detailed in Section 5.5.3 of this manual) which creates an aggravation of any criminal offence against a person or their property when motivated wholly or in part by an offender's hatred of someone because of their perceived:

- disability
- transgender identity
- race, colour, ethnic origin, nationality or national origins
- religion or faith
- sexual orientation

Due to the existence of statutory legislation that creates a specific aggravation of offences against these identities, these are termed as being the "protected characteristics" of a person.

Although there is no existing legislation which creates a specific offence in relation to the characteristics of "age" or "gender", it is important to recognise that people may suffer discrimination, victimisation and harassment at any age or whatever gender they may be, particularly if they are perceived as being vulnerable.

If a victim were to be targeted specifically due to their age or gender, this can be treated as a common law aggravation by the court.

On some occasions there may be more than one aggravating factor present, for example, a gay, Asian man may be victimised because of both his race *and* his sexual orientation. In these cases, all actual or perceived aggravations must be recorded in a manner which is auditable.

### *d) Other crimes which have a hate element*

In addition to protected characteristics, there may be occasions where other individuals or groups become victims of crime due to their identity or perceived identity. In these cases, each incident will have to be considered on its own merits with consideration being given to the perception of the victim and evidence of the offender's motivation.

For example, strategies already exist for dealing with domestic assaults and these would not normally be treated as a hate crime. However, if an offender clearly demonstrates malice or ill will towards their victim based purely on their gender, then a hate element may be present. Other examples of “identity groups” may be youths who are readily identifiable through dress or lifestyle such as “goths” or students, or groups who are identifiable through obvious circumstance such as homeless people or street drinkers.

In any such circumstances, evidence of any perceived hate motivation highlighted by the victim or any other person should be recorded, and the circumstances appropriately investigated. Such circumstances must also be highlighted in any report to the Procurator Fiscal for consideration, even if they fall outside any of the statutory hate aggravation legislation. It should be noted that common law as it stands allows courts to take motivation of prejudice into account and for heavier sentences to be given as a result.

#### *e) Vulnerability or hate crime?*

Some victims of crime can be targeted due to an offender’s perception of their vulnerability. However, vulnerability must not be confused with motivation for hate crime, as this will undermine the gravity of the offence and the effect on the person and the community.

For example, bogus caller criminals often target the elderly due to their perceived vulnerability through age. Similarly, disabled people may become the victims of persons who befriend them for the purpose of stealing possessions or defrauding them, whether the victim is actually vulnerable or not.

Although these are aggravations of crimes in themselves, the circumstances of individual cases must be closely considered to establish whether the victim has been chosen due to the offenders’ perception of vulnerability, or whether there was a clear presence of prejudice or hostility towards the victim based on their identity or protected characteristic.

In determining vulnerability or hatred, the offender’s motivation is the key aspect and consideration must be given to establishing the facts surrounding this through gathering available evidence from witnesses, information from family, friends or neighbours or through interview of the suspect.

Interviews with family or neighbours of victims in particular may help identify the presence of any long term, low level harassment which may have previously gone unreported to the police yet may be significantly impacting on the victim's quality of life.

It should also be remembered that even if it appears that a victim has been chosen due to their vulnerability, if the victim perceives themselves to be a victim of a hate crime, then the crime must be treated that way.

*f) Distinction between a hate crime and a hate incident*

One of the key recommendations of the Stephen Lawrence Inquiry Report was that "*racist incidents* must be understood to include both crimes and non-crimes in policing terms and that *all* such incidents be reported, recorded and investigated with equal commitment."<sup>105</sup>

This created a distinction between *racist crime* and *racist incident* (being an incident perceived to be motivated by racism but where no crime has been committed).

This same philosophy which was originally conceived to cover racially motivated hate crime now extends to cover all *hate motivated crime* and *hate incidents*.

A hate incident is any occurrence (where a crime has not occurred), which is perceived to be a hate incident by the victim or any other person.

Examples of this are:

---

<sup>105</sup> *The Stephen Lawrence Inquiry* 1999.

1. A same sex couple openly displaying affection in a shop, being approached by the shop owner and then being asked to leave because of this. The incident has been perceived by the couple to be motivated by homophobia, however, no criminal offence has been committed.
2. Two men of Asian appearance, wearing jeans, are being refused entry to a night club on the grounds their dress is inappropriate. The men perceive their refusal as being due to their ethnic appearance. However, when the doormen are interviewed, it is found that the dress code for the club is 'no denims', therefore no offence has been committed.
3. A shop displays a t-shirt for sale on which a text is reproduced from the Qur'an. Muslims regard reproducing text from the Qur'an as sacrilegious, as it is believed to be the word of God. However, the shop selling the t-shirt was unaware of this and withdrew the t-shirts from their stock. No criminal intent was present, and no criminal offence has taken place.

It should be remembered that these examples are given only as illustrations. There are many more circumstances that may give victims rise to believe they are being targeted because of their identity, including local colloquial language or expressions or perceived membership of a particular group.<sup>106</sup>

---

<sup>106</sup> GLET 2009.

This page intentionally left blank.

## 4. Hate Speech – Online Speech

*Hate speech* is included in the first stage of the pyramid of hate and it is the starting point to hate crimes. It gives rise to both psychological and physical harm and affects a variety of minority and indigenous communities. Hatred, discrimination and dehumanisation are steps in a process that can lead to violence. For example, hate speech has recently been followed by violent attacks against Coptic Christians in Egypt, Muslims in Burma and immigrants in Greece, the UK, Belgium and France.<sup>107</sup> There is a typical incident from Hungary, happened at the countryside, in a small town, Devecser, 1 August 2012. A demonstration was organised by the right-wing party “Movement for a Better Hungary” (Jobbik) and aimed “against Roma criminality”. The speakers called on the demonstrators to sweep out the “rubbish” from the country and they mentioned that the Roma minority was genetically encoded to behave in a criminal way and declared that the only way to deal with the Roma was by applying force to “stamp out this phenomenon that needs to be purged”. Following the speeches, the demonstrators marched down to the neighbourhood of the town inhabited by the Roma community shouting “Roma, you will die”, and “We will burn your house down and you will die inside”, “We will come back when the police are gone”. Some of the demonstrators threw pieces of concrete, stones and plastic bottles into the Roma’s gardens, encouraged by the crowd following them. (See Appendix II: Extract from the Judgement of the European Court of Human Rights, Strasbourg, the Devecser case from 2012.)

Hate speech is a type of hate crime. It is a verbal or written expression that is a public incitement to violence or hatred against a group of persons defined by a protected characteristic or against particular members of such a group.

Hate speech is a criminal offence. It constitutes a public incitement of violence and therefore it is important that the police respond to it. Hate

---

<sup>107</sup> BENESCH 2014.



speech is distinguished from and more offensive than obscene or 'nasty' speech, which is unpleasant but not against the law.<sup>108</sup>

In practice, the targeted groups are usually those that are unchanging over time, such as ethnic or religious groups, but sometimes other groups are targeted, such as ones defined by disability or sexual orientation. Targeted groups include those groups who are viewed by some of the majority population as foreigners because their ancestors immigrated, even though the present-day members of these groups are born within the country. The groups targeted by hate speech are defined by a protected characteristic, which is a characteristic protected in law against discrimination. The European Commission against Racism and Intolerance (ECRI) lists a non-exhaustive list of protected characteristics relevant to hate speech. (See Appendix III.) These include race, colour, language, religion or belief, nationality or national or ethnic origin, and also descent, age, disability, sex, gender, gender identity and sexual orientation.

#### 4.1. A definition of hate speech

The United Nations in March 1966 opened for signature the *International Convention on the Elimination of All Forms of Racial Discrimination*. Although it did not specifically provide a definition, Article 4 of the Convention indicates that the Convention intends to reach "all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, [...] ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin."

Another definition was adopted in 1997 by the Committee of Ministers of the Council of Europe which makes specific reference to Jews, migrants and minorities. In recommending a number of steps for member nations,

---

<sup>108</sup> One of the most extreme cases of hate speech occurred in January 2013, when a Hungarian publicist compared Roma to animals: "Most Gypsies are not suitable for cohabitation. They are not suitable for being among people. Most are animals and behave like animals. They shouldn't be tolerated or understood but stamped out." He suggested: "These animals should not exist. No way. This must be solved, immediately and in any way possible." *Magyar Hírlap*, 5 January 2013.

the Committee also provided a definition: "...‘hate speech’ shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin."<sup>109</sup>

In general, hate speech is an expression that denigrates or stigmatises a person or people based on their membership of a group that is usually but not always immutable, such as an ethnic or religious group. Sometimes other groups, defined by disability or sexual orientation, for example, are included. Racist hate speech can take many forms and is not confined to explicitly racial remarks. Hate speech attacking particular racial or ethnic groups may employ indirect language in order to disguise its targets and objectives.<sup>110</sup>

Hate speech is on the rise in many countries – and also in the transnational virtual space of the internet. There are several reasons why: migration and refugee flows have established new minority communities at the same time as economic and political changes have increased the tendency to stigmatise them. Especially those who are viewed by some of the majority population as foreigners because their ancestors immigrated, even though the present-day members of minority groups are native-born. In other cases, political leaders scapegoat minorities to galvanise their supporters. Yet history tells us that the language used by those in positions of power, most notably politicians and the media, has the ability to legitimise hatred in those who are already looking for scapegoats to pin problems on.

In a number of cases, migrants are reporting verbal abuse, negative social media commentary including xenophobic language, anti-migrant leafletting and, in very limited numbers, physical assaults.

Hate speech laws have also been used to attack minorities instead of protecting them – for example, against Roma in Hungary, where anti-Roma hate speech is rife. Most existing hate speech laws – including international, regional and national ones – are dangerously vague, in ways that are often

---

<sup>109</sup> SAUNDERS 2011, 133.

<sup>110</sup> *International Convention on the Elimination of All Forms of Racial Discrimination* 2013, General recommendation No. 35.

used to restrict the freedom of speech of minorities, including preventing them from expressing legitimate grievances.<sup>111</sup>

From the beginning of 2015, hate speech directed at migrant groups has been encouraged by the media portraying migrants as a 'threat', calling them 'economic migrants' and depicting them as potential terrorists. Right-wing parties encourage hate speech through, for example, talking about a 'world Zionist conspiracy' or blaming the Roma for their country's bad economic situation. In other cases, political leaders scapegoat minorities to galvanise their supporters.

## 4.2. Hate speech in the light of the freedom of speech

There is a fine line between free speech and hate speech. Free speech encourages debate whereas hate speech incites violence. Hate speech can never be interpreted inside the liberty of speech. Free speech is always free expression of your own opinion, and there is no opinion, which is evidently true, so an opinion is always open to doubt. On the contrary, hate speech always believes itself evidently true and on the other hand its aim is to deprive minorities of their freedom. Nevertheless, in a democracy no one has the liberty to deprive anybody of her/his own freedom.

Every time hate speech is permitted, it costs someone part of his or her self, part of their self-respect, or part of their sanity. It rips people to shreds and destroys society.

Anti-Semites demand freedom of speech, presenting themselves this way as victims who are deprived of a fundamental right. Although on such occasions, the speakers simply refer to "freedom of speech", they are actually arguing for the "freedom of hate speech". In anti-Semitic speech the right to freedom of opinion and expression is misused to advocate verbal abuse and discrimination. Therefore, when it comes to anti-Semitic discourses, one should not take demands for freedom of opinion and expression at face value.

Politicians and public figures have a responsibility to take particular care of how they express themselves and should publicly condemn all forms of hate crime, as their words have a greater influence on the general climate of respect and tolerance than statements by members of the general public.

---

<sup>111</sup> BENESCH 2014.

Such action would help to prevent a sense of impunity among perpetrators and potential perpetrators and counteract the fear that bias-motivated offences cause among others who could subsequently be targeted.<sup>112</sup> The rights to equality and freedom from discrimination, and the right to freedom of expression, should be fully reflected in law, policy and practice as mutually supportive human rights.<sup>113</sup>

International human rights law regards freedom of expression as one of the fundamental liberties, which must be protected from unjustified interference. The European Court of Human Rights (ECtHR) repeatedly acknowledged that:

“Freedom of expression constitutes one of the essential foundations of any democratic society and one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10 [of the European Convention on Human Rights], it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.”<sup>114</sup>

### 4.3. Responses to hate speech and counter speech

Hate speech proves difficult to tackle but there are new efforts to respond to hate speech. The Council of Europe completed and supported a two-year project called the *No Hate Speech Movement*, focused on youth and on what they read, write and hear online. Further initiatives are crucial in promoting equality and preventing racism and radicalisation. The Commission supports civil society in monitoring and diminishing the attraction and impact of hate speech through the Rights, Equality and Citizenship Programme.

Counter speech may be effective at forestalling the effects of hate speech, including violence. It is essential at an early stage for respected community leaders to respond to hate speech with counter speech: messages of tolerance, information to counter rumours, or clear reminders

---

<sup>112</sup> LEVIN 2010.

<sup>113</sup> *International Convention on the Elimination of All Forms of Racial Discrimination* 2013, General recommendation No. 35.

<sup>114</sup> *European Court of Human Rights* 2019.

of the consequences of hate crimes. There is some evidence of success when influential or prominent leaders publicly and unequivocally indicate that they disapprove of hate speech – or of violence itself – even though strong counter speech is relatively uncommon. In one example, Norwegian Prime Minister Jens Stoltenberg declared “we will answer hatred with love” after Anders Breivik massacred 77 people, mostly teenagers, in 2011.<sup>115</sup> As a minimum requirement, and without prejudice to further measures, comprehensive legislation against racial discrimination, including civil and administrative law as well as criminal law, is indispensable to combating racist hate speech effectively.

Information campaigns and educational policies calling attention to the harms produced by racist hate speech should engage the general public; civil society, including religious and community associations; parliamentarians and other politicians; educational professionals; public administration personnel; police and other bodies dealing with public order; and legal personnel, including the judiciary.<sup>116</sup>

The most effective and useful way to combat hate speech is in any case to decrease its acceptance in the society: if the majority of the society despises intolerant words, hate speech will get neither attention, nor sympathy in the marketplace of opinions. Therefore, it is of essential importance to increase tolerance and understanding of vulnerable groups in the society.

Stronger and more coordinated action by state institutions would be needed in order to render hate speech and hate crime into isolated phenomena, to make integration, tolerance, openness and diversity a generally accepted social value. The Hungarian Ombudsman made several recommendations in order to make state institutions more efficient in their fight against prejudice, for strengthening tolerance.<sup>117</sup>

---

<sup>115</sup> BENESCH 2014.

<sup>116</sup> *International Convention on the Elimination of All Forms of Racial Discrimination* 2013, General recommendation No. 35.

<sup>117</sup> SZAJBÉLY 2014.

## 4.4. Some examples to recognise and resist hate speech

Manipulation is a form of abuse. However, many of us lack sufficient self-defence training to recognise and resist it. Here are some “tricks” to look out for in order to protect ourselves and avoid falling victim to manipulation.

### 1. *Watch Out for Personal Pronouns!*<sup>118</sup>

When we hear or read that someone refers to groups, communities, or cultures by plural personal pronouns (“they” and “we”) and says offensive remarks, we should be cautious.

### 2. *Meaning without saying!*<sup>119</sup>

It is possible to say things without actually saying them. On such occasions, messages are only suggested, conveyed – or, implicated instead of being directly expressed. Politicians and the media use implications too, which can be misused both in private and public speech. Through implications, speakers may – intentionally or unintentionally – voice unpleasant, controversial, derogatory, and abusive messages with impunity.

### 3. *Victim–Abuser Reversal!*<sup>120</sup>

Antisemitism discriminates against Jews simply because they are Jews. However, the idea of victimising a group of people just because of their ethnic background may sound too overtly racist to many. To avoid this, in anti-Semitic speech, manipulative rhetorical devices are used to justify the loathing of Jews. One of them, the victim–abuser reversal, creates the false impression that the real victims of antisemitism, Jewish people, are actually not victims but abusers. By suggesting that Jewish people are

---

<sup>118</sup> SZILÁGYI 2016.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

dangerous, harmful and evil, the victim–abuser reversal gives justification for verbal and physical aggression against Jews.

#### *4. Manipulation through Human Rights*<sup>121</sup>

In anti-Semitic speech, human rights values are represented in a manipulative fashion. The list of discriminatory labelling is almost endless. Speakers who spread anti-Jewish hatred, routinely misuse the arguments of those institutions and individuals who respect and protect human rights. By misrepresenting the claims of real human rights defenders, anti-Semites aim to create the false impression that Jews violate the basic liberties of non-Jews.

### **4.5. Online hate**

Today, online hate is very common, it covers both hate speech and other forms of hate crime. Online hate as a growing problem and a mounting concern is no less caused by the public climate created by online hate. If the offender uses the internet to incite hatred against a group defined by a protected characteristic, such as sex, race or ethnic origin, this constitutes online hate speech. However, online hate also includes cases where someone uses ICT (information or communications technology) to insult, intimidate or threaten a person, if the offence is committed with a bias motive.

Almost everyone uses the Internet nowadays, from young children to older generations: Internet has become indispensable for studying, work and entertainment alike. However, there is a dark side to the Internet: unlawful activities and crime that existed before the Internet have become more dangerous in the online environment: an image or video uploaded to the World Wide Web, or online harassment affects a far broader public, thereby causing more damage. The term 'online hate' is often used interchangeably with 'cyber hate'.

The Internet has also been a hotbed for the spread of paedophile content, racist and marginalising views and drug trafficking. Some online content,

---

<sup>121</sup> Ibid.

while not being outright illegal, can nevertheless be detrimental or dangerous to the development of minors.<sup>122</sup>

The internet users sometimes believe that communication on the internet is less serious than speech in ‘real life’ and therefore does not have to be accounted for. People act on the internet “without self-restraint”, they “do anything they want, they feel protected because they are anonymous”.<sup>123</sup> One important means of raising awareness of legal standards and of the fact that they also apply to communication on the internet is police investigations and criminal charges brought against offenders in cases where victims report that they have been targeted by online hate.

Gender-based discrimination is a particularly common form of online hate crime. It is important to alert people to the fact that what is expressed on the internet impacts on real lives and that online hate (speech) is illegal and police investigations and criminal charges brought against offenders in cases where victims report that they have been targeted by online hate.

The Council of Europe Convention on Cybercrime (the so-called *Budapest Convention*<sup>124</sup>) was adopted in 2001 and came into force in 2004. It is the first international law instrument to address certain forms of cybercrime, such as computer-related forgery and fraud, child pornography and infringements of copyright.

As concerns online hate, in 2006 an Additional Protocol to the Budapest Convention<sup>125</sup> came into force, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. This Additional Protocol obliges parties to establish as criminal offences:

- The dissemination of racist or xenophobic material through computer systems, at least in cases where the material promotes or incites violence (Article 3 of the Protocol);
- Racist- or xenophobic-motivated insults and threats (Articles 4 and 5 of the Protocol);
- Denial, major downplaying, approval or justification of genocide or crimes against humanity (Article 6 of the Protocol).

---

<sup>122</sup> In Hungary The National Media and Info-communications Authority launched its Internet Hotline service in September 2011. It is important to emphasise that it is not the Internet Hotline’s role to examine any online media content, such as online press, on-demand or other types of media content.

<sup>123</sup> FRA 2016.

<sup>124</sup> *Convention on Cybercrime* 2001.

<sup>125</sup> *Additional Protocol to the Convention on Cybercrime* 2003.



In 2017, 29 States (Members of Council of Europe and Canada, Senegal, South Africa) have ratified the Protocol and a further 13 have signed it but have not yet ratified. The majority of the EU Member States has ratified the Protocol: Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia and Spain.

Unfortunately, victims of online hate are not being protected against discrimination expressed on the internet. The Chair's Statement concluding the (first) Fundamental Rights Forum (FRF), conducted in Vienna in 2016, notes that repetitive online abuse can have a devastating impact on individuals. It calls on the EU Member States to "ensure that criminal law in this area is not only in place but is fully implemented and enforced in practice."<sup>126</sup>

In recent months, governments across Europe have been pushing for technology companies to take more action to prevent online platforms from being used to spread extremist propaganda. Security services have criticised Facebook, Twitter and Google for relying too much on other people to report inappropriate content, rather than spotting it themselves.

Social media have become the primary medium for promoting hate and it becomes ever necessary to educate victims and help them monitor and combat this new "evil". It is also vital to involve the social networks (Google, Facebook and Twitter) themselves to enable them to better understand how their platforms are misused and to help fund counter action.

In the UK, people are being encouraged to visit the UK OCCI Facebook page, to share stories, content and ideas, and use the hashtag #civillcourage.

In April, Germany passed a bill (it came into force on 1 January 2018) to fine social networks up to €50m if they failed to give users the option to report hate speech and fake news, or if they refused to remove illegal content flagged as either images of child sexual abuse or inciting terrorism.

