FACING
ALL THE
FACTS

Connecting on hate crime data in Europe

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CEJI
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CIDI centrum informatie en documentatie ISRAEL

ENIL rights empowerment independence options

erio European Roma Information Office

NPCC National Police Chiefs' Council

ENAR Ireland Working collectively to eradicate racism in Ireland

Movimiento contra la Intolerancia

NATIONAL UNIVERSITY OF PUBLIC SERVICE

OSCAD Osservatorio per la Sicurezza Contro gli Atti Discriminatori

PRAKSIS

CST PROTECTING the Jewish community

www.facingfacts.eu

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Introduction:
Why connect on hate crime data?

If we are to understand hate crime, support victims and reduce and prevent the problem, there are some basic questions that need to be answered:

How many hate crimes are taking place? Who are the people most affected? What is the impact? How good is the response from the police? Are cases getting investigated and prosecuted? Are the courts applying hate crime laws? Are victims getting access to safety, justice and the support they need?

While 'official' hate crime data, usually provided by police reports, are the most cited source for answers to these questions, they only tell a small part of this complex story. Understanding what happens to cases as they are investigated, prosecuted and sentenced requires a shared approach with cooperation across government agencies and ministries with responsibilities in this area, however, the necessary mechanisms and partnerships are often not in place. Reports and information captured by civil society organisations (CSOs) can provide crucial parts of the jigsaw, yet connection across public authority- civil society 'divides' is even more limited.

There are clear reasons for a lack of connection and cooperation between CSOs and public authorities, many of which mirror those at the heart of why victims don't report what has happened to them. A lack of trust on both 'sides' and a lack of awareness and innovation about what can be achieved through cooperation characterise many public authority-CSO relationships in Europe. Lack of resources and infrastructure to support effective and sustained cooperation also present major barriers. CSOs are often not given meaningful, strategic opportunities to provide input into the design, implementation and monitoring of states' efforts to measure and respond to hate crime. CSO monitoring data can be dismissed as invalid or unreliable without clear explanation. Police data on specific incidents and trends may not be openly shared.

There are mismatches in perception between police and CSOs about the extent to which hate crime is taken seriously. For example, a 2016 FRA report highlighted that while most law enforcement officers, prosecutors and judges expressed their belief that the police consider investigating bias motives to be very or fairly important, a significantly lower number of staff members of victims' support services and human rights CSOs held the same view about the police.[1]

1 European Union Agency for Fundamental Rights (FRA) (2016).

These relationships don't exist in a vacuum. Historical and current social and political contexts affect public attitudes towards and understandings of hate crime as a problem of national concern. While those at the centre of efforts to address hate crime find international frameworks, networks and capacity building of immense support, we show that more needs to be done to nationalise and translate (sometimes literally) the core concepts and characteristics of hate crime in order to drive national, positive change. **Cooperation is a 'practice' that requires discipline, time and trust.** In this research, we tried to get underneath the skin of these relationships and to identify what supports the development of constructive cooperation across NGOs and authorities, and what undermines it.

In several cases in this research, NGOs forced the visibility of hate crime at the national level, leading the way for the police and other public authorities. At the same time, the recording and monitoring methods of many CSOs can lack strength, credibility and transparency leaving public authorities without a partner with whom to cooperate. There is a need to build capacity across CSOs in Europe; the initial aim of the Facing Facts project when it was launched in 2011. As our work evolved, the systemic nature of factors contributing to CSO capacity, led to this research and the development of the Facing Facts Online training platform for both CSOs and law enforcement. (www.facingfactsonline.eu)

Our findings highlight common characteristics of the most successful models for CSO recording, reporting and support. These include highly skilled, networked, services that share a common recording methodology and a commitment to 'critical friendships' with the authorities, while allowing for flexibility to meet the needs and secure the trust of their communities. Successful approaches were also characterised by a common commitment to condemn all forms of bias and hatred. Findings highlighted significant gaps in recording and support for people with disabilities and Roma communities. There were also challenges for CSOs working on racist crime where issues of migration are highly politicised.

The Facing all the Facts approach

The Facing all the Facts project used interactive workshop methods, in-depth interviews, design techniques and desk research to understand and assess the multi-faceted relationships, frameworks and concepts that comprise a 'hate crime reporting and recording system'.[2] People were brought together in new ways and challenged to (re)engage with each other and get on the same page about what hate crime is, how it is being made (in)visible and what needs to be done about it for the benefit of victims and communities.

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2 The following countries were involved in this research: Greece, Hungary, Ireland, Italy, Spain, United Kingdom (England and Wales).
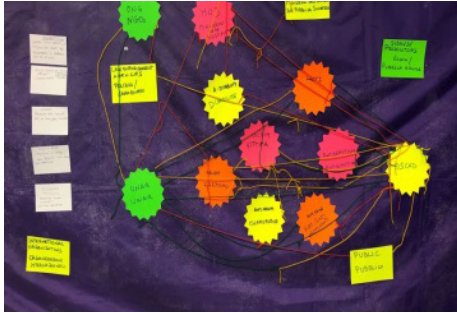
We are grateful for the patience and good humour of our workshop participants as they built images of national 'systems' using string and glue!

Another core theme across our efforts was to find ways to support stakeholders to understand themselves as equal and essential parts of the reporting and recording process and system. We did this by:

• Ensuring, as far as possible, representation from across the public authority and CSO perspectives at workshops and as interviewees
• Developing participatory methods that brought diverse stakeholders together during workshop activities
• Developing graphic representations of all stakeholders on the same 'page', depicting the journey of a hate crime case and representations of national hate crime reporting and recording 'systems'
• Creating an integrated, victim and outcome focused model for increasing reporting and improving recording.

This participatory and design-informed approach facilitated the emergence of what we now understand as the "journey and systems concept" which reflects two key principles. First, victims' and community experiences of hate crime are not punctual events, but lived over time, potentially through the criminal justice system if they report, and through the impact it has on their day-to-day lives, whether or not they report. Second, there is a range of institutions and organisations that could or should be engaged directly or indirectly through the victim's journey (police, prosecutors, judiciary, victim support organisations, international organisations, etc.). When these "stakeholders" recognise and play their part within a system of connected actors, victims are more likely to have satisfactory results from their journeys.

Each country presents a different picture, and none is fully comprehensive or balanced. It is hoped that national stakeholders can build on the findings and recommendations to further understand and effectively address the painful and stubborn problem of hate crime in each country.

The international context

Over the course of the research, public authorities, policy makers and CSOs consistently identified the international framework of norms and standards, IGOs capacity-building guidelines and programmes as well as professional networks as central sources of strategic influence and support in efforts to improve hate crime reporting, recording and data collection.

In line with the project's participatory and policy-focused research methodology, it was decided to ground outputs in an explicit, international normative framework that would have practical value.

As such, the report presents this framework from several angles:

- As a dynamic timeline illustrating key milestones in its development, illustrating its piecemeal and complex character as well as the recent intense and active focus of key international organisations and agencies
- As a reference document, simply listing the main norms and standards in the area
- As the basis of a diagnostic assessment, to be used by national authorities, CSO and IGOs to co-describe, co-diagnose and co-prioritise actions for improvement. The diagnostic assessment is based on two measures: the strength of policy and technical frameworks that support reporting, recording and information- sharing, and the presence and effectiveness of action
- As a basis for further development, especially in relation to deepening cooperation between public authorities and civil society organisations

This report documents the outcome of these efforts and concludes that a strategic "victim and outcome-focused model" must be integrated into current norms, standards, policies and practice that are relevant to reporting, recording and data collection at the international and national levels. While improving national and international databases of reported and recorded hate crimes, prosecutions and sentences is important, it cannot be the ultimate goal. Rather, our collective efforts to increase reporting and improve recording and data collection should aim higher to secure support, protection and justice for victims and communities.

Shrinking spaces

In its 2015-2019 Action Plan on Human rights and Democracy, the EU acknowledged the 'shrinking of civil society space worldwide'[3] and pledged to deepen its cooperation with and support of civil society, and stated that it was 'profoundly concerned at attempts in some countries to restrict the independence of civil society'.[4] It also committed to supporting 'structured exchanges' between CSOs and public authorities and 'address threats to NGOs' space'.[5] The '[critical friendships]' between law enforcement and CSOs that we identified as essential to authentic and effective cooperation exist within these 'shrinking spaces' and there is a need to support and protect them.

International norms and standards and national policies and laws provide a framework for cooperation. However, much more work is needed to spark and sustain effective action. The methods of connection and cooperation explored, experimented with and articulated by the Facing all the Facts project can lead to a more connected position on what needs to be monitored, prioritised and how.

Supporting the 'anti-hate crime community'

We do not underestimate the challenges of hostile political environments and the chronic lack of resources across Europe. However, we are inspired by the people we have talked to whose lives have been forever changed by hate and yet who work to raise awareness and to stop it happening to others. We are also inspired by the dogged determination of our 'change agents' who are personally and professionally driven to find solutions and to move the agenda forward. Through their voices, presented in this report, we see the development of what one interviewee called, an 'anti-hate crime community' of professionals across CSOs, law enforcement and the criminal justice system who are determined to work together to make the problem of hate crime and ways forward, visible and actionable.[6] We hope that the ideas, tools and recommendations offered by this research help these efforts.

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3 European Commission (2012) p. 5.
4 European Commission (2012) p. 12.
5 European Commission (2012) p.19.
6 Interviewee 30.

Executive summary and recommendations[7]

Facing All the Facts builds on the work of the Facing Facts project, established since 2011, to make hate crime visible in Europe. In parallel to the development and delivery of the online training courses for police and civil society organisations[8], the Facing All the Facts project conducted a participatory action-research methodology across 6 EU Member States that:

- Tested ways to improve understandings of reporting and recording of hate crime
- Supported shared conversations between the CSOs and public authority actors at the heart of national 'systems' of hate crime reporting and recording
- Created new relationships and collaborations between those actors, and
- Attempted to shift those systems towards a victims-centred and action-oriented approach

This section highlights the project research's key findings, and proposes recommendations based on the tools, mechanisms and concepts that were identified, consolidated and developed over the course of three years (2016-2019).

A victim and outcome-focused framework for improving recording and increasing reporting

Simply increasing the numbers of reported and recorded hate crime doesn't necessarily ensure that victims and communities get what they really need. Urgent questions about what actually motivates people to report and what should drive professionals and policy makers to improve recording were raised throughout this research. As a result, the project endeavoured to articulate an overarching victim and outcome-focused framework for increasing reporting and improving recording:

7 Recommendations for national stakeholders can be found in national reports.
8 Facing Facts Online! (2019).

A victim and outcome-focused framework
for improving recording and increasing reporting
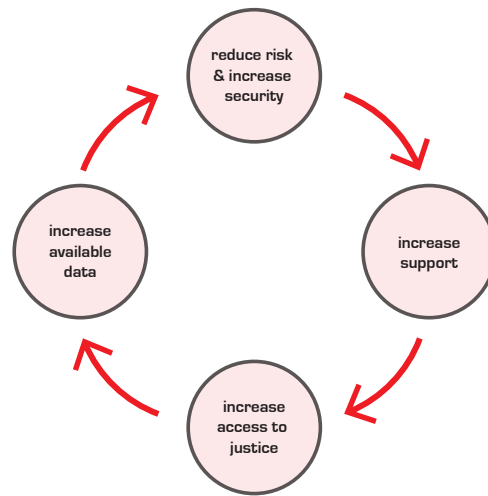
> *The overarching purpose of all efforts to increase reporting and improve recording should be to reduce risk, increase access to support and increase access to justice for victims and communities.*

This framework is intuitive and simple to grasp. But it is difficult to implement due to the well-documented barriers found across Europe: discriminatory attitudes and actions that discourage victims to report; fear; disconnected technology and policy frameworks that prevent effective recording and information-sharing; and a lack of knowledge, skills and resources to identify and effectively record and act on hate crimes.

> *In fact, to secure this victim-focused approach, there needs to be a paradigm shift in how institutions see themselves, their partners and their role in preventing and responding to hate crime. Our research findings point to how this shift might best be supported.*

Our methodology was designed to enable stakeholders to systematically experiment to identify problems and test possible solutions. Our recommendations aim to be realistic and to complement and develop existing efforts wherever possible.

Recommendations revolve around four areas:

1. Making national hate crime reporting, recording and data collection systems visible.
2. Understanding and using the data that we have.
3. Building capacity of the various stakeholders involved in national systems.
4. Continuing to experiment and learn.

Making hate crime reporting, recording and data collection 'systems' visible

No one agency or organisation has sole responsibility for achieving the outcomes identified in the *victim and outcome focused reporting and recording framework* described above. Instead, every one of the diverse range of stakeholders must see themselves as partners in making hate crime visible, and they must act together for the benefit of victims.

This section summarises how we identified and worked on two initial areas for action to support the development of the connections that must underpin such collective action. First, we collated, critically analysed and integrated all relevant international norms and standards on hate crime recording, reporting and data collectio. Second, we used these standards to develop methods to better understand and improve national hate crime reporting and recording systems. Our recommendations for next steps are set out at the end of the section.

Developing the international framework

First we show the [development of a complex yet patchy international framework](#) that currently guides public authorities and civil society organisations (CSOs) to increase reporting and improve recording and data collection.9 Second, we compile these laws, policy recommendations, political commitments and guidelines, to create the first comprehensive *[Reference of International Norms and Standards on Hate Crime Reporting, Recording and Data Collection](#)*. Third, we draw on these 'standards' to develop a detailed *[Self-Assessment Framework on Hate Crime Reporting, Recording and Data Collection](#)*. Fourth, we applied the self-assessment to make visible and describe strengths and weaknesses in national hate crime reporting and recording systems through six national 'systems maps': [England and Wales](#), [Greece](#), [Hungary](#), [Ireland](#), [Italy](#) and [Spain](#).

Our analysis uncovers a strong framework of norms and standards guiding public authorities to gather data about hate crime investigations, prosecutions and sentences and to conduct victim surveys. Specific standards relate to the importance of victim support, access to justice and increased safety. [10] More recently there is increasing focus on the importance of interagency cooperation.[11] Overall, the role

9 'increasing reporting' refers to standards, frameworks and actions that aim to encourage victims and others to report hate crime to law enforcement or a third party such as a relevant civil society organisation. 'improving recording' refers to actions that aim to improve public authority and relevant civil society organisations' ability and capacity to accurately record hate crime and to pass this information appropriately to other bodies, agencies. 'improving data collection' refers to the process of extracting, compiling and interpreting information generated by hate crime recording.

10 Introduced in 2012, the Victim's Rights Directive was seminal in recognising hate crime victims' experience and their right to specific support. The findings of the European Court of Human Rights impose the duty on public authorities to 'unmask' bias motivation and are the bedrock of the strategic aim of reporting and recording into access to justice. Finally, assessing and addressing individual risk faced by victims as they engage with the criminal justice process is well recognised by the Victims' Rights Directive. However, assessing and addressing risk to community cohesion is un-addressed in the current normative framework and is an important area for further exploration. This point is further discussed below.

11 While there are no policy recommendations or political commitments relating to interagency working, recent joint work between FRA

of CSO data and action is under-valued, and there is a lack of specificity about what effective cooperation between CSOs and public authorities ought to look like. Finally, there is no normative standard that integrates obligations on improving recording and reporting with the aims of safety, security and justice for victims.

This analysis leads to a recommendation with several parts.

Recommendation 1: International organisations, institutions and CSOs should seek to further develop the international normative framework on hate crime recording, reporting and data collection

This could involve opening a discussion at the international level about the current international framework with a view to further develop standards that:

- Support cooperation across institutional 'divides'
- Specifically recognise the value of CSO data
- Integrate obligations to, on the one hand, increase reporting and improving recording and data collection and, on the other hand, to meet victim and communities' needs for safety, support and justice

Adopting a systems methodology and approach

Successful victim and outcome-focused reporting and recording practice requires that relevant stakeholders see themselves as elements of a 'system' that needs to work together for the benefit of victims and communities. The project aimed to explore and test ways that would practically support the development of this shared concept at the national level. It did this by engaging stakeholders as active participants in the research process, so that they became both sources for, and targets of, the project's methods and outputs. Specifically, representatives from law enforcement and criminal justice agencies, ministries and CSOs were brought together—often for the first time—in project workshops and interviews.

In developing the participatory dimensions of the research method we drew on social design research methods, in particular the design-based strategy of 'making things' (in our case, hate crime recording and reporting systems) 'visible and tangible'.[12] Specifically, we facilitated stakeholder workshop participants to co-create physical prototypes of (a victim-centred perspective of):

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and ODIHR as well as ODIHR's recently launched INFAHCT programme focus on the technical and policy frameworks that are needed for effective data sharing at the national level. ODIHR's recently completed project Building a Comprehensive Criminal Justice Response to Hate Crime has supported Greece to implement the necessary strategic policy and technical frameworks in this area.

12 Manzini (2015); Perry-Kessaris (2017b, 2019 and forthcoming 2020).

- The data that is captured and lost as a hate crime case 'journeys' (or not) through the criminal justice process, and
- The institutions, stakeholders and relationships that comprise national hate crime reporting and recording 'systems'

In the process participants were able to share their critical reflections on the 'here and now' of national level hate crime reporting and recording, while simultaneously identifying 'potentialities' for change and improvement.[13]

Specific steps were taken to engender a safe space for participants to work across institutional boundaries to:

- Negotiate how to present the 'actual', for example, the current strengths and weaknesses in reporting and recording processes and institutional relationships. For example, participants were supported to 'co-describe' current hate crime recording and reporting systems and to 'co-diagnose' their strengths and weaknesses
- Seek agreement on the 'potential'. For example, participants were encouraged to 'co-prioritise' actionable, national recommendations

Feedback and co-produced outputs from the workshops confirmed that national stakeholders appreciated many aspects of this methodology (see Methodology below).

There was evidence that the workshops produced:

- Measurable improvements in participants' understanding of the national 'picture' of hate crime
- Significant shifts in how participants perceived their own and others' role in increasing reporting and improving recording for the benefit of victims and communities
- A willingness of participants to see themselves as elements of a hate crime recording and reporting 'system' that needs to be connected and integrated to meet victims' needs
- Actionable decisions to improve recording and reporting at the national level, such as publishing available data, arranging follow-up meetings between government ministries to improve technical and policy frameworks
- Commitments to explore ways to routinely share data between CSOs and law enforcement
- An appreciation for the 'structured freedom' created by the space and participatory, design-informed methodology [14]

13 Julier and Kimbell (2016) pp. 39 - 40.
14 Perry-Kessaris (2017b, 2019 and forthcoming 2020).

The following outputs, initiated by the workshop prototyping process, were refined through interviews and desk research and produced in collaboration with a graphic designer:

- A visual representation of *The Journey of a hate crime*
- A systems map prototype depicting actual and potential relationships across key stakeholders
- A detailed self-assessment framework, based on international standards for national application
- Six national *systems maps* (England and Wales, Greece, Hungary, Ireland, Italy and Spain)
- Depicting actual and potential relationships, based on evidence compiled using the self-assessment framework

The following recommendation aims to increase the chance of adopting a systems approach at the national level.

> ### *Recommendation 2: Organisations and institutions that are engaged in national capacity-building activities on reporting and recording should draw on tried and tested Facing Facts methods[15]*

The methods and tools created by the project can be used very flexibly in capacity building activities led by civil society organisations and/or international or national organisations and agencies. While the highly interactive and collaborative elements of Facing all the Facts might be unusual for some agencies to use, the following principles are strongly recommended for engendering a victim-focused, systems-based approach:

- Include all relevant stakeholders
- Consciously create non-hierarchical, safe and confidential environments
- Use prototyping methods to make national systems visible
- Draw on Facing Facts online learning resources

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15 For example: national workshops run by the newly established FRA Technical and Capacity-Building Unit, joint workshops run by FRA and ODHIR; ODIHR TAHCLE capacity-building activities; all Facing Facts follow up activities and other relevant activities.

Understanding and using the data that we have

Many incidents of hate crime that have taken and ruined lives are completely invisible to the general public at the national level. Successfully investigated and prosecuted cases, and initiatives such as laws, national strategies and training programmes can also remain unknown. Evidence of institutional discrimination, a key barrier to reporting and addressing hate crime can be ignored and unaddressed.[16] The techniques and approaches used in this project aimed to contribute to a shared understanding of hate crime by starting to trace and tell the national story of hate crimes and key milestones in recording and reporting.

The project found that flows of information about hate crime data and action to the general public was relatively weak from national authorities, yet relatively strong from CSOs. It also found that both national authorities and CSOs tend to have strong relationships and information flows with IGOs. This suggests a tendency for national authorities to view hate crime recording and data collection as an issue that rests in the international 'space', whereas CSOs understand hate crime data as a tool to raise national awareness. The relatively strong relationships between IGOs and national stakeholders is a positive indication that the international framework of norms, standards, capacity building activities and resources, both financial and practical, are influencing and informing national agendas. At the same time, the rich data compiled by IGOs lacks visibility and is under-used by all stakeholders to understand and address hate crime.[17]

The following recommendations focus on steps that can be taken, primarily by IGOs, to develop transparency, coherence and action on hate crime at the national level.

> *Recommendation 3: IGOs should continue to align hate crime and hate speech working concepts, definitions and capacity building activities across IGOs.*

For example, efforts could build on the EC High Level Group's recent *Guidance Note on the Practical Application of the Framework Decision on Racism and Xenophobia*, which further clarified the hate crime and hate speech concepts, and supports national efforts to collate and disaggregate hate crime and hate speech data. [18]

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16 See ENAR (2019); see also national report on England and Wales
17 See European Union Agency for Fundamental Rights (FRA) (2018a) and OSCE/ODIHR (2019) for example.
18 See EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018, November).

Recommendation 4: IGOs should increase the visibility of their annual and ad-hoc reports at the national level

In particular where international reports include national data, IGOs and international agencies should offer insights into how the available national data might be interpreted and used by national policy makers.[19]

Recommendation 5: IGOs should routinely and specifically address Member States that report to international agencies yet fail to prepare transparent information for national stakeholders and taxpayers

If the data and information submitted to IGOs isn't in the public domain, IGOs should strongly encourage member states to make it easily available in the national language. [20]

19 See European Union Agency for Fundamental Rights (FRA) (2018a) and OSCE/ODIHR Tolerance and Non-Discrimination Department (2019) for example.
20 This recommendation was accepted at several consultation meetings.