The bill was drafted after several high-profile incidents of fake news and criminal hate speech were being spread on social media sites in Germany. One example was of a YouTube video entitled "Sieg Heil", a phrase that can be illegal in Germany. The video was reported to the local police in North-Rhine-Westphalia and followed up with the social network itself after a few days.

---

<sup>126</sup> Chair's Statement concluding the (first) Fundamental Rights Forum (FRF), conducted in Vienna in 2016. *Fundamental Rights Forum Chair's Statement 2016*; FRA 2016.

## 5. Motivations of Hate Crime:<sup>127</sup> Victims and Offenders

Social scientists' attempts to highlight and explain the motivation for hate crimes have been expanding over the past several years in classifying types of hate crimes based on the offenders' motivations.

### 5.1. Thrill seeking

Thrill seeking as a motivation for a hate crime entails committing the crime out of a desire for excitement, as an antidote for boredom. For example, McDevitt and his colleagues noted that young people who had been arrested for hate crimes “often told police that they were just bored and looking for some fun. [...] The attack in these thrill-motivated cases was triggered by an immature desire to display power and to experience a rush at the expense of someone else. [...] Several of these young offenders revealed that their only benefit from the attack was some vague senses of their own importance: a sadistic high as well as bragging rights with their friends.”<sup>128</sup>

Thrill seekers generally have little commitment to bias and often express little animosity toward the group whose members they have attacked. Rather, they are bored and see violence as a way of alleviating their boredom. The results of Byers and colleagues' interviews suggest that a lack of respect rather than animosity might be the emotional facilitator of thrill seekers' behaviour. One of their respondents told them: “I just had the mentality that they are just Amish. [...] It is like, we can pick on them because they are so different” and another said: “It is because I still have some feeling that they almost ‘deserved it’ for some unknown reason because they are different”.<sup>129</sup>

---

<sup>127</sup> Based on WHITLEY–KITE 2010, 405–407.

<sup>128</sup> LEVIN–MCDEVITT 2002.

<sup>129</sup> LEVIN–MCDEVITT 2002, 307–308.

Thrill seekers tend to choose as targets people they see as providing easy and safe opportunities for violence. For example, an offender who, along with a friend, targeted gay men as robbery victims said: "It wasn't because we had something against gays, but because we could get some money and have some fun. It was a rush. A serious rush. Massive rush. [...] It was nothing at all against gays. They're just an easy target. Gays have a reputation that they can't fight [back]". For example, one of Byers and Crider's interviewees noted that the Amish can't call the cops [because of their rejection of modern technology, such as telephones] and don't believe in suing."<sup>130</sup> Similarly, lesbians, gay men, and bisexuals may be seen as easy targets because they are reluctant to report hate crimes due to concern over police harassment or public disclosure of their sexual orientation.<sup>131</sup>

Thrill seekers often justify their actions by minimising the crime's impact on the victims and by portraying their actions as harmless fun. One of Byers and colleagues' respondents said: "It was all, I always thought clean fun. [...] We always looked at it as there are lot worse things that we could be doing". Byers and his colleagues found that denying that they had hurt anyone, was a common justification, offenders gave for their behaviour. One of their respondents said about destroying an outhouse: "No one ever really got hurt, and it wasn't really that much property damage. It was pretty much just a mess to clean up".<sup>132</sup> Besides, one respondent explained, clapping causes no real injury because the Amish should expect to be harassed.

## 5.2. Territorial defence

In defensive hate crimes, the perpetrators see themselves as protecting their own territory from invasion by outsiders. The purpose of this type of hate crime is to coerce the outsiders to go away and to send a more general message that members of the victim's group are not wanted in the offenders' neighbourhood. For example, the incidence of hate crimes was higher in all-White neighbourhoods into which minority group members were moving

---

<sup>130</sup> LEVIN-MCDEVITT 2002, 135.

<sup>131</sup> HEREK et al. 2002.

<sup>132</sup> LEVIN-MCDEVITT 2002.

compared to similar neighbourhoods which remained all White. Defensive hate crimes constituted 25% of Levin and McDevitt's<sup>133</sup> sample of cases.

A special characteristic of hate crimes is what McDevitt and his colleagues call secondary victimisation: A hate crime has psychological effects not only on the victim but also on members of the victim's group. These secondary victims experience, at least temporarily, heightened anxiety over the possibility of becoming victims themselves. Secondary victimisation is a major goal of defence-motivated hate crimes and is often a secondary goal of others. As McDevitt and his colleagues note: "A cross burning not only affects the immediate family [that was victimized], but any African American who becomes aware of the incident".<sup>134</sup> As the Chinese military strategist Sun T'zu said over 2,000 years ago: "Kill one, frighten 10,000". There are few data on the extent of secondary victimisation in hate crimes, but surveys of college students following on-campus hate crimes have found that about two-thirds of other members of the victim's group experience fear of becoming victims themselves. Paul Iganski interviewed people who, although not victims of hate crimes themselves, saw hate-related violence in their jobs as district attorneys or police officers.<sup>135</sup> These individuals reported that hate crimes had many consequences for the communities in which they took place, including increased anxiety, the potential for more crime due to retaliation, and ripple effects that led some group members to respond as if they had themselves been victimised. Thus, hate crimes victimise not just individuals but also entire social groups.

### 5.3. Retaliation

In retaliatory hate crimes, the offenders are seeking revenge for a real or rumoured attack on a member of their group. McDevitt and his colleagues note that "whether the [attack] actually occurred is often irrelevant. Sometimes a rumour of an incident may cause a group of offenders to take vengeance, only to learn later that their original information was merely

---

<sup>133</sup> McDEVITT et al. 2002.

<sup>134</sup> McDEVITT et al. 2001, 698.

<sup>135</sup> IGANSKI 2008.

unfounded hearsay".<sup>136</sup> Although retaliatory attackers cite revenge as the reason for their actions, they usually do not seek out the person they believe committed the offense against their group but target any available member of the group.

The generalised retaliation may be especially likely to occur when the real target of the offenders' anger is out of their reach. As Levin and McDevitt noted: "After [the September 11, 2001 terrorist attacks], what made it especially tempting to target college students who spoke with an accent and had a dark complexion was the ambiguity in identifying the real enemy. For most Americans, bin Laden [...] was an abstraction, little more than a caricature".<sup>137</sup> Retaliatory hate crimes constituted 8% of Levin and McDevitt's sample of cases.

## 5.4. Mission

Mission-motivated hate crimes are carried out because of a commitment to a bigoted ideology. In these kinds of crimes, the perpetrator seeks to rid the world of evil.<sup>138</sup> Some mission-oriented offenders are members of hate groups, although they may be acting without the knowledge or support of the group's leadership. The leadership of many hate groups publicly oppose violence, seeing it as a threat to their recruitment efforts. Other mission-oriented offenders act on their own, seeing themselves as victims of conspiracies by groups against whom they seek revenge.<sup>139</sup> Mission hate crimes are extremely rare; they constituted less than 1% of Levin and McDevitt's sample of cases.

## 5.5. Victims of hate crimes

Victims are natural persons who have suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. Victims of hate crimes belong to stigmatised groups,

---

<sup>136</sup> MCDEVITT et al. 2002.

<sup>137</sup> LEVIN-MCDEVITT 2002.

<sup>138</sup> MCDEVITT et al. 2002.

<sup>139</sup> LEVIN-MCDEVITT 2002.

and the goal of offenders is not to get money or other property of victims, but just to express clearly, they are subordinated. These subordinated strata are located at the margin of society according to at least one feature; even they have lived in the given state for ages, like Afro-Americans in the US or Roma in Hungary.<sup>140</sup> Hate crime victims are more likely to be repeat victims. Since, new racism is focusing on cultural differences and prefers to attack groups speaking a different language, having different skin colour, representing different religion or culture. The idea of social hate is a homogenous society, that is the reason why they want to oppress groups, which cannot be homogenised.

Hate crimes do not just affect the victim; academic research shows that the damage extends to families and the broader community. They are essentially a sign that some people in the community are not welcomed by a hostile, vocal and often violent minority and these crimes are a stain on the reputation of the countries.

Hate crime victims suffer more severe psychological consequences from their victimisation and these negative effects last longer compared to victims of similar crimes that were not motivated by bias. Moreover, hate crime victims who experienced severe violence, such as sexual assault, reported greater psychological distress than those who were threatened but did not experience physical violence. One factor that helps crime victims deal psychologically with their victimisation is the feeling that they can control what happens to them and, as a result, do things that will prevent them from being victimised again. However, hate crime victims tend to be chosen at random and so they believe that there is nothing they can do to avoid becoming a victim again: "Victims are aware that their overt actions did nothing to precipitate their victimization; being the 'wrong person', at the wrong time and place, qualifies the bias victim [to become a victim]. Therefore, if the impetus for victimization is something that is outside the bias victim's control before the incident, it is reasonable that there would be little the victim would do differently subsequent to the incident."<sup>141</sup> These feelings of lack of control exacerbate the negative psychological consequences of having been a crime victim.

---

<sup>140</sup> In Hungary, the Roma, religious minorities (Jewish people), sexual minorities (lesbian, gay, bisexual and transgender people), foreigners and asylum seekers are the most common victims of hate crimes.

<sup>141</sup> McDEVITT et al. 2001, 711.

There is a wide range of different reasons why gender-based violence is committed. Generally, the perpetrators are male, and the victims are female; but this is not always the case. Male victims of domestic violence committed by women or men find it particularly difficult to come forward and report the crime to the police. Male victims often feel a loss of masculinity and a sense of shame at becoming a victim. There is as a consequence a significant problem with under-reporting of this type of crime, as there is with all forms of domestic violence.

Gender-based hate crimes, or crimes against women, are perhaps the most prevalent form of hate crime in general, but the most socially acceptable and prevalent type of hate crime among teenagers and young adults is that targeting sexual minorities, gay and lesbian people and/or who live in same-sex relationships and find themselves being abused by their partners.

### *5.5.1. Discriminatory types of crime and indirect discrimination*

There are crimes that are not directed against persons of a certain category and hence are not hate crimes, but still affect a certain group of the population disproportionately. If the police or the judiciary do not take action to protect victims against these types of crimes, this inaction will impact on the more vulnerable group more than on others. As a result, such a failure of the police or the judiciary is a form of 'indirect discrimination'.

One important example is domestic violence. Because domestic violence affects women more than men and children more often than adults, a failure of public authorities to take action against domestic violence will affect women and children disproportionately. Therefore, such inaction of the government authorities can constitute an indirect form of discrimination against women and children.

It is argued that the origins of domestic violence can be found in the social structure and in cultural habits and beliefs – for instance those concerning male superiority. Special approaches and policies from law enforcement are therefore necessary, not only because of harmful effects and complex causes of domestic violence, but also because domestic violence is a crime which takes place within the family between people emotionally and financially involved with each other which can be perpetuated if interventions are not made.

### 5.5.2. *Effects on victims*<sup>142</sup>

Surveys conducted in different parts of the United States over a period of 10 years have provided an unusually consistent set of results regarding the effects hate crimes have on their victims: Hate crime victims suffer more severe psychological consequences from their victimisation and these negative effects last longer compared to victims of similar crimes that were not motivated by bias. Moreover, hate crime victims who experienced severe violence, such as sexual assault, reported greater psychological distress than those who were threatened but did not experience physical violence.

Table 1 lists some of the outcomes that hate crime victims experience to a greater extent than victims of other crimes. In addition, compared to victims of non-bias crimes, hate crime victims report feeling less control over their lives.

Table 1.

*Compared to victims of similar crimes that were not motivated by bias, hate crime victims experience more*

• Nervousness, anxiety, depression, and stress
• Intrusive thoughts about the crime
• Trouble concentrating or working
• Anger and a desire to retaliate
• Feelings of being exhausted and weak for no reason
• Fear of future trouble in life
• Distrust of people
• Fear of crime and feelings of personal vulnerability
• Difficulty coping with the effects of victimisation
• Difficulty in relationship with spouse or significant other members of society

*Source:* Compiled by the author.

Lesbian and gay victims may also suffer more serious psychological effects from hate crimes than they do from other kinds of criminal injury.

<sup>142</sup> Based on WHITLEY–KITE 2010, 410.



In the UN publication<sup>143</sup> *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* (2012), the full range of rights and many challenges for LGBTIQ persons are addressed. The publication summarises five steps that it calls on States (and its agents, including Law Enforcement Organisations/LEOs) to implement in the protection of persons of all sexual orientations and gender identities. These steps are as follows:

1. *Protect* people from homophobic and transphobic violence. Include sexual orientation and gender identity as protected characteristics in hate crime laws. Establish effective systems to record and report hate-motivated acts of violence. Ensure effective investigation and prosecution of perpetrators and redress for victims of such violence. Asylum laws and policies should recognise that persecution on account of one's sexual orientation or gender identity may be a valid basis for an asylum claim.
2. *Prevent* the torture and cruel, inhuman and degrading treatment of LGBTIQ persons in detention by prohibiting and punishing such acts and ensuring that victims are provided with redress. Investigate all acts of mistreatment by State agents and bring those responsible to justice. Provide appropriate training to LEOs and ensure effective monitoring of places of detention.
3. *Repeal* laws criminalising homosexuality, including all laws that prohibit private sexual conduct between consenting adults of the same sex. Ensure that individuals are not arrested or detained on the basis of their sexual orientation or gender identity and are not subjected to baseless and degrading physical examinations intended to determine their sexual orientation.
4. *Prohibit* discrimination on the basis of sexual orientation and gender identity. Enact comprehensive laws that include sexual orientation and gender identity as prohibited grounds of discrimination. In particular, ensure non-discriminatory access to basic services, including in the context of employment and health care. Provide education and training to prevent discrimination and stigmatisation of LGBT and intersex people.

---

<sup>143</sup> *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* 2012.

5. *Safeguard* freedom of expression, association and peaceful assembly for LGBT and intersex people. Any limitations on these rights must be compatible with international law and must not be discriminatory. Protect individuals who exercise their rights to freedom of expression, association and freedom of assembly from acts of violence and intimidation by private parties.

### 5.5.3. *Victim support services*

The Framework Decision on Racism (FDR)<sup>144</sup> and the Victims' Rights Directive (VRD)<sup>145</sup> emphasises the need to take the specific nature of hate crime into account (Recital 56) and highlights the vulnerability of victims of such crimes to secondary and repeat victimisation. In particular, *Article 22 of the VRD* obliges Member States to ensure that victims enjoy a timely and individual assessment to identify specific protection needs and to determine whether and to what extent victims would benefit from special measures in the course of criminal proceedings.

*Article 22(3) VRD* lists groups of victims to which particular attention must be paid in the context of this individual assessment, including "victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics". The Directive postulates that there "should be a strong presumption" that victims of hate crime "will benefit from special protection measures" (Recital 57). *Article 22(6) VRD* stipulates that individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes.

According to *Article 23 of the Victims' Rights Directive*, victims with specific protection needs have the right to be interviewed by or through professionals specifically trained for that purpose. In cases of hate crimes, this right of victims is particularly relevant as a means of ensuring that

---

<sup>144</sup> *Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law* 2008.

<sup>145</sup> *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA* 2012.

victims are interviewed by police officers who avoid any conduct that could suggest that they share the discriminatory attitudes of offenders.

Having regard to the specific trauma often suffered by victims of hate crime and their reluctance to report to the police, the provision of victim support services is crucial in order to help victims come to terms with what they have endured and to encourage victims to actively seek redress and participate in proceedings. Therefore, the VRD highlights that particularly vulnerable victims should be provided with specialist support (Recital 38, Articles 8 and 9). The VRD encourages Member States to cooperate with civil society organisations in monitoring and evaluating the impact of measures to support and to protect victims (Recital 62).

The VRD also places emphasis on training needs. Any official coming into contact with victims should receive sufficient training to enable them “to identify victims and their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner” (Recital 61, Article 25). This requirement is particularly pertinent in the context of the individual assessment of protection needs stipulated by Article 22 VRD.

## **5.6. Offenders of hate crimes**

Among hate crime offenders, juveniles and young people appear to be disproportionately represented. However, the lack of definitive data collection regarding juvenile hate crime activity has limited the development of an evidence base. Data from victims’ reports have suggested that offenders in bias crimes are even more likely than offenders in non-bias crimes to be young and male. Nationally, the majority of bias-motivated offenders are young men in their late teens and early twenties. A full understanding of the scope of this problem must be developed in order to devise targeted remedies for adolescents and young adults.

Offenders of hate crimes usually are young men; 84% are men and 62% are younger than 24 years old, and 79% under 35 years. Levin and McDevitt estimated that juveniles commit approximately 70% of all hate crimes.<sup>146</sup> It is very interesting, that two third of them was known to the victims; they were neighbours, colleagues or school mates.<sup>147</sup>

---

<sup>146</sup> STROM 2001; LEVIN–MCDEVITT 2002.

<sup>147</sup> KIELINGER–PATERSON 2007.

Taken together, research suggests that hate crime offenses entail a number of unique characteristics. But to what extent are hate crime offenders unique? Messner and colleagues identify two possible models to explain hate crime offenders. A specialisation model posits that prejudice, more than any underlying criminal propensity, is the primary motivation behind hate crimes. The idea of a hate crime specialist also agrees with images of offenders as seeking to dominate subordinate groups and as planning their crimes in advance, or what Dunbar refers to as “instrumental” hate crimes.<sup>148</sup> A competing versatility model<sup>149</sup> suggests that hate crime offenders are hardly unique and that hate crime offenses are largely committed by everyday criminals who commit an occasional hate crime. The archetype here would be the thrill-seeking hate crime discussed above. Some evidence seems to align with the latter model. Hate crime and non-hate crime offenders alike are disproportionately male and tend to have histories of substance use, criminal records, and spells of unemployment,<sup>150</sup> consistent with the idea of a versatile offender. Messner and colleagues’ analysis of data from the National Incident-Based Reporting System generally supports the versatile offender model. As they conclude: “The similarities between bias and conventional offenses [...] suggest that the role of bigotry as a motivator of bias crime is more limited than often suspected.”<sup>151</sup> Interestingly, micro-level research on hate crime offenses and offenders rarely invokes traditional criminological theories, such as control, learning, or strain theories. Some work discusses the potential relevance of criminological theories for the study of hate crime and others hint at the importance of peer association. Yet, the study of hate crime has generally taken theoretical guidance from the study of prejudice. As discussed in the next section, the same might be said for research on hate crime at the aggregate level.<sup>152</sup>

Most members of the public believe that perpetrators of hate crimes belong to organised criminal hate groups who are motivated by extremist ideology. However, the truth is that most perpetrators are citizens with no affiliation to any group. The level of organisation forms a continuum

---

<sup>148</sup> PERRY 2001; DUNBAR 2003.

<sup>149</sup> MESSNER et al. 2004, 609.

<sup>150</sup> DUNBAR 2003.

<sup>151</sup> MESSNER et al. 2004.

<sup>152</sup> PERRY 2001; KROHN et al. 2009.

from isolated individuals to small gangs or groups, large and logistically sophisticated organisations, including religious fundamentalists and terrorist organisations.

Although organised hate groups are responsible for only a small percentage of hate crimes, these groups still deserve appropriate consideration. Many youths who are not aligned with these hate groups still have access to information from these groups, mostly through the Internet. As computers and Internet access become more widespread, many people, including troubled youths, are gaining access to hate materials. One of the characteristics of the perpetrators of violent hate crime is that they often use what are described as imprecise weapons of opportunity, such as bats, stones, bricks, tree limbs and box cutters. By using this type of weapon, the level of violence tends to be high and can result in more serious injuries than most common criminal attacks. Frequently, alcohol or drug use is a factor in motivating hate crimes.

The different motivations of the perpetrators are:

*Thrill-seekers*: they are mostly young offenders, with desire for excitement, mostly with no affiliation to any group or organisation. They select their victims randomly and the lack of motivation indicators makes them difficult to identify by authorities. People who have been arrested for hate crimes often tell the police that they were just bored and looking for some 'fun'.

*Reactive offenders*: they are motivated by a perceived threat to their 'way of life' (e.g. in the neighbourhood, school or place of work). They are generally not associated with an organisation, but they have a sense of righteousness and they regard themselves as 'pillars of the community' (e.g. to 'protect' their neighbourhood from perceived outsiders). They often use a precipitating incident to serve as a catalyst for their expression of hate.

*Mission offenders*: this type of offender is normally associated with organised extremist groups and believe they are on a 'moral mission' to make the 'world a better place' for their family and circle of friends. They are strongly committed to prejudice (e.g. hate as 'a calling') with a sense of urgency in acting (e.g. "I must do something", or "This is the time"). Normally, the attack occurs in the areas where victims are located. They perceive their victims as 'sub-humans' or 'demons' responsible for 'destroying' their culture or the economy, or the 'purity of their racial heritage'. Mission-motivated hate crimes are carried out because of a commitment to a bigoted ideology. Some mission-oriented

offenders are members of hate groups, although they may be acting without the knowledge or support of the group's leadership.