Recommendation 6: IGOs should increase transparency about how national efforts on hate crime reporting and recording are assessed

For example:

- OSCE-ODIHR could consider publishing the questionnaire it sends to OSCE Participating States as a basis for preparing its annual hate crime reporting, and publish information about CSO recording methods[21]
- The Committee for the Elimination of Racial Discrimination (CERD) and the European Commission against Racism and Intolerance (ECRI) could consider publishing their methods for taking account of and assessing official and CSO data, when preparing their reports
- All IGOs and agencies could consider explaining the methods used to assess the veracity of Member States' assertions about their actions to improve recording and increase reporting, including verifying the existence of guidelines and training programmes
- All IGOs could stress the need to involve qualified CSOs in the breadth of capacity building activities as an equal partner, including on improving hate crime recording, and not only in initiatives to encourage victims to report or to provide victim support
- All IGOs could consider developing a method to assess the reliability of CSO data, and integrating CSO data that has been assessed as reliable in their nationally-focused reports and assessments

Recommendation 7: Eurostat should include a requirement for Member States to collect and submit data on hate crime.[22]

For example, Eurostat and the UN Office for Drugs and Crime could work together to develop criteria for collecting data under the existing category of 'hate crime' in the International Classification of Crime for Statistical Purposes (ICCS)[23].

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21 In the same way that OSCE-ODIHR publishes a summary of recording and reporting methods used by public authorities, a summary of the recording methods of the CSOs that report to ODIHR also be included. This would increase and share knowledge on reporting methods and might lead to more aligned recording and reporting processes across public authorities and CSOs.
22 See Eurostat (2018).
23 See UNODC (2015, February) p. 100.

Building capacity

Of course, strengthening the international normative framework and making national systems and data more visible will not automatically lead to positive outcomes for victims and communities. Indeed, the project found that long-established reporting, recording and data collection frameworks, such as those in England and Wales, do not necessarily lead to consistently effective responses for victims and affected communities. In fact, the strongest arguments for integrating reporting and recording strategy with actions to increase access to justice, safety and security came from 'change agents' in England and Wales.

Recommendations in this section relate to the practical steps that need to be taken to achieve this paradigm shift, including: technical and policy changes to allow more direct flow of information and cooperation across 'divides'; actions to strengthen the burgeoning anti-hate crime community in Europe; and, paying particular attention to the strategic questions facing those CSOs that want to conduct high quality monitoring, recording and victim support.

Sharing data and cooperating across the system: implementing and developing technical and policy mechanisms

The Facing all the Facts project found that there are certain mechanisms and approaches that can significantly strengthen connections on hate crime data both between public authorities and CSOs as well as across public authorities, for example between law enforcement and prosecution services.

Interagency policy frameworks and technical capacity building and training programmes are two such mechanisms that facilitate the passing of information on: hate incidents and hate crimes; evidence of bias; and victim support and safety needs. We also found that most countries had an 'engine of change' that has sparked and driven the development of these frameworks, and that those countries that have embedded a strategic approach, such as interagency agreements and action plans, are more likely to have stronger 'systems'.

Bearing in mind the current and relatively strong focus on cooperation across public authorities in IGO capacity-building activities, the following recommendations focus on the interface between public authorities and CSOs. We propose that these 'cross boundary' relationships weave the thread of connection between recording and reporting and the right outcomes for victims and communities.

At the technical level, mechanisms that encourage and allow information and data-sharing on victims' needs and evidence of bias were a particular focus. Our review of the international framework found important support for bringing CSO data into national understandings of hate crime. For example, the *Identoba vs Georgia*

ECHR case found that public authorities should take CSO data into account when assessing the risk faced by LGBT communities.[24] The *Victims' Rights Directive* guides public authorities to take account of CSO data when assessing the implementation of the directive at the national level.[25] In practice, there is usually a complete disconnect between CSO and public authority data. The two types of bodies use different definitions, record for different purposes and more often than not, law enforcement do not have the technical means or political incentive to directly take account of CSO data in ways that can inform operational decisions.[26] An exception to this was information-sharing agreements between specialist CSOs and the police in England and Wales, and an official commitment to explore this approach in Spain. Both contexts could be drawn upon for inspiration in this area.

In an effort to move the agenda forward on CSO-public authority cooperation, the recommendation below suggests a focus on the potentially powerful technical mechanism of connection offered by adopting a policy of perception-based recording, which could then allow CSO data to be directly considered and included in the 'official' picture of hate crime.[27]

Recommendation 8: Fully implement ECRI GPR No. 11 across all EU member states

The implementation of this recommendation would be supported by the following actions:

- National law enforcement should adopt a policy allowing anonymous reporting [28]
- The international organisations and agencies active in the field should review and revise current standards and guidelines, capacity building and funding frameworks to take a more technical focus, based on clear criteria on the implementation of GPR No 11 at the national level

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24 ECtHR, Identoba and Others v. Georgia, No. 73235/12 (2015, 12 May).
25 European Parliament and The Council of the European Union (2012, 25 October).
26 For example, FRA (2018c, June) found that only 10 member states cooperated in some way with CSOs on hate crime recording. England and Wales are the only country that have information-sharing agreements in place between the police and CSOs.
27 See European Commission against Racism and Intolerance (ECRI) (2007). For a full explanation of how ECRI data can be fully implemented and how the issue is approached in each country, see section [mechanisms of connection].
28 This is because 'any other person' or a third party could include a CSO that is reporting on behalf of a victim who wishes to remain anonymous. Our research found that Greece, Hungary, England and Wales and Spain allow anonymous reporting. Ireland and Italy require the victim to be identified in order for a report to be accepted and recorded by the police.

For example:

- ODIHR could consider including information, as part of its annual hate crime reporting function, on whether a particular country, as a matter of policy:
    - Allows anonymous reporting
    - Accepts reports from third parties
    - Takes the perception-based recording approach
- FRA could build on its 2018 report to further guide states on how to adopt ECRI GPR 11 approach at the national level[29]
- ECRI country reports could consider whether countries have adopted GPR No. 11 in whole or in part, according to clear and measurable criteria
- Take action to better understand and problem-solve national barriers to implementing ECRI GPR 11 in diverse national contexts. Research is needed to explore:
    - Current national approaches to implementing ECRI GPR 11 in whole or in part, including alternative innovations and workable models
    - Detailed police and CSO perspectives on solutions for partial or full implementation of ECRI GPR 11
    - Transferable elements of approaches that have fully implemented third party reporting [30]

Supporting and connecting those at the centre of change

We found that in addition to strong institutional frameworks for cooperation, inspirational individuals or 'change agents' and active 'critical friendships' across 'divides' are also essential to securing progress towards a victim-focused approach and guarding against regression. Our interviews revealed that each country has dedicated professionals across CSOs and public authorities who are working together to accelerate and safeguard progress in challenging circumstances. There are several steps that can be taken to support those at the centre of these efforts, which are outlined in the next recommendation.

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29 See European Union Agency for Fundamental Rights (FRA) (2018c, June) p. 16-17.
30 In considering this area, current approaches in England and Wales could be taken into account. For example it is possible to define and limit 'Third Party Reporting' sources to 'professionals', 'family members' and other accredited sources. This could be a useful 'middle way' for countries that do not want to accept simply any anonymous report. See Home Office (2019)

Recommendation 9: Develop and implement professional standards and support networks on hate crime reporting and recording

The key intergovernmental organisations, agencies and CSOs working in this area should explore:

- EU-wide professional standards and accreditation frameworks on hate crime as part of a training strategy. The Facing Facts Online training courses can be considered as a resource which can serve this process
- Creating more spaces for equal engagement and networking that involves 'change agents', and learning from formal evaluation of current international structures, including an assessment of how well they support change agents
- Awareness raising and recognition initiatives that could include a European hate crime awards programme and an international hate crime practitioners network
- Further researching success factors in the development and sustaining of 'critical friendships' between CSOs and public authorities in a range of political and policy contexts
- Setting up a working group on public authority-CSO cooperation on hate crime recording, reporting and data collection at the European level [31]

All national reports pointed to the challenge of resources, which is connected to what has been labelled the 'shrinking space' for civil society. IGOs should recall recommendations by the Commission and by the FRA on actions to better support civil society infrastructure in this context.[32]

There are specific skills that need to be identified and developed if individual victims are to receive the right response at the moment of reporting, which are addressed in the next recommendation.

Recommendation 10: Develop specific learning and standards on providing a victim focused approach to receiving and recording reports of hate crime

Our interviewees echoed existing research findings that hate crimes and incidents are part of a 'process of victimisation'[33], of which only part, if any, might be reported. While there has been an important focus on police having the ability to recognise and record the bias indicators that might later prove a hate crime, the person receiving the report, whether police call handler or officer, CSO support worker or other must have the ability and capacity to have the 'conversation' that involves:

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31 The group could consider developing guidelines on how to successfully implement good practice outlined by FRA in a range of contexts, drawing on the principles, mechanisms, methods and frameworks proposed in the Facing all the Facts reports, other research and international standards (see FRA, 2018c).
32 See this report's introduction and Council of the European Union (2015), FRA (2018b, January).
33 Walters, M. A., Brown, R. and Wiedlitzka, S. (2016), see also Chakraborti, N., Garland, J. and Hardy, S. (2014).

- Supporting the person to tell their story, which might be unclear, confusing and complex, and/or in a language that isn't their native language
- Assessing immediate needs and risks
- Listening
- Directly providing or making a referral to support
- Advising on potential legal outcomes, and
- Identifying and capturing potential bias indicators that could be used as evidence

Decision makers also need the skill, knowledge and resources to understand what the data is telling them and to commission further work to fill the gaps.[34]

In achieving this recommendation, Facing Facts Online learning can be accessed along with other capacity building tools at the national and international levels.[35]

A focus on CSO recording and monitoring

There is, rightly, significant focus on the role and responsibilities of public authorities in increasing reporting and improving recording and data collection. To date, however, there has been less focus on how to improve CSOs' ability and capacity in this area and the strategic questions and challenges that they face.[36]

Our findings suggest that a victim and outcome-focused approach requires CSOs to develop a particular organisational orientation that allows them to engage with victims and to secure the trust of affected communities on the one hand, and to effectively and professionally engage with the authorities on the other (see 'Mechanisms and principles of connection'). It also challenges CSOs to work as a network, across diverse groups to challenge all forms of hate and to meet victims' intersectional needs. These issues are considered in the following recommendation.

Recommendation 11: European CSO networks and forums should come together to develop guidance on the key strategic questions facing CSOs that want to strengthen victim and outcome- focused reporting and recording activities

Such guidance could consider how to:

- Secure, make visible and implement high quality recording methodologies that protect victim confidentiality, secure the confidence of the communities they represent and provide or ensure support[37]

34 These issues are covered in some detail in OSCE/ODIHR (2014, 29 September).
35 For example, the England and Wales partner in Facing all the Facts developed online learning for police call handlers focusing on these skills
36 With the important exceptions of ILGA's and Facing Facts' guidance and capacity-building in this area. See International Lesbian and Gay Association-Europe (ILGA) (2008) and CEJI (2012).
37 For example, the Racist Violence Recording Network (RVRN) (see Greece Country Report) shares the same methodology across 32 diverse organisations. This approach needs to be supported by a strong central mechanism that is sufficiently skilled to review data, compile reports, seek cooperation with police, etc. Another approach, followed by the Working Group Against Hate Crime (WGAHC) (see

- Start and secure practices such as ['critical friendships' between public authorities and CSOs](#)
- Navigate hostile political contexts and be open to 'under the radar cooperation', while identifying when cooperation isn't possible due to lack of interest from the authorities
- Work in partnership with other CSOs to adopt a 'single voice', which includes:
  - Condemning all forms of hate
  - Establishing compatible common methodologies
  - Seeking common advocacy positions on common issues
  - Balancing the risk of competing for the same resources with the need to take a network approach for the benefit of victims and communities
  - Evidencing the problem of hate crime even when there is no interest from the authorities. This data can be presented in other fora such as international reports, made visible at the national should the political climate change
- Develop national networks with the support of independent but influential bodies such as equality bodies or national IGO offices [38]

Continuing to experiment and learn

This research and its outputs have built on deep existing knowledge and inspiring practice. At the same time, there is clearly a lot more to do to achieve a victim and outcome focused approach to increasing reporting and improving recording. Learning has been a key theme across the entire Facing all the Facts project, and we intend to continue learning after this phase ends. The following recommendations focus on key areas for further experimentation and learning including: understanding and addressing risk; compiling and sharing lessons learned from the national implementation of online learning for law enforcement; continuing to develop and improve Facing all the Facts research and collaborative methods; moving beyond a criminal justice focus and securing an increased focus on under-served communities.

Understanding and addressing risk

The focus of existing standards and national efforts tends to be more on assessing and addressing risks to individuals taking part in the criminal justice process, as opposed to the risk of escalation and degenerating social relations posed by hate crimes, hate speech and hate incidents. One of the potential values of collating this type of data is to provide a 'barometer' of escalating tensions, which is the focus of the following recommendation.

Hungary Country Report) is to bring together a smaller, more focused group that commit to high quality recording and, together, approach police and other organisations for collaboration.
38 For example, in Greece, the national Human Rights Commission and UNHCR support the work of the Network.

Recommendation 12: Researchers and IGOs should build the evidential and conceptual basis on which to better address the risks to social relations and community cohesion caused by hate speech, hate incidents, hate crimes and other linked phenomena.

Actions could include to:

- Explore and share how Member States currently use hate crime, hate incident and hate speech data and intelligence to understand and address risks to community cohesion
- Identify and agree concepts, norms and standards that help connect data on hate incidents, hate speech and hate crime with action to reduce risks to social cohesion

The online learning 'frontier'

Facing all the Facts developed online learning for police, pioneering new methods and bringing many challenges for national partners. Developing engaging and relevant content, overcoming barriers in technology, and securing the buy-in of leadership all emerged as key challenges. The following recommendation aims to inform new online learning programmes in other Member States and to improve existing online learning in this area.

Recommendation 13: Facing all the Facts partners should share insights from the implementation of online learning for police in England and Wales, Hungary and Italy.[39]

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39 These online learning programmes were developed as part of Facing all the Facts Project. Courses are based on international standards and adapted to national law, policy and practice. Further information about Facing Fact's Online learning methods and structure can be found at facingfactsonline.eu.

This could include:

- Technical considerations such as using the Moodle platform for developing and delivering training
- How to disseminate online learning to hundreds/ thousands of learners across federalised or devolved systems
- Countering negative experiences with and perceptions of 'online learning'

Developing the 'systems' approach

The [methodology section](#) details the limitations of the Facing all the Facts' approach. For example, national systems maps do not currently reflect the full complexity of organisational structures organisational data collection systems in each country nor do they reflect the often pioneering work that takes place at the regional and local levels. The following recommendation aims to support further improvements and applications.

> ### *Recommendation 14: Facing all the Facts should continue to work with its community of practice to continuously improve its methods and learning through application*

This could include:

- Working with national partners to update national systems maps to reflect changes and to identify new areas for action
- Seeking to further evidence the actions, standards, policies and mechanisms that integrate reporting and recording systems with victim-focused outcomes Understanding and evidencing relationships across institutional boundaries, especially critical friendships between CSOs and the police is key

Moving beyond law enforcement and criminal justice

International and national norms and standards overwhelmingly target police and criminal justice responses, yet victims and communities also want and need remedies that can only be found outside the criminal justice process. Further experimentation is needed to connect stakeholders outside the criminal justice system to achieve a truly victim-focused approach to reporting and recording. Focusing on diversity education to influence and change children's attitudes and developing zero-tolerance policies in the workplace are also important victim-focused strategic goals.

Recommendation 15: Public authorities and anti-hate crime networks should consider methods to involve and include non-criminal justice actors in efforts to ensure victim-focused reporting, recording, data collection and support.

This could include:

- Seeking connections with national partners in health, housing, employment and education to identify existing good practice in:
  - ⤑ Recording hate crimes and incidents
  - ⤑ Supporting victims to access medical care, housing solutions and other local services
- Testing ways, based on Facing all the Facts methods, of bringing these partners into national hate crime reporting and recording 'systems' and making their (potential) contribution and responsibilities visible and actionable

Making anti-Roma and disability hate crime visible

A chronic lack of data on anti-Roma and disability hate crime (see the Hate Crime reporting and recording system) highlighted the need for urgent action in this area and is the focus of the last recommendation.

Recommendation 16: Take action to better understand and to improve the reporting and recording of anti-Roma and disability hate crime.

In following this recommendation, stakeholders can draw on:

- The disability hate crime bias indicator online module, which includes learning on common bias indicators, the needs of people with disabilities and their civil rights struggle
- The Roma hate crime module, which includes learning on common bias indicators, the needs of Roma communities and the history of discrimination against them

Understanding and addressing new complexities

While not the subject of specific recommendations, longstanding experts at the heart of national efforts to understand and address hate crime identified several current challenges that need further research and exploration with all affected communities. These include:

- State responses to the migrant and refugee crisis obscuring and exacerbating the nature and impact of hate crimes against long standing minority communities
- Capturing and meeting victims' needs arising from intersecting identities and multiple discrimination
- The limitations of the hate crime framework as a way to understand and address instances of targeted violence between minority communities

Findings

The development of hate crime reporting, recording and data collection standards and practice in Europe

This section describes the development of a set of standards and norms on hate crime reporting, recording and data collection across Europe and beyond. The first part presents a timeline of the key developments, with references and links. The second part critically analyses where we are now, with a particular focus on norms and standards that relate to cooperation across institutions and between civil society organisations and public authorities in particular.

December 1965 the United Nations passes the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) stating that it should be an offence to, " disseminate 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.'[40] The monitoring conducted by the Committee on the Elimination of Racial Discrimination that oversees the implementation of the Convention relies on data produced by State bodies and CSOs.

January 1970 The Committee for the Elimination of Racial Discrimination holds its first session. The Committee oversees the implementation of the International Convention on the Elimination of Racial Discrimination.[41] As explained in the EU Fundamental Rights Agency Report on Hate Crime Recording and Data Collection Practice Across the EU "State Parties to the ICERD are obliged to submit regular reports on the implementation of the Convention to the Committee on the Elimination of Racial Discrimination (CERD). The committee examines each report and addresses its concerns and recommendations, [including on hate crime recording and data collection] to the State Party in the form of 'concluding observations'".[42]

1996 ECRI publishes its General Policy Recommendation No. 1 on Combatting racism, xenophobia, antisemitism and intolerance guiding the member states of the Council of Europe to, 'Ensure that accurate data and statistics are collected and published on the number of racist and xenophobic offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted'.[43]

40 United Nations General Assembly (1965).
41 Office of the High Commissioner (OHCHR) (2019).
42 European Union Agency for Fundamental Rights (FRA) (2018b, June) p. 101.
43 European Commission against Racism and Intolerance (ECRI) (1996).

1998 ECRI publishes its General Policy Recommendation No. 4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, which, 'recommends to the government of member States to take steps to ensure that national surveys on the experience and perception of racism and discrimination from the point of view of potential victims are organised…'.[44]

2002 United Nations 'Durban Declaration' is passed. Among many other actions to counter racism and xenophobia, the Declaration (paragraph 74) urges action to, "Enhance data collection regarding violence motivated by racism, racial discrimination, xenophobia and related intolerance"[45]

2002 ECRI begins its first country monitoring cycles,[46] which include an exploration of whether and how states record data and information on racist crime.

December 2004 OSCE passes MC Decision No. 12/04, the first Ministerial Council Decision mentioning hate crime. The Decision focuses on OSCE Participating States' Obligations to "collect and maintain reliable information and statistics about anti-Semitic crimes, and **other hate crimes,** committed within their territory, report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and make this information available to the public"[47]

2005 ODIHR publishes Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives the precursor to its annual reports.[48] Alongside 'official data' ODHIR's annual reports include information submitted by NGOs across the OSCE region.

December 2005 OSCE passes MC Decision No 10/05 on collecting hate crime information and statistics. The Ministerial Council Decision commits OSCE Participating States to "[s]trengthen efforts to collect and maintain reliable information and statistics on hate crimes and legislation, to report such information periodically to the ODIHR, and to make this information available to the public and to consider drawing on ODIHR assistance in this field, and in this regard, to consider nominating national points of contact on hate crimes to the ODIHR".[49]

March 2006 Universal Periodic Review (UPR) process[50] established by the Human Rights Council. As explained in the EU Fundamental Rights Agency Report on Hate Crime Recording and Data Collection Practice Across the EU (p. 101), the UPR, "is a state- driven process, under the auspices of the Human Rights Council, which provides the opportunity for each state to provide information on what actions

44 European Commission against Racism and Intolerance (ECRI) (1998).
45 United Nations. (2002) para. 74.
46 Council of Europe Portal (2019).
47 *OSCE Ministerial Council (2004, 7 December)* p. 4.
48 *OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2005, 15 September).*
49 *OSCE Ministerial Council Decision No. 10/05 (2005).*
50 United Nations Human Rights Council (2019c).

they have taken to fulfil their human rights obligations [including on hate crime recording and data collection]. Its reviews are based on a number of documents, such as reports by governments and treaty bodies, as well as reports from national human rights institutions and non-governmental organisations."[51]

December 2006 OSCE passes Ministerial Council Decision No. 13/06 is passed. OSCE Participating States re-commit themselves to "collect and maintain reliable data and statistics on hate crimes". The role of civil society in "contributing to monitoring and reporting hate crime" is also mentioned and States are encouraged to "facilitate [their] capacity development".[52]

May 2007 in Šečić v. Croatia the European Court of Human Rights found that when investigating violent offences, the authorities have the duty, "to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that have non-racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights."[53]

June 2007 ECRI publishes its General Policy Recommendation No. 11 on Combating racism and racial discrimination in policing guiding member States of the Council of Europe to adopt a shared definition of racist incidents as, 'any incident that is perceived as racist by the victim or any other person' and to use this approach to, 'ensure that the police investigate all racist offences thoroughly and do not overlook the racist motivation of ordinary offences'.[54]

July 2007 in Angelova and Iliev v Bulgaria the European Court of Human Rights hold that the criminal justice system must be able to identify, recognise and appropriately punish racist-motivated crime and that the police must promptly and effective investigate evidence of bias motivation.[55]

December 2007 OSCE Ministerial Council Decision No. 10/07 is passed including commitments on hate crime recording and data collection. Participating States once again reaffirm their commitment to, "collect and maintain reliable data and statistics on hate crimes and incidents".[56]

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51 European Union Agency for Fundamental Rights (FRA) (2018b, June) p. 101.
52 *OSCE Ministerial Council (2006).*
53 ECtHR (2007, 31 May) paras. 66-67.
54 European Commission against Racism and Intolerance (ECRI) (2007).
55 ECtHR (2007, July 26).
56 *OSCE Ministerial Council (2007).*

2008 ILGA publishes its [Handbook on Monitoring and Reporting Homophobic and Transphobic Incidents.](#)[57] This is the first time a civil society organisation comprehensively explains how to record hate crimes and incidents in a way that supports CSO-public authority connection and effective advocacy for change.