*Retaliatory offenders:* they act in reaction to a perceived hate crime. They are motivated by 'revenge' in response to a hate crime committed on the offender's group (e.g. "You got one of us, we will get one of you"). It is important to highlight that it is not relevant whether in fact an attack occurred, only that the offender believes it took place. Retaliatory offenders look to attack, randomly, any member of the targeted group.

This page intentionally left blank.

## 6. Policing and Cooperation in the Context of Hate Crime – Prevention of Hate Crime

A body of research on hate crime law enforcement moves the unit of analysis from policing agencies to police officers. How, for instance, do frontline law enforcement personnel deal with vague, visible and contentious hate crime laws? It is not always clear whether an intergroup crime is truly motivated by hatred, and this problem persists even when reporting guidelines are in place. As Martin observes: “Often perpetrator motivations are unclear, the role of ‘hate’ is ambiguous, incidents may be the results of provocation and mutual conflict, and community consensus may be lacking. As a consequence, what is defined as ‘bias motivated’ is arbitrary and results in statistical reports that are uninterpretable and may be misleading.”<sup>153</sup> This line of work suggests that hate crimes are inherently difficult to identify because law enforcement officers must not only determine what happened but try to decipher why it happened, as well. To that end, three factors appear particularly important: officer beliefs about the laws, police department policies and police-community relations.

Police officers are not uniformly supportive of hate crime laws. Some scholars have reported that: “A few officers [that they interviewed] expressed the belief that hate crimes should not be considered crimes at all” and some dismissed them as “overkill”, “mostly bull” and “media hype”.<sup>154</sup> Related ethnographic work also indicates that members of police hate crime units and frontline police officers are sceptical of hate crime laws. These attitudes are consequential because failure to identify bias motivation in offenses subsequently affects the reliability and validity of hate crime data and can reduce the likelihood of eventual prosecution. Indeed, one study finds that individual police officer attitudes about hate crime account for some of the variation in hate crime identification and reporting.

---

<sup>153</sup> D’ALESSIO et al. 2002.

<sup>154</sup> MCDEVITT et al. 2001.



## 6.1. Bias indicators

Bias indicators suggest a possibility, not a legal certainty. These are objective facts, circumstances, or patterns connected to a criminal act or acts which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's action was motivated in whole or in part by any form of bias. In general, first line officers who appear on a crime scene and starting any investigation have learned to find answers to the "Seven Golden" criminalistics 'W' questions. These questions are known as *who*, *what*, *where*, *when*, *what with*, *in what way* and last but not least the question to get information about the motive, *why*.

Such indicators of crimes which are committed with a discriminatory motive can be grouped into the following categories:<sup>155</sup>



### 6.1.1. Target of the crime

The target of an offence is sometimes not a person but property (or the function of the property) belonging to an individual or individuals of a minority group, an object or other place. These include cemeteries,

<sup>155</sup> TAHCLE 2012; OSCE/ODIHR 2014.

refugee shelters, clubs of LGBTIQ (lesbian, gay, bisexual, transgender, intersex and queer) or religious groups.

### *6.1.2. Time and place of the incident*

Indicators which refer either to the location and/or date that a crime was committed are often not visible at the first stage. Sometimes it will need a deeper knowledge and information about the historical and cultural context of the victim or the suspect in order to bring up possible connection to the criminal event.

- Religious holiday, religious event (Yom Kippur, Shabbat, Pesach, Good Friday, Ramadan, etc.);
- National day of peoples involved in the incident;
- Anniversary of historically significant events, past conflicts or dates such as Holocaust Memorial Days (27 January, 20 April or 9 November), 9/11 (terror attack in New York), beginning or end of World War I or II, conflict in Serbia/Kosovo, Bosnia and Herzegovina, etc. – law enforcement officials are advised to liaise with the communities within their area of responsibility to be informed about such dates;
- Prior, during or following a political campaign, social or cultural event/celebration or demonstrations or protests that featured positive or negative topics about minority groups (e.g. Roma, Jews, Africans, Refugees, LGBTIQ people or foreign nationals).

### *6.1.3. The nature of violence*

In the absence of a clear motive, the specific nature of violence, the brutality of an attack can lead to the suspicion that a discriminatory motive is involved. This indication will be reinforced when there is a racial, religious or other difference between the suspect and the victim regardless whether the victim belongs to a minority group or not. Especially severe sexual attacks against LGBTIQ persons in order to dehumanise and debase such victims have been reported by different national and international NGOs. By committing such brutal attacks, the perpetrator might be demonstrating to the public on the one hand, their own negative attitude and prejudices

against the victim's ethnic, social or cultural background. On the other hand, this violent act very often should send a clear and unequivocal 'message' to the victim's community. This spreading of a negative message can be supported by filming such violent crime and distributing it on the internet for a higher impact.<sup>156</sup>

Just as police officers are influenced by police department structure, policing agencies are affected by their larger communities. Survey research reveals that police department policies and practices concerning hate crime are intimately connected with community factors, but ethnographic work arguably paints a more complete portrait of how community norms affect the enforcement of hate crime laws.

Another important measure is to prosecute perpetrators and protect victims' rights. While investigation is primarily a law enforcement function, States should provide the necessary legal framework to ensure that perpetrators (including public officials) of racism, xenophobia, hate crimes are not immune from prosecution, and that groups that are more vulnerable, including irregular migrants can have access to justice and remedy. Moreover, States should establish effective mechanisms to oversee whether incidents or complaints of racism towards irregular migrants are investigated timely, thoroughly and on equal footing with others in the society. These mechanisms could include ministry inspectorates, or independent police oversight bodies.

Law Enforcement Organisations (LEOs) should cooperate with NGOs and other institutions providing assistance to irregular migrants, to meet them, answer question and provide information about their rights. A less direct approach would be to have targeted information campaigns (through brochures and billboards) in neighbourhoods with large migrant population. In addition to consultation and information campaigns, LEOs should actively work towards building and maintaining trust. They should consider that some migrants may have negative experience with police either in the country they currently live in or in their home country. Even when the reporting mechanisms are tailored to their needs, if migrants do not trust the police and receive equal and respectful treatment, they are not likely to report crimes.

Researchers have concluded that society can intervene to reduce or prevent many forms of violence, especially among young people, including

---

<sup>156</sup> *Hate Crime Online Learning Module 2016–2017.*

hate-induced violence that threatens and intimidates entire categories or groups of people. To prevent future hate crimes, law enforcement agencies, state and federal agencies, public interest groups, and schools have been working together to identify and track hate crimes and to mitigate the conditions that foster them.

The Simon Wiesenthal Centre and the United States Holocaust Memorial Museum are centres for Holocaust remembrance, hate crime prevention and education. Both work toward fighting anti-Semitism and other forms of prejudice and bigotry through programs targeting both students and educators. The Anti-Defamation League developed the Stop the Hate program and has been implemented in many schools. Stop the Hate provides a comprehensive anti-bias and conflict resolution training for high school students, teachers, parents and community members.

## **6.2. Prevention and tackling of hate crime**

The specific objective is to build a strong partnership between the police and the community to support victims of racial and religious hate crime and hate speech in order to have a better understanding of racial and religious hate crime and hate speech, increased capacity to advocate change, support victims and to monitor and increase reporting of hate crime and hate speech. The prevention and tackling of hate crime are tasks for both the police and the society.

1. Professional obligations
2. Community protection
3. Deal with prejudice against minorities
4. Previous cases that seemed unjust
5. Commitment to human rights and diversity
6. Gaining more trust in our communities
7. Meeting victim's needs – reducing isolation, helping them to report
8. Need to work together from different perspectives
9. Professional and personal learning
10. How to be more effective professionally vis à vis the topic, with tools to respond appropriately
11. Reduce biases
12. Improve existing educational tools, on and off line

13. Respect for human rights and international humanitarian law
14. Raise awareness of the problem(s) of hate crime

In order to successfully combat hate crimes, an effective law enforcement response is needed. There are three key components to an effective response, namely *police-community cooperation*, *training* and *data collection*. However, evidence shows that in reality this response is severely hampered by various issues, including:

- *Police attitudes*: Some police officers are not consistently enforcing hate crime laws. Some researchers have reported that a few interviewed officers expressed the belief that hate crimes should not be considered crimes at all, and some dismissed them as overreaction, mostly 'bull' and 'media hype'. Related ethnographic work also indicates that members of police hate crime units and frontline police officers are sceptical of hate crime laws.
- *Under-reporting of hate crimes*: In order to combat hate crime effectively, it is important that reporting barriers are overcome, and that when a hate crime occurs, victims should have the wish, confidence and opportunity to report them. However, hate crimes are generally under-reported because of the low levels of trust in public authorities, especially in communities which are frequently targeted by hate crime. This can be addressed through various measures to increase trust and confidence, such as the police responding to victims in a respectful manner and providing better victim support services.

### 6.3. Judicial experiences and prevention

Hate per se and hate crime have their social context and combating hate and hate crime is a common responsibility of law enforcement institutions and the civil society. This is why the police have to have a clear strategy on cooperation with NGOs and other civil groups. Communication with these groups is imperative. The judges and the experts of crime prevention will provide a guide on how to achieve this.

Law enforcement officials need to take steps towards increasing the confidence of hate crime victims, so that they in turn feel safe enough

to report such crimes to the police. That can only be done if Roma groups are assured that thorough investigations are made in instances of police ill treatment of Roma. To bridge this trust gap, it is crucial for the police to receive adequate training on community policing that can help them to handle conflict resolution at local levels. This gap is attributed to the underreporting of hate crimes by victims often because of fear or by the failure of the police and prosecutors to take into account the racist motive of offences.

According to statistics there are hardly any hate crime cases in Hungary though Hungarian law criminalises incitement of hatred and racist crimes. In 2012, there are 36 registered hate crimes in Hungary.<sup>157</sup> However, the number of indictments and convictions on charges of racially motivated attacks appears low when compared to the number of reports of such attacks collated by NGOs.<sup>158</sup> Hungarian police said that there were 12 racially motivated attacks on Roma communities in 2008 and six in 2009. However, NGOs recorded 25 racially motivated attacks in 2009 and 17 attacks in 2008.

Data from NGOs is very important. FRA *Survey on discrimination on hate crime against Jews*,<sup>159</sup> illustrates well what survey data tells us. Jewish respondents showed the highest increase was in anti-Semitism on the internet, followed by hostility in public places, then in the media. Jews who worried that they would be harassed or assaulted was highest in France, then Belgium, Hungary, Denmark, Latvia and Italy. Those who had personally experienced harassment or assault was highest in Hungary, then Belgium, Sweden and France. 76% of the harassment cases was not reported and 64% of physical violence was not reported, whereas 'only' 53% of vandalism was not reported. Many EU Member States had non-existent data collection on anti-Semitic incidents. Therefore, civil society plays an important role. The FRA stated that the same could be observed for other hate crimes.

In Hungary perpetrators of hate crimes are *held accountable only in a small number of cases*, and even in those cases they are punished with a less severe sanction than they would deserve.

---

<sup>157</sup> Registered Art. 174/B cases in Hungary (ENYÜBS).

<sup>158</sup> BÁRD 2017, 10–11.

<sup>159</sup> In 2012, FRA conducted the first ever transnational survey on discrimination and hate crime against Jews. FRA 2013b.

Responding to hate crimes is severely limited by the low level of trust in public authorities, which leads to the *underreporting* of such attacks.

A further problem is that even if victims do report, authorities often *disregard the bias motivation* of the offense and classify the incident as a less severe crime, or terminate the investigation claiming that no crime has been committed.

The ineffective response is largely due to the fact that law enforcement agencies *lack the required knowledge and competences*; the topic of hate crimes does not receive proper attention in legal and police training, and there are no guidelines for police officers on how to respond to such incidents.<sup>160</sup>

9 out of 10 professionals believe that victims' awareness of their rights and support services available to them needs improving. 3 out of 4 professionals believe that victims do not report because of an inappropriate police response, with 2 out of 3 professionals believing that the police and judiciary need to take hate crime more seriously.

On what can be done to enhance recording of hate crime:

- specific hate crime offences in criminal law
- attention to be paid to bias motives when assessing victims' protection needs according to Article 22 of the Victims' Rights Directive
- establish and implement curricula that ensure systematic training of all police officers in the field of hate crime at three levels:
  - a sound understanding of the basic concepts and terms
  - awareness of and sensitisation to the phenomena and their impact on victims
  - the skills required in order to recognise, record and investigate hate crime incidents

There are some recent developments in the Hungarian police system. According to the instruction given by the Chief of the National Police on 30 December 2011, particular attention should be paid to the communities with distinctive cultures, and in performing this task police officers can rely on the assistance of "minority liaisons". This instruction largely reinforces the role of the pre-existing minority liaison regarding preventive

---

<sup>160</sup> Law enforcement problems in hate crime procedures. The experiences of the Working Group 2014.

activities. The liaison's role is to establish contacts with different cultural communities, youth service organisations, immigration and refugee organisations, and the leaders of social organisations dealing with the realignment of the minorities concerned. Additionally, the minority liaison has to organise seminars regarding the experiences gained at least once a year, so that the collected information can be shared with the National Bureau of Investigation, the Alert Police, the Airport Police Directorate and the workers at the border police offices.

In a further development since 2012, members of a special police unit, the so-called "Professional Line", address hate crimes in Hungary. To set up the Professional Line, police headquarters in each county designated a detective who was active in the field of hate crime investigations. Central coordination work is brought together and routed by a police officer based in Budapest.

Public trust in the police would be much increased by creating a culture of policing based on transparency, cooperation with communities, and accountability. This would help to increase the confidence of hate crime victims in the police, which would result in more such crimes being reported.

It is well known that the police are the most visible representation of the establishment. In outward appearance, in action as well as in its privileges, the police have special role to fulfil in protecting the legal rights of the state and of its citizens; an institution which is an organic component of the state, the embodiment or monopoly of the legitimate violence. The democracies differ from other systems in the way they employ violence: strictly within the limits of the law and with the aim to keep individuals within the confines of the law. It is entirely accepted that the state reacts with violence to unlawful and destructive activities which undermine its foundation.

In connection with the question of violence-monopoly, more and more often one can hear about the need for the use of minimal violence. This makes sense if we think in terms of reacting against violence with greater violence; then these reactions could result in greater damage than the infraction that triggered them. A humanistic police force should be in harmony with the era – which even condemns violence against animals.

*The sociological examination of the police has two aims: the transparency and accountability of all police activities, since a democratic state cannot exist without the control and transparency of its institutions.*



Undoubtedly one must know the actual *modus operandi* and the resulting effects from it in order to establish a police force that is most suitable and efficient for a democratic state.

A most significant factor in all this is that police officers have become more 'accountable' to governments, the courts, the press and the public for their policies and even for operational decisions. In several countries, there is ostensibly far more openness and transparency than ever before, and senior officers are held to account on a number of fronts. There are concerns, however, about accountability in relation to new national units (on SOCA, the Serious Organised Crime Agency) and with regard to criminal justice institutions within the European Union.<sup>161</sup>

It must be said that naturally all professionals of the trade wished to improve their own efficiencies. Consequently, an inner need existed due to the realisation that in a dynamically changing society even the police must accommodate itself to the transformation.

According to international and national surveys, professionals and experts from different fields agree on the key to improving the response to hate crimes. This key lies in reforming the basic education of professionals working in the field and providing them with targeted in-service training. For example, it is important for the police to receive adequate training on community policing that can help them to handle conflict resolution at local levels. However, in most European countries the topic of hate crime is currently not covered at all in training or is covered only very superficially in the basic trainings of those who can come into contact with hate crime in their everyday work, so the EU Member States are encouraged to take into account the positive experiences of other countries at every level when developing their own strategies to combat hate crime.

---

<sup>161</sup> PUNCH 2007.

## 6.4. Non-governmental organisations in Hungary

In January 2012, five Hungarian CSOs (Amnesty International,<sup>162</sup> Háttér Society,<sup>163</sup> Hungarian Civil Liberties Union,<sup>164</sup> Hungarian Helsinki Committee,<sup>165</sup> Legal Defence Bureau for National and Ethnic Minorities<sup>166</sup>) established the *Working Group Against Hate Crimes* to join forces for a more effective approach against hate crimes. Besides the representatives of the organisations, individual experts also take part in the work of the working group.

The principal aim of the working group is to fight hate crimes. To achieve this, they work towards the following objectives: 1. establishing a more effective legal and institutional framework for state responses to hate crimes; 2. encouraging victims to report the incidents; 3. creating a social environment condemning hate crimes.<sup>167</sup>

*Action and Protection Foundation* as a civil association/organisation was registered in November 2012. Trustees of the Foundation represent the most important Jewish religious and cultural movements in Hungary, a symbolic expression of the fact that action on anti-Semitism is a cause shared by all. The monitoring results are published by the Foundation on a monthly basis. Apart from the monthly report, an annual summary review including more detailed analyses on the offences committed in the course of the year is also prepared.

*The Brussels Institute*, founded by the Action and Protection Foundation, carries out monitoring of anti-Semitic hate crime in accordance with methods worked out and proposed by the Organization for Security and Co-operation in Europe (OSCE).

---

<sup>162</sup> The Hungarian chapter of the international NGO fight for the recognition of human rights.

<sup>163</sup> A support provision NGO fighting for equal rights and social acceptance for LGBTQI people.

<sup>164</sup> The NGO fight against undue interference and misuse of power and striving to educate citizens about their basic human rights and to ensure their enforcement were very involved in calling for the changes to the law in 2013. They publish regular reports on hate crimes and responses to hate crimes in Hungary.

<sup>165</sup> The NGO aiming to protect human rights and constitutional values, and ensure justice for the oppressed, refugees and detainees.

<sup>166</sup> The NGO aiming to protect the rights of national and ethnic minorities living in Hungary, primarily the Roma community.

<sup>167</sup> Working Group s. a., also see Glossary.

*Victim Support Service* is a government agency which has been operating since 2006. The Hungarian system consists of two main forms of help for victims of crimes: legal aid, as well as instant monetary aid and state compensation.

*The Independent Police Complaint Board (IPCB)* started operation in 2008 after the modification of Act XXXIV of 1994 on the Police in 2007 when the Parliament amended the provisions for the structure of the police and established the IPCB. The idea of establishing an independent body that would monitor the work of the police came up earlier, inter alia in the proposals and recommendations of various NGOs.

## Summary

The aim of this handbook was to take an in-depth look at hate crimes and the policing issues that surround it. To understand the background of existing hate issues we had to look at the history of such intolerant behaviour in the society. It is also important to include past and present statistics and consider changes in policing perspective, and to analyse the facts that may have influenced the change.

Hate crime is fundamentally about human rights – we all have a right to live our life free from targeted abuse and the police have a duty to help everyone in our society to enjoy the same right. Despite our efforts, we know that most hate victims never come forward to tell the police about their crimes. There are many reasons for this, but research tells us that significant number of citizens do not think the police will take this seriously and some even fear – hopefully unfounded – that they will also be hostile to them.

The police have to build the confidence and encourage reporting by showing that police care and that victims receive a high quality of service when they report hate crimes.

Training is a fundamental element in such endeavours as it enhances awareness and police response. It strengthens the capacities of law enforcement officials to contribute to successful investigation and prosecution of hate crime. Moreover, cooperation between law enforcement and victim assistance professionals could benefit from an enhanced training offer. Therefore, learning material, training activities and specialised trainers must be available in order to enable this type of targeted capacity building. Training should include raising awareness; gaining empathy and showing professionals what to do. Addressing hate crime cannot be done until it is understood why it is being done.

Together with a greater awareness of hate crime, and improved willingness of victims to come forward, this is likely to be a factor in the increase in hate crimes recorded by the police. This means that although in terms of numbers it appears that there are far more hate crime incidents happening, there may not have been an increase of actual cases, just it could

happen that more people have reported crime due to an increase in police trust and belief that civilians will get justice.

In conclusion, seemingly more hate crimes have been committed all over the world against people from a range of different ethnicities, beliefs, and other. Nevertheless, the official statistics show that people are more willing to report an incident now than ever before. This implies that there have been steps taken in the right direction, as police trust is vital in order for people to seek help against the hate they may face. As for the final words on the issue of racial and other forms of hatred, the mother of Stephan Lawrence, Doreen Lawrence, said: "I would like Stephen to be remembered as a young man who had a future. He was well loved, and had he been given the chance to survive maybe he would have been the one to bridge the gap between black and white because he didn't distinguish between black or white. He saw people as people."<sup>168</sup>

---

<sup>168</sup> *Stephen Lawrence murder: Gary Dobson and David Norris guilty* 2012.

## Hate Crime Story<sup>169</sup>

**Read the story, and write an essay with the help of these questions:**

Describe the story short, step by step. How the situation escalated? How could you prevent it?

What are the evidences that the case was a hate crime?

What should the police officers ask the victims, witnesses and perpetrators?

If no witnesses to the crime exist and if the perpetrators deny that the crime was bias-motivated the police should interview neighbours or acquaintances of the perpetrators and the victims and the local people. What should they ask?