November 2008 [Council Framework Decision 2008/913/JHA on Combating certain forms of racism and xenophobia by means of criminal law](#) is passed.[58] Member States must ensure that national law recognises racist or xenophobic motivation as an aggravating factor in established crimes.

April 2009 FRA [publishes EU-MIDIS I,](#) the product of face-to-face interviews with 23,500 people from an immigrant and ethnic minority background in all EU Member States during 2008.[59] It includes information on victims' experiences of racist crime. These findings provide direct evidence, at the national level, that targeted violence is a problem that needs to be addressed.

May 2009 ODIHR Publishes [Hate Crime Laws, A Practical Guide](#) setting out the key legislative approaches to recognising the bias motive in hate crimes and thus serving as a basis for a monitoring and data collection framework that assesses progress in national implementation.[60]

October 2009 OSCE-ODIHR Publishes ['Preventing and responding to hate crimes: A resource guide for NGOs in the OSCE region'](#), including brief guidance on how to monitor hate crime.[61]

December 2009 [OSCE Ministerial Athens Ministerial Decision 9/09 is passed](#) and is the first comprehensive international norm on hate crime recording and data collection.[62] It commits OSCE Participating States, to collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed. It describes hate crime as "a *criminal act committed with a bias motivation*". A definition that has formed the basis of ODIHR's hate crime reporting and data collection.

31 March 2010 The Committee of Ministers to Member States of the Council of Europe passes Recommendation CM/Rec (2010/5) on measures to combat discrimination on grounds of sexual orientation and gender identity. In appendix 1A of [Recommendation CM/Rec(2010)5](#) the Committee makes recommendations on hate crime investigation and sentencing and that member states ensure:

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57 International Lesbian and Gay Association-Europe (ILGA) (2008).
58 The Council of the European Union (2008).
59 European Union Agency for Fundamental Rights (FRA) (2009).
60 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2009a).
61 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2009b).
62 *OSCE Ministerial Council (2009).*

- That they take measures to encourage reporting and that those who report are provided with 'adequate assistance and support'
- 'that relevant data are gathered and analysed ...on "hate crimes" and hate-motivated incidents related to sexual orientation or gender identity'

October 2012 Directive 2012/29/EU of the European Parliament and of the Council if 25 October establishing minimum standards on the rights , support and protection of victims of crime is published including explicit rights for victims of hate crimes and imposing obligations on Member States to communicate statistical data including, 'at least the number and types of the reported crimes and, as far as such data is known, and are available, the number and age and gender of the victims'.[63]

2012 ODIHR launches Training Against Hate Crime for Law Enforcement (TAHCLE), which aims to train police to improve their recognition and understanding of and ability to investigate hate crimes.[64] OSCE Participating States request ODIHR's assistance and are responsible for the national implementation of the programme.

2012 ODIHR launches its Hate Crime Reporting website, transforming its reporting function into an interactive online space.[65] ODIHR Also launches Training Against Hate Crime for Law Enforcement. TAHCLE trains police to improve their recognition and understanding of and ability to investigate hate crimes. OSCE Participating States request ODIHR's assistance and are responsible for the national implementation of the programme.

November 2012 the European Commission funded project Facing Facts[66] publishes Hate Crime Monitoring Guidelines[67] for NGOs aiming to monitor hate crimes in their context and begins training a cadre of 50 NGO trainers from across bias motivations.

December 2013 The European Council publishes its conclusions on combating hate crime, 'Stressing the need for an effective and systematic collection of reliable and comparable data on hate crimes, including, as far as possible, the number of such incidents reported by the public and recorded by the authorities; the number of convictions; the bias motives behind these crimes; and the punishments handed down to offenders'.[68] The language is very consistent with other international norms such as OSCE Ministerial Council Decision 9/09.

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63 European Parliament and The Council of the European Union. (2012, 25 October).
64 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2012, 4 October).
65 OSCE/ODIHR Tolerance and Non-Discrimination Department (2019a)
66 The Facing Facts project (2011 – 2013) was funded by the European Commission JUST/2010/FRAC/AG/1075. For more information, see Facing Facts Online! (2019).
67 CEJI (2012).
68 The Council of the European Union (2013, 5-6 December).

January 2014 European Commission publishes a [report to the European Parliament and the Council on the implementation of Council Framework Decision 2008/09.913 on combating certain forms and expressions of racism and xenophobia by means of criminal law](#) including observations on the importance of 'reliable, comparable and systematically collected data [on hate crime]'.[69]

September 2014 ODIHR publishes [Hate Crime Data Collection and Monitoring, a practical guide](#).[70] ODIHR also launches Prosecutors and Hate Crimes Training (PAHCT).

[PAHCT trains](#) prosecutors to improve their responses to hate crimes. OSCE Participating States request ODIHR's assistance and are responsible for the national implementation of the programme[71].

October 2014 FRA Publishes [the main results of its European Union lesbian, gay, bisexual and transgender survey](#).[72] The survey's findings, 'show that many hide their identity or avoid locations because of fear. Others experience discrimination and even violence for being LGBT. Most, however, do not report such incidents to the police or any other relevant authority.' The report is a clear asset to policy makers and supplements existing national-level evidence and data on anti-LGBT hate crime at the national level.

November 2014 [Disability Hate Crime: A guide for disabled people's organisations, law enforcement agencies, national human rights institutions, media and other stakeholders](#) is jointly published by the European Network for Independent Living and The Office of the Ombudsman for Persons with Disabilities of the Republic of Croatia. The manual includes detailed consideration of recognising, reporting and monitoring responses to disability hate crime, including a consideration of the case of [Đorđević v Croatia.](#)

March 2015 Facing Facts Forward conference brings together a mixed group of CSO, national authorities and international agencies and institutions. [Emerging recommendations](#) start to articulate the elements of a collaborative approach to improving the data and information that is available on hate crime.[73]

August 2015 in the case of [Identoba and others v. Georgia](#), the European Court of Human Rights holds that the same duty to 'unmask bias motivation' applies in attacks against LGBT communities. It also drew on data collected by civil society to draw the conclusion that the police should have been aware of the context of hostility faced by the community and increasing the risks of attack that they faced.[74]

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69 European Commission (2014).
70 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).
71 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014b, 29 September).
72 European Union Agency for Fundamental Rights (FRA) (2014).
73 CEJI (2012).
74 ECtHR (2015, 12 May) para. 77.

April 2016 FRA Publishes [Ensuring justice for hate crime victims: professional perspectives](), the first report to look at the attitudes and perceptions of criminal justice professionals, giving an insight into the institutional barriers and enablers facing victims of hate crime.[75] A key finding relates to significant differences in perceptions between the police and CSOs about the effectiveness of police responses to hate crime.

2016 FRA publishes a [Compendium of Practices]() including examples of efforts to improve hate crime recording and data collection.[76]

June 2016 the European Commission, DG-JUSTICE launches the [High Level Group on Racism and Xenophobia and other forms of intolerance].[77] Its stated purpose is to act, 'as a platform to support EU and national efforts in ensuring effective implementation of relevant rules and in setting up effective policies to prevent and combat hate crime and hate speech...by fostering **thematic discussions** on gaps, challenges and responses, promoting **best practice exchange,** developing **guidance** and strengthening **cooperation and synergies** between key stakeholders.' Two priority areas: countering hate speech online and improving methodologies for recording and collecting data on hate crime are identified.

December 2016 CEJI launches [Facing Facts Online],[78] the first online learning platform for NGOs and other organisations that want to improve their hate crime and hate speech recording, monitoring and response activities.[79]

December 2017 The High Level Group on Racism and Xenophobia endorses the [Key Guiding Principles on Hate Crime Recording]() drawn up by the Subgroup on methodologies for recording and collecting data on hate crime facilitated by FRA.[80]

December 2017 ODIHR and FRA launch a [joint technical assistance programme]() for Member States on improving hate crime recording and data collection systems.[81]

December 2017 FRA [publishes EU MIDIS II][82]

January 2018 FRA publishes [Challenges facing civil society organisations working on human rights in the EU]() highlighting the reduced resources and spaces for dialogue available to CSOs to conduct their monitoring work, including on hate crime, an increasingly hostile environment in some Member States and calls for the recording of hate crimes against human rights defenders by Member States.[83]

75 European Union Agency for Fundamental Rights (FRA) (2016).
76 European Union Agency for Fundamental Rights (FRA) (2019c).
77 European Commission (2019, 18 March).
78 Facing Facts Online (2019).
79 December 2016 is also the beginning of the European Commission funded project "Facing all the Facts" (JUST/2015/RRAC/AG/TRAI/8997) through which this study is undertaken.
80 European Union Agency for Fundamental Rights (FRA) (2017a, 08 December).
81 European Union Agency for Fundamental Rights (FRA) (2019e).
82 European Union Agency for Fundamental Rights (FRA) (2017b).
83 European Union Agency for Fundamental Rights (FRA) (2018a, January).

June 2018 FRA publishes [Hate Crime Recording and Data Collection Practices Across the EU](#), which includes detailed information on hate crime recording and data collection systems across the EU, including any systemic cooperation with civil society. It issues the following opinion, 'EU Member States should set up frameworks for systematic cooperation between law enforcement and relevant civil society organisations.[84] This can be done in the area of data and information-exchange; by early consultation of relevant CSO, drawing on their experience; cooperating on the development of instructions, guidance or training on recording hate crime, including exchanging expertise to develop, refine and revise bias indicators; and by involving CSOs in working groups on how to improve the recording of hate crime.'

August 2018 ODIHR launches the [Information Against Hate Crimes Toolkit (INFAHCT)](#): Programme.[85] The programme assists states to identify areas for improvement in their hate crime recording and data collection systems and to take action. CSOs are identified as an important partner in this process.

November 2018 on the occasion of the ten year anniversary of the Framework Decision on Combatting Racism and Xenophobia, [The High Level Group on Racism and Xenophobia and other forms of intolerance](#) adopted a [guidance note](#) **'on the practical application of the EU Framework Decision on combating racism and xenophobia … to help national authorities address common issues of practical application of these rules and ensure effective investigation, prosecution and sentencing of hate crime and hate speech on the ground.'[86]** Its guidance on distinguishing between the hate crime and hate speech concepts provides a basis for more effectively separating these phenomena in recording practice.

November 2018 OSCE- ODIHR launches project outputs from its EU-funded project, ['Building a Comprehensive Criminal Justice Response to Hate Crime'](#),[87] including a [model inter-agency agreement](#)[88] including obligations relating to sharing information on hate crime that was implemented in Greece.

December 2018 FRA publishes its second survey on [Jewish people's experiences with hate crime, discrimination and antisemitism in the European Union](#).[89] The survey's findings, 'underscore that antisemitism remains pervasive across the EU – and has, in many ways, become disturbingly normalised'. The report is a clear asset to policy makers and supplements existing national-level evidence and data on antisemitism at the national level.

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84 European Union Agency for Fundamental Rights (FRA) (2018b, June) p. 12.
85OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2018a, 29 August).
86 EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018, November).
87 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2019a).
88 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2019b).
89 European Union Agency for Fundamental Rights (FRA) (2018c, December).

May 2019 the [UN's, Commission on Crime Prevention and Criminal Justice considers](#), "The responsibility of effective, fair, humane and accountable criminal justice systems in preventing and countering crime motivated by intolerance or discrimination of any kind."[90]

The international normative framework on hate crime reporting, recording and data collection: progress, gaps and opportunities

While 'racist and xenophobic' violence, and the importance of recording and countering the problem was recognised as early as 1965, the adoption of the term 'hate crime', which welcomes other core characteristics into specific protections and obligations, was adopted much later by the international community.[91] The above timeline shows the incremental development of an increasingly comprehensive - yet mainly non-legally binding - framework of norms, standards, guidelines and activities on hate crime reporting, recording and data collection in Europe and beyond. Gradually, a better awareness of the problem and closer conceptual and practical alignment across the major international organisations and agencies (IGOs) active in the area have led to practical actions and outputs, internationally applicable guidelines and training programmes, and national capacity building. However, progress is uneven and incomplete and the role of civil society organisations in making hate crime visible through recording and data collection is under-recognised. This section highlights the key events in this journey and identifies some remaining gaps to be addressed.

Hate crime recording and reporting: States' obligations

With its groundbreaking General Policy Recommendation No. 1 (GPR), spelling out what kind of data should be recorded, collected and published on racist crime, the European Commission Against Racism and Intolerance (ECRI) spearheaded a practical approach.[92] GPR No. 4 on the need for victimization surveys quickly followed[93], and in 2002, ECRI started its first cycle of country visits to monitor states' progress against these agreed standards.[94]

The Organisation for Security and Cooperation in Europe (OSCE) wasn't far behind. In 2004, the OSCE passed its first Ministerial Council Decision mentioning hate crime, followed by a series of three MC Decisions committing OSCE Participating States to 'collect and maintain reliable statistics and information on hate crime'.[95]

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90 United Nations Office on Drugs and Crime (2019, 17 May).
91 Following the adoption of the Convention on the Elimination of Racial Discrimination CERD
92 European Commission against Racism and Intolerance (ECRI) (1996).
93 European Commission against Racism and Intolerance (ECRI) and Council of Europe (2018, March).
94 See Council of Europe Portal (2019).
95 OSCE Ministerial Council Decision No. 12/04 (2004, 7 December) *p. 4;* OSCE Ministerial Council *Decision No. 10/05 (*2005*)* p. 3; OSCE

In 2005, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) started to deliver on its mandate to report on and monitor hate crimes across the region, publishing its first annual report.[96] The landmark Ministerial Council Decision 9/09, brought together commitments to record and gather statistics on hate crime across the criminal justice process, and gave ODIHR a comprehensive mandate for reporting, guiding and capacity-building on hate crime recording and data collection, victim support, legislation, and other areas. The Decision also 'acknowledged' that 'hate crimes' are 'criminal offences committed with a bias motive'. [97] This broad, yet boundaried, 'definition' was immensely influential in setting the parameters for many CSOs' and public authorities' hate crime recording and data collection concepts and methods. For many years, it was the only clear description of the type of incidents that should be recorded as 'hate crimes'.

Critical judgments from the European Court of Human Rights (ECHR) dove-tailed and complemented ECRI and ODIHR's work, placing an essential focus on the specific steps to be taken for data and information to actually be recorded, particularly focusing on the obligation to implement an investigative practice that 'unmasks' bias motives. Case law developed and placed the same obligation on crimes motivated by racism and xenophobia[98], homophobia[99], religion[100] and, to some extent, disability.[101] From the perspective of hate crime recording, ECRI's GPR Number 11 partly 'operationalised' these judgments by recommending a perception-based approach to recording racist incidents to help ensure that the police have their mind on unmasking motive as early as possible. In the context of recording and data collection, adopting this technique has the potential to dramatically increase the quality - and quantity - of official data.

At the EU level, the 2008 Framework Decision (FD) obliged Member States to ensure that their national law could effectively punish crimes with a racist or xenophobic motive, and presented the need to gather evidence indicating the degree of implementation of these national laws. In turn the FD provided a focus for EU institutions to use evidence to both support and hold States accountable for its implementation. This was later made explicit in the European Commission's report to the European Parliament and the Council on the implementation of the FD in which the Commission reported that it had, 'asked all Member States to provide it with figures about the incidence and the criminal response to hate speech and hate crime.'[102]

States have also agreed to regularly report specific information to various IGOs. National Points of Contact on Hate Crime are responsible for sharing information

Ministerial Council Decision No. 13/06 (2006) p. 3; OSCE Ministerial Council Decision No. 10/07 (2007) p. 3.
96 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2005, 15 September).
97 *OSCE Ministerial Council (2009) p. 1.*
98 see ECtHR (2007, 31 May). see also ECtHR (2007, 26 July).
99 ECtHR (2015, 12 May).
100 ECtHR (2010, 14 December).
101 ECtHR (2012, 24 July). See also European Union Agency for Fundamental Rights (FRA) (2018d, December).
102 Only 17 Member States' data were presented in the Commission's report. European Commission (2014).

and data according to the OSCE-ODIHR definition through completing ODIHR's online questionnaire, which is not in the public domain.[103] Data is published annually on the OSCE-ODIHR Hate Crime Reporting Website. Under the Victim's Directive, EU Member States are obliged to submit detailed available data to the European Commission 'related to the application of national procedures on victims of crime', including hate crime.[104] FRA regularly requests information on States' hate crime recording and data collection methodologies. Its most recent report presents a detailed comparative overview of States' approaches.[105] ECRI country visits rely on gathering and reviewing national data on hate crime in partnership with national authorities; although the precise methodology is not in the public domain.[106] States must regularly report to the Committee on the Elimination of Racial Discrimination on its progress in implementing iCERD. This can include data and information on hate crime.[107] The Universal Periodic Review (UPR), under the auspices of the UN Human Rights Council, allows states to provide information on what actions they have taken to fulfil their human rights obligations, including on understanding and addressing racist violence. States are responsible for implementing UPR recommendations included in their final outcome report.[108]

In the meantime, successive reports by the OSCE,[109] the EU Fundamental Rights Agency[110], ECRI[111], Concluding Observations of the Committee on the Elimination of Racial Discrimination[112], Universal Periodic Review Recommendations[113] and the Human Rights Council's Concluding Observations[114] all identify the same perennial problem: data and information on the prevalence of hate crime and on criminal justice responses, including the number of investigations, prosecutions and sentences, are inadequate.[115] There are several well-evidenced and key reasons for this, including significant differences in how 'hate crime' is conceptualised, legislated against and measured; under-reporting by victims and witnesses; and under-recording by the police.[116,117] This stubborn trend is likely to be a key driver in the recent and very focused efforts by IGOs to develop guidelines, tools and in-country activities that help answer the common, practical questions posed by those tasked to improve reporting, recording and data collection at the national level:

103 OSCE/ODIHR Tolerance and Non-Discrimination Department (2019b).
104 European Parliament and The Council of the European Union (2012, 25 October) para. 64.
105 See European Union Agency for Fundamental Rights (FRA) (2019a).
106 See European Commission against Racism (ECRI) and Intolerance and Council of Europe (n.d.).
107 Office of the High Commissioner (OHCHR) (2019).
108 United Nations Human Rights Council (2019a).
109 OSCE/ODIHR Tolerance and Non-Discrimination Department (2019a).
110 See European Union Agency for Fundamental Rights (FRA) (2019a) and especially European Union Agency for Fundamental Rights (FRA) (2018b, June).
111 Council of Europe Portal (2019).
112 United Nations Human Rights Office of the Commissioner (2019). Also see OSCE/ODIHR Tolerance and Non-Discrimination Department (2019a) individual country pages, which include relevant points on hate crime data from CERD's concluding observations.
113 United Nations Human Rights Council (2019b). Also see OSCE/ODIHR Tolerance and Non-Discrimination Department (2019a) individual country pages, which include relevant points on hate crime data from CERD's concluding observations.
114 United Nations Human Rights Office of the Commissioner (2019). See also OSCE/ODIHR Tolerance and Non-Discrimination Department (2019a) individual country pages, which include relevant points on hate crime data from HRC Concluding Observations.
115 See also Perry (2015).
116 These issues will be explored in more detail elsewhere in Facing all the Facts final reports.
117 For a review of the impact of barriers to successful implementation of the hate crime concept at the national level, including differences in how 'hate crime' is conceptualised, see: OSCE/ODIHR Tolerance and Non-Discrimination Department (2019a); Schweppe, Haynes and Walters (2018); Perry (2015); Whine (2016) pp.213-223; European Union Agency for Fundamental Rights (FRA) (2019a); and especially European Union Agency for Fundamental Rights (FRA) (2018b, June).

- How should hate crime be defined and conceptualized for monitoring purposes?
- How can and should data and statistics be captured?
- How can police and prosecutors improve their ability to recognise and record hate crime?
- What technical and policy structures facilitate the achievement of these aims? to be put in place across the system?

From 2009, IGOs started to seriously focus on developing and disseminating knowledge as well as practical, capacity-building tools and activities with the aim of supporting the implementation of the hate crime concept and responses at the national level. This included guides on developing legal frameworks[118] and on setting up hate crime monitoring and data collection systems.[119] Ongoing annual, regional and national hate crime reporting, described above, was complemented by technical reports that get into the detail of exactly how Member States discharge their duty to record the nature and prevalence of hate crime and monitor responses to it.[120] In-country capacity-building programmes[121] and the development of a major network in the High Level Group on Racism and Xenophobia support an emerging 'community of practice' across practitioners and policy makers.[122] A significant funding programme by the European Commission[123] has led to inter-disciplinary partnerships with a strong focus on improving reporting, recording and data collection such as ODIHR's recent project, *Building a Comprehensive Criminal Justice Response to Hate* Crime[124] and *The Facing All the Facts!* Project.

Over time, differences within the international normative framework contributed to challenges in reporting, recording and monitoring at the national level. For example, while OSCE/ODIHR's definition of hate crime provides a clear basis for including – and excluding – those incidents that should be recorded, monitored and responded to within the 'hate crime framework', there are inconsistencies within the international normative framework on hate crime should be conceptualised and defined. There are particular difficulties in the area of incitement to hatred offences and discrimination, which many European countries criminalise and conceptualise as part of their 'hate crime' framework, although it falls outside of the OSCE/ODIHR 'definition'. In a key and welcome development, clarity was provided by a paperissued under the auspices of the High Level Group on Racism and Xenophobia, on the anniversary of the 2008 Framework Decision, explicitly defining and separating the concepts of hate crime and hate speech.[125]

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118 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2009a).
119 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).
120 European Union Agency for Fundamental Rights (FRA) (2019c).
121 see for example, the jointly developed hate crime recording and data collection programme delivered by FRA and ODIHR (see OSCE/ODIHR 2018a, 29 August).
122 European Commission (2019, 18 March).
123 European Commission (n.d.).
124 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2019a).
125 Schweppe, Haynes and Walters (2018) for further discussion of this issue and for a proposal of a European-wide legislative framework comprehensively addressing hate crime.

There are related challenges in how IGOs request data and information from state authorities. For example, while ODIHR excludes information from its reporting that falls outside its definition, FRA reports on all information that is provided to them by public authorities.[126] There are two problems with this approach. First, it is difficult to achieve the shared aim of internationally comparable data if IGOs' own methods are not comparable. Second, these methodological differences at the international level are confusing for national authorities tasked with the burden of reporting to several different bodies in addition to meeting their national obligations to identify, record, collect and respond to incidents their own law recognises and the general public and affected communities should be informed about through published data.

The Victims' Directive presents four major developments in the evolution of the international hate crime framework. First, it introduces the term 'hate crime' to EU law, and, although 'hate crime' is not explicitly defined, a comprehensive list of 'protected characteristics' is presented. Second, the Directive imposes requirements relating to assessing victims needs for support and safety on Member States, creating a direct point of connection between the police and criminal justice agencies and victims. Third, it explicitly obliges Member States to send the Commission available information on the extent to which the specified victims of hate crime are accessing these rights under the Directive. Fourth, it introduces the obligation on Member States to engage with civil society organisations that are active in supporting victims of crime, including hate crime, thus introducing a further basis for connection across what can often be public authority- civil society 'divides'.[127]

Having been the first IGO to introduce the effective obligation to recognise racist and xenophobic crime in national law through the International Convention on the Elimination of Racial Discrimination, the decision of the UN's Commission on Crime Prevention and Criminal Justice to consider the 'responsibility' of states' criminal justice systems in 'preventing and countering crime motivated by intolerance or discrimination 'of any kind' in its upcoming conference signals another 'broadening' of the international focus on hate crime.[128]

126 ECRI also does not provide a specific definition for 'hate crime' in relation to its own work on reporting on racist violence, and more recently violence and hate speech against other minority groups.
127 See also Whine (2019) pp. 6-7.
128 United Nations Office on Drugs and Crime (2019, 17 May).

There is a long way to go. Police and especially prosecution and sentencing figures remain stubbornly low in many European countries. Data and information fall through the cracks at the earliest stages, leaving victims less safe and making it less likely that hate crime laws will be applied. For example, prosecution authorities and their ministries in many countries simply do not have the facility to flag hate crime cases or capture key information already identified by the police leaving essential information 'stuck' at the investigation stage.

A hate crime reporting and recording 'system'?

To date, international obligations and IGO's mandates - and therefore their reporting and capacity-building activities - have focused on supporting the gathering of statistics and information about the discrete stages of investigation, prosecution and sentencing of hate crime at the national level. Emerging engagement and technical work has led to a deeper appreciation of the importance of securing the better *integration* of recording and monitoring activity across law enforcement and criminal justice agencies and institutions, and on the importance of strategic agreements and inter-agency groups and guidelines to support the monitoring of cases as they progress through the criminal justice *process*. The guidelines and capacity building activities that have been developed suggest practical actions to rectify weaknesses in hate crime recording and data collection *systems* and set out models for interagency cooperation in the area. Overall, this complex web of norms, standards and activity has actual and potential use as the basis for effective, albeit uneven, *connection* and *relationships* between and among national authorities and intergovernmental organisations and agencies.

Civil society organisations: obligations and activities

States have acknowledged the importance of civil society organisations (CSOs) in supporting victims of hate crime, and improving reporting.[129] ODIHR's annual hate crime reporting has included data and information from civil society organisations since its inception and provides clear guidelines for CSOs to follow when submitting information.[130] ECRI's monitoring work extensively draws on civil society data as a source of information about the prevalence and impact of hate crime at the national level, however there is no information in the public domain about the methods that are employed.[131] The UN Committee on the Elimination of Racial Discrimination has a system of considering 'shadow reports' by civil society organisations in its monitoring work.[132] The EU Fundamental Rights Agency's Fundamental Rights Platform provides a mechanism for connection and cooperation on a range of

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129 For example, CSOs are presented as important in addressing under reporting of hate crime, "[To] take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating the contribution of civil society to combat hate crimes" (*OSCE Ministerial Council 2009 p. 2*).
130 OSCE/ODIHR Tolerance and Non-Discrimination Department (2019b).
131 Council of Europe Portal (2019).
132 United Nations Human Rights Council (2019a).

areas, including hate crime.[133] FRA's general and specific hate crime victimisation surveys are being used in CSO advocacy at the national level.[134] The High Level Group on Racism and Xenophobia and other forms of Intolerance includes standing membership of EU level network CSOs and ad-hoc attendance by national CSOs.[135]

There have been parallel efforts to develop the recording and monitoring capacity of CSOs. In 2008 ILGA published landmark guidelines on identifying and recording anti-LGBT+ hate crime, which led to in-country projects and reports.[136] In 2009, ODIHR produced a set of guidelines for civil society on recognising and monitoring hate crime.[137] In 2012 the Facing Facts! Project produced detailed guidelines across targeted communities and introduced a focus on creating opportunities to connect CSO and police data.[138] In 2016 Facing Facts launched the first online learning programme for CSOs wanting to set up or improve existing hate crime recording systems.[139]

Clearly, international norms and standards on hate crime recording and data collection do not oblige or specifically commit national authorities to take account of civil society data when assessing hate crime's prevalence, its impact, or the quality of responses to it. Indeed, CSO hate crime data and information is usually described as 'contributing to', as providing essential 'context' for and 'comparison' with the picture presented by official statistics. As such the current framework is arguably skewed towards privileging official data over other sources.

Two recent developments at the international level show that civil society organisations that conduct high quality monitoring and victim support are in fact *integral* to any national efforts to improve understandings of and responses to hate crime. In the case of *Identoba vs Georgia*, the European Court of Human Rights referred to data from civil society organisations in coming to their judgment about whether the Georgian authorities were in breach of Article 3 of the Convention on Human Rights. In finding that the authorities were in breach, the Court argued that the Georgian police should have prepared much more effectively to prevent attacks against people taking place in a march to mark the International Day Against Homophobia in 2012 because CSOs had already provided clear evidence of the threat of violence that LGBT+ people faced. Specifically referencing reports by the national LGBT+ CSO, Identoba, ILGA-Europe and the Council of Europe's Commissioner for Human Rights, the Court stated, '…given the history of public hostility towards the LGBT community in Georgia, the Court considers that the domestic authorities *knew* or *ought to have known* of the risks associated with any public event concerning that vulnerable community, and were consequently under

133 European Union Agency for Fundamental Rights (FRA) (2019b).
134 European Union Agency for Fundamental Rights (FRA) (2019d)
135 European Commission (2019, 18 March).
136 International Lesbian and Gay Association-Europe (ILGA) (2008).
137 October 2009 OSCE-ODIHR Publishes 'Preventing and responding to hate crimes: A resource guide for NGOs in the OSCE region', including brief guidance on how to monitor hate crime (OSCE/ODIHR 2009b).
138 CEJI (2012).
139 Facing Facts Online (2019).

an obligation to provide heightened State protection.'[140] This judgment shows that police data cannot be the sole source of information about what is happening at the local and national levels and that in the absence of, or in addition to, 'official' data, there is a duty to take account of other sources, including CSO data, that can and should also serve as a basis for police planning and action. As such it provides an important rationale for seeking more systematic connection between law enforcement and monitoring CSOs on hate crime recording, underpinned by the strategic aim of prevention and protection.[141]

The importance of cooperation between public authorities and civil society on various aspects of hate crime work such as training, victim support and increasing reporting has been increasingly highlighted in recent European guidance and policy papers.[142] For the first time, the importance of *strategic cooperation* between the police and CSOs on *recording* and *data collection* was articulated by an international agency in FRA's 2018 report, including the following specific examples:[143]

1. Exchanging data and information.
2. Working together to uncover the 'dark figure' of hate crime.
3. Cooperating on the development of instructions, guidance or training on recording hate crime, including exchanging expertise to develop, refine and revise bias indicators.
4. Establishing working groups on how to improve the recording of hate crime.

As explained by FRA, 'Ultimately, investing in cooperating on hate crime recording and data collection can create a space to "get on the same page" through critical yet constructive dialogue, improve the comparability and compatibility of recording methodologies and, ultimately, lead to tangible improvements for victims and communities.'[144] However, only ten examples of this type of cooperation were included in the report. This indicates that while there is great potential, and need, for cooperation, national authorities in most countries do not yet view CSOs as key partners in this area.

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140 ECtHR (2015, 12 May) para. 72.
141 The ECHR has repeatedly recognised the importance of evidence of broader discrimination when considering potential hate crime cases. See European Union Agency for Fundamental Rights (FRA) (2018d, December).
142 EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017, November); see *OSCE Ministerial Council (2009) p. 2*.
143 European Union Agency for Fundamental Rights (FRA) (2018b, June).
144 Ibid.

What happens to hate crime data?: the journey of a hate crime case

Using a workshop methodology, around 100 people across the six countries taking part in this research contributed to creating a victim-focused, multi-agency picture about what information is and should be captured if a hate crime case journeys through the criminal justice system from reporting to investigation, prosecution and sentencing, and the key stakeholders involved.[145]

The Journey graphic (see next page) conveys the shared knowledge and experience generated from this exercise. From the legal perspective, it confirms the core problem articulated by Schweppe, Haynes and Walters where, 'rather than the hate element being communicated forward and impacting the investigation, prosecution and sentencing of the case, it is often "disappeared" or "filtered out" from the process.'[146,147] It also conveys the complex set of experiences, duties, factors and stakeholders that come into play in efforts to evidence and map the victim experience through key points of reporting, recording and data collection. The police officer, prosecutor, judge and CSO support worker are shown as each being essential to capturing and acting on key information about the victim experience of hate, hostility and bias crime, and their safety and support needs. International norms and standards are the basis for key questions about what information and data is and should be captured.

The reasons why victims do not engage with the police and the criminal justice process are conveyed along with the potential loneliness and confusion of those who do. The professional perspective and attitude of criminal justice professionals that are necessary for a successful journey are presented.[148] NGOs are shown as an essential, if fragile, 'safety net', which is a source of information and support to victims across the system, and plays a role in bringing evidence of bias motivation to the attention of the police and the prosecution service.

The Journey communicates the normative idea that hate crime recording and data collection starts with a victim reporting an incident, and should be followed by a case progressing through the set stages of investigation, prosecution and sentencing, determined by a national criminal justice process, during which crucial data about bias, safety and security should be captured, used and published by key stakeholders. The graphic also illustrates the reality that victims do not want to report, key information about bias indicators and evidence and victims' safety and support needs is missed or falls through the cracks created by technical limitations, and institutional boundaries and incompatibilities. It is also clear that CSOs play a central yet under-valued and under-resourced role.

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145 See Methodology Report for further detail
146 *Schweppe*, *Haynes*, and *Walters* (2018) p. 67.
147 The extent of this 'disappearing' varied across national contexts, and is detailed in national reports.
148 Based on interviews with individual 'change agents' from across these perspectives during the research.

JOURNEY OF A HATE CRIME CASE

"This is the fifth time it has happened, I must report it but... will I be believed?'
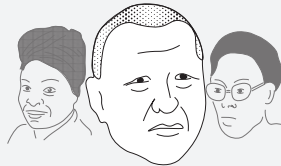
"They'll find out I don't have the right papers ... I can't risk being deported.'

"Last time the police didn't record that I was attacked because I'm gay. How do I know that I'll be kept safe and it won't happen again?'

INVESTIGATION

'It is our duty to keep people safe and fully investigate every aspect of the incident.'

Do police record:
• Type of potential hate crime?
• Bias indicators and victim perception?
• Victim support and safety needs?
Is this information passed to the prosecution?

PROSECUTION

'Where there is evidence of bias motivation, it is our duty to bring it to the court's attention.'

Do prosecutors record:
• Type of hate crime?
• Evidence of bias and victim perception?
• Victim support and safety needs at court (and beyond)?
Is this information presented to the court?

SENTENCING

'Parliament has passed our hate crime laws. Where the case is proven, we must apply them.'

Does the court record:
• Whether hate crime law was applied?
• Victim support and safety needs at court (and beyond)?
Is this information communicated to the public?

SUPPORT, SAFETY, COMMUNICATION & JUSTICE

Civil society organisations are on the victim's side. They provide a 'safety net' of support and capture information that the police and other agencies miss.

Funding gaps can mean that CSOs are unable to fully and consistently record and monitor cases, or able to fully accompany the victim so that they are supported and informed throughout the process.

Victim Support Needs

Bias Indicators

Victim Safety Needs

Bias Evidence

Lack of communication and coordination across public authorities and institutions allows evidence that might prove bias motivation, as well as information about victims' support and safety needs to fall through the cracks.
Failure to capture and use this information causes:
→ Confusion
  → Drop out
    → Increased risk to communities
      → Failure to give effect to the will of the legislature by applying hate crime laws

FACING ALL THE FACTS

The 'hate crime recording and reporting system'

The 'linear' criminal justice *process* presented in the *Journey* graphic is shaped by a broader *system* of connections and relationships. [149] Extensive work and continuous consultation produced a victim-focused self-assessment framework that was used to describe the core *relationships* that comprise this system. The resulting *Systems approach* was tested as a tool to support all stakeholders in a workshop or other interactive setting to co-describe current hate crime recording and data collection systems; co-diagnose its strengths and weaknesses and co-prioritise actions for improvement. [150]

In preparing the published 'systems maps', the following evidence was considered:

- The strength of national policies and technical frameworks, and the effectiveness of related action
- The degree of cooperation across all actors in the 'system' on hate crime recording and data collection
- The quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent[151]

The Facing all the Facts method aims to go beyond, yet complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.[152] In this sense, our approach was somewhat experimental, and national 'maps' are still a work in progress that it is hoped will be continued by national stakeholders. The final recommendations consider specific steps that might be taken to better integrate this 'systems' approach into ongoing reporting and recording capacity building activities. This section considers emerging themes from analysis of the six national maps that were developed from our research.

'Engines' for change

Several countries had what could be described as an 'engine' that consistently – and measurably – generates positive progress in hate crime reporting and recording at the national level. As seen in the table below, the 'engines' impact was evidenced by the fact that they had the highest overall number of relationships, and, within this, the highest number of green relationships across the 'system'. These 'engines' work in different ways and could be 'driven' by a public authority, CSO or, a hybrid of the two. They tend to be proactive, reaching across institutional boundaries to organise trainings, push for guidelines on recording, investigation and prosecution,

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149 See the Methodology section for feedback from workshop participants on the 'journey of a hate crime case' and 'systems mapping' workshops.
150 For a full consideration of the strengths, risks and weaknesses of this approach, see the Methodology section. Also see methodology section for a full 'how to' description of these workshops.
151 For a full description of the main stakeholders included in national assessments, and how the self-assessment framework relates to the 'systems map', see the Methodology section.
152 ODIHR Key Observations (n.d.); OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2018a, 29 August).

Systems Map Prototype

IGOS

LAW ENFORCEMENT

NETWORK

PROSECUTION

CSO ANTISEMITIC HATE CRIME

CSO RACIST HATE CRIME

CSO DISABILITY HATE CRIME

VICTIM(S)

MINISTRY OF INTERIOR

MINISTRY OF JUSTICE

CSO ANTI-LGBTQ+ HATE CRIME

CSO ANTI-MUSLIM HATE CRIME

CSO ANTI-ROMA HATE CRIME

EQUALITY BODY

JUDICIARY

OTHER MINISTRY

GENERAL PUBLIC
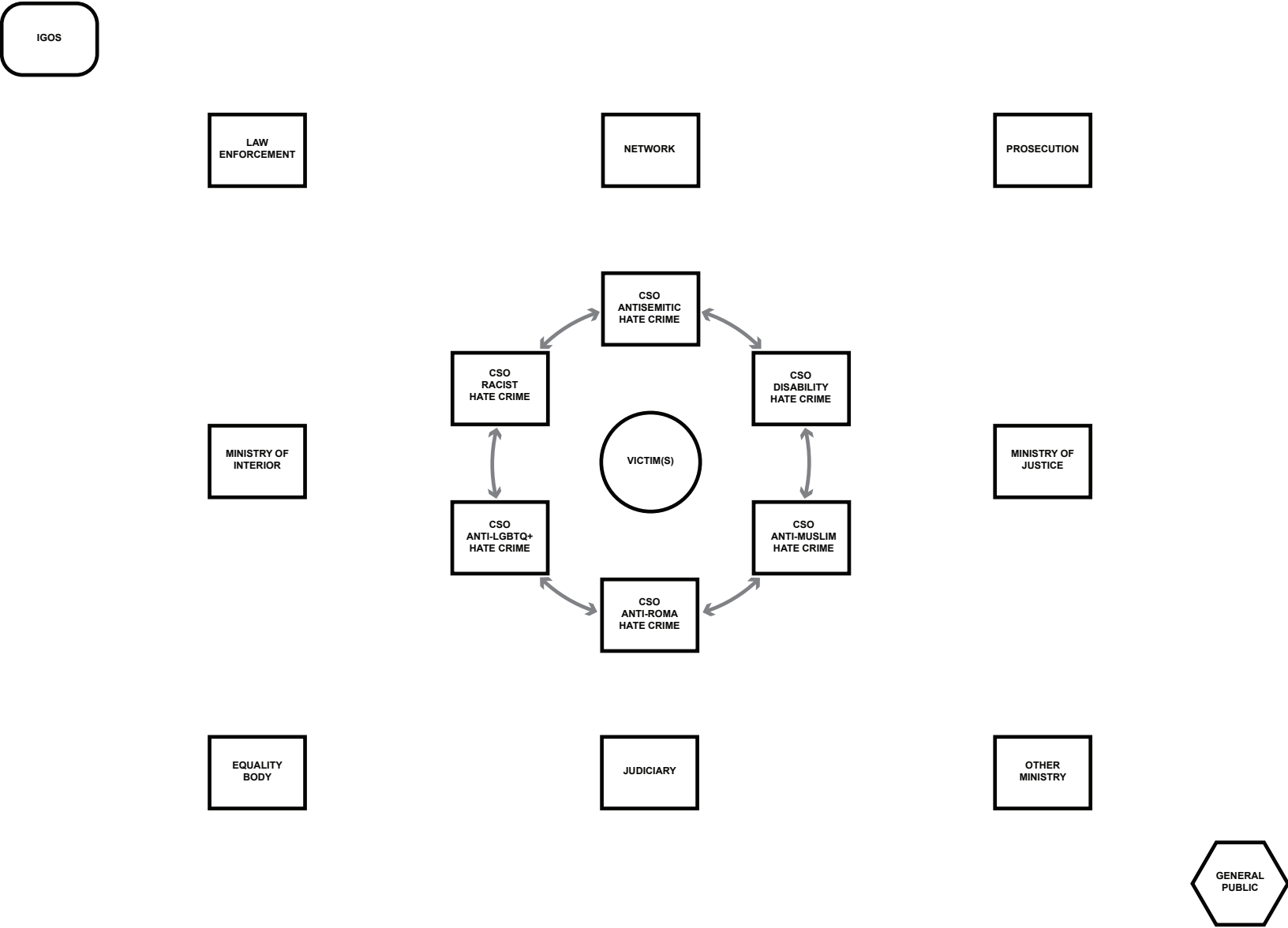
This graphic shows the most common stakeholders in most national hate crime reporting, recording and data collection 'systems'. The Facing all the Facts research activities created six national 'systems maps', describing the strengths and weaknesses across stakeholders, based on evidence from desk-based research, interviews and workshops. See the Methodology Section for a full description and critical analysis of this approach. See the national reports for individual country systems maps.

for example, and engaging with IGOs for capacity building activities. These engines were identified in three countries: Greece, Hungary and Italy.

Table of 'engine' relationships:

Country	'Engine'	Number of relationships[154]	Relationship overview	Institution with the second highest number of relationships
Greece	Racist Violence Recording Network	8	4 green 3 amber 1 red	Law enforcement (6): 1 green 4 amber 1 red
Hungary	Working Group Against Hate Crime	9	3 green 3 amber 3 red	Law enforcement (6): 4 amber 2 red Prosecution (6): 1 amber 5 red
Italy	OSCAD	9	2 green 5 amber 2 red	Law enforcement (6): 4 amber, 2 red

This table gives an overview of the number and strength of relationships of 'change engines' in Greece, Hungary and Italy. The number of relationships refers to where there is evidence that the change engine has a connection with another part of the system (e.g the police or a government ministry). The strength of that relationships is rated as 'green', 'amber' or 'red'. To summarise, 'green' means that the relationships is 'good'; that there is evidence of an effective framework and action on recording and reporting, with room for improvement. 'amber' means that the relationship is 'adequate', with evidence of a limited framework and action. 'red' means that there is a 'poor' relationship and evidence of inadequate framework and action. There is a detailed explanation of the underpinning self-assessment framework.

153 The number of relationships illustrates the effort invested in inter-institutional connection. Some relationships will be red because there is no 'framework' or 'action' from the other 'side'. However,'engines'are also more likely to have more 'green' relationships than other bodies

The Racist Violence Recording Network, Greece[154]

Established in 2011, The Racist Violence Recording Network (the Network) was the first to reveal the nature of contemporary, targeted violence in Greece. [155] The Network's 40+ members follow a shared recording methodology, which is based on direct testimony from victims. In this way, the Network has established a broad reach and ensured that members are 'on the same page' when recording incidents, while also being free to fulfil their own diverse missions to meet the medical, legal, housing and even nutritional needs of their users from across diverse communities.