### Caia Park Estate

This event took place in June 2003, in one of the largest social housing estates in the UK, with over 3,000 houses and a population of over 14,000 people. The estate had a very high unemployment level; acute social deprivation and many of the houses required repairs or were boarded up and unoccupied. There was a public house (pub) in the centre of the housing estate called the Red Dragon.

One year prior to this story taking place, six male Kurdish refugees who had fled Iraq had been housed in a house on the estate. A few months later another six Kurdish refugees were housed in a house nearby followed by twelve more. The Iraqi Kurdish refugees all lived close to each other near the centre of the housing estate. These houses had most windows boarded up and were hard to let, so they were allocated to the Iraqi Kurdish refugees.

Most of the refugees living on the Caia Park estate were able to work under the terms of their refugee status and they obtained local employment in nearby factories.

---

<sup>169</sup> TAHCLE 2012, 52–53.

For approximately 9 months there had not been any issues or a raise in racist tensions noted by the local police.

Through their work, the refugees were able to purchase items for their homes, buy cars and to socialise in the Red Dragon. One of the Iraqi Kurds commenced a relationship with a local woman living on the estate.

Then some local youths and men began shouting abusive comments to some of the refugees. One of them was yelling: "Go back where you came from!", "Leave our women alone!" and other racist comments. The refugees tried to ignore the verbal abuse and started to change their routes when walking to work to avoid groups of people, checking streets before walking down them.

Then, one of the houses the refugees lived in had graffiti containing racial slurs sprayed on the door and walls. Initially the refugees cleaned off the graffiti but after a few days later more appeared and a window was broken. One of the refugees went to the local police station to report the verbal abuse, racist comments, graffiti and damage. The police took a report of the issues and arranged for the local authority to quickly remove the graffiti and repair the broken window, which they did.

One afternoon a few days later, one of the Kurdish refugees was found unconscious on the pavement near the Red Dragon pub. He had a serious head injury and was taken by ambulance to hospital. The friends living with him were informed and they were convinced the attack had been racially and hate motivated.

Later that day, a group of 15 to 20 of the refugees armed themselves and went to the Red Dragon pub where they believed the people who had assaulted their friend were. They threw stones and missiles through the windows and shouted, confronting the people inside.

The people inside armed themselves with snooker cues and legs broken from chairs and bar stools and ran outside to retaliate with the refugees and a large and violent fight ensued.

The first police officers arrived at the scene quickly and found a large number of local residents gathered at the scene, where missiles and petrol bombs were being thrown. A number of local men and refugees were arrested, and a large number of Police Officers were injured, 4 were hospitalised. The remaining Iraqi Kurds fled the estate and sought refuge in a Church Hall several miles away.

The following night about 200 local people including boys of 12 and 13 years old gathered outside the Red Dragon pub on the estate and

began attacking the police officers who were present patrolling the area. Some of these youths were members of Wrexham Front Line, a hooligan gang that follows the town's football team, gathered outside the pub on the estate. The local Police Force could not cope with this large riot situation and the Mutual Aid of Public Order Officers from surrounding forces was requested. Over 100 officers from 3 surrounding police forces attended in full riot equipment. Specialist officers recorded the rioting and the people involved. It escalated into a really serious public disorder with running battles. Petrol bombs and missiles being thrown with police officers as the targets, and cars and bushes were set alight. More officers were injured including one who was set on fire; many required hospital treatment and a number of arrests were made.

During the following nights, there was a high level of police patrolling the estate preventing further violence and the area was returned to a state of normality.

Utilising the collated evidence, including recordings of the nights of rioting, 78 people, including youths of 12 to 16 years old were arrested and 30 people were charged with serious offences. More people were bound over to keep the peace or cautioned.

The total of almost 100 years in prison sentences were given to 50 people convicted of the more serious offences.



This page intentionally left blank.

# Case Studies

## Case Study #1<sup>170</sup>

A mosque was vandalised last night. Several windows were broken, and the front door was kicked in. Inside the Mosque someone had spray painted on a wall: “All Muslims are terrorists. Get out of our country now!”

The bloody carcass of a pig was lying in the middle of the mosque. Muslims represent only a small portion of the population in this region. There were no witnesses to the property damage.

You arrive at 8 a.m. the next morning shortly after men arrived for morning prayer. You are in charge of the investigation.

*Question 1: What actions should you take?*

*Question 2: How will you respond to the situation below?*

Two hours later a reporter from the largest newspaper in your country arrives and asks you if you are investigating this as a hate crime.

## Case Study #2<sup>171</sup>

Three days ago, the first gay bar in your city opened for business. Last evening two women were assaulted as they left the bar together holding each other’s hands. One of the victims is in the hospital in a coma from a kick to her head. She is in danger of dying. You are assigned to lead the investigation of this case early on the morning after the attack.

*Question 1: What actions should you take?*

You interview the victim who is not in the hospital and she gives you a detailed physical description of the attacker who kicked the other victim in the head. However, she tells you that she will not testify in court or sign a written statement.

---

<sup>170</sup> TAHCLE 2012, 58.

<sup>171</sup> TAHCLE 2012, 60.

*Question 2: Why might she refuse to co-operate?*

*Question 3: What can you do to increase the chance that she will co-operate?*

### **Case Study #3**<sup>172</sup>

A Roma child age 12 was begging for money when a group of non-Roma teenagers, all four or five years older than the Roma child, began taunting him with degrading words about Roma people. All of the teenagers attend the same high school. The Roma child tried to run away but the older students beat him up, breaking one of his arms.

Many adults were walking by when the teenagers yelled degrading language and then assaulted the child. None of the adults tried to intervene. One adult, however, gave the police the names of two of the teenagers whom she recognised.

*Question: What actions could you take?*

### **Case Study #4**<sup>173</sup>

You hear a police officer, in front of several other officers in the police station, make a degrading joke about Roma people.

*Question 1: What can you do?*

You frequently hear degrading jokes in the police station about Roma, gays, and ethnic and religious minorities.

*Question 2: Should you address this issue and, if so, how?*

### **Case Study #5**<sup>174</sup>

A non-governmental organisation that advocates for the human rights of gay, lesbian, bi-sexual and transgender people has obtained a permit in your city for a Gay Pride Parade. A week before the event a group named

---

<sup>172</sup> TAHCLE 2012, 62.

<sup>173</sup> TAHCLE 2012, 64.

<sup>174</sup> TAHCLE 2012, 66.

---

the Committee to End Homosexuality announces that it will be leading a counter march that will end at the same time and place as the Gay Pride march will end.

You have been assigned the task of ensuring that the parade and counter march do not turn violent.

*Question: What can you do?*

This page intentionally left blank.

## Community Statements<sup>175</sup>

1. A young woman was attacked on the street. When the police arrived, they commented: “It’s the woman’s fault that she was attacked. She was wearing a short skirt.”
2. If I walk on the street holding my boyfriend’s hand, I hear quite often: “Gays, fuck you, you are not our nation, go away!” If I try to respond, the perpetrators get very aggressive. (A young man from Latvia.)
3. Unknown perpetrators destroyed 40 graves at the Muslim cemetery in Crimea and sprayed abusive graffiti on the walls of the cemetery that said: “Tatars, get the hell out of Crimea!”
4. A gay man was attacked by a group of football fans. He was abused and beaten up severely. When he went to the police to report the crime, police officers just laughed and refused to help. (The Former Yugoslav Republic of Macedonia.)
5. During my first semester at the Latvian University, I was on a tram with my friend; we both are from Lebanon. Suddenly a group of 5–6 young men covered in Latvian flags and Nazi symbols entered the tram, started shouting at everyone, and approached us. They were shouting at us even more, slurring in Latvian, showing threatening signs and saying in English: “You deserve to die! We will kill you!” We managed to escape from them at the next tram stop. No one on the tram intervened.
6. Around 27 January there were a lot of abusive messages and posts on Facebook and other social networks which had an anti-Semitic character. The messages were posted by extremist Nazi groups. The police refused to do anything about it justifying it with the right of people to “freedom of expression”. (Italy.)
7. A joke: Three men arrive to a hotel, but there is only one double room available. They are told that one of them have to stay in a stable. So, one man goes to the stable and comes back in a minute saying that there is a cow in the stable and he cannot sleep there. Another man goes there and also comes back in a minute saying that he cannot sleep there as there is a pig. So, the third man goes to the stable. In a minute the cow

---

<sup>175</sup> TAHCLE 2012, 54–55.

and the pig come to the room saying that they cannot sleep in the stable with that gypsy.

8. When a Muslim woman entered a bus in Warsaw, a Polish woman left this bus, saying that the Muslim lady definitely has a bomb in her bag, and she does not want to get the same bus with a terrorist. Nobody in the bus intervened. (Poland.)
9. A young lesbian girl was badly beaten up by her parents when they found out about her sexual orientation. She went to the police to report the case (all bruised and bleeding), but the police officer told her that she had to listen to her parents, they did the right thing and they told her the right thing. (The Former Yugoslav Republic of Macedonia.)
10. I was walking in the Old Town in February last year, when two Latvian guys attacked me and broke my nose. They were shouting at me and calling me "Nigga". I got other injuries including broken teeth. I had to go to the hospital and the doctors put 12 stitches on my nose. (A student from Kenya living in Riga.)
11. Someone sprayed on the door of a Roma family: "Gypsies, Niggers – this is what you are!" The police said that it was not a hate crime "it is just kids". (Montenegro.)
12. A refugee from Africa (Sierra-Leone) was on his way to home with his Ukrainian wife from the supermarket – they were going to have a family celebration – when he was attacked by 2 males who were shouting "Ukraine for Ukrainians" and "white power". They stabbed him to death in front of his wife. (Ukraine.)
13. There was a marathon between the communities of schools of Istog and Peja (in Kosovo). In such marathons between schools, our centre was involved through children with disabilities. While attending the activity, we heard of people saying: "These are problems for the society, and the family, therefore it would be good to eliminate them from the face of the earth".
14. Graffiti on the wall says: "Gypsies! You steal, kidnap and exploit children! You are dirty!" (Poland.)
15. Naples: a disabled person requires assistance every time to get on a train as the difference between the platform and the train is 8 cm. So, once he asked a metro worker for help. The man replied: "You, as a disabled person, receive good pensions. So, why don't you hire someone to help you all the time?" (Italy.)

16. Our professor repeatedly says that women cannot be surgeons, therefore he treats his female students with disrespect and does not pay attention to their questions. He also mentioned several times that homosexuality is very unfortunate and is a mistake of nature. (Latvia.)
17. A group of teenagers yelled out anti-Semitic slurs and threw rocks through the windows of the home of one of the few Jewish families in a community. The family was terrified by the incident and by the possibility that the teens would escalate their conduct to increasingly violent activities. The responding police officer told the family not to worry because the perpetrators “were only boys” and left shortly afterwards without conducting any interviews. (Poland.)
18. Joke: “Why do showers in Auschwitz have 11 waterholes? So that Jews cannot close it with their fingers”.
19. On 25 March 2006, the nine-year-old Lilian Sissoko was stabbed in the neck and ear by two men as she was entering her apartment building. Lilian, who is of mixed Russian–African parentage, was hospitalised and survived the attack. Her mother said that the attackers “had enough time to paint a swastika and graffiti that read, “Skinheads ... we did it”. (Ukraine.)
20. I worked for a company and the salary was too low to be able to cover basic living needs, so I decided to resign. I informed the manager of the company who told me: “Instead of spending time looking for a better paid job you should try to find a rich man who marries you and all your troubles will finish!” (Albania.)
21. Police caught me by the entrance to a gay café. They told me that when I have sex with another man next time, I should call them, so that they can blackmail that man. (The Former Yugoslav Republic of Macedonia.)
22. Being a black man, I have a very difficult life in Riga. I have been abused and assaulted many times, I was not allowed into shops or bars, people were laughing or shouting at me right on the streets. A couple of times I had much more serious incidents including physical attacks, but I never went to the police as my friends had bad experiences with the police before. In one case a police officer just laughed at my friend and said that the case is “too small” to be officially reported. In another case the perpetrators were left free, and my friends were interrogated and blamed for what had happened. So, I personally believe that the police are not helpful at all. (Latvia.)



This page intentionally left blank.

## Impact Statements<sup>176</sup>

1. As a Serb in Croatia, I feel helpless. I am not without hope for the future, but right now, I feel really helpless. (Croatia.)
2. My life as a gay man makes me feel like I am in a jungle. I am constantly watching for dangerous “snakes” or dangerous “animals” who could attack me. I often, as tonight, at this focus group, have to dress as a straight man to keep myself safe. (A gay man from Montenegro.)
3. I’m terrified to admit that I’m Jewish. I’ve stopped going to the synagogue and celebrating Jewish holidays. When people ask me if I’m Jewish I go to any length to deny it. Every day is a constant struggle to hide my religion from the world... I’ve lost my religion and my identity. All because one person said I deserve to burn like the rest of my kind, I’m burning on the inside. I hope they’re happy. (Poland.)
4. One of my teachers, who is German, is married to a black man and lived in Sofia together with him for the period in which she was teaching at our school. She told us that once she and her husband were walking in the city centre when a group of young people threw a banana peel on her husband’s face and called him a monkey. Then they started shouting at him that he should go back to Africa. She felt helpless and unable to do anything. (Bulgaria.)
5. A Roma man said that he was afraid that his children will not be able to get a job because they were Roma. (Latvia.)
6. My boyfriend and I have to choose our friends very carefully; we are trying to choose flexible friends who will accept us the way we are. (A gay couple from the Former Yugoslav Republic of Macedonia.)
7. Recently, a friend of mine told me: “I really don’t understand why all you Muslims are so aggressive and hostile!” I was shocked and angry, especially since it came from a person I knew well. (Ukraine.)
8. I have to keep my sexual orientation in secret, because I am afraid that people will get negative and abusive if they find out that I am lesbian. (A woman from Montenegro.)

---

<sup>176</sup> TAHCLE 2012, 56–57.

9. By the entrance to the synagogue a group of young men was shouting at us: "Dirty Yids!" We called the police, but the police refused to come and record the incident, they said that everyone in the country has the right to express their opinion. It's depressing.
10. We can't go to the cemetery as we are afraid of attacks of hooligans and vandals. (A Muslim woman from Ukraine.)
11. I was drinking coffee with my girlfriend in a café. At one point, she and I held hands and hugged. The owner of the café came over very angry and told us that we couldn't hold hands or hug. He said: "People don't want to look at two women who are holding hands and hugging." We thought that the owner was going to become violent and we left the café. (A woman from Poland.)
12. Some group of Russian-speaking students at my University constantly imitates Chinese language in a very offensive way, calls me names when I pass by. In the beginning I tried to ignore them, but they get more aggressive, so now I am trying to avoid them, I have to check the corridors to make sure that they are not there, I am really scared! (A male student from China in Riga.)
13. I am not scared for myself, but I am scared for my mother. I am worried that she'll be hurt because we are Serbs. (Croatia.)
14. The parents of a child were worried as the child refused to go to school any more. After long conversations, the child confessed that the teacher calls him names no matter if he failed or succeeded. The teacher said: "You, you little Asian, you should go home to your country." (Poland.)
15. I am a gay man. To keep myself safe, I never take a tram at night. When I see a group of football fans I get scared, because my friend and I were both attacked. I am constantly evaluating whether I am safe. Being scared is just a regular part of my life. I am used to fear.
16. A Roma man said: "I feel humiliated because I cannot find a job. I am very unhappy because working is the most important thing to me."
17. I feel fear all the time. I know that the police will not protect me in case of an attack, and I know that perpetrators would never be found and punished. My friends and I do not trust the police. (A lesbian woman from the Former Yugoslav Republic of Macedonia.)
18. Why can't I be myself in public! Why can't I hold my girlfriend's hand! I need to be so careful to be safe in public in ways that heterosexuals never think about. (A woman from Latvia.)

- 
19. A young Roma woman said: “Discrimination makes me feel humiliated, helpless and sad.” (Italy.)
  20. I hear many comments about my hijab on a daily basis. Sometimes it’s a person who just passes by, sometimes I hear it from people on a tram or a bus. They say something nasty, giggle and keep on staring at me. I feel very uncomfortable about it! Several times some strangers attempted to touch me and pull off my hijab, so I had to run away. (A Muslim woman from Latvia.)

This page intentionally left blank.

## True/False Items<sup>177</sup>

### I.

1. Hate crime is a crime that targets individuals, groups and communities on the basis of certain personal characteristics called ‘protected characteristics’. (True.)
2. Hate crimes are criminal offences committed with a discriminatory or bias motive. (True.)
3. Hate crime is also a crime against not only the individual victim but also against the group and community that they belong to. (True.)
4. The target of hate crimes is always people of a different race or ethnic group from the perpetrator. (True.)
5. The number of hate crimes has been on the rise from the beginning of the 21<sup>st</sup> century everywhere in Europe. (True.)
6. Hate crimes affect most severely the Roma, LGBTIQ (lesbian, gay, bisexual, transgender, intersex, queer) people, Jews and immigrants and refugees coming to Europe. (True.)
7. The amount of hate crime is decreasing on some parts of Europe, but increasing in other parts. (False.)
8. Some victims of hate crime may experience a process of escalation in which insults, vandalism and minor crimes gradually increase in severity and intensity into more serious crimes of violence. (True.)
9. Victims of hate crime are typically affected only once in their lifetime. (False.)
10. The psychological impact of hate crimes is usually less than other types of crime. (False.)
11. Hate crimes undermine a person’s dignity and their self-respect. (True.)
12. Hate crime rejects such fundamental values as fairness, respect and tolerance, democracy and the rule of law. (True.)
13. There is a spectrum of hate crimes, which runs from abuse and harassment to extreme violence. (True.)

---

<sup>177</sup> Based on *Hate Crime Online Learning Module 2016–2017*.

14. All hate crime involves physical violence against the victim – assault, murder, etc. (False.)
15. The pyramid of hate shows five different levels of bias behaviours that increase in severity from prejudicial acts at the bottom to genocide at the top. (True.)
16. The pyramid of hate shows five different categories of hate crime that increase in severity from the bottom to the top. (False.)
17. The prevention and tackling of hate crime are tasks for both the police and the society. (True.)
18. The three key components to an effective response to hate crime are police-community cooperation, training and data collection. (True.)
19. The key component to an effective response to hate crime is to increase the speed of response. (False.)
20. Some members of police hate crime units and frontline police officers are sceptical of hate crime laws. (True.)
21. Some police officers believe that hate crimes should not be considered crimes at all. (True.)
22. Hate crimes are almost always reported to the police, but the police often fail to respond effectively. (False.)
23. Hate crimes are generally under-reported because of the low levels of trust in public authorities. (True.)
24. Public trust in the police would be much increased by creating a culture of policing based on transparency, cooperation with communities and accountability. (True.)
25. The key to improving the response to hate crimes lies in reforming the basic education of professionals working in the field, and providing them with targeted in-service training. (True.)

**II.**

1. The concept of human dignity implies that all individuals share the same social status as persons. (True.)
2. When investigating a hate crime, it is important to assess whether the victim actually corresponds to the characteristic attributed by the offender. (False.)
3. Forcing labels on others violates their right to decide for themselves who they are. (True.)
4. Discrimination means making an unjust distinction in the treatment of other people. (True.)
5. A person discriminates against another by basing their treatment, without good reason, on an attributed personal characteristic. (True.)
6. A protected characteristic is a characteristic protected in law against discrimination. (True.)
7. If a person is victimised by hate crime offenders more than once, this is secondary victimisation. (False.)
8. Protected characteristics have a potential to affect a person's social status, such as race, sexual orientation, age or gender. (True.)
9. Discrimination is a matter of the offender's attitude, not of whether the distinction made is factually correct or not. (True.)
10. The essential thing about hate crime is that the offender hates the victim. (False.)
11. If a hate crime offender targets a person for being gay, it is not necessary that the police assess whether the victim actually is gay or not. (True.)
12. The re-enactment of the offender's discriminatory attitude constitutes secondary victimisation. (True.)
13. A theft can never be a hate crime, even if the offence is committed with a discriminatory motive. (False.)
14. Hate crimes are crimes committed with a discriminatory motive. (True.)
15. Any type of offence turns into a hate crime if the offence is committed with a discriminatory motive. (True.)
16. The term 'hate speech' refers to the public incitement to violence or hatred directed against a group of persons defined by a protected characteristic or against a member (or members) of such a group. (True.)
17. If a person treats others favourably for being Jewish, this does not constitute discrimination. (False.)



18. If a person is abused for being Jewish, this forms an instance of anti-Semitic hate crime only if the victim actually is Jewish. (False.)
19. Being the fan of a football team constitutes a protected characteristic. (False.)
20. The term 'atrocities crimes' refers to genocide, crimes against humanity and war crimes. (False.)
21. Hate crime involves intentional discrimination. (True.)
22. Public incitement to violence is punishable even if the offender does not act with the intention to incite to violence or hatred. (False.)
23. If you treat others based on a distinction, this constitutes discrimination, even if the distinction applied is justified. (False.)
24. It is important to distinguish 'hate crime' from 'bias crime'. (False.)
25. The key to improving the response to hate crimes lies in employing more police officers from ethnic minorities. (False.)