As time progressed, the Network was recognised by public authorities, IGOs, the media and politicians alike as the main source of information for racist, homophobic and transphobic attacks in Greece. Institutional backing from UNHCR and the National Commission for Human Rights was essential to secure the legitimacy of its data.[156] The Network's data and information contributed to the decision to set up specific police units, to conduct specialist training, and to the revision of national hate crime laws. The coordinator of the Network sits on the recently established body set up to oversee the implementation of the 'Agreement on Inter-agency cooperation on addressing racist crimes in Greece', which includes specific commitments to improve hate crime reporting, recording and data collection across the system.[157]

The Network's influence on national hate crime reporting, recording and data collection practice is partly evidenced by the significant increase in the number of hate crimes registered by the State following the publication of the Network's first annual report. In 2012, one hate crime was reported by the Greek authorities to ODIHR for inclusion in their annual hate crime report. In 2013, the year after the Network's first full annual report, this number jumped to 109 hate crimes.[158] One interviewee emphasised the broader context, *'You cannot say that it was the network that changed everything. Because if it is so easy, you wouldn't need a network, because at the same time, we shouldn't be pessimistic, because it is all things together that led to the change, not one thing or the other thing'.*[159]

The Network's regular publishing of hate crime data through its annual reports and press releases about specific cases has strengthened its visibility with the general public. Its longstanding good practice and national influence has led to requests to share its practice on the international stage.

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154 See 'Connecting on Hate Crime Data in Greece' report.
155 Racist Violence Recording Network (2019).
156 Conceptualising racist violence in Greece as an issue of refugee protection allowed UNHCR to take a leading role and to commit resources to a service that didn't discriminate on the grounds of migration or legal status. This is a model that should be considered by other UNHCR Offices.
157 Agreement on inter-agency co-operation on addressing racist crimes in Greece (2018, 6 June).
158 See OSCE/ODIHR Tolerance and Non-Discrimination Department (2019).
159 Interviewee two, Greece.

The Working Group Against Hate Crime, Hungary[160]

The Working Group Against Hate Crime in Hungary was set up by a small number of CSOs in January 2012.[161] Its work includes giving opinions on draft laws and how to improve state responses, and developing and implementing curricula and training for police and other public authorities. Its members offer legal representation and overall, the working group endeavours to, 'foster good professional relations with NGOs, the police, the public prosecutor's office, other authorities and the judiciary'. The members of the working group record cases using their own case management system, usually with a flag for hate crimes. Members of the group use a joint database onto which cases are uploaded.[162]

The Working Group draws on this evidence as well as its in-depth reports to evidence the problem of hate crime and failings in the state's efforts to address it. For example, its report, '24 Cases' provide rich detail about problems at the identification and investigation stages in specific cases. [163]   This and other monitoring work formed the basis of cooperation with the police in several areas. In 2015, following the publication of the '24 Cases' report the WGAHC, the police and the prosecution service agreed that a concise list of indicators to help the identification of hate crimes would be a useful tool to address the shortcomings identified in the report. The WGAHC took the lead and drafted a list of indicators based on a careful consideration of various international examples. In January 2016, the list was circulated for comments among police, prosecution, judiciary, victim support services, lawyers and academic institutions.[164] The draft was revised and shared with the police in 2016. It was agreed to make a shorter, two page version of the list[165] and a four page version[166] with a third column providing examples to the indicators.[167] The lists were finalized, disseminated to stakeholders and published in November 2016 on the Working Group's website. The police agreed to use the materials in trainings and upload it to the intranet of the police, which was done in March 2018.

Again, the WGAHC took the lead in preparing a manual that harmonizes investigative requirements with data protection considerations, and a list of suggested interview questions to use for such sensitive matters. The manual was then approved by the National Authority for Data Protection and Freedom of Information, and was discussed at a <u>conference </u>co-organized by the Working Group, the National

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160 Working Group Against Hate Crime (GYEM) (2019a).
161 Amnesty International Hungary (2019)**,** Háttér Társaság (2019) Hungarian Helsinki Committee (2019)**,** Hungarian Civil Liberties Union (TASZ) (2018)**.**
162 Descriptions of cases that the organizations handle are made public at Working Group Against Hate Crime (GYEM) (2019b).
163 See Working Group Against Hate Crime (GYEM) (2014a, 2014b).
164 The draft was send to 174 individuals/institutions. Feedback was received from 59 organisations/individuals, 36 providing substantive input. For a list of all those who commented see Working Group Against Hate Crime (GYEM) (2016, 18 November) summarizing the development of the list.
165 See Working Group Against Hate Crime (GYEM) (2016, 18 November).
166 Ibid.
167 The three column list has been used widely in CSO-police trainings and at internal trainings for members of the police hate crime network.

University for Public Service and the hate crimes network in November 2017. The manual will be published after necessary revisions.

The Network in Greece and the Working Group in Hungary took different approaches to documenting hate crime and working across the 'system' to address it, both of which have been effective, in challenging political circumstances.

The Observatory for Security against Acts of Discrimination (OSCAD), Department of Public Security, Ministry of the Interior, Italy

Government ministries can also house the 'engine' of change. OSCAD is a multi-agency body formed by the Italian National Police and the Carabinieri, housed within the Department of Public Security at the Ministry of the Interior. OSCAD has implemented a national police training programme, based on ODHIR's Training Against Hate Crime for Law Enforcement (TAHCLE) methodology, with systematic input from CSOs; set up a system to refer hate crime cases to relevant law enforcement personnel; established a specific way to receive reports and record incidents of hate crime against LGBT+ communities, which are not currently covered by Italian law; and established a memorandum of understanding with Italy's equality body (UNAR) to ensure that it hate crime reports to UNAR are referred back to OSCAD. OSCAD also cooperates fully with IGOs on information-sharing and capacity-building. There are signs that this hard work is having an impact: recorded hate crimes doubled from 2015-2017.

Running out of road

The systems maps also show that without a strategic framework that is sparked and supported by political will, these engines can only 'drive' so far. For example, Italy's systems map and country report illustrate the stark reality that without a framework, the strongest relationships start, and mainly end, with OSCAD.[168] Different bodies use varied and incompatible methods of recording and data collection, producing un-comparable data that cannot be traced through the criminal justice system and process. There are no cross government or inter-institutional agreements on hate crime in Hungary, producing the same problem of data incompatibility. The positive cooperation that has been developed over years between the police and the Working Group Against Hate Crime in particular, could end at any time without particular reason or explanation. Ireland has no national legal or policy framework on hate crime and, while there has been excellent work by researchers and CSOs to evidence the problem of hate crime and recent positive leadership by the police, there is no obvious 'engine of change'.

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168 See Italy national report for recommendations on how to address this.

The next section considers Spain and England and Wales where systems have evolved to develop a cross-government, inter-agency and strategic approach to improving recording and increasing reporting.

Building a hate crime reporting and recording infrastructure: taking a strategic approach

Spain's progress in efforts to understand and address hate crime has taken 'a big jump forward' in the last 4-5 years.[169] One source of evidence of this 'jump' is the more than five-fold increase in the number of recorded hate crimes since 2013. This progress was sparked by the implementation of its *National Strategy against Racism, Racial Discrimination, Xenophobia and other forms of Intolerance*, which is overseen by an actively coordinated inter-institutional steering committee, and underpinned by a cross government memorandum. The Committee or inter-ministerial 'engine' includes representatives from across government departments and criminal justice agencies, as well as CSOs that are active in monitoring cases and supporting victims of hate crime. The key ministries lead and resource different elements of the strategy. For example, the Ministry of Health leads on anti-LGBTI hate crime while the Ministry of Justice leads on hate crimes based on hostility towards religious identity. The group has a rotating chair, with its members taking turns at the helm, and specific subgroups monitoring progress. The secretariat for the group is provided by the Observatory Against Racism and Xenophobia (OBERAXE),[170] which organises meetings, coordinates agendas and follows up on agreed actions.

The group focuses on four areas, delivered and monitored by four working sub-groups:

- Hate speech
- The analysis of sentences applied by the court
- Statistics, including hate crime recording and data collection, and
- Training

In relation to the subgroup on hate crime recording and data collection, one interviewee explained an overarching goal as, 'Trying to get a description of the situation in Spain... So first [we need] to know what the situation is and how we can improve and then we will also be able to evaluate whether we have made progress.'[171]

In addition to Spain's overall strategic approach, individual agencies and ministries are taking focused action. For example, the National Office on Hate Crime within

169 Phrase used to describe Spain's progress at Consultation Workshop.
170 The Observatory is situated in General Secretariat for immigration, emigration, established by legal duty to monitor racism or xenophobic incidents.
171 Interviewee 2, Spain.

the Ministry of Interior has built on its first *Action Protocol* and is in the early stages of implementing its *[Police Action Plan to Combat Hate Crimes](#)* including specific, fully costed commitments and a clear structure of accountability.

Findings from England and Wales suggest that a long term strategic focus on increasing reporting and improving recording leads to data of sufficient quality to identify trends in prevalence, reporting and recording and where the most entrenched challenges and barriers lie. The first hate crime action plan was published in England and Wales in 2009 and refreshed in 2012, 2016 and 2018. The action plan's implementation is overseen by an inter-ministerial group, which delegates actions to an operational partnership comprised of police, prosecution and other criminal justice representatives. The governance and delivery groups are scrutinised and informed by an Independent Advisory Group comprised of representatives from CSOs across targeted communities. Police have been recording incidents of racist crime since 1986; the prosecution service have recorded the number and outcomes of race and religiously aggravated hate crime prosecutions since 2001; and the police and prosecution service agreed a joint definition of hate crime across the five monitored strands in 2008. Questions about people's experiences of racist crime have been included in national victimisation surveys since 1988. Data on hate crime victimisation across the five monitored strands have been published since 2013. Police-recorded hate crime has increased by 123% since 2012/13, signalling increased reporting and improved recording. Data has been used to powerfully illustrate the 'justice gap' faced by all victims of hate crime and for some groups in particular.[172]

In addition, England and Wales is the only country in the study where police-CSO information-sharing agreements have been agreed, strengthening specific relationships in the system and taking cooperation to another level, providing an opportunity for institutional change, sparked by the 'engine' of this 'hybrid' network.[173]

Greece has just signed an inter-institutional agreement, overseen by steering group, which includes the Racist Violence Recording Network in its membership. If properly implemented, will support better reporting, recording and data collection.[174]

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172 Walters, M.A., Wiedlitzka, S., Owusu-Bempah, A. and Goodall, K. (2017) pp. 67-70.
173 The strengths and challenges of this approach are explored in section X
174 Agreement on inter-agency co-operation on addressing racist crimes in Greece (2018, 6 June).

Overview of the number and percentage of green, amber and red relationships

Country	No. and percentage of green relationships	No. and percentage of amber relationships	No. and percentage of red relationships	Total number of identified relationships
England & Wales	17 (48%)	9 (26%)	9 (26%)	35
Greece	8 (33%)	10 (42%)	6 (25%)	24
Spain	5 (22%)	13 (57%)	5 (22%)	23
Hungary	5 (18%)	8 (30%)	14 (51%)	27
Italy	4 (17%)	13 (56%)	6 (26%)	23
Ireland	2 (9%)	9 (42%)	10 (44%)	21

Those countries with strategic frameworks have a higher percentage of green relationships across the system (Spain and UK). Greece also has a relatively high percentage of green relationships. This might partly be as a result of the long term efforts of the Racist Violence Recording Network and possibly because the government is in the early stages of embedding a strategic framework. Those countries that do not have a strategic approach have the lowest percentage of green relationships (Hungary, Italy and Ireland).

This brief analysis indicates that national systems are strengthened by change engines and by embedded strategic frameworks. This suggests that ways to effectively support change engines in diverse and challenging contexts should be further explored and that strategic frameworks that aim to increase reporting and improve recording should be explicitly encouraged. Again, CSOs are playing a central role in national efforts, one which could be better recognised in international norms, standards and capacity-building activities.

The role of law enforcement

Apart from the 'engines of change', as a national stakeholder, the police were the most likely to have the strongest relationships in the system, and the judiciary, the weakest. This partly reflects the 'frontline' position of the police in terms of receiving reports of hate crime from victims as opposed to the more 'independent' and removed position of the judiciary, as well as the fact that only a small proportion of any crime, including hate crime, is likely to progress to the sentencing stage. However, this also reflects the fact that most judicial authorities or courts systems do not have the facility to record information about whether hate crime laws were considered or applied at the sentencing stage. Nor do they have regular training on identifying and understanding hate crime in contemporary contexts. Other work has shown how failing to apply or to record the application of hate crime laws significantly undermines the implementation of the Framework Decision on Racism

and Xenophobia.[175]

Law enforcement are also likely to have better technical capacity and skills to record hate crime data and information than their key partners. The lack of capability on the other 'side' weakens law enforcement's relationships across the system. For example, while law enforcement in Ireland and Spain are able to record a range of information and data about hate crimes there is little to 'connect with' on the prosecution and judicial side of the relationship, meaning data is 'stuck' in the early stages of the process. In the case of Ireland, this included relationships within institutions where the hate crime 'flag' cannot be passed to the prosecution stage, even when the police themselves are conducting the prosecution. In Hungary, while the prosecution services shares a recording system with the police during the investigation stage, should the case progress to court, a different, unlinked, much more limited system is used. The police also usually had the best relationships with civil society organisations, however, only England and Wales had a systematic framework for data sharing.

From the CSO perspective, it appears that the CSO 'network approach' led to the strongest relationships across the system. Hungary and Greece both have active, skilled and influential hate crime recording networks that work across affected groups to engage with the police and other agencies to improve recording and responses. However, there are still challenges such as inconsistent recording methodologies, lack of resources, and challenging political contexts, which affected CSOs' ability to form and strengthen relationships. These issues are explored in more detail later in this report.

In the UK, reports by the police and prosecution inspection bodies are a key source of information and insight into gaps in police recording and liaison with the prosecution service. These bodies inspect police and prosecution services against their own standards and policies and so provide a very useful assessment of the strengths and gaps in the system.

Unequal protection?

In every context, there are communities that are relatively under-served in recording and response efforts. For example, no countries effectively monitor disability hate crime from the official or the CSO perspective.

This is partly because there is no international legal framework directing Member States to recognise bias motivations other than racism and xenophobia. However, it is also a function of the level of investment, skill and knowledge of CSOs in this area. For example, no country had CSOs that were actively recording and monitoring

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175 see Schweppe, Haynes and Walters (2018).

disability hate crime at the national level. With the exception of Spain, there was also very low activity on recording and monitoring anti-Roma hate crime across the system.

As pointed out by Whine (2019), FRA research has uncovered a hierarchy in how seriously criminal justice professionals view specific types of hate crime. While 68% perceived racism and xenophobia as a very or fairly serious problem, only 23% of professionals viewed hate crime against persons with disabilities to be very or fairly serious, 'these results suggest weaknesses in perception and understanding due to experience, or lack of it. If the professionals did not perceive hate crimes against disabled people to be serious it may be because disability hate crimes have received less attention than hate crimes against other categories'.[176]

For one interviewee from the public authority perspective this patchy coverage raised questions about whether a 'one size fits all' approach to building capacity and relationships is the most effective. Explaining why specific government funding was made available to improve CSO recording, reporting and support work with victims of anti-Muslim hate crime, the interviewee reflected 'equality isn't about doing the same things...it is about getting the same outcome of justice and safety.'[177]

The credibility of official data

Efforts to improve reporting and recording take place in the face of problems in crime recording in general and hate crime recording in particular. For example, in 2014 the police inspectorate for England and Wales found that overall crime was under-recorded by 19%.[178] Another inspection found that police missed the opportunity to record an incident as a hate crime in 11 out of the 40 cases they reviewed.[179] The Central Statistics Authority in Ireland publishes police crime data 'under reservation' due to ongoing concerns about its reliability.[180] Anecdotal evidence in other contexts suggests similar problems with police-recorded crime. As one interviewee pointed out, 'Interestingly in [our country], crime statistics are [of] very bad quality but they are taken quite seriously.'[181] Claims that police and prosecution data are the only acceptable 'official' information on hate crime should be understood in the context of evidenced problems with the credibility of crime statistics in general. The role of inspectorates and other bodies should be explored as a constructive approach that inspects public authorities against their own crime recording standards to uncover problems and point to workable solutions in this area.

176 Whine (2019) pp. 3-4.
177 Interviewee 28.
178 HMICFRS (2014).
179 HMICFRS (2018) p. 51.
180 See 'Connecting on Hate Crime Data in Ireland' report and Central Statistics Office (2019).
181 Interviewee 7.

Further, as pointed out by the main IGOs working in the area, national leadership needs to be seen to welcome the significant increase in recorded crimes that is the best source of evidence that hate crime reporting, recording and data collection policy is actually working.[182] In addition, a key source of information about the real prevalence of hate crime is national crime surveys that include measures on hate crime. However, out of the 6 participating countries in this research, only England and Wales conduct such a survey.[183]

The influence of IGOs on national hate crime systems

Relatively strong relationships between national authorities and IGOs is one of the most obvious findings from our analysis. For example, national ministries, or agencies such as law enforcement, regularly share information with IGOs in response to regular and ad-hoc requests. IGOs regularly invite ministry representatives to regular and ad-hoc meetings on hate crime recording and data collection. National ministries request assistance from IGOs for national capacity-building activities on police and other training. As we saw above, the relatively comprehensive framework of norms and standards supports this range of cooperation and connection.[184]

The influence of IGOs was seen by interviewees as mainly positive and constructive, keeping the issue on the agenda, providing spaces for connection at the European level and funding essential work. However, there is evidence that the motivation to compile and share hate crime data can stem from a desire to manage international reputations as opposed to the motivation to understand and address hate crime as a problem of national concern. For example, while data is regularly shared in response to numerous requests from IGOs, the same data is often not easily accessible to the public. In one workshop, a participant explained that she searches IGO websites to find out what is happening in her country in the area of hate crime because there is no easily accessible point of information at the national level.

The impact of international standards, efforts and activities at the national level was clear from the interviews. One interviewee highlighted two key benefits of international engagement. Firstly, elements of national social progress can be traced to its international obligations, such as the setting up of European anti-discrimination frameworks. Secondly, they also provide important support for

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182 See in particular European Union Agency for Fundamental Rights (FRA) (2018b), June and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).

183 Spain launched its first online Hate Crime Victim Survey between March and December 2017, including questions relating to people's experience of hate crime. The final report will be published later in 2018. However, only around 200 people participated and so cannot be considered a national victimisation survey at this stage; European Union Agency for Fundamental Rights (FRA) (2018a, January) found that only 9 EU Member States conducted comprehensive victimisation surveys, which include questions relating to victims' experiences of hate crime.

184 See also the 'Standards' framework, which lists the norms and standards that relate to IGO-national authority cooperation in this area.

change agents working at the national level, commenting that their existence and their outputs on hate crime and other human rights issues mean, 'that on some level, you are not alone'.[185]

In light of the general international obligation to publish available hate crime data, Italy, Greece and Ireland stakeholders participating in the Facing all the Facts project supported the proposal to publish at least that data and information that is already published on IGO platforms.[186] A welcome impact of this research is that data that was not previously in the public domain is now (or will be).

Another interviewee commented, 'one of the things which is usually very helpful for us is the EU and the international organisations.... EU legislation helps very much to make progress in our own country, so we need to adapt it to our own circumstances but this is usually very helpful.'[187] One interviewee identified the impact of attending international meetings to be of great strategic importance for their institution, 'The big step that [we] took forward was when we opened to the international environment.'[188]

Another interviewee acknowledged the influence of international norms, standards and capacity-building activities on the national context, while also pointing out that by engaging more closely with work at the national level, IGOs have themselves learned about national 'realities':

> 'International organisations have set the standards for the Member States, they exercise pressure and have a supervisory role. They also provide technical assistance, organise seminars, facilitate the exchange of views with police from other countries. Their role is decisive. They put pressure on Member States to take the necessary measures. In recent years there is more understanding of the problems [we are] facing. Being in touch with the [national] reality, [IGOs] can see our possibilities.'[189]

The work of IGOs was also perceived to be important by CSOs, particularly the Commission's funding programmes and FRA's national surveys. However, the view was expressed that IGOs should offer more critical analysis of the data provided by public authorities and give more value to CSO data. As explained by one interviewee, 'IGOs need to put value on civil society and non-governmental data on hate crime and research. They need to be more critical of state data. They need to demonstrate the gaps more starkly between state data and non-state data.'[190]

185 Interviewee 11.
186 This approach is already taken in Spain and the UK.
187 Interviewee 21.
188 Interviewee 18
189 Interviewee 5.
190 Interviewee 15.

Several interviewees highlighted limits to the influence of international scrutiny. For example, when talking of the Committee on the Elimination of Racial Discrimination, two interviewees pointed to the need for the Committee to have more 'bite' and to be able to do more than simply ensure that countries 'take note'. One interviewee commended the approach of CERD and its shadow reporting system, suggesting that the European Union institutions consider a similar procedure.[191]

It is unclear how IGOs confirm the validity of national authority reports. For example, where public authorities make assertions about police training or guidance, IGOs should consider requiring Member States to provide evidence for their claims including copies of police or prosecutor guidelines, evidence of training, etc. IGOs should routinely and specifically address the tendency of MS to report to international agencies and not to prepare transparent information for national stakeholders and taxpayers. If the data submitted to IGOs isn't in the public domain, IGO's should strongly encourage MS to make it available in the national language.[192] Taking these steps could improve the public's awareness of how national authorities understand the problem of hate crime and what they are doing about it.

There was some frustration about regular requests by IGOs to share examples of 'good practice' rather than supporting the good practice that is ongoing, including through better targeted funding and based on consultation with existing expert CSOs on the ground. As one CSO interviewee explained,

> 'As if it were [good] practice that we were missing, we need the space to do the right thing…No, don't fund another observatory for hate speech. Not that it isn't important…I have other fish to fry first. We are struggling to find a way to fund escort and support services for hate crime victims'.[193]

Another interviewee contrasted the usual approach of sharing good practice with the idea of 'shar[ing] failures, and then you know what to avoid'.[194]

IGOs have a central role to play in the 'migration' of the hate crime concept from the international to the national context and to support and constructively work across national stakeholders that are responsible for 'operationalising' norms and standards on reporting, recording and data collection IGOs can also learn from innovative national and local practice which translates (sometimes literally) the hate crime concept into effective approaches that are relevant to the national context and which can, in turn, positively influence international norms and standards.

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191 Interviewee 13.
192 This recommendation was accepted at the Italy consultation meeting.
193 Interviewee 1.
194 Interviewee 7.

It is important to bear in mind that our analysis of hate crime reporting and recording frameworks and actions was very focused on the role of the police and criminal justice agencies and the investigation, prosecution and sentencing process. More work is needed to evaluate what is being done to gather and act on hate crime data in other spheres such as housing and education.

Improving data literacy and using the data that we have

There has been a subtle and welcome shift in focus by IGOs from prioritising the production of comparable data across the EU to improving the comparability and comprehensiveness of hate crime data at the national level in terms of comparisons over time and across hate crime types.[195] Efforts to better align international concepts of hate crime and hate speech have also supported the development of clearer and more concise national monitoring definitions that define and separate hate crime and hate speech.[196]

It would still seem too ambitious to aim for fully comparable data across all EU Member States, not least because successive reports by FRA and OSCE-ODIHR point out that differing legal concepts, as well as recording and data collection methods, make cross-European comparisons almost impossible. Instead, IGOs could explore which crime types and bias motivation combinations might yield illuminating comparative data. For example, national crime survey and official data on racist homicides, or serious racist assaults could be the most comparable combination and give an interesting indication of the prevalence of these types of incidents while supporting broader efforts to align concepts and approaches across Europe.

Although it is the case that there is insufficient data to tell us about hate crime's true prevalence in Europe, it is also true that after 10 years of focused efforts, there is a wealth of new information and data at the national and European level that can tell us about the impact of hate crime, the quality of the state response and specific groups' experiences of the problem. For example, the rich data offered by EU MIDIS, OSCE Reporting and FRA's specific reports is not known by many at the national level. More effort is needed to share this knowledge in ways that support national stakeholders to interpret it - also in the context of national data - with a view to taking meaningful and effective action. National stakeholders also need support to use existing data that evidences hate crime as a national problem and to neutrally, yet effectively, counter public scepticism about its worth as a policy priority.

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195 This has been a welcome focus of FRA and ODIHR's joint data workshops and the recently launched ODIHR INFAHCT programme, see OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2018a, 29 August).
196 See EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018, November).

A victim and outcome-focused framework for improving reporting and increasing reporting

A strategic approach that connects national systems to meaningful action should drive efforts to increase reporting and improve reporting. Without it, the 'data' that is generated could be meaningless. As one interviewee asked, 'what is the number that tells you there is a problem?'.[197] Another asked,

> '....what is the target, what are we trying to achieve? An increase [in reporting] by 10% achieves what [we] want? But an increase of 10% isn't a long term strategy. That isn't getting to people...How do we deal with the volume if we are successful, and give the *right response*? What is [our] foundation for dealing with this and how [can we] make sure that people have a *good first conversation?*' (emphasis added).[198]

The research has identified four victim and action-focused outcomes that national reporting and recording systems should aim to secure.

These are to:

• Increase available data
• Increase access to support
• Increase access to justice
• Reduce risk and increase protection

The graphic below shows these elements as equal, inter-dependent and connected.
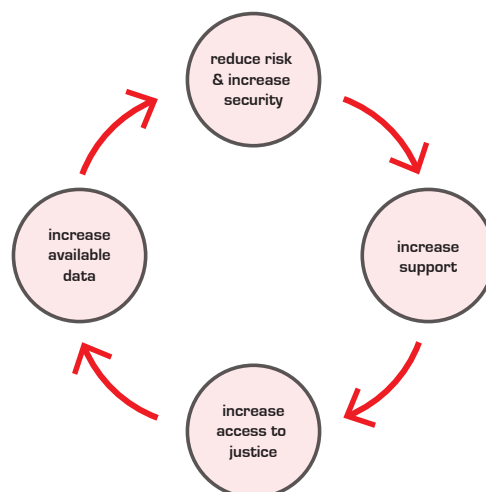
197 Interviewee 20.
198 Interviewee 27.

It can be tempting to see hate crimes and incidents as single recordable occurrences that victims simply need the confidence to report and CSOs and public authorities simply need the facility and skill to identify and record. While many victims may know that they or someone they know has been targeted because of hostility towards or bias against their identity they are likely not to know that it is called a 'hate crime' or that they are entitled to a particular response under the Victims' Rights Directive and relevant national laws. Further, hate crimes and incidents against victims and communities are likely to be part of a 'process of victimisation'[199]. Incidents can take place over time, in different forms and locations, affect different people in different ways, include criminal and noncriminal acts and be a part of broader patterns of discrimination that shape affected communities' ongoing sense of safety and belonging. These elements can be present in various combinations at the moment of 'reporting'. The receiver of the report, whether a police officer or call handler, CSO representative or other individual, needs the skill and space to have the 'conversation' that allows the 'story' to emerge and recordable and actionable information to be captured.

The rest of this section examines each strategic outcome in more detail, reviews the standards that underpin them, explores examples from the research and starts to identify what needs to be in place to successfully implement this model.

Outcome one: increase available data

Just over half of all identified standards (23 out of 43) relate to achieving aim one.[200] These standards particularly focus on the importance of gathering accurate information about the number of hate crime investigations, prosecutions and sentences and the importance of obtaining and publishing 'comparable data'. Reasons given for these actions tend to be aimed at policy makers, to get 'an overview of the situation', and to 'contribute to' the effective implementation and evaluation of national and EU law. Some standards do not connect the need to obtain data with any particular outcome. Several standards focus on the importance of conducting victimisation surveys that include questions on hate crimes, to uncover the 'dark figure' of hate crime at the national level. Some standards focus on the interface between IGOs and national governments, with the former serving as a gathering point for information and the latter having obligations to supply it. Three standards, relate to the role of CSOs in recording hate crime and using it to connect with public authorities and with targeted communities.

Aiming to increase reporting and improve recording in order to better understand the nature, prevalence and impact of hate crime and the extent to which relevant national and European laws are being implemented are important aims, especially for decision makers. However, without grounding this outcome in a victim focus,

199 Walters, Brown and Wiedlitzka (2016).
200 see standards 2, 4, 6,7, 17, 20, 21, 22, 23, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 42, 43.

the connection between data collection and effective action is potentially weak. We now turn to a consideration of those aims that focus on improving victim safety and their access to support and justice.

Outcome two: Reporting and recording into support

Reporting and recording *into* support should be a key strategic aim of any national system, yet there was little basis in international standards for making this connection until the passing of the Victims Directive, specifying the rights that victims are entitled to, including information, support and protection.[201] Clearly these rights cannot be realised without a system that encourages victims to report, identifies hate crime victims and their needs and uses the information to ensure that they are met. As explained above, the Directive also requires that available information indicating whether victims have accessed their rights, including information from CSOs, is sent to the Commission. There is one other standard, derived from guidance produced by CSOs relating to the role of CSOs to refer victims to support.[202]

The importance of connecting reporting and recording systems with support, assessment and referral was explored in depth in the England and Wales report, which considered the impact on reporting rates of the relatively longstanding government policy of establishing 'third party reporting centres'. These centres can be led by different services including specialist organisations and local authorities and take several forms including physical locations frequented by community members such as libraries, social clubs, mosques, and day centres, or online, telephone and through apps.

There is evidence that physical reporting centres are not being effectively used. Research in Scotland found that 89.3% of respondents working at third party reporting centres reported that the centre had either been inactive or not very active the previous year. A 2014 review cited in a recent report by the national police inspectorate, found that physically located reporting centres 'failed to deliver tangible results'. The inspectorate concluded based on its own findings, 'It appears that little has changed since this review….'[203]

Research has suggested that low levels of third party reporting shows both a lack of awareness about the existence of these alternative routes, and a need to explicitly connect reporting with specialist support.[204] As one interviewee asked, 'Is success

201   See standards **10, 11, 12, 13, 14, 16, 18, 19, 29.**
202   Standard 38.
203   HMICFRS (2018) p. 63.
204   Chakraborti and Hardy (2016).

getting as many reports to the police as possible or as many prosecutions as possible or is success getting as much support to victims out there as possible, depending on what they might need?'[205]

Research undertaken in Northumbria, England, found that as the support and outreach element of a regional third party reporting network was reduced and then stopped, the number of reports it recorded drastically reduced from 800 in 2012 to 54 in 2015.[206] Evidence from Ireland suggests that an organisation's inability, due to a lack of resources, to offer support had a negative impact on the number of reports it received.[207] An interviewee from an organisation working with LGBT+ communities in Italy felt that reporting couldn't be encouraged without being connected to direct support, explaining,

> 'We stopped recording [hate crimes]. But why, not because it is not important, but the problem was that there were so many that we could no longer afford to go through the recording process and to offer help'[208]

Conversely, specialist community organisations such as the Community Security Trust and Tell MAMA in England and Wales that are resourced to provide support to victims, and work closely with the police, record relatively high numbers of hate incidents.[209],[210] Other research found that local, specialist, grassroots organisations are best known to victims and important sources of support, even if structured reporting services are not available.[211]

While there are a number of factors that influence levels of hate crime recording and reporting, this review suggests that a national policy that aims to simply increase the number of reported hate crimes whether directly to the police or through third party reporting should be integrated with the equally important need to improve routes into support and thus improved outcomes for victims. The importance of ensuring connection across the strategic aims of the proposed framework starts to emerge.

205 Interviewee 35.
206 Clayton, Donovan and Macdonald (2019).
207 See Ireland country report. For example, an organisation monitoring anti-trans hate crimes, which did not have the resources to offer support recorded a decrease from 20 to 15 reports between 2015-2016. While there might be a number of reasons for the low number of reports, the lack of resources for support is likely to be a factor.
208 Interviewee 5, Italy.
209 The Community Security Trust works with Jewish Communities, Tell MAMA works with Muslim communities.
210 See Community Security Trust (2018); Tell MAMA (2017).
211 Chakraborti, Garland and Hardy (2014).

Outcome three: Reporting and recording into justice

Encouraging victims to report, capturing evidence, including their perception, of whether hate or bias was involved in the offence, and supporting them to remain engaged in the criminal justice process are essential if hate crime laws are to be applied and justice served. Reporting and recording into justice is well supported by international standards, especially judgments from the European Court of Human Rights which oblige national authorities to obtain and record or 'unmask' evidence of the hate element of hate crimes and ensure it is passed on through the criminal justice process.[212]

The research also indicated that non-criminal justice outcomes can be an essential aspect of justice for victims of hate crime. One interviewee pointed out, 'a criminal justice response is one way of addressing the issue of hate crime but there are all sorts of other issues - housing, health, etc.'[213] Another interviewee added, 'many people don't want a criminal justice outcome. If we really are trying to get everyone to report all incidents, the police can't help in many of them'.[214] Other research shows that victims are often open to alternatives to punishment including restorative justice.[215]

Victims' lived experience and the process of victimisation that they find themselves in will lead to a range of needs including health and housing, yet the current international framework focuses almost exclusively on obligations and rights relating to criminal proceedings, and on criminal justice agencies and their ministries. National policy on reporting and recording outside of the policing and criminal justice sphere is also weak. The recommendations section considers how to broaden the current framework to better reflect victims' lived experience.

Outcome four: Reporting and recording into prevention and risk assessment

Hate crimes pose risks to individual victims in terms of repeated and escalating offending, and risk a dangerous breakdown in community relations. While these risks are often referred to in statements by IGOs, only one standard was identified that takes a practical and victim focused approach to risk assessment.[216] The Victims' Rights Directive directs Member States to 'ensure a timely and individual assessment to identify specific protection needs...paying particular attention' to victims of hate crime.[217] A recent FRA publication refers to the importance of using bias indicators to identify risk,

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212 Standards, 1,3 and 15.
213 Interviewee 29.
214 Interviewee 27.
215 Chakraborti, Garland and Hardy (2014); Walters (2014).
216 Standard 5.
217 Victims' Rights Directive, Article 22 (European Parliament and The Council of the European Union, 2012).

'crucially, bias indicators can be compelling evidence that a victim or their community faces a serious and possibly imminent risk of escalating harm or even death. As such, it is a core law enforcement responsibility to record and actively use bias indicators to assess levels of risk and to take appropriate safeguarding action to protect their right to life.'[218]

The online learning developed as part of Facing all the Facts for police in England and Wales focuses on the importance of risk assessment and risk factors - which are also common bias indicators - such as being labelled a 'paedophile' or a 'terrorist'. The ECHR judgement *Identoba and Others vs Georgia* concluded that,

'given the history of public hostility towards the LGBT community in Georgia, the Court considers that the domestic authorities *knew* or *ought to have known* of the risks associated with any public event concerning that vulnerable community, and were consequently under an obligation to provide heightened State protection.'[219]

This process of reporting and recording into protection and safety is the fourth strategic aim for national reporting and recording systems.

Identifying the improved assessment of risk as a strategic aim of hate crime reporting and recording policy prioritises the crucial need to improve the intelligence picture relating to specific incidents and trends and reduce risks faced by victims, communities and societal cohesion. However, the research found that in England and Wales there is evidence that there is not a consistent approach to risk assessment for hate crime cases. Operational Guidance for British police sets out recording obligations and directs police to conduct risks assessments. However, the national police inspectorate found that, 'only 56 out of 180 [cases] had an enhanced risk assessment completed. This is deeply unsatisfactory.'[220]

A commonly understood role of the police should be to prevent crime and protect victims, indeed risk factors are usually a core focus in the policing of domestic violence. Perhaps surprisingly, how risk is understood, assessed and addressed in national policing approaches to hate is an underexplored area worthy of further research. [221]

As pointed out in part one of the report, there is a general gap in standards relating to the importance of interagency cooperation and connection between national authorities and across CSO and public authority divides. Similarly, no standards explicitly point to the connections and interdependencies across the four strategic outcomes. This gap is further discussed in the recommendations section.

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218 European Union Agency for Fundamental Rights (FRA) (2018b, June) p. 20.
219 see ECtHR, Identoba and Others v. Georgia, No. 73235/12 (2015, 12 May) para. 72.
220 HMICFRS (2018) p. 63.
221 See for example, Trickett and Hamilton (2016).

What skills need to be in place to give life to this framework?

Notwithstanding the well-rehearsed barriers faced by victims to report hate crimes[222], to achieve outcomes two, three and four, the person receiving the report, whether police call handler or officer, CSO support worker or other must have the ability and capacity to have the 'conversation' that involves:

• Supporting the person to tell their story, which might be unclear, confusing and complex, or in a language that isn't their native language
• Assessing immediate needs, including risks
• Listening
• Providing or referral to support
• Advising on potential legal outcomes
• Identifying and capturing potential bias indicators that could be used as evidence

To achieve outcome one, decision makers need the skill, knowledge and resources to understand what the data is telling them and commission further work to fill the gaps. For example, an increase in police-recorded crime is likely to indicate an increase in reporting and/or improved reporting as opposed to an increase in the incidence of hate crime. Low numbers of particular types of hate crime such as disability hate crime is likely to indicate low reporting and a need to increase frontline police awareness of how to identify and record it and community awareness that these are crimes that should be reported.[223]

Connecting process, system and outcomes

There are clear connections across the project's other main findings encapsulated in the *journey* and *system* concepts. The *journey* visualises the linear process of reporting and recording as a case progresses through the criminal justice process. The systems maps evaluate the necessary relationships that support this process. This framework articulates the core *outcomes* that should underpin all efforts to increase reporting and improve recording, pointing to the particular skills, knowledge and partnerships that need to be in place. However, because the framework emerged in the final stages of analysis, it is yet to be tested directly with stakeholders. Further, observations on the connections among support, protection and access to justice are relatively focused on England and Wales because examining the strengths and weaknesses of current third party reporting policy emerged as an important line of exploration in that context. Future work could share the model with public authorities and CSOs that have relevant obligations and knowledge, and test its usefulness and applicability to national planning in this area. In addition, more

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222 See Journey graphic [insert reference]
223   These issues are covered in some detail in OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014, 29 September).

focus on what is currently in place in the five other countries at the national level would be useful.[224]

Finally, there are implications for the current international normative framework when considering integrating the outcomes of reporting and recording into support, into reducing risk and into access to justice. While relevant and powerful elements of this framework can be found in the Victims' Rights Directive, its obligations and rights only apply to criminal offences and focus on the criminal justice process and individual assessments of risk. More work is needed to explore how data on hate crimes and non-crime hate incidents gathered in other contexts such as housing and education can be used for intelligence purposes and to help identify risks to community cohesion. Further, current capacity-building activities should consider the necessary technical and policy frameworks and skills and knowledge to deliver these outcomes.

Table matching outcomes with international norms and standards on hate crime reporting and recording

Aim	Standards and comment
Increase available data on investigation, prosecution, sentencing and prevalence for decision makers	2, 4, 6,7, 17, 20, 21, 22, 23, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43
The right first response and access to support and information is secured	10, 11, 12, 13, 14, 16, 18, 19, 29, 38 (no standards before the Victims' directive)
Risk is identified and reduced	5 (indicates less consideration of this issue at the international level)
Positive criminal justice, and other, outcomes for victims and communities are achieved	1, 3, 15 (no mention of non-criminal justice outcomes)

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224   Greece, Hungary, Italy, Ireland and Spain.

Principles and practices of connection

This project has explored the work that needs to be done across systems, processes and stakeholders to piece together the complex picture of hate crime's prevalence and impact, and to take action. The work of community organisations can take many forms from awareness raising and campaigning to working closely with the police on supporting individual victims and sharing information. All of these approaches play their part in understanding and addressing the problem of hate crime.

CSOs and public authorities have different, sometimes competing, views about what should be prioritised when aiming to increase reporting and improve recording. The focus of this research, and interviews with change agents in particular was to get underneath these perspectives and identify what supports or undermines the cooperation that is necessary for an integrated approach. While the research was unable to do justice to the many local and regional examples of positive cooperation, a review of national practices identified a set of concepts, practices and mechanisms that help move relationships, in the words of one interviewee, 'from the occasional to the institutional'.[225] It is hoped that the concepts and practices below can guide future research and build a repository of practice and evidence that will inspire others.

As described in the analysis of international norms and standards above while there is a strong focus on the actions that should be taken to build a strong 'system' of 'official' data on hate crime, there is less consideration of:

- The value of CSO data in building national understandings and action on hate crime, and
- What needs to be in place to ensure effective cooperation across authority and CSO 'divides'

This section focuses on the factors that can support - and undermine - cooperation across public authorities and CSOs, and moves on to consider the particular questions that CSOs need to consider when taking the strategic decision to seek to increase reporting and improve recording as the equal partners of public authorities.

Sparking and sustaining connection

Effective connection and relationships can take many years to develop. For example, Galop, the British LGBT+ anti-violence CSO, began as an organisation defending gay and bisexual people against improper conduct by the police. Thirty years later the organisation is a key police partner with an information-sharing agreement on hate crime data. Current progress across many countries can best be described as 'one

225 Interviewee 19.

step forward and two steps back' and is greatly shaped by the current political and social context. At the practical level, constructive relationships are often sparked by relatively small acts that require limited commitment on the part of public authorities, but that can generate short term positive outcomes and sometimes lead to longer term commitments.

For example, in one country, the decision of a senior police officer to travel to a CSO's premises for a meeting as opposed to requiring them to come to police headquarters sent a message of respect and interest in the work of the organisation.[226] In Spain, CSOs and a government ministry cooperating as partners on EU-funded projects was cited as another positive example. Examples of cooperation on police training were found in every country involved in Facing all the Facts, with positive benefits. As one interviewee pointed out, after making a personal connection during a training organised by the CSO, they experienced a positive police response when accompanying a victim to the police station to make a complaint because,

> '...you have seen a person in a training before and [then you] meet them in the corridors of the police, station ... you have had two days with them, had lunch with them, etc.'.[227]

From the police perspective an interviewee explained that after involving CSOs in the delivery of hate crime training to police recruits,

> 'We immediately noticed that the quality of our efforts increased very much... over 85% [of participants] wrote that the quality of the seminar was at least 4 out of 5 or 5 out of 5. It was very good because it was the very first time [we involved CSOs in police training]'.[228]

Training delivered by LGBT police staff networks in partnership with CSOs within the police as well as joint training between CSOs supporting migrant communities and the police were also positively received.

The commitment to set up specialist hate crime roles within the police presents an institutional 'node' of connection for CSOs working in the area of hate crime support and monitoring. As pointed out by one interviewee,

> 'The establishment of the special [police] unit against racist violence played a special role. It was easy for us to contact this unit and establish a connection, otherwise, we [wouldn't] know where the case will be brought.'[229]

226 Interviewee 18.
227 Interviewee 7.
228 Interviewee 17.
229 Interviewee 4.

And another interviewee commented:

> 'the fact that there is a person coordinating [police] hate crime work helps a lot. I mean if we didn't have a person clearly responsible for this, it would not work. The letter would get lost, you would have to rebuild the trust every time you approach them, so I think even though I have very strong criticisms about how [it] currently works, for many many reasons…the fact that at least there is something in place and at least there is a responsible [person] at the… central level as well as at every county level, that creates a clear responsibility. You have someone to turn to if you want something achieved.'[230]

Cooperating on training and on specific cases is more likely to take place at the earlier stages of relationship-building between public authorities and CSOs. These actions can support the process of developing a 'common language' on what 'hate crime' is and create opportunities to understand each other's perspectives, experience and priorities. Sustaining this process can be delicate and difficult but it is arguably essential in order to start to secure the 'practice' of cooperation. It is also important to note that these approaches are supported and suggested at the international level such as by the High Level Group on Racism and Xenophobia and other forms of intolerance,[231] FRA[232] and OSCE-ODIHR.[233] It is recommended that cooperation with CSOs on training and hate crime cases is mainstreamed into IGO capacity-building such as TAHCLE, PAHCT and other programmes; that Facing all the Facts online learning resources spanning the diverse manifestations of hate crime are adopted and that CSOs' contribution to hate crime training is fairly compensated and made systematic.

Relationships can also be sparked as a result of high profile and sensitive cases, where the police find that they must seek advice on how to best reassure communities and gain support for their investigation. One interviewee gave the example of the bombing of a gay pub in London, the Admiral Duncan on 30 April 1999, which killed 3 people and injured many more as a 'massive wake-up call' for the police, who realised that their connections with the LGBT community were very limited.[234] This led to structured engagement through community meetings during which 'honest' conversation could be had about the issues.