**III.**

1. The principle of non-discrimination was first introduced by the EU Charter of Fundamental Rights. (False.)
2. The right not to be discriminated against is unknown to the law of the European Union. (False.)
3. Criminal law protects the basic rights of individuals against severe violations. (True.)
4. Criminal law does not relate to human rights. (False.)
5. Criminal law provisions against homicide protect individuals' right to life. (True.)
6. If a discriminatory motive coincides with a behaviour that is criminal, the discriminatory motive adds another wrong to the – 'basic' – criminal offence. (True.)
7. If offenders attack and wound others who they perceive to be foreigners, this constitutes an assault and not a hate crime. (False.)
8. If criminal law is to cover hate crimes, the only way to achieve this is to introduce hate as an aggravating circumstance. (False.)
9. The Framework Decision on combating racism (FDR) established legally binding minimum standards for countering severe forms of racism and xenophobia by criminal law definitions. (True.)
10. The Framework Decision on combating racism (FDR) obliges the police to take into consideration any racist or xenophobic motivation behind a criminal offence. (True.)
11. International human rights law regards freedom of expression as one of the fundamental liberties, which must be protected from any interference, even in case of public incitement to violence. (False.)
12. Numerous international treaties oblige states to adopt laws prohibiting incitement to discrimination, hostility or violence. (True.)
13. International law does not oblige states to criminalise public incitement to racist violence. (False.)
14. The Framework Decision on combating racism (FDR) obliges EU Member States to penalise public incitement to violence or hatred directed against a group or persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. (True.)

15. The Framework Decision on combating racism (FDR) obliges EU Member States to criminalise acts of publicly condoning, denying or grossly trivialising the so-called atrocity crimes. (True.)
16. The term 'atrocity crimes' covers genocide, crimes against humanity and war crimes. (True.)
17. The Framework Decision on combating racism (FDR) obliges EU Member States to criminalise acts of publicly condoning, denying or grossly trivialising the so-called atrocity crimes only if the conduct is carried out in a manner that is likely to incite to violence or hatred against such a group. (True.)
18. Hate speech is a form of hate crime. (True.)
19. The Framework Decision on combating racism (FDR) obliges the authorities of EU Member States to distinguish between a criminal offence per se and the offence committed with a discriminatory motive. (True.)
20. The crime of denying the Holocaust is not touched upon by the Framework Decision on combating racism (FDR). (False.)
21. As long as the offender is convicted and punished, it is not necessary that courts also take the offender's discriminatory motive into account. (False.)
22. The Victims' Rights Directive (VRD) relates to all victims of crime and does not refer explicitly to victims of hate crime. (False.)
23. The Victims' Rights Directive (VRD) refers to victims who have suffered a crime committed with a bias or discriminatory motive. (True.)
24. Victims with specific protection needs, including victims of hate crimes, have the right to be interviewed by or through professionals specifically trained for that purpose. (True.)
25. The Framework Decision on combating racism (FDR) concerns the judiciary, but not the police. (False.)

**IV.**

1. Article 21 of the Charter of Fundamental Rights of the European Union provides a list of protected characteristics of an individual or group of individuals. (True.)
2. The Charter of Fundamental Rights of the European Union specifies all protected characteristics that are recognised in law. (False.)
3. Religion and disability are not protected characteristics according to the Charter of Fundamental Rights of the European Union. (False.)
4. For a crime to count as an anti-Semitic hate crime, it is necessary that the victim is Jewish. (False.)
5. Racism is based on the incorrect premises that some races are superior to others and that a person's social and moral individualities are predetermined by his or her innate biological characteristics. (True.)
6. Xenophobia can be defined as a fear of that which is perceived to be foreign or strange. (True.)
7. In times of social and economic crisis, racism and xenophobic sentiments towards migrants and other minorities tend to increase. (True.)
8. Vandalism against synagogues and Jewish cemeteries has very little psychological impact on the Jewish community, because it has been going on for centuries. (False.)
9. In recent years, physical attacks on Jews and attacks on synagogues have increased. (False.)
10. Online anti-Semitic hate speech has grown and is not a concern for Jewish organisations. (False.)
11. Some anti-Semitism derives from the assumption that Jews control the media, economy, government or other societal institutions. (True.)
12. Verbal and physical attacks on Muslims and vandalism against mosques has a great impact on Muslim communities. (True.)
13. Anti-migrant hatred increased in the UK after the Brexit referendum. (True.)
14. Hate crime against the LGBTI community is usually hate speech, and rarely escalates to violence. (False.)
15. Negative assumptions and misconceptions about the LGBTI community may be rooted in cultural, religious or political convictions. (True.)
16. The association of Roma with common criminality has no impact on the targeting of the Roma with hate crime. (False.)

17. Discriminatory attitudes against the Roma are deeply rooted within European countries with a strong presence of Roma people. (True.)
18. Discriminatory attitudes against people with disabilities is often based on the incorrect assumption that people with physical or mental impairments are inferior. (True.)
19. Most hate crimes are committed by organised extremist groups. (False.)
20. Perpetrators of hate crimes are typically known to the victim. (False.)
21. Alcohol or drug use can be a factor in motivating hate crime. (True.)
22. Many perpetrators of hate crimes are 'thrill-seekers' who are just 'bored' and looking for 'fun'. (True.)
23. One group of hate crime offenders – 'reactive offenders' – are motivated by a perceived threat to their 'way of life' (e.g. in the neighbourhood, school or place of work). (True.)
24. One group of hate crime offenders – 'mission offenders' – are normally associated with organised extremist groups and believe they are on a 'moral mission' to make the 'world a better place'. (True.)
25. One group of hate crime offenders – 'retaliatory offenders' – are motivated to 'avenge' a hate crime committed on victim's in their group. (True.)

**V.**

1. Hate speech is a type of hate crime. (True.)
2. Hate speech is a verbal or written expression that is a public incitement to violence or hatred against a group of persons defined by a protected characteristic or against particular members of such a group. (True.)
3. All hate speech is expressed verbally. (False.)
4. All hate speech is an incitement of violence. (True.)
5. All groups targeted by hate speech are defined by a protected characteristic, which is a characteristic protected in law against discrimination. (True.)
6. The groups targeted by hate speech are usually those that are unchanging over time, such as ethnic or religious groups. (True.)
7. Speech that is indirect rather than not explicit cannot be hate speech. (False.)
8. Hate speech can cause great psychological distress in members of the target group. (True.)
9. Hate speech is growing in many communities, but is decreasing on the internet. (False.)
10. Hate speech occupies the third level of the pyramid of hate, ‘violence, aggression and intimidation’. (True.)
11. Hate speech is encouraged by the language used by those in positions of power, most notably politicians and the media. (True.)
12. Hate speech directed at migrant groups has been encouraged by the media portraying migrants as a ‘threat’ and calling them ‘economic migrants’. (True.)
13. Hate speech tends to give rise to more severe hate crime, such as physical attacks on the victims and their groups and communities. (True.)
14. Hate speech can be excused and legitimised in any society in which freedom of expression is a right. (False.)
15. The right to freedom of expression is not unlimited but carries with it certain responsibilities that restrict what people may say. (True.)
16. The right of freedom of expression cannot aim at the destruction of the rights and freedoms of others. (True.)
17. Hate speech also incites violence against its target group, and thereby undermines the group’s right to security and safety. (True.)

18. The most effective and useful way to combat hate speech is to decrease its acceptance in the society. (True.)
19. The police should not make reports of hate speech if there is no possibility of identifying the perpetrators. (False.)
20. Awareness-raising initiatives are important in promoting equality and reducing hate speech and other hate crimes. (True.)
21. The European Commission and EU agencies do not organise awareness-raising campaigns on hate crime, as they leave this to national governments and organisations. (False.)
22. Counter speech involves a respected community leader responding quickly to hate speech with messages of tolerance, information to counter rumours, or clear reminders of the consequences of hate crimes. (True.)
23. Counter speech has no effect on the impact of hate crime. (False.)
24. Counter speech is a very common response to hate speech and other hate crimes. (False.)
25. Politicians and public figures have a responsibility to publicly condemn all forms of hate crime. (True.)

**VI.**

1. Bias indicators suggest a possibility of hate crime, not a legal certainty. (True.)
2. The Seven Golden criminalistics 'W' questions are known as *who, what, where, when, what with, in what way* and *why*. (True.)
3. Bias motivation is always immediately visible and evident on the crime scene. (False.)
4. There are criminal cases where the bias motive is not obvious in the first stage on the crime scene. (True.)
5. If one or more obvious objective indicators suggest the presence of a bias crime, they do not necessarily prove that the motivation of the offender was based on bias. (True.)
6. Bias indicators can be described as objective facts, circumstances, or patterns connected to a criminal act or acts which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's action was motivated in whole or in part by any form of bias. (True.)
7. Bias indicators can be described as objective facts, circumstances, or patterns connected to a criminal act or acts which, standing alone or in conjunction with other facts or circumstances, prove that the offender's action was motivated by any form of bias. (False.)
8. Those who commit a hate crime very often have the intention to send out a 'message' to their victim or the victim's community. (True.)
9. If the suspect has a record of committing similar (hate crime) incidents, this can indicate a bias motive. (True.)
10. A property, an object or other places can never be targets of a hate crime. (False.)
11. Sometimes the historical and cultural context of the victim or the suspect is important in order to bring up possible indication of a bias motive to the criminal event. (True.)
12. Similar cases or incidents in the same area before are not indicators for a hate crime. (False.)
13. In the absence of a clear motive the specific nature of violence, the brutality of an attack can lead to the suspicion that a discriminatory motive is involved. (True.)
14. A recent escalation of incidents against the same group, starting with low-level harassment and non-criminal activities and progressing to more serious criminal acts, can be seen as a bias indicator. (True.)



15. Some crimes which show signs of bias indicators may in fact not be motivated by bias. (True.)
16. Some crimes motivated by bias might not show any of the bias indicators listed in this chapter. (True.)
17. Sometimes a perpetrator might try to hide the real motive for a crime by leaving a religious or hate symbol or statement at the crime scene. (True.)
18. Motives of hate crime offenders are always based on prejudices. (False.)
19. In case only the victim expresses the assumption that the criminal act was motivated by bias, this will not oblige the police to carry out further investigation steps. (False.)
20. In order to flag a criminal act as a hate crime, it is necessary to find pieces of evidence or signs to prove the offenders' discriminatory attitude against the victim, with an intention to discriminate. (True.)
21. The European Court of Human Rights (ECtHR) has said that when investigating violent incidents, authorities should take all reasonable steps to establish whether ethnic hatred or prejudice may have played a role in the incident. (True.)
22. If a religious symbol is left at a crime scene, this shows conclusively that the crime was motivated by bias. (False.)
23. If a crime takes place on a Holocaust Memorial Day such as 27 January, this is an indicator of an anti-Semitic motive. (True.)
24. Offenders never admit a bias motivation before the first responding officer. (False.)
25. The nature of the violence committed is never an indicator of bias. (False.)

## Glossary<sup>178</sup>

<b>Term</b>	<b>Description</b>
ADL	Anti-Defamation League
aggravating circumstances	Factors that increase the severity or culpability of a criminal act.
anti-Christian	Discrimination targeting Christians.
anti-Muslim	Discrimination targeting Muslims.
anti-Roma	Discrimination targeting Roma people.
anti-Semitism	Discrimination targeting Jews.
bias	Unreasonably hostile feelings or opinions about an individual or social group; prejudice.
bias crime	Hate crime – i.e. crime committed with the intention to discriminate against the victim.
bias indicator	Facts and/or pieces of evidence that suggest or show whether the crime was committed with a bias motive, and is therefore a hate crime.
bias motive	A reason for committing a crime that is based on discrimination; also called ‘discriminatory motive’.
Brexit	Process by which the United Kingdom intends to withdraw from the European Union.
CE	Council of Europe
CEJI	A Jewish Contribution to an Inclusive Europe.

<sup>178</sup> *Hate Crime Online Learning Module 2016–2017*. 68–71.

<b>Term</b>	<b>Description</b>
Charter	Charter of Fundamental Rights of the European Union (OJ L 303, 14.12.2007. 1)
counter speech	A response to hate speech in which a community leader conveys messages of tolerance, information to counter rumours, or clear reminders of the consequences of hate crimes.
CST	Community Security Trust, London
cyber hate	Any form of hate crime committed by the use of the internet or text messaging; also called ‘online hate’.
direct discrimination	Discrimination involving the explicit use of a protected characteristic, such as race, sex or sexual orientation.
indirect discrimination	Discrimination that is not directly discriminatory, but disproportionately affects individuals sharing a protected characteristic – e.g. domestic violence affects disproportionately more women than men.
discrimination	The making of an unjust distinction in the treatment of other people, on the basis of a protected characteristic, such as race, sex or sexual orientation.
discriminatory motive	A reason for committing a crime that is based on discrimination; also called ‘bias motive’.
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
ENAR	European Network Against Racism
EUROPOL	The European Union’s law enforcement agency.

<b>Term</b>	<b>Description</b>
FDR	Framework Decision on Racism – Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008. 55)
FRA	European Union Agency for Fundamental Rights
freedom of speech (free speech)	The right to express opinions and ideas without fear of government retaliation or censorship, or societal sanction.
Good Friday	Christian religious holiday commemorating the crucifixion of Jesus Christ and his death at Calvary.
GYEM	Gyűlöletbűncselekmények Elleni Munkacsoport – Working Group Against Hate Crime (Hungary)
hate crime	Crime committed with the intention to discriminate against the victim (i.e. crime with a discriminatory motive); also called ‘bias crime’.
hate speech	A verbal or written expression that is a public incitement to violence or hatred against a group of persons defined by a protected characteristic, such as ethnic origin, religion, race, disability or sexual orientation; a type of hate crime.
HOGESA	Hooligans Against Salafists (right-wing group)
homophobia	Discriminatory attitudes (bias) towards a homosexual person.
ICCPR	International Covenant on Civil and Political Rights (adopted by the UN General Assembly in 1966, in force from 1976)
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, and queer

<b>Term</b>	<b>Description</b>
NGO	Non-governmental organisation
ODIHR	Office for Democratic Institutions and Human Rights
online hate	Any form of hate crime committed by the use of the internet or text messaging – also called ‘cyber hate’.
OSCE	Organisation for Security and Co-operation in Europe
PEGIDA	Patriotic European Against the Islamisation of the West (right-wing group)
Pesach	Jewish festival celebrating their liberation by God from slavery in Egypt and their freedom as a nation under the leadership of Moses.
protected characteristic	A feature of a person or group protected in law against discrimination, such as sex, race, colour or ethnic origin.
pyramid of hate	A diagram that shows five levels of biased behaviours, increasing in severity from prejudicial acts at the bottom to genocide at the top.
racism	Prejudice, discrimination or antagonism directed against someone of a different race based on the belief that one’s own race is superior.
Ramadan	The ninth month of the Islamic calendar, observed by Muslims worldwide as a month of fasting.
repeat victimisation	The recurrence of a crime against the same target.

<b>Term</b>	<b>Description</b>
secondary victimisation	Actions of police officers, public prosecutors, judges, doctors, social workers or other professionals who are in contact with the victim in the aftermath of the offence, which is disrespectful of the victim as a person and therefore reinforces the victimisation caused by the offender.
Shabbat	The day of rest of Judaism and the seventh day of the week.
Stockholm Programme	EU programme that provides a framework for EU action on the issues of citizenship, justice, security, asylum, immigration and visa policy for the period 2010–2014.
TAHCLE	Training Against Hate Crimes for Law Enforcement
Tell MAMA	Measuring Anti-Muslim Attacks – an independent, non-governmental organisation which works on tackling anti-Muslim hatred.
transphobia	Discriminatory attitudes (bias) towards a transsexual or transgender person.
True Vision	A police-funded website providing information on hate crime.
UDHR	Universal Declaration of Human Rights (adopted by the UN General Assembly in 1948)
unmasking (of a bias motive)	The discovery of a bias motive that motivated a crime.
VRD	Victims' Rights Directive – 2012/29/EU of the European Parliament and of the council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (OJ L 315, 14.11.2012. 57)
'W' questions	Questions asked in an investigation on who, what, where, when, what with, in what way and why.

---

<b>Term</b>	<b>Description</b>
xenophobia	Fear of things perceived to be foreign or strange.
Yom Kippur	The holiest day of the year in Judaism, also known as the Day of Atonement.

## References

- ACPO Guide to Identifying and Combating Hate Crime* (2000). London, Metropolitan Police Service.
- Additional Protocol to the Convention on Cybercrime* (2003). Available: [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189) (Accessed: 8 November 2018.)
- The Agreed Definition of 'Monitored Hate Crime' for England, Wales and Northern Ireland* (s. a.). Available: [www.report-it.org.uk/files/hate\\_crime\\_definitions\\_-\\_v3\\_0.pdf](http://www.report-it.org.uk/files/hate_crime_definitions_-_v3_0.pdf) (Accessed: 8 November 2018.)
- A Guide to Fighting Hate Crime* (s. a.). Manchester, CST Publication, Home Office. Available: <https://cst.org.uk/public/data/file/1/0/Hate-Crime-booklet.pdf> (Accessed: 8 November 2018.)
- ALLPORT, Gordon W. (1999): *Az előítélet*. Budapest, Osiris.
- ALTSCHILLER, Donald (2005): *Hate Crimes: A Reference Handbook*. Santa Barbara, California.
- Antigypsyism and Antisemitism in Hungary. Summary of the final report* (2018). Available: [http://politicalcapital.hu/pc-admin/source/documents/EVZ\\_Antigypsyism%20Antisemitism\\_final%20report\\_%20summary\\_180228](http://politicalcapital.hu/pc-admin/source/documents/EVZ_Antigypsyism%20Antisemitism_final%20report_%20summary_180228) (Accessed: 8 November 2018.)
- BALOGH Lídia – DINÓK Henriett – PAP András László (2012): A jog által láthatatlan? A gyűlölet-bűncselekmények szabályozási kérdései és gyakorlati problémái. *Fundamentum*, Vol. 16, No. 4. 91–98.
- BALOGH Lídia – PAP András László (2011): A homofób és transzfób indíttatású gyűlölet-bűncselekmények előfordulása, valamint a jogi fellépés keretei Magyarországon. In TAKÁCS Judit ed.: *Homofóbia Magyarországon*. Budapest, L'Harmattan. 128–139.
- BÁRD, Petra (2017): What is behind the low number of hate crimes in Hungary? *Criminology in Europe*, Vol. 16, No. 1. 10–11.
- BENESCH, Susan (2014): Defining and diminishing hate speech. In GRANT, Peter ed.: *State of the World's Minorities and Indigenous Peoples. Events of 2013*. London, Minority Rights Group International. 18–25.