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230 Interviewee 7.
231 EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017, February).
232 European Union Agency for Fundamental Rights (FRA) (2018b, January).
233 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).
234 UK Interviewee 3. The perpetrator, David Copeland also targeted a supermarket in Brixton, a historic Afro-Caribbean neighbourhood and Brick Lane, a historic Bangladeshi neighbourhood. See country report for England and Wales.

Practice of connection and cooperation: Critical friendships

CSOs that record hate incidents and support victims are frontline witnesses to police and criminal justice responses to hate crime. They regularly witness problems in police and prosecution performance in individual cases and get to learn which public officials are really committed to understanding and addressing hate crime, which are disinterested and which are actually hostile to the agenda. The impact of frequent changes in personnel can mean that precious time needs to be invested in re-starting relationships, with little control over their duration and quality. To maintain credibility with their own communities and thus increase the chance that victims will have access to justice and protection, CSOs must point out problems and hold authorities accountable. Yet, they need to balance this responsibility with the knowledge that a frequently critical response can be alienating, causing public authorities to 'shut down'.

Several interviewees described a 'critical friend' approach to help navigate these challenges, approaching the relationship as an opportunity to 'advise about things [the police] haven't thought about...about ways of investigating, about ways of talking to communities'. The interviewee went on to explain,

> '[you can] convince by being an ally, a good critical friend. A friend who has criticisms but puts them forward...someone they can trust, who is a source of assistance, and will go the extra mile to help if things aren't going well, rather than saying "you're rubbish", saying, "here's how we can help".'[235]

Another interviewee agreed,

> 'When there are problems, we don't want to just complain about the problems, we want to offer solutions. We very much believe that community based NGOs can offer solutions to the police and make it easier to achieve what they want to achieve, which is to solve crime.'[236]

Another interviewee commented,

> '...I can see that there are very clearly roles that NGOs can play: the critical role and the supportive role. And it's not always easy to combine those, because if you are very critical then it is a very normal, natural reaction to close off and then make it 'you and us' ... but if you create a supportive role then they see you as someone helping their work.'[237]

235 Interviewee 29.
236 Interviewee 30.
237 Interviewee 7.

Practice of connection and cooperation: Critical friendships

A public authority representative listed specific and practical ways that a CSO network worked with the police to identify problems and improve responses, commenting, 'they call our attention to their concerns, how – from the point of view of the victim – we could have been more successful. This is all very constructive, with the aim to help."[238] Pointing to an example of how a CSO managed to use their networks and help the police locate a witness who lived overseas, an interviewee pointed out, 'We are able to do things that they are not able to do'.[239]

An interviewee from a British organisation with a very positive relationship with the police, pointed to what it takes to build and sustain this trust and legitimacy as a representative of the community when engaging with the authorities,

> 'The point is that if you can show the police that you are a serious professional outfit and you are not out for quick sensational headlines, you're just there to do the day to day work, monitoring the numbers, supporting the victims, supporting the investigation - it is not glamourous but it needs to be done - then you win their trust.'[240]

From the CSO perspective, establishing a track record of delivery, independence and trust across a community while adopting a constructively critical approach with the authorities emerged as core, and linked, elements for success. As one interviewee pointed out, 'engaging with these authorities is as important as supporting victims of hate crime'.[241]

CSOs have to balance their role of holding the police accountable with sustained, open dialogue. As explained by one interviewee,

> 'It is a difficult relationship. It is meant to be difficult, it isn't meant to be easy. [I think you] make the most out of it when you try to show from the very beginning that, "I am not here to make your life more difficult, I am here to make *our* lives easier".… But [we] are keeping [the police] in the spotlight as perpetrators but at the same time we are also trying to cooperate with them.'[242]

CSOs often navigate contexts where they need to cooperate in one area of work while being very critical in another. One public authority interviewee gave the example of where a CSO was publicly critical of the police about how an incident in a different policing area was handled, yet still able to cooperate on hate crime training. Stressing the importance of individual relationships, she commented, 'where there's a will there's a way'.[243]

238 Interviewee 9.
239 Interviewee 7.
240 UK interviewee 5
241 interviewee 31.
242 Interviewee 1.
243 Interviewee 16.

Reflecting on what supports effective cooperation across public authorities and CSOs, one interviewee explained,

> 'what probably helps the cooperation is when we both, when the public administration and the civil society, feel that we are partners in the same story and we have to cooperate, no? And we have good relations with some of these NGOs. ...When we are very much in our administration position and the NGOs are very much in their claiming position, I think we need to build a trusting environment to work. I think that we should be aware that we need to build this trusting environment on both sides.'[244]

CSOs have to both secure the trust of all elements of the community as well as to build constructive relationships with public authorities. There is an inherent tension to this approach that can be exacerbated by different challenges across affected groups. For example, in communities where a lack of trust in public authorities persists, those organisations that explicitly seek to sustain positive relationships with the authorities can face mistrust within their own communities

One interviewee from a CSO working on anti-Muslim hate crime explained, 'there can be a false perception within Muslim communities that, because we work with police and government, we are a government agency.' The interviewee went on to explain, 'we are dictated on a case by case based on what the victim wants and we work with them to achieve the best outcome for their case. For us to be able to change policy, for us to be able to hold governmental officials and police forces accountable...we need to work with them.' [245]

There are also shifting factors that are outside the control of those at the frontline of these efforts from the public authority and CSO perspective. As explained by one interviewee,

> 'So there are limits to cooperation with the public bodies and we see that very often...on the professional level you can have quite good cooperation but as soon as it gets higher up and gets somewhat political then they close the doors and they are like, we don't want to get involved with NGOs...Then you lose that status of being an expert on a topic and you are perceived as being a political actor for some reason.'[246]

The risk identified above can be particularly high in contexts where minority rights, around migration for example, have been politicised and efforts to understand and address hate crime are met with scepticism and even hostility by some in the public eye.

244 Interviewee 21.
245 Interviewee 31
246 Interviewee 7.

Interviewees from the public authority perspective stressed the importance of recognising that public institutions can be naturally conservative places where change can be slow. One interviewee described his approach in moving the hate crime agenda forward as 'stretching boundaries…..carefully'.[247] This careful and conservative approach can be frustrating to engage with for CSOs that tend to operate in a more flexible and victim focused culture.

Relationships can change over time and not always progress in a positive direction. For example, in one case, the positive progress built up over several years in a challenging environment has stalled and there are risks that it will end. One interviewee highlighted the inherent power imbalance in CSO-public authority relationships, 'if a public authority doesn't want to engage, then it doesn't matter what you do'.[248]

It is clear that whether the daily practice of critical friendships thrives, survives or dies is dependent on the investment, skill and trust of those involved, and the political environment in which they operate. There is work to be done to identify the most effective ways that intergovernmental organisations and agencies can support these relationships. As a general principle it would seem important to ensure that established, positive relationships are identified, sustained and supported in policy development, funding and capacity building activities.

Shrinking spaces

As identified in the introduction, cooperation and partnership working on hate crime takes place in what many have called a 'shrinking space for civil society'. In the context of this report, restrictions on receiving foreign funding and diminishing funding sources in general alongside a hostile environment for CSOs working on hate crime, including the intimidation and harassment of individual human rights defenders are most relevant.

The EU and its institutions have focused on these issues. In its 2015-2019 Action Plan on Human rights and Democracy, the EU acknowledged the 'shrinking of civil society space worldwide'[249] and pledged to deepen its cooperation with and support of civil society, and stated that it was 'profoundly concerned at attempts in some countries to restrict the independence of civil society'.[250] It also committed to supporting 'structured exchanges' between CSOs and public authorities and 'address threats to NGOs' space'[251]

FRA's recent report pointed to the essential role of civil society in human rights

247 Interviewee 17.
248 Interviewee 30.
249 Council of the European Union (2015) p. 5.
250 Council of the European Union (2015) p. 12.
251 Council of the European Union (2015) p.19.

protection and highlighted the challenges facing civil society organisations, including lack of funding and hate crimes against human rights defenders. Of particular importance are Opinions 5 and 6 of the report, where FRA Recommends that the European Commission should further improve the availability of information regarding existing funding schemes, simplify the application and monitoring process and consider multi-annual and core funding of CSOs.[252]

Mechanism for connection and cooperation: perception-based recording

Adopting a perception-based approach to hate crime recording is the most significant technical step that can be taken by the police and other agencies to open up and facilitate meaningful cooperation with CSOs in this area. [253] Its full implementation can allow CSO data to automatically be considered by police and even included in police figures. This has potentially far-reaching benefits from building relationship to - most importantly - keeping victims and communities safe.

Taking this step also creates a potentially powerful mechanism for connection and cooperation across all key bodies that have hate crime recording responsibilities, allowing the smoother transfer of data from the investigation to prosecution stages.

As explained by Dave Rich, head of policy at the Community Security Trust, which spearheaded national and binding information-sharing agreements with the police in England and Wales,

> 'the important thing about the [perception based] definition for the police is that a lot people thought that they were reporting a hate crime but the police weren't taking them seriously and that is what the Macpherson definition[254] changed. It forced the police to change that mindset. And now we are in the place that if you say that if you are a victim of racist or antisemitic crime you are more likely to be believed…it adds to that pressure on the police to take victims seriously and *victim organisations* seriously and *to work with NGOs and to trust NGOs*…you can have disagreement based on the evidence but ….the mindset *orientates the police more towards communities to engage with them.*'[255]

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252 European Union Agency for Fundamental Rights (FRA) (2018a, January) p. 5 and p. 10.
253 See ECRI box below on General Policy Recommendation Number 11.
254§ ECRI Policy recommendation 11 is the same at the Macpherson definition. See box below for a detailed explanation.
255 the story of how these information-sharing agreements were set up in England and Wales is explained in forthcoming Online Learning for Decision Makers, which will be available on www.facingfactsonline.eu

What is 'perception based' recording?

ECRI's General Policy Recommendation No. 11 recommends that the police define and record racist incident as "any incident which is perceived to be racist by the victim or any other person".

The rationale for this approach is:

- To ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account
- To establish and operate a system for recording and monitoring racist incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences
- To encourage victims and witnesses of racist incidents to report such incidents

As FRA explains, 'This approach allows the police to implement their legal duty under ECtHR case law to 'unmask bias motivation'."
Taking this approach allows police to access community perceptions of the risk and reality of targeted violence, get an opportunity to identify potential bias motivation as early as possible, transparently pass this information on to the prosecution stage and provide for a point of connection with CSOs that are also monitoring hate crimes.

It is important to note the following points:

- This definition applies to police-recorded crime. In other words, ECRI is recommending that national crime recording systems include racist crimes as a specific category, defined by the perception of the victim or any other person
- As ECHR case law and national laws have developed, there is a basis for proposing that this definition is expanded to the policing and recording of other types of hate crime. For example, the UK has expanded the 'Macpherson Definition', which uses the same wording as ECRI GPR No. 11 to cover five monitored strands of hate crime

Race, Religion, Sexual Orientation, Disability and Transgender identity[256]

- This approach to recording is often called victim-perception recording. While it is a victim-focused approach, including the perception of 'any other person' allows the perception of a witness or police officer to also be taken into account

There can be strong resistance to fully adopting the perception-based definition of hate crime at the national level.

256 See True Vision (2019).

For example:

- National crime-recording policy may only allow the police to define and record crimes based on objective evidence, which excludes recording simply based on the perception of another person
- Law or police policy may prohibit anonymous reporting.[257] For example, this policy will exclude anonymised incidents recorded by CSOs or anonymous reports direct to the police

In these cases, other avenues of capturing these incidents should be explored. For example, police could consider creating a 'potential hate crime category', which is below the threshold of a confirmed crime according to national crime recording standards, but still captures the necessary information and achieves the goals set out above.[258]

A second approach is to require the recording of victim or witness perception as a specific bias indicator and ensure that this information can be disaggregated in data analysis. According to FRA's 2018 report examining police hate crime recording and data collection systems, nine countries include victim perception as a bias indicator in their recording systems.[259] This can be a starting point for capturing victim and community perception, and anonymous reports – data can be gathered separately, reviewed and shared with communities to open conversations about their perception of the prevalence and impact of the problem of hate crime.

It is recommended that research should explore:

- How victim, witness and community perception is currently captured
- Current national approaches to implementing ECRI GPR in whole or in part
- Barriers to partial and full implementation of ECRI GPR 11 from police and CSO perspectives

Learning from this work could feed into a review of GPR 11, and the production of guidance on how member states can implement the recommendation within the confines of their legal and practical context.

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257 This is the case in Ireland and Italy.
258 See OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).
259 This includes Hungary, Ireland, Spain and the UK. See European Union Agency for Fundamental Rights (FRA) (2018b, January).

There can be a paradox at the heart of some of the 'rhetoric' on hate crime reporting and recording. While it is commonly acknowledged that victims often feel more comfortable reporting to a third party as opposed to the police, CSO data, or 'third party reporting' is often not accepted as valid or admissible by law enforcement, or taken account of in policing practice, strategies and planning. It would seem reasonable to argue that if it is agreed that victims are more comfortable going to third party reporting, then there is a duty on public authorities to find a way to take account of their data.

Agreeing and following the 'rules of engagement'

As public authorities get closer to considering specific engagement with CSOs on data and information-sharing, several key 'rules of engagement' were identified from their perspective.

When data and information are being shared, public authorities need to be certain that they are engaging with organisations that can guarantee the security of victim data. As one official pointed out, 'We'd want the data systems to be secure from attack…that trustworthiness is really key.'[260]

For many public authorities, CSOs seeking more formal cooperation would need to demonstrate that they consistently challenge all forms of hate and prejudice, and have a track record of providing support to all victims within and across communities without discrimination. As one public authority representative explained,

> 'You have to do some horizon scanning and look at who is credible. …We look for groups that are happy to work with other groups and not in isolation. Some people are good at talking about the rights that they should have for themselves but not affording other groups those same rights. You have to have similar ideals and look out for groups that have a track record, can demonstrate that they can support victims. You have to start building that trust on data sharing, put things in place, data protection agreements, confidentiality agreements…so …that you feel that you have control over the information that they may or may not share. You need to be clear about where the red lines are. For example, telling NGOs, you may talk about this case in theory but not share any details, or you can share these messages, but we don't want you to share x,y,z. Trust takes a while to build. That is why …we really value those relationships.' .[261]

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260 Interviewee 28.
261 Interviewee 32.

CSOs also have their own rules of engagement, including the need to disengage when a critical friendship 'ends', always keeping in mind the priority of keeping the confidence of the people they are supporting, as well as the trust of the broader community.

The above analysis illustrates the centrality of CSOs in the process of evidencing the national picture of hate crime's prevalence and impact and the effectiveness of responses to it. Creating opportunities to connect through collaboration on training and specific cases, nurturing critical friendships and implementing perception based recording can build the sinews of connection that make up national hate crime reporting and recording 'systems'.

Current standards and guidelines, capacity building and funding frameworks should be revised and re-assessed through this lens. For example, ECRI country reports should have a more technical focus, based on clear criteria on the implementation of GPR No 11 at the national level. ODIHR could consider including information on whether a particular country takes the perception-based recording approach in its annual hate crime reporting. FRA could build on its 2018 report to further guide states on how to adopt this approach at the national level. EC funding programmes should aim to support both these technical developments as well as fledgling and established relationships across institutional 'divides'.

A focus on CSO strategy

This research has built on other work to establish that CSOs can be an essential and equal component of the 'system' that records information about hate crime and supports victims to navigate the criminal justice process. However, CSOs are struggling with limited resources and are risking precious relationships in competition for funds. There were few examples of strategic, national level and sustained cooperation on hate crime recording and data collection both across CSOs and between CSOs and public authorities.

Although CSOs can be presented in international and national reports and statements as having a 'central role' in supporting victims and encouraging reporting, the reality is that the data that they produce is often considered peripheral to the official 'picture' and 'story' of hate crime at the national level. This position is partly caused by a lack of coordination and strategic focus on the part of CSOs. High quality recording, monitoring and support takes skill, knowledge and resources that only a small number of CSOs possess. Our findings suggest the following common elements of effective approaches:

- Either a small network of highly skilled CSOs or a larger network with a resourced and skilled coordinator
- A transparent recording and data collection methodology that is compatible with police recording approaches
- The ability to and track record of securing both the trust and confidence of their communities as well as the police
- A broad reach to their communities through hotlines and social media

We now turn to examine the elements that support CSOs seeking a central position in hate crime recording and data collection systems for the benefit of victims.

The data must speak for itself

CSOs that have the most productive cooperation with public authorities are likely to have a robust, transparent methodology for hate crime recording, and to publish their data in regular reports. This provides a platform for connection and an agenda for cooperation. For example, one interviewee explained the importance of their work to evidence the problem of hate crime against LGBT people,

> 'We had a victims' survey 2 years before with the LGBT community, so I could say X percent of gay people were victims of homophobic crimes, 25% of trans people were victims. So …Then the ministry people started nodding and I think that was successful in convincing them that it was something to look into. I could sense the shift in their mentality when they heard this data so I think it really matters if you have that kind of data, especially in this legislative context… I was very clear about our methodology and that I don't have data on official statistics, so I didn't try to pretend that it was everything, so I think that they recognised, okay if I am honest about what I have I am honest about my results as well so I think that was useful as well. Don't pretend that you have something you don't have. And then they recognise that what you have you really have.'[262]

Another interviewee pointed to the fact that data can be influential when the climate for the discussion changes and is 'more open'. She argued that when the climate was more open at the national level,

> 'then [we] provided this valid and serious dressing of the data. Because you have on the one hand parts of the state that don't want to hear - some want to hear, some don't want to hear - and then you also have groups of people who are in solidarity. When the state say, okay I have had enough of your nagging, show me your data, then you provide data that nobody can say okay this is an exaggeration, okay this never happened…You present

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262 Interviewee 7.

data in a way that they cannot ignore it. You don't want to substitute what is happening in grassroots. You want to make the link between the grassroots and the state. If you want civic and institutional change, then at some point these two 'poles' have to talk to each other.'[263]

Online vs in person reporting

Several organisations are only able to provide an online reporting portal, without offering support. While it is essential to get these incidents 'on the map', as explained in the previous section there needs to be a strategic focus on reporting into support. There is a clear risk that, as with official routes, victims will not see the point of reporting to CSOs if nothing happens as a result.

On the other side of the coin, some organisations are prioritising their support over their monitoring work. Reviewing data, preparing reports, and building policy positions based on data takes time, expertise and energy. CSOs have to make difficult choices about where to use their resources and rightly choose to prioritise their direct support services. However, failing to review, analyse and raise awareness about their data can limit their own ability to improve, raise their profile, seek funding and to influence public authorities to raise their game.

Strategic questions: what is your purpose?

As set out above, the critical friend relationship between NGOs and public authorities is central to securing and nurturing cooperation on hate crime recording and data collection. However, committing to constructive cooperation in this way can have strategic implications for an NGO's mission. As explained by one interviewee,

'There is a critical friend versus activist split, an insider-outsider division. I don't think that you can be on the inside talking to ministers and then the next day outside waving placards - there are some people who try to do both but it doesn't really work, I think you have to choose one path.'[264]

Another interviewee commented,

'...and maybe the model should simply be that [there] are two types of NGOs. Some NGOs are more critical and doing more media work, etc. and some NGOs are saying look, you got all this criticism, now let us help you in doing you work so that you don't get this criticism in the end.'[265]

263 Interviewee 1.
264 Interviewee 30.
265 Interviewee 7.

This is not to say that strong criticism should be avoided. If it is, credibility with the community will be damaged. Indeed, several interviewees from NGOs emphasised the 'critical' aspect of the friendship, with one interviewee describing their relationship as a 'super-critical friendship'.[266] However, once a CSO has decided to engage in reporting and recording work, seeking collaborative relationships with public authorities is essential. As highlighted in the section above, this means working to find solutions with the police, for victims, including on specific cases and in training. With this as a starting point, CSOs might need to work with their governance structures to adjust their mission and strategy accordingly.

In seeking collaborative problem-solving relationships with public authorities, questions about collaboration with other CSOs arise. For those CSOs engaged in monitoring and recording, working in coalition with other organisations was seen as important, however, there are considerations to keep in mind.

Common elements of a successful approach:

- Share a commitment to high quality recording methodology. For example, the Racist Violence Recording Network (RVRN) shares the same methodology across diverse organisations. This approach needs to be supported by a strong central mechanism that is sufficiently skilled to review data, compile reports, seek cooperation with police, etc. The RVRN method involves over 32 NGOs. Another approach is to bring together a smaller, more focused group that commit to high quality recording and, together, approach police and other organisations for collaboration. An interviewee reflected on the 'welcome side effect' of creating an inclusive network that is focused on hate crime, '[it was the] first time that the migrant communities and migrant NGOs and LGBT communities and NGOs come together and share common ground….' An interviewee in another context spoke of the development of an 'anti-hate crime community'[267]
- Ensure that CSOs that record and monitor hate crime have the skill and capacity to do this work ensuring victim confidentiality is protected and they are referred to support.
- Adopt a single voice when working with public authorities and agencies. When working as a network, it is important the members are 'on the same page' about the issues, the data and key priorities for public authorities. It is also important to avoid double counting incidents, and where possible, competition over funding sources that are specific to hate crime recording and data collection.
- Seek the support of independent but influential bodies such as equality bodies or national IGO offices. For example, in Greece, the national Human Rights Commission and UNHCR support the work of the Network.