- BONILLA-SILVA, Eduardo (2006): *Racism without Racists. Color-Blind Racism and the Persistence of Racial Inequality in the United States*. Lanham, Maryland, Rowman and Littlefield.
- Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* (2012). Available: [www.refworld.org/docid/5065a43f2.html](http://www.refworld.org/docid/5065a43f2.html) (Accessed: 8 November 2018.)
- BREWER, Marilynn B. – BROWN, Rupert J. (1998): Intergroup Relations. In GILBERT, Daniel Todd – FISKE, Susan T. – LINDZEY, Gardner eds.: *The Handbook of Social Psychology*. 4<sup>th</sup> edition, Vol. 2. Boston, McGraw-Hill. 554–594.
- CHAKRABORTI, Neil (2018): Responding to hate crime: Escalating problems, continued failing. *Criminology and Criminal Justice*, Vol. 18, No. 4. 387–404. DOI: <https://doi.org/10.1177/1748895817736096>
- Charter of Fundamental Rights of the European Union* (2012). Available: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN> (Accessed: 8 November 2018.)
- Convention on Cybercrime* (2001). Available: [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185) (Accessed: 8 November 2018.)
- Council conclusions on combating hate crime in the European Union* (2013). Available: [www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/139949.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/139949.pdf) (Accessed: 8 November 2018.)
- Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law* (2008). Available: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008F0913&from=EN> (Accessed: 8 November 2018.)
- D’ALESSIO, Stewart J. – STOLZENBERG, Lisa – EITL, David (2002): The effect of racial threat on interracial and intraracial crimes. *Social Science Research*, Vol. 31, No. 3. 392–408. DOI: <https://doi.org/10.1016%2Fs0049-089x%2802%2900008-x>
- Decision No. 621. Tolerance and the Fight Against Racism, Xenophobia and Discrimination* (2004). Available: [www.equalrightstrust.org/ertdocumentbank/OSCE%20Decision%20no.%20621.pdf](http://www.equalrightstrust.org/ertdocumentbank/OSCE%20Decision%20no.%20621.pdf) (Accessed: 8 November 2018.)
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA* (2012). Available: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN> (Accessed: 8 November 2018.)
- DUNBAR, Edward (2003): Symbolic, relational, and ideological signifiers of bias-motivated offenders: Toward a strategy of assessment. *American*

- Journal of Orthopsychiatry*, Vol. 73, No. 2. 203–211. DOI: <https://doi.org/10.1037/0002-9432.73.2.203>
- ECRI General Policy Recommendation No. 1 (1996). Available: [www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.1](http://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.1) (Accessed: 8 November 2018.)
- ECRI General Policy Recommendation No. 7 (2002). Available: <https://rm.coe.int/ecri-general-policy-recommendation-no-7-revised-on-national-legislatio/16808b5aae> (Accessed: 8 November 2018.)
- EU internal security strategy: a new impetus (2014). Available: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2014/20140620\\_01\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2014/20140620_01_en.htm) (Accessed: 8 November 2018.)
- European Convention on Human Rights (2013). European Court of Human Rights, Council of Europe. Available: [www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) (Accessed: 8 November 2018.)
- European Court of Human Rights (2019). Factsheet – Hate speech. Available: [www.echr.coe.int/Documents/FS\\_Hate\\_speech\\_ENG.pdf](http://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf) (Accessed: 8 November 2018.)
- Fiona Pilkington (s. a.). Available: <http://asbhelp.co.uk/fiona-pilkington/> (Accessed: 8 November 2018.)
- FLECK Zoltán – KRÉMER Ferenc – NAVRATIL Szonja – USZKIEWICZ Erik (2012): *Technika vagy érték a jogállam? A jogállami értékek átadása és az előítéletek csökkentése a jogászok és rendőrtisztek képzésében*. Budapest, L' Harmattan.
- FRA (2008): *Hate Crime in the European Union*. Available: [http://fra.europa.eu/sites/default/files/fra-factsheet\\_hatecrime\\_en\\_final\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-factsheet_hatecrime_en_final_0.pdf) (Accessed: 8 November 2018.)
- FRA (2012a): *Making hate crime visible in the European Union: acknowledging victims' rights*. Available: [http://fra.europa.eu/sites/default/files/fra-2012\\_hate-crime.pdf](http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf) (Accessed: 8 November 2018.)
- FRA (2012b): *Survey on discrimination and hate crime against Jews in EU*. Available: <http://fra.europa.eu/en/project/2017/second-fra-survey-discrimination-and-hate-crime-against-jews> (Accessed: 8 November 2018.)
- FRA (2012c): *EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime*. Available: <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime> (Accessed: 8 November 2018.)
- FRA (2013a): *Opinion on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime*. Available: <http://fra.europa.eu/en/opinion/2013/fra-opinion-framework-decision-racism-and-xenophobia-special-attention-rights-victims> (Accessed: 8 November 2018.)

- FRA (2013b): *Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism*. Available: <http://fra.europa.eu/en/publication/2013/discrimination-and-hate-crime-against-jews-eu-member-states-experiences-and> (Accessed: 8 November 2018.)
- FRA (2014): *EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey. Main results*. Available: <http://fra.europa.eu/en/publication/2014/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-transgender-survey-main> (Accessed: 8 November 2018.)
- FRA (2016): *Ensuring justice for hate crime victims: professional perspectives*. Available: <http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives> (Accessed: 8 November 2018.)
- FRA (s. a.): *Compendium of practices*. Available: <http://fra.europa.eu/en/theme/hate-crime/compendium-practice> (Accessed: 8 November 2018.)
- Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law* (2008). Council Framework Decision 2008. Available: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33178&from=EN> (Accessed: 8 November 2018.)
- Fundamental Rights Forum Chair's Statement* (2016). Available: [http://fra.europa.eu/sites/default/files/fra\\_uploads/frf-2016-chairs-statement-1\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/frf-2016-chairs-statement-1_en.pdf) (Accessed: 8 November 2018.)
- GERSTENFELD, Phyllis (2004): *Hate Crimes: Causes, Controls and Controversies*. London, Sage.
- GLET, Alke (2009): The German Hate Crime Concept: An account of the classification and registration of bias-motivated offences and the implementation of the hate crime model into Germany's law enforcement system. *Internet Journal of Criminology*. Available: [www.semanticscholar.org/paper/The-German-Hate-Crime-Concept-%3A-An-account-of-the-Glet/b9100239ddc0b2ef13b7a0cb4be1375767483de0](http://www.semanticscholar.org/paper/The-German-Hate-Crime-Concept-%3A-An-account-of-the-Glet/b9100239ddc0b2ef13b7a0cb4be1375767483de0) (Accessed: 8 November 2018.)
- GREEN, Donald P. – STROLOVITCH, Dara Z. – WONG, Janelle S. (1998): Defended Neighbourhoods, Integration, and Racially Motivated Crime. *American Journal of Sociology*, Vol. 104, No. 2. 372–403. DOI: <https://doi.org/10.1086/210042>
- GREEN, Helen Taylor – GABBIDON, Shaun L. (2009): *Encyclopedia of Race and Crime*. Thousand Oaks, Sage. DOI: <http://dx.doi.org/10.4135/9781412971928>
- Hate Crimes, England and Wales 2013–2014* (2014). Home Office Statistical Bulletin. Available: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364198/hosb0214.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364198/hosb0214.pdf) (Accessed: 8 November 2018.)

- Hate Crime, England and Wales, 2014–2015* (2015). Home Office Statistical Bulletin. Available: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467366/hosb0515.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf) (Accessed: 8 November 2018.)
- Hate crimes in Hungary. Problems, recommendations, good practices* (2014). Available: [www.hatter.hu/kiadvanyaink/hate-crimes-in-hungary-problems-recommendations-good-practices](http://www.hatter.hu/kiadvanyaink/hate-crimes-in-hungary-problems-recommendations-good-practices) (Accessed: 8 November 2018.)
- Hate Crime Guidance Manual* (2010). ACPOS – Association of Chief Police Officers in Scotland. Available: [www.hatecrimescotland.org/wp/wp-content/uploads/2014/08/Association-of-Chief-Police-Officers-in-Scotland-Hate-Crime-Manual-2010.pdf](http://www.hatecrimescotland.org/wp/wp-content/uploads/2014/08/Association-of-Chief-Police-Officers-in-Scotland-Hate-Crime-Manual-2010.pdf) (Accessed: 8 November 2018.)
- Hate Crime Laws. A Practical Guide* (2009). OSCE Office for Democratic Institutions and Human Rights (ODIHR). Available: [www.osce.org/odihr/36426?download=true](http://www.osce.org/odihr/36426?download=true) (Accessed: 8 November 2018.)
- Hate Crime Online Learning Module 2016–2017*. CEPOL LMS. Available: <https://enet.cepol.europa.eu/index.php?id=e-net0> (Accessed: 8 November 2018.)
- HEREK, Gregory M. – COGAN, Jeanine C. – GILLIS, J. Roy (2002): Victim Experiences in Hate Crimes Based on Sexual Orientation. *Journal of Social Issues*, Vol. 58, No. 2. 319–339. DOI: <https://doi.org/10.1111/1540-4560.00263>
- HUDSON, David L., Jr. (2009): *Hate Crimes*. New York, Chelsea House.
- Human rights of Roma and Travellers in Europe* (2012). Council of Europe, Commissioner for Human Rights. 76. Available: <https://rm.coe.int/the-human-rights-of-roma-and-travellers-in-europe/168079b434> (Accessed: 8 November 2018.)
- Hungarian Civil Liberties Union (TASZ) (2012): *Kisokos: Gyűlöletbűncselekmények áldozatainak. Tájékoztató Kiadvány*. [Guide for victims of hate crimes.] Budapest, TASZ. 3–4.
- IGANSKI, Paul (2008): *'Hate Crime' and the City*. Bristol, The Policy Press. DOI: <https://doi.org/10.1332/policypress/9781861349408.001.0001>
- IGANSKI, Paul – LAGOU, Spiridoula (2014): The personal injuries of 'hate crime'. In HALL, Nathan – CORB, Abbee – GIANNASI, Paul – GRIEVE, John eds.: *The Routledge International Handbook on Hate Crime*. London, Routledge. DOI: <https://doi.org/10.4324/9780203578988>
- IGANSKI, Paul – LEVIN, Jack (2015): *Hate Crime: A Global Perspective*. New York, Routledge.
- IGANSKI, Paul – SWEIRY, Abe (2016): How 'hate' hurts globally. In SCHWEPPE, Jennifer – WALTERS, Mark Austin eds.: *The globalisation of hate*. Oxford, Oxford University Press. DOI: <http://doi.org/10.1093/acprof:oso/9780198785668.003.0007>

- International Covenant on Civil and Political Rights* (1966). Available: [www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx) (Accessed: 8 November 2018.)
- International Convention on the Elimination of All Forms of Racial Discrimination* (1965). Available: [www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx) (Accessed: 8 November 2018.)
- International Convention on the Elimination of All Forms of Racial Discrimination* (2013). Available: [www.refworld.org/docid/53f457db4.html](http://www.refworld.org/docid/53f457db4.html)<https://www.refworld.org/docid/53f457db4.html> (Accessed: 8 November 2018.)
- JENNESS, Valerie (2003): Engendering Hate Crime Policy: Gender, the “Dilemma of Difference,” and the Creation of Legal Subjects. *Journal of Hate Studies*, Vol. 2, No. 1. DOI: <http://doi.org/10.33972/jhs.12>
- Jogtalanul (s. a.). Available: [http://jogtalanul.blog.hu/2011/10/05/hogyan\\_keni\\_el\\_a\\_rendorseg\\_a\\_gyulolet\\_buncselekmenyeket](http://jogtalanul.blog.hu/2011/10/05/hogyan_keni_el_a_rendorseg_a_gyulolet_buncselekmenyeket) (Accessed: 8 November 2018.)
- JORDE, Lynn B. – WOODING, Stephen P. (2004): Genetic Variation, Classification and “Race”. *Nature Genetics*, Vol. 36, S11. DOI: <https://doi.org/10.1038/ng1435>
- KIELINGER, Vicky – PATERSON, Susan (2007): Policing Hate Crime in London. *American Behavioral Scientist*, Vol. 51, No. 2. 196–204. DOI: <https://doi.org/10.1177/0002764207306051>
- KING Ryan D. – BRUSTEIN William I. (2006): A political threat model of intergroup violence: Jews in pre-World War II Germany. *Criminology*, Vol. 44, No. 4. 867–891. DOI: <https://doi.org/10.1111%2Fj.1745-9125.2006.00066.x>
- KOZÁRY, Andrea (2015): Social research project ComPHEE. In BODONYI, Ilona ed.: *Methodology of Scientific Research – Introduction to Police Science. Module I. General Introduction and Methodology*. Budapest, NUPS. 226–233.
- KRÉMER, Ferenc (2013): A társadalmi gyűlölet és a gyűlölet-bűncselekmények kezelése. *Belügyi Szemle*, Vol. 61, No. 12. 9.
- KROHN, Marvin D. – LIZOTTE, Alan J. – HALL, Gina Penly eds. (2009): *Handbook on Crime and Deviance*. London – New York, Springer. DOI: <https://doi.org/10.1007/978-1-4419-0245-0>
- KRUEGER, Alan B. – PISCHKE, Jörn-Steffen (1997): A Statistical Analysis of Crime Against Foreigners in Unified Germany. *The Journal of Human Resources*, Vol. 32, No. 1. 182–209. DOI: <https://doi.org/10.2307/146245>
- Law Enforcement Officer Programme on Combating Hate Crime* (s. a.). Available: [www.osce.org/odihr/20699?download=true](http://www.osce.org/odihr/20699?download=true) (Accessed: 8 November 2018.)
- LENTIN, Alana (2004): *Racism and Anti-Racism in Europe*. London, Pluto Press. DOI: <https://doi.org/10.2307/j.ctt18fscdh>

- LENTIN, Alana – TITLEY, Gavan (2011): *The Crisis of Multiculturalism, Racism in a Neoliberal Age*. London – New York, Zed Books.
- LEVIN, Abigail (2010): *The Cost of Free Speech. Pornography, Hate Speech, and their Challenge to Liberalism*. Palgrave Macmillan. DOI: <https://doi.org/10.1057/9780230293960>
- LEVIN, Jack (2002): *The Violence of Hate: Confronting Racism, Anti-Racism, and Other Forms of Bigotry*. Boston, Allyn and Bacon.
- LEVIN, Jack – MCDEVITT, Jack (1993): *Hate Crimes. The Rising Tide of Bigotry and Bloodshed*. Boston, Springer. DOI: <https://doi.org/10.1007/978-1-4899-6108-2>
- LEVIN, Jack – MCDEVITT, Jack (2002): *Hate Crimes Revisited: America's War On Those Who Are Different*. Boulder, CO – Oxford, Westview.
- LOURY, Glenn C. (2002): *A faji egyenlőtlenségek anatómiája*. Budapest, Nemzeti Tankönyvkiadó.
- LYONS, Christopher J. (2007): Community (Dis)organization and Racially Motivated Crime. *American Journal of Sociology*, Vol. 113, No. 3 815–863. DOI: <https://doi.org/10.1086%2F521846>
- Manual on Joint Hate Crime Training for Police and Prosecutors* (2018). Warsaw, OSCE. Available: [www.osce.org/odihr/402296?download=true](http://www.osce.org/odihr/402296?download=true) (Accessed: 8 November 2018.)
- MCDEVITT, Jack – LEVIN, Jack – BENNETT, Susan (2002): Hate Crime Offenders: An Expanded Typology. *Journal of Social Issues*, Vol. 58, No. 2. 303–317. DOI: <https://doi.org/10.1111/1540-4560.00262>
- MCDEVITT, Jack – BALBONI, Jennifer – GARCIA, Luis – GU, Joann (2001): Consequences for Victims: A Comparison of Bias and Non-bias-motivated Assaults. *American Behavioral Scientist*, Vol. 45, No. 4. 697–713. DOI: <https://doi.org/10.1177/00027640121957321>
- MEDOFF, Marshall H. (1999): Allocation of Time and Hateful Behavior: A Theoretical and Positive Analysis of Hate and Hate Crimes. *The American Journal of Economics and Sociology*, Vol. 58, No. 4. 959–973. DOI: <https://doi.org/10.1111/j.1536-7150.1999.tb03403.x>
- MESSNER, Steven F. – MCHUGH, Suzanne – FELSON, Richard B. (2004): The Distinctive Characteristics of Assaults Motivated by Bias. *Criminology*, Vol. 42, No. 3. 585–618. DOI: <https://doi.org/10.1111/j.1745-9125.2004.tb00530.x>
- Ministerial Council Decision No. 4/03 on tolerance and non-discrimination* (2003). Available: [www.osce.org/mc/19382](http://www.osce.org/mc/19382) (Accessed: 8 November 2018.)

- OSCE/ODIHR (2014): *Prosecuting Hate Crimes. A Practical Guide*. Available: [www.osce.org/odihr/prosecutorsguide?download=true](http://www.osce.org/odihr/prosecutorsguide?download=true) (Accessed: 8 November 2018.)
- O'NEILL, Aoife (2017): *Hate Crime, England and Wales, 2016/17*. Available: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/652136/hate-crime-1617-hosb1717.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652136/hate-crime-1617-hosb1717.pdf) (Accessed: 8 November 2018.)
- PERRY, Barbara (2001): *In the Name of Hate: Understanding Hate Crimes*. New York, Routledge. DOI: <https://doi.org/10.4324/9780203905135>
- PETROSINO, Carolyn (2003): Connecting the Past to the Future: Hate Crime in America. In PERRY, Barbara ed.: *Hate and Bias Crime: A Reader*. London, Routledge. DOI: <https://doi.org/10.4324/9780203446188>
- PUNCH, Maurice (2007): *Zero tolerance policing*. Bristol, The Policy Press. DOI: <https://doi.org/10.1332/policypress/9781847420558.001.0001>
- Die Reaktion des Staates auf „Hasskriminalität“ in Deutschland* (2011). Available: [www.hrw.org/de/news/2011/12/09/die-reaktion-des-staates-auf-hasskriminalit-t-deutschland](http://www.hrw.org/de/news/2011/12/09/die-reaktion-des-staates-auf-hasskriminalit-t-deutschland) (Accessed: 8 November 2018.)
- Rights, Equality and Citizenship Programme – Work Programme for 2016* (s. a.). Available: [http://ec.europa.eu/justice/grants1/programmes-2014\\_2020/files/rec\\_awp\\_2016/rec\\_awp\\_2016\\_annex\\_en.pdf](http://ec.europa.eu/justice/grants1/programmes-2014_2020/files/rec_awp_2016/rec_awp_2016_annex_en.pdf) (Accessed: 8 November 2018.)
- ROSE, Suzanna M. – MECHANIC, Mindy B. (2002): Psychological Distress, Crime Features, and Help-Seeking Behaviours Related to Homophobic Bias Incidents. *American Behavioral Scientist*, Vol. 46, No. 1. 14–26. DOI: <https://doi.org/10.1177/0002764202046001003>
- SAUNDERS, Kevin W. (2011): *Degradation. What the History of Obscenity Tells Us about Hate Speech*. New York and London, New York University Press. DOI: 10.18574/nyu/9780814741443.001.0001
- STANDING, Guy (2011): *The Precariat: The New Dangerous Class*. Bloomsbury Academic.
- The Stephen Lawrence Inquiry* (1999). Report of an inquiry by sir William Macpherson of Cluny, Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty. Available: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf) (Accessed: 8 November 2018.)
- Stephen Lawrence murder: Gary Dobson and David Norris guilty* (2012). Available: [www.bbc.com/news/uk-16347953](http://www.bbc.com/news/uk-16347953) (Accessed: 8 November 2018.)
- The Stockholm Programme – An open and secure Europe serving and protecting citizens* (2010). Available: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> (Accessed: 8 November 2018.)



- STROM, Kevin J. (2001): *Hate Crimes Reported in NIBRS, 1997–1998*. Washington D.C., U.S. Department of Justice, Bureau of Justice Statistics.
- SZAJBÉLY, Katalin (2014): The Hungarian Ombudsman institution's activities to promote tolerance towards vulnerable groups. In KOZÁRY, Andrea ed.: *Police – minority relations: Policing – Ethnic minorities. Restorative Justice in police practice*. Budapest, L'Harmattan.
- SZILÁGYI, Anna (2016): *Linguistic Self-Defence Guide Against Antisemitism*. Available: [www.getthetrollsout.org/resources/item/15-linguistic-self-defence-guide-against-antisemitism.html](http://www.getthetrollsout.org/resources/item/15-linguistic-self-defence-guide-against-antisemitism.html) (Accessed: 8 November 2019.)
- TAHCLE (2012): *Training Against Hate Crimes for Law Enforcement*. Curriculum for Trainers OSCE/ODIHR. Tolerance and Non-Discrimination Department, OSCE Office for Democratic Institutions and Human Rights. Available: [www.osce.org/odihr/tahcle](http://www.osce.org/odihr/tahcle) (Accessed: 8 November 2018.)
- TIETZE, Tad (2011): Language, Violence, Politics. In HUMPHRYS, Elizabeth – RUNDLE, Guy – TIETZE, Tad eds.: *On Utøya: Anders Breivik, Right Terror, Racism and Europe*. Elguta Press, Kindle Edition.
- Tower Hamlets Race and Hate Inter Agency Forum (s. a.): *Hate Crime Manual*. Available: [www.towerhamlets.gov.uk/](http://www.towerhamlets.gov.uk/) (Accessed: 8 November 2018.)
- Treaty on European Union (TEU)* (1992). Available: [www.jus.uio.no/english/services/library/treaties/14/14-03/teu\\_cons.xml](http://www.jus.uio.no/english/services/library/treaties/14/14-03/teu_cons.xml) (Accessed: 8 November 2018.)
- TURNER, Nancy (2001): *Responding to hate crimes: A police officer's guide to investigation and prevention*. Alexandria, IACP.
- Violent attacks against Roma in Hungary* (2010). Available: [www.youtube.com/watch?v=gMRq90MTxo0](http://www.youtube.com/watch?v=gMRq90MTxo0) (Accessed: 8 November 2018.)
- WHINE, Michael (2016): *The perception, impact and consequences of hate crime*. Available: <https://cst.org.uk/public/data/file/f/1/CEPOL%20perceptions%20of%20hate%20crime.pdf> (Accessed: 8 November 2018.)
- WHITLEY, Bernard E., Jr. – KITE, Mary E. (2010): *The Psychology of Prejudice and Discrimination*. Belmont, California, Wadsworth.
- Working Group (2014): *Working Group Against Hate Crimes in Hungary*. Available: [http://gyuloletellen.hu/sites/default/files/ejk\\_casesummary.pdf](http://gyuloletellen.hu/sites/default/files/ejk_casesummary.pdf) (Accessed: 8 November 2018.)
- Working Group (s. a.): *Strategy 2016–2019 of the Working Group Against Hate Crimes*. Available: [http://gyuloletellen.hu/sites/default/files/gyem\\_strategia\\_en.pdf](http://gyuloletellen.hu/sites/default/files/gyem_strategia_en.pdf) (Accessed: 8 November 2018.)



This page intentionally left blank.

# APPENDIX

## I. EU projects

**1. The CompHEE – (Commonality in Police Higher Education in Europe) Project: International police cooperation in the European Union. Crime Prevention and Fight against Crime** (Home/2010/ISEC/FP/C1/40000001429), as part of the general program *Security and Safeguarding Liberties* of the European Commission from the period of 2011–2014.<sup>179</sup>

### First steps of the project

In May 2011 a project application – which was prepared and suitable project partners in Europe were found by a planning group in the Police Academy Lower Saxony, Germany – was approved and was funded by the European Commission as part of the *Prevention of and Fight against Crime* program. The official project launch was on 1 September 2011. The project was set to run for three years. The project partners were: Police Academy Lower Saxony, Germany, the Police Academy of the Netherlands, the Scottish Police College, and the Police College (now the Faculty of Law Enforcement of the National University of Public Service) Hungary.

### The project

The working teams had the aim to produce a joint course of action for an applicable cross-border training module, *International police cooperation in the European Union. Crime Prevention and Fight against Crime*. The goal was to insert the project into the partners' existing Bachelor and/or MA courses as a model for other police training establishments in

---

<sup>179</sup> See more in KOZÁRY 2015.

Europe. The design and application of this joint training module makes it feasible to align and harmonise the legal and administrative rules to unify and generalise how different member states proceed as part of the Bologna process.

After a long and intensive discussion during the kick-off meeting in Nienburg in November 2011 and on the first workshop in Warnsveld (Netherlands) in March 2012, we managed to formulate the possible framework of the 3 years long project.

We had different ideas concerning the favourable topics, different educational systems, different possibilities and approach, what is more, despite the fact that we all came from the law enforcement educational sector, we had to find and create a "common professional language" by using the same terminology.

We all had the same goals:

- To develop a joint EU teaching module with a high standard of quality and a correspondingly high transnational acceptance value.
- To implement the module to as many European police educational establishments as possible in order to achieve the biggest European dimension possible.
- To introduce and permanently establish a joint European Police understanding in the matter of education and training.
- To create a network of European police educational establishments.
- To create (social) networks among the European law enforcement students.
- To achieve a greater willingness to engage in "learning from each other" as an example of best practice, in particular among all future law enforcement officials.
- To improve European police collaboration in all areas and at all levels as a long-term goal.

## **Project Process**

Within the project's duration of three years, the content and structure of the module has been worked out by the partners jointly. During this time, homework phases alternated with joint workshop sessions, where the findings acquired were presented, coordinated and aligned with the aim of the project.

The modules were built on a mostly theoretical content, nevertheless, involving some practical knowledge is essential, as well. The general police practical training provides the fundamental pragmatic background and ability for police officers. Three distinct courses were proposed for the participants:

- **Virtual Worlds and Criminality: Child Pornography (Germany)** was concentrating on a specific phenomenon of crime in virtual worlds as a challenge for international police cooperation.
- **Mobile Banditry (Netherlands)** addressed tackling of itinerant crime groups operating across borders in the EU.
- **Hate Crime (Hungary)** was focusing on different aspects of bias-motivated crimes and corresponding laws in the EU.

**The module *Virtual Worlds and Criminality*** was concentrating on a specific phenomenon of crime in virtual worlds as a challenge for international police cooperation. The idea and topics of *Virtual Worlds and Criminality* range from identity theft to child pornography. A new phenomenon of the modalities of crime, as well as new technical and other possibilities for investigation work are developing. These are the new challenges of police investigation work within the European context. To control and prevent crimes, the bachelor students have to get knowledge about the new modalities of crime and the new possibilities of investigation work and they have to have an understanding of the European context.

**The module *Mobile Banditry*** addressed tackling of itinerant crime groups operating across borders in the EU. In this proposal, we described the features of *Mobile Banditry* which refers to itinerant criminal groups. After a short introduction, we will give a summary of the impact that *Mobile Banditry* has on the countries where the crimes are perpetrated, and on the countries where the perpetrators come from. Hence the need for a bilateral or multilateral policing approach and for corresponding knowledge provided by an international police training module.

**The module *Hate Crime*** was focusing on different aspects of bias-motivated crimes and corresponding laws in the EU. The tasks looked at the wider implications of conflict resolution beyond the immediate police work and included new approaches to conflict solving within the framework of civil and public sectors of society. Law enforcement officials need to take

steps towards, for example increasing the confidence of hate crime victims, so that they in turn feel safe enough to report such crimes to the police. To bridge this trust gap, it is crucial for the police to receive adequate training on community policing that can help them to handle conflict resolution at local levels.

The **pilot module** allowed students to take part in different topics of international police cooperation and collaborate with students (the target group was 2<sup>nd</sup> year of bachelor, well-qualified students with good English skills) and university teachers in different countries. The new module – 4 weeks preparatory phase (internet based) and 2 weeks testing period – was built on a mostly theoretical content, nevertheless involving some practical knowledge was essential, as well. The ideal/suggested ratio was: 70% theoretical and 30% practical structure for the course. The general police practical training provides the fundamental pragmatic background and ability for police officers.

The Hungarian working team had chosen the issue of *Hate Crime* as the subject of their scientific research. The objective was to work out a training module for Dutch, German and Hungarian police officer students including all aspects of the issue (definition and phenomenology, national and international legal bases, perception, causes and consequences of hate crimes, policing and cooperation in the context of hate crime, prevention and investigation of hate crime etc.) of *Hate Crime*. The module fulfils the requirements of the Hungarian Crime Prevention Strategy based on UN Guidelines for setting up a good crime prevention strategy. It emphasises the importance of restorative justice on several occasions. To achieve the goals set up in the Strategy, it encourages many initiatives in accordance with the five priorities year by year: prevention and reduction of juvenile crime; improving urban security; prevention of violence within the family; prevention of victimisation, assisting and compensating victims; prevention of recidivism.

### Why “hate crime”?

1. Hate crimes are mostly directed against minorities. In Hungary 82% of the Roma do NOT report discrimination/hate crime incidents to the authorities. Only Greece has worse underreporting.

Hate and prejudice victimisation rates in Hungary are the third highest in the EU (behind Greece and the Czech Republic). 85% of the Roma do not report in-person crime, assault, threat and serious harassment to the police because they have no confidence that it would change anything.

2. Within Europe, Hungarian Roma can be considered one of the most apparent subjects of discriminatory ethnic profiling by the police. 41% of the Roma sample was stopped by the police in the last 12 months against 15% of Hungarian majority citizens.<sup>180</sup> And while 72% of the Hungarians describe the approach of police during stops as “respectful”, this is only true for 36% of the Roma stopped by the police. 30% of them describe officer behaviour as “disrespectful”. While 62% of the Hungarians have confidence in the police, this applies to less than 30% of the Roma. More than half of them tend to have no trust in the police compared to 22% of the Hungarian majority population.<sup>181</sup> The ombudsman’s report verified in 2011: “While the members of different [extremist] groups could continue their dreadful march and “patrol” unmolested in the streets occupied by Roma dwellers for weeks, some of the local (Gyöngyöspata) Gypsy residents were stroke for thousands Forints on-the-spot fine, because they were not walking on the pavement.”<sup>182</sup> Discrimination against the Roma minority in Hungary remains an issue of international media coverage.
3. Nearly everywhere in Europe minority members and minority communities have virtually no or only very little trust in the police.
4. According to rather reliable EU data (FRA EU-MIDIS 2009) though, the Hungarian police are perceived to exercise ethnic

---

<sup>180</sup> FRA European Agency for Fundamental Rights (2010), *Police Stops and Minorities*. (European Union Minorities and Discrimination Survey.)

<sup>181</sup> FRA European Agency for Fundamental Rights (2010), *Police Stops and Minorities*. (European Union Minorities and Discrimination Survey.)

<sup>182</sup> A nemzeti és etnikai kisebbségi jogok országgyűlési biztósának utóvizsgálati jelentése a közfoglalkoztatásról, a szabálysértési hatóságok eljárási gyakorlatáról és az oktatás helyzetéről Gyöngyöspatán, 2011. 25. [Follow-up Report of the Parliamentary Commissioner on National and Ethnic Minority Rights on Public Employment, the Procedural Practices of Offending Authorities and the Status of Education in Gyöngyöspata.]

profiling and discriminatory sanctioning routines against minority populations.

We wanted to focus on a current and sensitive problem which exists all over Europe and also affects the Hungarian society. As experiences and statistics show, the number of hate crimes has been on the rise in the last couple of years everywhere in Europe. In our case this has been affecting most severely the Roma, LGBT people, Jews and immigrants or refugees coming to Hungary.

According to some international and national researches (recently done by FRA or the Hungarian Otherness Foundation and some more other NGOs), professionals of different fields agreed that the key to improving the response to hate crimes lies in reforming the basic education of and introducing targeted in-service training to professionals working in the field. In most of the countries the topic of hate crimes was not covered at all or was covered only very superficially in the basic trainings of those who can come into contact with hate crime (besides police officers, people working in the field of psychology, social work and medicine) in their everyday work.

### **The pilot course**

The project also allowed for a testing phase, in which the module was offered among the partners and students and was exchanged between the partner establishments. It was scheduled as blended learning in 2 parts;

1. Online Learning via an online learning platform.
2. Residential part in each partner country attended by 12 students: 4 from Germany, 4 from Hungary and 4 from the Netherlands.

### **Preparation Phase: Online learning via an online learning platform**

During the preparation phase it was necessary to check the participants' motivation and their incoming competences. While the contact keeping with the participants happened by e-mail, the main method in this phase was the computer-based self-study. We sent some informative literature about the topic of the module and asked them to work on it based on

structured questions, and we also asked them to collect hate crime cases in their own country and to make a presentation about their national legislation and institutional system regarding hate crime.

### **Contact Phase: Student exchange and module testing**

Contact phase meant the two-week residential time in Hungary. During this period, we worked in small groups with students. *Applied learning activities and teaching methods were:* computer-based self-study, plenary session, group work, data collection, comparative analyses, video followed structured discussion, case studies, workshops, practical work. Visiting law enforcement organisations and civil organisations to gain information from the real field work, and organising workshops having presenters from civil organisations were also built into the teaching phase.

### **Dissemination: Products and results of the Hate Crime Module**

The Hungarian team completed a teaching module for BA level, what is compatible for any kind of university education of Bologna system. We compiled a teacher's handbook (study guide and teacher's manual), which is a useful guiding for teachers who are unexercised in connection with the subject. The material is a systematic, up-to-date, world-wide material on the subject of hate crime. We organised conferences to introduce our results and we participated on conferences to talk about our project and our module. There are some publications (Hungarian and English, national and international journals, CEPOL Research and Science Bulletin, etc.) about the project. It started a Hate Crime special course at the National University of Public Service in Budapest last February and has started a new subject on BA from September at our Faculty.

### **Results of the project**

Special attention was given to:

- General police attitudes and duties



- International and national legislations concerning the topic (comparative analyses of the different national approaches)
- Prevention, legislation
- Investigation
- Cooperation – Multi agency approach and effect on local society
- The module has a value of four credit points

The ComPHEE project was evaluated during the testing phase (pilot phase). The formative and summative evaluation began in September 2012 and ended in June 2013.

The project partners from the Netherlands, Hungary, and Germany participated in this evaluation. Scotland did not take part in the testing phase and was not included in the evaluation of the testing phase because of its consultative role.

In the evaluation, two perspectives were respected: the perspective of the participating students and the perspective of the teachers and coordinators. Students were asked to fill in an online questionnaire after the online learning period (March 2013) and after the residential period (April 2013). The evaluation of the whole testing phase from their perspective was conducted via online questionnaire in May and June 2013.

*The dissemination of the project results* was realised by the final conference, the implementation of the modules in the curricula of partner institutions and open participation up to other partners from Europe and the publications. The final conference took place in Hannover (Germany) 16–17 June 2014.

## Conclusion

In the framework of the ComPHEE project, the working teams of the Dutch, German and the Hungarian Police Academies/Colleges had the aim to produce a joint concept for an acceptable cross-border training module, *International police cooperation in the European Union* to implement the project partners' existing or intended Bachelor study courses as a model for other police training establishments in Europe. Design and implementation of this joint training module made it possible to align and harmonise the legal and administrative rules on unifying how different Member States proceed as part of the Bologna process and create

a cornerstone of a European internal security strategy to develop a common security culture (including the Stockholm Programme).

**2. “Facing all the Facts. Building capacity to monitor hate crime and hate speech online. JUST/2015/RRAC/AG/TRAI/8997 (2016–2018)” project.**

The project joins *11 partners from 8 countries*, representing different types of stakeholders, including:

1.	Partner	A Jewish Contribution to an Inclusive Europe (CEJI)	BE
2.	Partner	Centrum Informatie Documentatie Israel (CIDI)	NL
3.	Partner	Community Security Trust (CST)	UK
4.	Partner	European Network Against Racism (ENAR) Ireland	IR
5.	Partner	European Network for Independent Living (ENIL)	BE
6.	Partner	European Roma Information Office (ERIO)	BE
7.	Partner	Movimiento Contra la Intolerancia (MCI)	SP
8.	Partner	National University of Public Service (NUPS)	HU
9.	Partner	National Police Chiefs’ Council (NPCC)	UK
10.	Partner	L’Osservatorio per la sicurezza contro gli atti discriminatori (OSCAD)	IT
11.	Partner	Programmes of Development of Social Support and Medical Co-operation (PRAKSIS)	GR

The National University of Public Service (NUPS) will be co-leader on the workgroup, content development and tutoring for the four training modules for police officers and prosecutors, ensure the dissemination to Hungarian police and prosecutors, make the connection to CEPOL, and participate in the national research and report launch.

*Facing all the Facts* online training will provide a key opportunity for professional development and lifelong learning for frontline police and

prosecutors, who, without this resource, would be unlikely to receive any training on hate crime and hate speech.

Frontline police are the 'shop window' of the criminal justice system, and a key gateway to justice, safety and security for victims. In the context of hate speech, they should be at the forefront of efforts to implement online training module at the national level. However, it can be difficult to deliver high quality and relevant training to personnel across countries, in towns and rural areas. *Facing all the Facts* directly addresses the training and capacity building needs of these key actors in the fight against hate crime and aims to design a training that is informed by research, generated collaboratively, and delivered using online technology.

*Civil society organisations (CSOs)* have a crucial role to play in creating trust between victim communities and authorities: they can take reports on incidents; they can provide victims support and services.

*The research phase* of the project will identify and share good practice on what works regarding monitoring, collecting data and sharing data on hate crime and hate speech incidents in participating countries and throughout the EU.

During the research phase workshops in 6 countries, involving all key stakeholders, will map actions and gaps in hate crime monitoring with a focus on the interface between public authorities and civil society organisations.

*Formative research* will be conducted to discover what works, and to identify gaps and obstacles, in improving cooperation and hate crime data sharing between criminal justice agencies and CSOs. The outcomes of this research will feed directly into the development of the online training modules, and the module on hate crime policy making in particular. Ultimately, knowing how to ensure CSO–public authority cooperation on documenting and recording hate crime and hate speech is essential to securing the trust and safety of victims. (*WSI*)

The research component of the project has four phases.

1. During the *first phase*, the research methodology will be developed with input from research experts and in partnership with project partners.
2. The *second phase* has three components.
  - First, *workshops in six partner countries* will bring together key representatives from public authorities, policy makers and CSOs to map gaps and opportunities in CSO–public authority

- cooperation on hate crime documentation and recording across the criminal justice system and beyond.
- Second, *a series of qualitative interviews* will capture insights from ‘change makers’ from a variety of contexts into what works to secure improvements to hate crime recording across the criminal justice system, that are underpinned by public authority–CSO cooperation.
  - Third, *a review will be conducted into current training* on hate crime for police and prosecutors, including a consideration of the opportunities and risks in employing e-learning approaches to train frontline police and prosecutors on hate crime.
3. Finally, when it comes to producing research outputs that can inform practice and policy, *text-based research reports* fail to convey the quality of leadership and cooperation that is necessary for effective work in this area. *National reports* and a European report will be prepared in the form of an *e-book* with hyperlinks to filmed interviews and other resources. The research outputs will also serve as a source of content for the online courses: in the form of short films, national level case studies and insights from experts.
  4. The process of this research will be underpinned by a commitment to democratic participation and collaboration, hopefully contributing to improving relationships between public authorities and CSOs through *the workshop*, and later followed by local press conferences with stakeholders to launch the national reports in each country. (*WS4*)

The objective of *WS3* is at the heart of this project: to build the capacity of public authorities (frontline police and prosecutors in particular) and the civil society to take a victim-centred approach to monitoring and recording hate crime and hate speech.

This objective will be achieved by producing high quality, targeted online training on how to:

- identify and record the full range of hate crimes and hate speech
- understand the impact of hate crime and hate speech and recognise the barriers to reporting hate crime and hate speech faced by specific target groups

- learn to implement national hate crime and hate speech recording procedures
- understand the European and national policy context in which they operate

Eleven e-learning modules will be developed, piloted and finalised over three phases. During the first phase, training content will be developed through a series of collaborative workshops, led by project partners and with input from subject matter experts and target group representatives. During the second phase, the modules will be piloted with the relevant target groups and finalised based upon feedback from the field. During the third phase, the modules will be launched to the target groups.

All eleven training modules will be piloted with test groups before being launched to a wider audience. At the end of the two-year project, a large multimedia conference will be organised to provide an opportunity for the online participants to network in person, to share insights and experiences, to formulate recommendations on key issues which will be emerging in 2018, and finally to demonstrate the courses in an exhibition format.

## **WS1 Research**

1. Workshops in six partner countries: Key representatives from public authorities, policy makers and CSOs will be brought together to map gaps and opportunities in CSO–public authority cooperation on hate crime documentation and recording across the criminal justice system and beyond.
2. Insights from Change Makers: A series of qualitative interviews in each of the 6 countries will capture insights from ‘change makers’ from a variety of contexts into what works to secure improvements to hate crime recording across the criminal justice system that are underpinned by public authority–CSO cooperation.
3. National Reports: Through multimedia format (interactive e-book, hyperlinked to video interviews and other sites of reference), information gathered in the country visits will present a mapping and analysis of

the gaps, opportunities and stakeholders in public authority–CSO cooperation on hate crime and hate speech and recording, translated into national languages (Belgium, Greece, Hungary, Italy, Spain and the United Kingdom).

## **WS2 Online Training Development**

To develop high quality and targeted online training which will advance the implementation of hate crime and hate speech strategies and can be tailored to a variety of national contexts and integrated in existing learning programmes.

Expert workshops will take place including the relevant partners, associate partners and external experts to identify the learning outcomes, key concepts/information/skills to be addressed, resources to be included and other methodological considerations. The workshops will be followed up with contributions from the different participants towards the completion of the e-learning module.

Training Modules on Bias Indicators: To address the specificity of hate crime manifestations on 6 different bias motivations, allowing police, prosecutors and the civil society to better identify and evidence the indicators needed to prosecute hate crimes and to meet the needs of victim communities:

- 1a) disability
- 1b) anti-Roma
- 1c) anti-Muslim
- 1d) anti-Jewish
- 1e) anti-LGBT
- 1f) anti-migrant

Group two training modules for a victim-centred approach to identifying, reporting and recording hate crime and hate speech for police and prosecutors (4 modules).

## **WS3 Online Training Dissemination**

To build the capacity of law enforcement and public authorities to take a victim-centred approach to monitoring and recording hate crime and hate speech.

11 piloted training courses will be delivered to wider target audiences as they become available. The partners will be involved as course tutors, depending upon their expertise on the course theme. All of the courses will be available in English, Hungarian and Italian to meet the dissemination needs of the project's law enforcement partners.

## **WS 4 Exploitation**

National Report Launches: 1-day events for 30 people (stakeholders in hate crime/hate speech monitoring) will be organised in the 6 countries where the research took place to launch the results of the national report. (WS1)

## **II. Extract from the Judgement of the European Court of Human Rights. The circumstances of the case in Devecser, 1 August 2012, the consequences, and the Judgment of the Strasbourg Court at 17 January 2017.**

### **European Court of Human Rights, the Case of Király and Dömötör v. Hungary (Extract) Judgment, Strasbourg, 17 January 2017**

#### **Procedure**

1. The case originated in an application (no. 10851/13) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Hungarian nationals, Mr Alfréd Király and Mr Norbert Dömötör ("the applicants"), on 5 February 2013.
2. The applicants were represented by Mr A. Kádár, a lawyer practising in Budapest. The Hungarian Government ("the

Government”) were represented by Mr Z. Tallódi, Agent, Ministry of Justice.

3. The applicants alleged that the authorities had failed in their obligations to protect them from racist threats during an anti-Roma demonstration and to conduct an effective investigation into the incident, in breach of Article 8 of the Convention.
4. On 16 November 2015, the application was communicated to the Government.

## The Facts

### The Circumstances of the Case

Mr G. F., a Member of Parliament from the right-wing Movement for a Better Hungary Party (Jobbik Magyarországért Mozgalom Párt, hereinafter referred to as Jobbik), announced that a demonstration would take place on 5 August 2012 in Devecser under the slogan “Live and let live”. The reason for the demonstration was that riots had broken out between Roma and non-Roma families of the municipality on 25 July 2012. Following that incident, seventeen people were questioned by the police, and an enhanced police presence was ordered in the municipality, with the constant surveillance of streets inhabited by the Roma community.

In the applicants’ submission, the police were aware that the presence of a hostile crowd in the municipality could lead to violent acts. The police had been informed through official sources that in addition to the members of Jobbik, *nine far-right groups*, known for their militant behaviour and anti-Roma and racist stance, would also be present at the demonstration. They had also been informed that the demonstrators would seek conflict with the police and the minority community. According to the far-right organisations’ websites, the demonstration was aimed “against Roma criminality”, “against the Roma of Devecser beating up Hungarians” and “against the Roma criminals unable to respect the rules of living together”.

Devecser was classified as a special zone of risk, and eight police patrol units were dispatched to the municipality to ensure an increased presence and carry out checks as of 1 August 2012. About 200 police officers were deployed in Devecser to secure the demonstration, including members of the Operational Squad. On the day of the demonstration,



checks were increased throughout the county, including traffic check points. The Veszprém county police department also asked members of the Ethnic Roma Self-Government of Veszprém county to inform the Roma population about the upcoming demonstration.

About 400 to 500 people were present at the demonstration. Mr G. F. announced that the demonstration was about the justified self-protection of Hungarians. Invoking the crimes committed by members of the Roma community, he demanded the reintroduction of the death penalty and threatened the Roma community that if the criminality continued, Jobbik would return to Devecser. He also *announced that the Roma were not "normal"*.

In his speech, Mr L. T., leader of the Sixty-Four Counties Youth Movement (Hatvannégy Vármegye Ifjúsági Mozgalom), mentioned that Roma criminality was omnipresent in the country and wherever this ethnic group appeared, only destruction, devastation and fear came. In his opinion the Roma population wanted to exterminate Hungarians, which left the latter with the choice of becoming victims or fighting back. Mr A. L., leader of the Civil Guard Association for a Better Future (Szebb Jövőért Polgárőr Egyesület) stated that hundreds of Hungarians were killed yearly by the Roma with the approval of the State. In his view there was a destruction of civilians going on in Hungary. He called on the demonstrators to sweep out the "rubbish" from the country, to revolt and to chase out the treasonous criminal group suppressing Hungarians. He closed his speech by saying that the Hungarians were entitled to use all means to achieve those goals. Mr Zs. Ty., leader of the Outlaws' Army (Betyársereg), spoke about the characteristics of a racial war and an ethnic-based conflict. He said that before such conflict escalated, a message should be sent. He mentioned that the Roma minority was genetically encoded to behave in a criminal way and declared that the only way to deal with the Roma was by applying force to "stamp out this phenomenon that needs to be purged". Mr I. M., the leader of the New Guard (Új Gárda), called on the Government to end Roma criminality and warned that if Hungarians ran out of patience, there would be trouble. Finally, Mr I. O., the vice-president of Jobbik in Veszprém county, told participants that there would be no mercy and that every criminal act and every prank would be revenged; if the State authorities did not live up to their obligations to protect civilians from Roma criminality, this would be done by the population itself.

Following the speeches, the demonstrators marched down Vásárhelyi Street, the neighbourhood of Devecser inhabited by the Roma community, chanting “Roma criminality”, “Roma, you will die”, and “We will burn your house down and you will die inside”, “We will come back when the police are gone”, and obscene insults. They also called on the police not to protect the Roma residents from the demonstrators and to let them out from their houses. Sporadically, quasi-military demonstrations of force occurred, involving military-style uniforms, formations, commands and salutes.

Certain demonstrators covered their faces, dismantled the cordon and were equipped with sticks and whips. Those leading the demonstration threw pieces of concrete, stones and plastic bottles into the gardens, encouraged by the crowd following them.

The Government and the applicants disagreed as to other aspects of the demonstration.

During the march through the Roma neighbourhood, which lasted approximately thirty minutes, both applicants stayed in the gardens of houses in Vásárhelyi Street. The first applicant submitted that he had overheard the police stating on their radio that the demonstrators were armed with sticks, stones, whips and metal pipes. Furthermore, one of his acquaintances had been injured by a stone thrown into his garden, but the police officer to whom the applicant had reported the incident had not taken any steps. In the second applicant’s submission, two of the demonstrators leading the march had had a list and had pointed out to the crowd the houses that were inhabited by Roma people.

According to the applicants, the police were present during the demonstration but remained passive and did not disperse the demonstration; nor did they take any steps to establish the criminal responsibility of the demonstrators. The report of the police’s contact officer noted that the organiser of the demonstration, Mr G. F. had not been able to keep the events under control and had been unwilling to confront the participants.

According to the Government, the commander of the security forces immediately took action when the participants started to act violently, managed the crowd appropriately and separated hostile demonstrators from others.

On 21 September 2012, the Minister of the Interior, reacting to a letter from civil society organisations, informed the public that the conduct of the police had been adequate and that forty people, including five demonstrators, had been questioned by the police. Following a statement

from two injured persons, the police opened criminal proceedings against unknown perpetrators on charges of "disorderly conduct", which was subsequently amended to "violence against a member of a group". It appears from the case file that a further criminal investigation was opened into charges of "violence against a member of a group" several months after the incident.

In November 2012, the Office of the Commissioner for Fundamental Rights published a report on the events. The report concluded that the police had failed to assess whether the event had infringed the rights and freedoms of others. Such assessment would have led to the conclusion that the people living in the neighbourhood were forced as a "captive audience" to listen to the injurious statements that had been made. According to the report, the demonstration had been used to incite ethnic tensions on the basis of collective guilt of the ethnic group. It went on to state that by not enforcing the limits of freedom of assembly, the police had caused anomalies in respect of the right to peaceful assembly and the Roma population's right to dignity and private life. It also pointed out that certain speeches had been capable of inciting hatred, evidenced by the fact that stones had been thrown at Roma houses following the speeches. The Commissioner found it regretful that the police had failed to identify the perpetrators on the spot, which was inconsistent with their task of preventing and investigating crimes and with the right to dignity, non-discrimination and physical integrity.

Both applicants complained to the Veszprém county police department about the failure of the police to take measures against the demonstrators, thereby endangering their life and limbs and their human dignity.

On 22 November 2012, the police department dismissed the applicants' complaint, finding that the conditions for dispersal of the demonstration had not been met, since any illegal or disorderly conduct on the part of the demonstrators had ceased within ten minutes. The police department held that the demonstration had remained peaceful, since, apart from the throwing of stones, no actual conflict had broken out between the police, the demonstrators and members of the Roma minority. It also found that only a small group of demonstrators had been armed with sticks and whips. As regards the failure of the police to carry out identity checks on demonstrators and to hold suspects for questioning, the police department found that such measures would only have aggravated the situation and strengthened the demonstrators' hostility towards the police.

On appeal, the National Police Service upheld the first-instance administrative decision. Following a request for judicial review lodged by the applicants, it nonetheless overruled the first-instance decision and remitted the case to the county police department.

By its decisions of 29 October 2013 and 25 June 2014, the Veszprém county police department dismissed both applicants' complaints again on identical grounds. The police department found that the demonstration had remained essentially peaceful, because the majority of the participants had not aligned themselves with those committing violent acts. The police department observed that there had been grounds to disperse the demonstration, since some participants had been armed and there had been a reasonable suspicion that some of them had committed the criminal offence of violence against a member of a group. Nonetheless, it concluded that dispersing the demonstration would have carried a high risk since, based on previous experience, those participants' intent on violence would probably have turned against the police.

The National Police Service upheld those decisions on appeal on 19 December 2013 and 5 August 2014, respectively, stating that although under section 14 of Act no. III of 1989 ("the Freedom of Assembly Act") the police had been under an obligation to disperse the demonstration, they could refrain from such action if it carried a higher risk than allowing the demonstration to continue. Furthermore, the commander of the operation had been right not to apply measures against certain individuals, since that would have led to a clash between the demonstrators and the police, endangering not only the police themselves, but the local residents, too. The second-instance authority acknowledged that the unlawful acts of certain demonstrators had infringed the fundamental rights of the applicants but concluded that seeking to protect those rights would have caused more harm than good.

The applicants sought judicial review of those decisions, arguing that under section 14 of the Freedom of Assembly Act the police were under an obligation to disperse non-peaceful demonstrations irrespective of the proportionality of such a measure.

In its judgments delivered on 3 December 2014 and 19 March 2015, the Veszprém Administrative and Labour Court dismissed the applicants' claims. It found that although the non-peaceful character of a demonstration could serve as grounds for its dispersal, this was only so if the demonstration as a whole had ceased to be peaceful. Sporadic acts of violence, as in

the present case, could not serve as legitimate grounds for dispersal. The court also considered that the police had a margin of discretion when deciding on the dispersal of a demonstration. As regards the applicants' claim that the police should have taken law enforcement measures against certain individuals, the court pointed out that such actions would have led to clashes between the demonstrators and the police. The court therefore concluded that even if there had been grounds to terminate the demonstration or to apply law enforcement measures against certain individuals, the police had been justified in not having done so. It added that, in any event, the potential infringement of the applicants' fundamental rights had been caused not by the alleged inactivity of the police, but by the conduct of the demonstrators.

The applicants lodged a petition for review with the Curia. In its judgments of 23 September 2015 and 6 January 2016, the Curia reiterated that under the Freedom of Assembly Act no. III of 1989, the dispersal of demonstrations was a possibility rather than an obligation for the police and restrictions on the fundamental rights of others did not in themselves justify the restriction of the right of assembly. Furthermore, dispersal could only be used as a last resort, if the demonstration was likely to entail serious consequences. Relying on the report by the Commissioner for Fundamental Rights, the *Curia* considered that despite certain violent actions, the demonstration had on the whole remained peaceful. The court went on to find that the police had been under an obligation to respect the principle of proportionality and had been right to conclude that dispersing the march could have caused more serious prejudice to the Roma community than allowing the demonstration to continue in a controlled manner.

As regards the lack of individual measures, the Curia found that an operational unit of the police had been deployed to maintain order, and that such a measure had not allowed for police officers to single out and act against individual demonstrators.

The Curia also rejected the applicants' argument that the police had done nothing to protect them and other members of the Roma minority. It found it established that the police had used a cordon to contain the demonstrators and had ensured the subsequent prosecution of perpetrators by logging events and taking video footage and photographs.

The applicants, together with the Hungarian Helsinki Committee, lodged a criminal complaint concerning the speeches delivered at

the demonstration and the attacks to which the Roma community had been subjected. The case was subsequently joined to a criminal complaint lodged by a third person concerning the same issue. On 22 November 2012, the Veszprém county police department opened an investigation into charges of violence against members of a group under Article 174/B of the Criminal Code. The police department opened a separate investigation, under Article 269 point (b) of the Criminal Code (incitement against a group), into the issue of the speeches delivered during the demonstration.

The investigation into incitement against a group was discontinued by the police department on 24 September 2013. The police department considered that although the content of the speeches had been injurious to the Roma minority and was morally reprehensible, it could not be classified as a crime. In particular, the speeches had not been meant to trigger unconsidered, instinctive, harmful and hostile reactions. By the same decision, the police department informed the applicants that it had asked the prosecutor's office to press charges against an individual for violence against a member of a group.

Following a complaint lodged by the applicants, the Veszprém County Prosecution Office upheld the decision to discontinue the investigation. It held that the legally protected interest in the criminalisation of incitement against a group was public morale. Thus, the applicants were not victims of the alleged criminal act and had no standing to lodge a complaint against the decision to discontinue the investigation. However, the county prosecution office re-examined the decision on its own motion. It held that the speeches delivered in Devecser contained abusive, demeaning statements concerning the Roma minority and might have contained statements that evoked hatred, but that they had not provoked active hatred and had not called on the audience to take violent action against the local Roma.

As regards the investigation into the offence of violence against a member of a group, the police established that four persons had taken part in violent acts, in particular the throwing of stones. Three of the alleged perpetrators could not be identified, while the Veszprém County Prosecutor's Office pressed charges against the fourth person, Mr T. K. He was found guilty as charged on 2 June 2015 by the *Ajka District Court and sentenced to ten months' imprisonment, suspended for two years*. On appeal, the *Veszprém High Court upheld Mr T. K.'s conviction but amended*

*his sentence to one year and three months' imprisonment, suspended for three years.*

The applicants, together with a third person, also lodged a criminal complaint against unknown perpetrators for breach of discipline in the line of duty, under Article 438 of the Criminal Code. Those proceedings were discontinued on 17 October 2012 by a decision of the Central Investigation Office of the Public Prosecutor, which held that the criminal offence could only be committed by soldiers in military service, but not by police officers.

## **The Court's Assessment**

As regards the decision of the police, subsequently reviewed by the Administrative and Labour Court and the Curia, not to disperse the demonstration, this Court has previously accepted that in certain situations the domestic authorities might be required to proceed with the dispersal of a violent and blatantly intolerant demonstration in order to protect an individual's private life under Article 8. Examining the domestic approach to dispersal of demonstrations, it appears that the police have a similar obligation to disband an assembly if the exercise of the right of assembly constitutes a criminal offence or a call to commit such an offence, or if it violates the rights and freedoms of others, as demonstrated by the judgment of the Constitutional Court.

As regards the ensuing criminal proceedings against the speakers and the participants of the demonstration, the Court notes that the criminal investigation into the crime of incitement against a group was discontinued because the domestic authorities found that the speakers' statements during the march were not covered by the said offence. It also notes that an investigation was opened into the criminal offence of violence against a member of a group, in the course of which four demonstrators were found to have thrown stones at a house inhabited by a Roma family. The ensuing criminal proceedings led to the conviction of one of the demonstrators, the other three remaining unidentifiable.

The Court has already dealt with cases of harassment motivated by racism which involved no physical violence, but rather verbal assault and physical threats. It found that the manner in which the criminal justice mechanisms had been implemented was a relevant factor for its assessment of whether the protection of the applicant's rights had been defective to

the point of constituting a violation of the respondent State's positive obligations under Article 8 of the Convention.

In particular, the rally in general quite clearly targeted the Roma minority, which was supposedly responsible for "Gypsy criminality", with the intention of intimidating this vulnerable group. Besides the adherents of a right-wing political party, it was attended by members of nine far-right groups, known for their militant behaviour and acting as a paramilitary group, dressed in uniforms, marching in formation and obeying commands. The speakers called on participants to "fight back" and "sweep out the rubbish from the country". Their statements referred to an ongoing ethnic conflict and the use of all necessary means of self-protection. It was following the speeches that the demonstrators marched down Vásárhelyi Street between the houses inhabited by the Roma, uttered obscenities against the inhabitants and engaged in acts of violence. Throughout the event, the police placed themselves between the demonstrators and the Roma residents to ensure the protection of the latter, while the participants themselves threatened the Roma that they would come back once the police had gone and demanded the police not to protect the Roma minority.

Moreover, the event was organised in a period when marches involving large groups and targeting the Roma minority had taken place on a scale that could qualify as "large-scale, coordinated intimidation".

For the Court, these were relevant factors that should have been taken into consideration when assessing the nature of the speeches. This is all the more so since according to the domestic courts' case law, racist statements together with the context in which they were expressed could constitute a clear and imminent risk of violence and violation of the rights of others. However, it appears that the investigating authorities paid no heed to those elements when concluding that the statements had been hateful and abusive but that they had not incited violence. Thus, the domestic authorities inexplicably narrowed down the scope of their investigations.

Having regard to the above-mentioned considerations, the Court is not satisfied that the domestic laws and practice ensured protection of the applicants' right to respect for their private life. Notwithstanding the respondent State's margin of appreciation in this field, the Court concludes that the State did not comply with its positive obligations under Article 8 of the Convention.

There has accordingly been a violation of Article 8 of the Convention.



The applicants claimed 10,000 Euros (EUR) each in respect of non-pecuniary damage.

The Court considers that the applicants must have suffered non-pecuniary damage on account of the violations found, and awards them, on an equitable basis, *EUR 7,500 each in respect of non-pecuniary damage*.<sup>183</sup>

### **III. Recommendations on Combating Hate Speech**

#### **1. ECRI General Policy Recommendation, No. 15 on Combating Hate Speech**

**Adopted on 8 December 2015.** Strasbourg, 21 March 2016.

Published by the European Commission against Racism and Intolerance (ECRI) Council of Europe – 2016 Printed in Strasbourg.

Hate speech for the purpose of the Recommendation entails the use of one or more particular forms of expression – namely, the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatisation or threat of such person or persons and any justification of all these forms of expression – that is based on a non-exhaustive list of personal characteristics or status that includes “race”, colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation.

Hate speech may take the form of the public denial, trivialisation, justification or condonation of crimes of genocide, crimes against humanity or war crimes.

The use of hate speech can reflect or promote the unjustified assumption that the user is in some way superior to a person or a group of persons that is or are targeted by it.

Politicians, religious and community leaders and others in public life have a particularly important responsibility in this regard because of their capacity to exercise influence over a wide audience.

---

<sup>183</sup> The applicants applied this amount for charitable purposes.

## **2. International Convention on the Elimination of All Forms of Racial Discrimination Committee on the Elimination of Racial Discrimination General recommendation. No. 35 Combating racist hate speech 26 September 2013.**

The following contextual factors should be taken into account:

- *The content and form of speech*: whether the speech is provocative and direct, in what form it is constructed and disseminated, and the style in which it is delivered.
- *The economic, social and political climate* prevalent at the time the speech was made and disseminated, including the existence of patterns of discrimination against ethnic and other groups, including indigenous peoples. Discourses which in one context are innocuous or neutral may take on a dangerous significance in another: in its indicators on genocide, the Committee emphasised the relevance of locality in appraising the meaning and potential effects of racist hate speech.
- *The position or status of the speaker* in society and the audience to which the speech is directed. The Committee consistently draws attention to the role of politicians and other public opinion-formers in contributing to the creation of a negative climate towards groups protected by the Convention and has encouraged such persons and bodies to adopt positive approaches directed to the promotion of intercultural understanding and harmony. The Committee is aware of the special importance of freedom of speech in political matters and also that its exercise carries with it special duties and responsibilities.
- *The reach of the speech*, including the nature of the audience and the means of transmission: whether the speech was disseminated through mainstream media or the Internet, and the frequency and extent of the communication, in particular when repetition suggests the existence of a deliberate strategy to engender hostility towards ethnic and racial groups.
- *The objectives of the speech*: speech protecting or defending the human rights of individuals and groups should not be subject to criminal or other sanctions. (Adapted from the Rabat Plan of Action on the prohibition of advocacy of national, racial or

religious hatred that constitutes incitement to discrimination, hostility or violence, para. 22.)

Freedom of opinion and expression is recognised as a fundamental right in a broad range of international instruments, including the Universal Declaration of Human Rights, which affirm that everyone has the right to hold opinions and to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers. The right to freedom of expression is not unlimited but carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but only if they are provided by law and are necessary for protection of the rights or reputations of others and for the protection of national security or of public order, or of public health or morals. Freedom of expression should not aim at the destruction of the rights and freedoms of others, including the right to equality and non-discrimination. (Universal Declaration of Human Rights, Article 30.)

This page intentionally left blank.

Ludovika University Press Non-Profit Ltd.  
H-1089 Budapest, Orczy út 1.  
Contact: [info@ludovika.hu](mailto:info@ludovika.hu)

Responsible for publishing: Gergely Koltányi, Managing Director  
Managing Editor: Kata Inzsöl  
Copy Editor: Zsuzsanna Gergely  
Typeset and design: Tibor Stubnya  
Printed and bound by Pátria Printing House

ISBN 978-963-531-089-0 (print)  
ISBN 978-963-531-090-6 (pdf)  
ISBN 978-963-531-091-3 (epub)

*Hate crimes* received more significant attention in the past decade than ever before because hate crime is – unfortunately – a daily reality throughout the world and also affects the Hungarian society. According to the relevant international and national studies, professionals from various fields agree that the key to improving the response to hate crimes lies in reforming the basic education of police officers.

The aim of the *handbook* is to raise awareness and to help users to better understand and identify issues in police attitudes. The teaching material discusses hate crime in great details. The content of the handbook is based on EU initiatives in the law enforcement field. The author summarises and utilises the results gained from own experiences of research-related activities in various projects, workshops, conferences, seminars and working group meetings.

The work was created in commission of the National University of Public Service under the priority project PACSDOP-2.1.2-CCHOP-15-2016-00001 entitled “Public Service Development Establishing Good Governance.”

SZÉCHENYI 2020



HUNGARIAN  
GOVERNMENT

European Union  
European Social  
Fund



INVESTING IN YOUR FUTURE