266 Interview 31.
267 interviewees 1 and 30.

- Model the behaviour that is being advocated. For example, while CSOs rightly point out that police and other public authority recording and training methods should be transparent, this should also apply to their own work
- Carefully navigate the political context. For example, where the environment is hostile and/or there is no political support for cooperation CSO and public authorities (usually police) might need to cooperate 'under the radar'. While there can be positive journeys from individual and closed door cooperation to systematic and transparent cooperation, careful judgment is needed
- Keep evidencing the problem of hate crime even when there is no interest from the authorities. When the climate changes, the data is there to draw upon. When the government is making the 'right noises' then pressure should be applied to move from 'window dressing' to meaningful leadership, commitment and change
- Balance the risk of competing for the same resources with the need to take a network approach for the benefit of victims and communities, using shared recording methodology, ensuring regular referrals and seeking common advocacy positions

Supporting 'change agents': 'bubbles of knowledge' and an 'anti-hate crime community'

Understanding hate crime and implementing effective responses to address the problem involves societal, legal, institutional and individual change and transformation. This report and the national reports examine catalysts for and evidence of this change such as high profile tragedies that have sparked awareness, the passing of historic hate crime laws and the implementation of strategies and policies allocating responsibility and committing to measuring and supporting progress through data. A conceptualisation of hate crime reporting and recording 'systems' - sites of constant change that are made up of relationships of varying degrees of strength and effectiveness - has been developed, made visible and tested. Norms, standards and guidelines have been brought together to suggest an international framework, helping to define and focus efforts to change existing reporting and recording systems for the better. At the centre of this work are individual people who fit the following description, 'a change agent is anyone who has the skill and power to guide and facilitate the change effort'. [268]

The perspective of these change agents pervades our findings. Thirty five individuals, almost evenly spread between CSOs and public authorities (16 and 13 respectively) and 6 researchers reflect the hate crime 'community' that crosses boundaries and connects professionals motivated to understand and address hate crime. Lunenburg observes that 'change agents may be external or internal'. [269] Our research found that those 'outside' change agents were credited by public authorities as having been powerful guides in improving attitudes and effecting positive change. [270] Further, the process of change in the area of increasing reporting and improving recording does not take place within or outside one organisation. This research has explored the idea that change takes place across systems and over multiple boundaries and layers. As a result, change agents that spark, develop embed and protect progress can and must be found across the system.

This section aims to provide some answers to these questions: what motivates change agents? What supports and undermines them in their role? As one interviewee remarked, 'oftentimes it is the personalities, it is the people'. [271]

268 Lunenburg (2010) p. 1.
269 Lunenburg (2010) p. 1.
270 See 'mechanisms and principles of connection' section.
271 Interviewee 1.

Motivations of change agents

Our analysis of interview transcripts found three main motivators for change agents, 'professionalism and professional interest', 'seeing direct results', and 'leadership support'.

Factors that relate to 'professionalism' or 'professional interest' were expressed more frequently by public authorities as personal motivators. One interviewee who has worked with professionals from a range of perspectives over several years commented ,

> 'What motivates [change agents]? I think that it is quite personal. I think that it is the perception of their duty…I have seen police who want to change the police and perceptions of police. I have seen officials do their job because they believe in democracy and equality. I see people trying their best and reading books to better understand the phenomenon and I am seeing also people who are good at what they do, and so that is their image of themselves.'[272]

This motivation was echoed by several other interviewees. One commented on the importance of, 'professional commitment to doing a quality job, no matter the victim's background'.[273] Another commented, 'for me it is vocational'.[274] One interviewee observed that some change agents in the police and prosecution service, 'forgo pay increases for a very long time because they care about challenging hate crime'.[275] One interviewee explained that being a part of embedding effective responses to hate crime is about 'getting people to recognise and appreciate each other's humanity.'[276] Several interviewees reflected that they were motivated by the fact that they found the topic of hate crime professionally interesting and intellectually challenging.[277]

One interviewee expressed the importance of bringing their professional commitment to equality into their personal life and conduct,

> 'I am firm that [we] must fight against all those attempts that target any kind of minorities…When I see any signs of hate, I am always trying to interrupt. Even if I get singled out… We cannot turn our head, we can stop the public transportation, we can shout at him or her to stop otherwise I will call the police and so on. We can all play a significant role.'[278]

272 Interviewee 4.
273 Interviewee 16.
274 Interviewee 28.
275 Interviewee 29.
276 Interviewee 32.
277 E.g. Interviewee 10, 30.
278 Interviewee 8.

The motivation of effecting change and seeing results was expressed by many interviewees, especially those from a civil society background. As explained by the following interviewees,

'It is important to see some progress, some results. That at the end of the day, victims feel more secure, catered to, assisted.'[279]

'What motivates us is success…if you manage to achieve at least some success then that really makes your work meaningful in that way…I think that we are quite lucky in that way. Every few months we have some success, maybe in a particular case. Maybe in convincing the police to do something differently. So that keeps the momentum going so that you meet the goals that you want to achieve.'[280]

Another interviewee highlighted the fact that one meaningful step forward can lead to later steps where victims might encounter further barriers,

'I think that one of the things that makes us feel better at the end of the day is because we can see the people we support. Because we don't talk about numbers here we talk about lives. One life you support is real life. So that's what gives us power. The look in the eyes of a person who has been supported…can be a good motivator to keep you going… whereas at the same time it is something that hinders our work, because we help that person, send them out into the system and the person falls through the gaps and holes in the system.'[281]

A factor that appeared to be particularly important for public authorities was having support from senior management. As explained by one interviewee,

'It is very important for me that [my organisation] has invested time, personnel and resources in the issue to address racist violence in [my country]. Otherwise, I wouldn't be able to do this. The same goes for other organisations. The same goes for public institutions. So even if you don't have the political will…at least you have the support of your department, your unit.'[282]

279 Interviewee 2.
280 Interviewee 7.
281 Interviewee 3.
282 Interviewee 2, this point was echoed by interviewees 17 and 18.

Another pointed to both the importance and potential fragility of leadership support,

> 'You have to see if [change agents] get rewarded in what they do. You have to see if the political leaders and their political supervisors will reward their investment in hate crime. So it isn't very stable, because if the government changes and changes its priorities, then this person might have to change his job and not only not be rewarded but even stigmatised for their actions. You never know.'[283]

Other interviewees pointed to the challenges of pushing or coaxing change in public institutions without the backing of leadership. Another described their role as, 'stretching boundaries…..carefully'.[284] One interviewee highlighted the mix of caution and ambition that can characterise change agents in public authority settings, 'Be bold but don't be silly. Don't get yourself hurt. If you can make small instrumental changes then go for it….you may only be able to chip away at things at the moment but things change….'[285] Pointing to the challenges of operating in an environment where the political situation can be hostile to the hate crime agenda, one interviewee maintained, 'You keep going. You don't give up. You try to find another way'.[286] One interviewee pointed to the significant barriers that face some change agents working in public authorities, 'Colleagues don't want to be working with an activist and managers don't want activists as staff… sometimes you have to wait for an entire layer of hierarchy to leave before change comes'[287].

Depending on the context in which they are operating, change agents might be able to achieve high profile 'big' changes, under the radar incremental change, or simply manage to slow a reversal of hard won achievements. Identifying and supporting change agents in these diverse contexts can be challenging for intergovernmental organisations that need to work through national hierarchies and are themselves subject to continuous change.

Connecting change agents

One interviewee likened those working on hate crime across the public and CSO spheres to 'bubbles of knowledge and practice'. This idea proposes a potentially useful concept that suggests the following characteristic: the potential for connection between 'bubbles' who come from varied professional backgrounds and who share similar values and commitment; the deep expertise that characterises many change agents; and the sense of professional isolation of working - or floating - in a context of low awareness, knowledge and scepticism. The 'bubbles'

283 Interviewee 4.
284 Interviewee 17.
285 Interviewee 32.
286 Interviewee 6.
287 Interviewee 14.

concept was introduced for discussion during interviews with other change agents to explore its conceptual strength. One interviewee identified international meetings such as the High Level Group on Racism and Xenophobia, OSCE-ODIHR's National Point of Contact on Hate Crime meetings and other related meetings, as tremendously important spaces where those earlier in the journey to learn from those who are further on, or in one person's words, 'where the bigger bubbles support little bubbles'. [288] Another interviewee echoed this point and added, 'Projects like [Facing all the Facts], institutional projects from EC, OSCE, etc. are very good chances to keep the right people in contact.'[289]

One interviewee pointed to the burden that can be placed on some change agents. 'I think that these "bubbles" bear a very disproportionate burden because they need to be everywhere, all the time, they need to be available. That is the problem, they may be exhausted and overwhelmed, without having the opportunity to transfer their experience and expertise to other people in their institutions.'[290]

One interviewee highlighted the factor of 'luck' in achieving positive change, 'What makes the difference is the right people at the right time in the right place.'[291] Of course, it is rarely the case that all the pieces of the puzzle are in place at the same time and at the right time. Change agents move on, political circumstances evolve, sometimes dramatically. The flux of circumstances and combination of change agents at the national level can increase and decrease motivation as well as forge and weaken connections. More research is needed, possibly drawing on change management theory and practice to better understand how to support change agents and to increase the chance of effective, meaningful and productive connection. It would also be interesting to research the experiences and views of change agents at the European level.

Interviewees across all six countries pointed to the need for institutionalised professional recognition of specialist roles as part of existing continuing professional development structures. One interviewee suggested setting up an international practitioners network to support hate crime specialist from all professional backgrounds.[292] This thought was echoed, by another interviewee who suggested, 'The ideal thing would be to have a permanent connection between the "bubbles"'.[293]

This report and research cited by it reflects the increasing challenges faced by all those committed to making hate crime visible and effectively responding to it. The recommendations section considers how to best invest and encourage these pivotal individuals and their relationships.

288 Interviewee 18.
289 Interviewee 17.
290 Interviewee 4.
291 Interviewee 17.
292 Interviewee 11.
293 Interviewee 17.

Understanding and making visible the national hate crime 'story'

Although rooted in an international normative framework, the process and systems mapping of the Facing all the Facts project took place in national contexts that are shaped by histories, culture and politics that (mis)recognise and make hate crime (in)visible in different ways. The national reports aim to illustrate at least part of this contextual complexity by including timelines that present key events that either raised awareness about hate crime in the national consciousness or represented landmarks in developing reporting, recording and data collection frameworks.

While it is impossible to do justice to this complexity across six countries, a few themes emerged. A sad connecting factor across contexts is that it often took a tragedy to reach the headlines in order to spark national debate and action on hate crime law and policy. The murder of a Pakistani man, Shehzad Luqman on his way to work and the later murder of Pavlos Fissas, which exposed the involvement of Golden Dawn in organised violence and led to its trial in 2018-2019, significantly contributed to getting hate crime on the agenda in Greece. Serious violence at successive Pride events and the serial killings of Roma families galvanised national attention in Hungary. In England and Wales, the Macpherson Inquiry into the murder of Stephen Lawrence led to legal and policy transformation on hate crime. The recent spate of racist murders are a powerful symbol in Italy as is the murder of Lucrecia Perez by an off-duty member of the Civil Guard in Spain. Several interviewees wondered if Ireland was waiting for a tragedy to galvanise the necessary action to pass hate crime legislation.

The daughter of Lucrecia Perez, *Kenia* Carvajal *Pérez*, who was interviewed for this research, powerfully explained that lessons learned from tragedy must ignite focused work on making hate crime visible,

> "… one of the things that we want to show people is that racism still exists and it's there. And if you can see it, you can fight…I do think that it is very relevant [to monitor hate crime] because this way every kind of people will actually see that xenophobia and racism is a serious issue and once you realise that and are aware of that, you can fight it. You can aspire to become a better country and to get rid of this and to change the circumstances… victims already know that [hate crime] happens but there are a lot of people who don't know and still say 'but there is no racism, that doesn't happen anymore' but with these kinds of numbers we can show that it's real, that it's still happening, but also that there is hope at the end of the tunnel and if we work together to stop this then we can avoid the next victim to come…"[294]

294 Interviewee 24.

Judgments from the European Court of Human Rights as well as critical reports from international bodies such as the Committee on the Elimination of Racial Discrimination (CERD) also had a significant impact on getting hate crime on the agenda, albeit most likely at the level of informed activists and policy makers as opposed to the general public. Also important were the legal and technical developments that needed to take place for recording to happen. For example, as pointed out in one country, until there was legal recognition of the 'very existence' of same sex couples, 'it was difficult to say that a category of people is a target of offences if that very category is not even recognised from a legal point of view.'[295] In another country, one interviewee pointed out that it wasn't until case law recognised Jewish people as an ethnic group that it became possible or at least a lot easier to record and make visible crimes against them.[296]

In other contexts, stakeholders engaged in a process of making the terminology of hate crime meaningful and applicable in the national context. For example, in Greece, a debate across stakeholders was had in relation to whether the term 'hate crime' should be adopted in Greece. It was decided that the term doesn't convey the correct meaning in Greek whereas the term 'racist violence' was acceptable to LGBT+ communities as also encompassing the targeted violence that they experience. Although it had been ongoing for several years, the outcome of this discussion was consolidated in a recent inter-agency agreement facilitated by ODIHR and matched with ODIHR's definition of hate crime: a criminal offence committed with a bias motivation.

This research has only touched on the influence of national narratives about racism, xenophobia and other forms of intolerance, which include shared seismic events, such as the Holocaust, and other significant national experiences with long-term reverberations, such as colonialism.[297] Also important to consider is the role of polarizing political discourse and the impact of the migrant and refugee crisis, particularly affecting Greece, Italy and Spain. These areas need much deeper exploration and integration within existing EU policy and programmes.

Many aspects of the victim experience are universal, regardless of national 'stories', the availability of data or the priority it is given by policy makers and practitioners. However, the (in)visibility of their experiences can change depending on the type of hate crime being considered. For example, the relative invisibility of disability hate crime might be partly due to the fact that violence against people with disabilities has been hidden away in institutions and homes, in the same way that people themselves have been made invisible.

295 Interviewee 19.
296 Interviewee 30.
297 Perry (2015) and Godzisz (2019).

Several interviewees pointed to the reality that most people don't really know what 'hate crime' is. There is much more work to be done to develop national conversations about the nature and impact of hate crime, to develop shared understandings about the key elements of the hate crime concept and how it might describe and address the violence and targeting experienced by diverse groups, and to experiment with generating useful terminology in the national language. The methodology of connection and interaction across all stakeholders offered by the Facing all the Facts project aims to support a more inclusive consideration of multiple points of view at the national level. Its practical focus aims to share stories, experiences and perceptions and to consider the current situation, the problems, the needs and what should be done about it. These are not always easy or clear conversations to be had and they can take time and patience. However, they are absolutely necessary if the pain and impact of hate crime and what should be done about it is understood and acted upon at the national level.

Methodology

Introduction and overview

This section is comprised of three parts:

Part one describes the research questions, timeline of activities and the methods employed to identify gaps and opportunities in national hate crime recording and data collection systems. It includes:

- A literature review of existing data, policy and practice frameworks relating to hate crime recording
- A workshop methodology that both supports bi-lateral and multi-lateral consultation and the co-design of graphics to present research findings

Part two uses feedback and reflections from stakeholders to evaluate the outputs of the research methodology.

Part three presents a step by step guide to activities used during the research, including national workshops and change agent interviews.

Part I: research questions, methods and timeline

Research questions:

The research stream of the Facing all the Facts project had three research questions:[298]

1. What methods work to bring together public authorities (police, prosecutors, government ministries, the judiciary, etc.) and NGOs that work across all victim groups to:
    - Co-describe the current situation (what data do we have right now? where is hate crime happening? to whom?)
    - Co-diagnose gaps and issues (where are the gaps? who is least protected? what needs to be done?)
    - Co-prioritise actions for improvement (what are the most important things that need to be done now and in the future?)

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298 In terms of its conceptual scope, the research focused on hate crime recording and data collection, and excluded a consideration of hate speech and discrimination. This was because there was a need to focus time and resources on developing the experimental aspects of the methodology such as the workshops and graphics. International and national norms, standards and practice on recording and collecting data on hate speech and discrimination are as detailed and complex as those relating to hate crime. Including these areas within the methodology risked an over-broad research focus that would have been unachievable in the available time.

2. What actions, mechanisms and principles particularly support and what undermine public authority and NGO cooperation in hate crime recording and data collection?
3. What motivates and supports those at the centre of efforts to improve national systems?

Research timeline

November 2016- February 2017

- November 2016: meeting of reference group to inform and shape the research methodology
- Created 'assessment matrix' based on ODIHR's 'Ten Practical Steps' and key international norms and standards to structure information about how hate crimes are recorded and how data is collected across public authorities, with a focus on the police, prosecution service, courts and relevant ministries. The matrix included a description of CSO involvement in all aspects of hate crime recording and monitoring (see Annex one). National partners took the lead in completing the matrix to the best of their knowledge also liaising with the relevant national stakeholders
- Developed interview guides for 'change agents'. Partners started to identify participants for interviews
- Started to develop workshop agenda and methodology

March – May 2017

- Finalised workshop methodology
- Planned 6 national workshops to map gaps and opportunities in data collection in partner countries

May – June 2017

- Held workshops in Athens, Budapest, Rome and Dublin
- Interviewed 20 change agents in above countries (5 per country)

July – October 2017

- Reviewed findings from workshops, transcribed interviews and conducted theme analysis
- Held workshop in Madrid and interviewed 5 change agents

November 2017

- Held England and Wales workshop in Leeds
- Interviewed 5 change agents

December 2017 – April 2018

- Reviewed findings from Madrid and Leeds workshops; transcribed change agent interviews; conducted theme analysis
- Finalised 'Journey of a hate crime graphic'
- Finalised 'systems map' prototype
- Produced first draft national reports
- Planned consultation workshops
- Conducted online learning development for workstream two

May 2018

- Held consultation workshop in Rome
- Revised systems map and report based on workshop outcomes

June – August 2018

- Planned remaining consultation workshops
- Finalised reports for consultation

September-December 2018

- Held consultation workshops in Madrid, Athens, Budapest, Dublin and London
- Revised systems maps and reports based on workshop outcomes
- Drafted European report
- Facing all the Facts conference

December 2018- December 2019

- Finalised and published all outputs

Summary of outputs:

Eight graphics:

- 'Journey of a Hate Crime Case' – depicting the hate crime recording and data collection process from the victim perspective. The graphic illustrates the data and information that should be recorded and collected, the key stakeholders and the consequences of not recording (including English, Hungarian, Greek, Italian and Spanish versions)
- Six national 'systems maps' (England and Wales, Greece, Hungary, Ireland, Italy and Spain) and one prototype – presenting the key stakeholders involved in the 'system' of hate crime recording and data collection and describing relationships across the system as 'red', 'amber' or 'green'

Six national reports

- Reports on England and Wales, Greece, Hungary, Ireland, Italy, Spain – set out the background of national developments on hate crime recording and data collection, emerging themes from interviews with 'change agents', analysis of country systems maps and recommendations for action

One European report

- Sets out emerging themes across the six countries involved in the research and makes recommendations aimed at European policy makers and practitioners

Two 'How to' guides for group work at the national, regional/ local level:

- Mapping the journey of a hate crime case from the victim perspective and identifying strengths and weaknesses in national processes
- Mapping the key stakeholders and most important relationships in national hate crime recording and data collection systems; co-diagnosing strengths and weaknesses and co-prioritising actions for improvement

One comprehensive self-assessment framework based on all relevant norms and standards on hate crime reporting, recording and data collection

Online learning on hate crime recording and data collection for decision-makers

- 1-2 hour online course that draws on learning from research outputs including the *Journey* and *systems* graphics and good practice case studies to support learners to explore principles of hate crime recording and data collection, relevant international norms and standards, and how to strengthen meaningful and effective cooperation across institutional boundaries

Innovative research methodology

The project combined traditional research methods, such as interviews and desk research, with an innovative combination of methods drawn from participatory research and design research.[299]

Desk research underpinned the production of a set of standards derived from existing normative obligations and commitments on hate crime reporting, recording and data collection that were used in participatory activities to highlight to gaps and opportunities for improvement in national 'systems'.[300]

299 A detailed academic analysis of the methodology, including the lessons to be drawn for academic (especially socio-legal) and policy research, is set out in Perry-Kessaris and Perry (2019).
300 See International Standards section below

Interviews with 'change agents' were used to understand what factors support or undermine cooperation between CSOs and public authorities around hate crime reporting and recording (at least 5 per project country, 32 in total).

Because this multi-agency, multi-country project specifically aimed to understand and influence the national 'systems' around hate crime during the course of the project and beyond, it was essential to adopt participatory research methods, involving national stakeholders in every aspect of the project.[301] Significant effort was put into identifying and involving stakeholders with a role in hate crime reporting, recording and data collection from across the public authority and civil society perspectives in all aspects of the research, with the twin hopes that their input produces rich and legitimate findings and that the experience enriches their own practice and decision-making. Those stakeholders were engaged in *participatory workshops* that, among others things, fed directly into the project graphics. Workshops were designed to engender an interactive, non-hierarchical and safe space, so that participants could take a critical yet solution-focused approach to the activities.

However, involving many stakeholders that come from differing - even contradictory – perspectives, and who operate in divergent contexts, risks producing research outputs that lack focus and coherence.[302] To mitigate these risks, the project also drew on methods from *design* research. Specifically, it made ideas visible and tangible in order to aid communication and experimentation.[303] For example, during national participatory workshops, stakeholders negotiated with each other to build *prototypes*, physically representing what information on hate crime is being reported and recorded, by whom and how effectively. In this way, stakeholder participants were prompted and facilitated to enter a 'design-mode'; to look again, with a 'critical', 'imaginative' and 'practical' eye, at a topic with which they were very familiar; and together to explore the 'actual [and] potential system within which hate crime is reported and recorded' in a 'structured yet free' space.[304]

In a further design-driven step, the results of these participatory activities were synthesised with the traditional research results to produce two sets of formal *project graphics*, which then fed back into additional participatory activities. One graphic, 'journey of a hate crime case', was designed to make visible, from the perspective of a victim, the stages at which hate crime cases may or may not be reported and/or recorded, and the key actors involved. The second set of graphics, 'national system' maps, aimed to make visible both the key national actors (public authorities and CSOs) around hate crime reporting, recording and analysis; and the effectiveness of the relationships between those actors.

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301 Bergold and Thomas 2012; Chevalier and Buckles 2013.
302 Bergold and Thomas 2012 paras 2, 42 and 50.
303 Perry-Kessaris 2019 and forthcoming 2020.
304 Perry and Perry-Kessaris, 2020

Together these traditional, participatory and design-driven methods produced specific commitments at the national level, as well as thematic findings to influence international frameworks and action.

The rest of this document describes the research in more detail and critically reviews the strengths and weaknesses of the research methods.

Stage one

First, the issues that the research aimed to explore were set out (see objectives above). Second, action was taken to plan and conduct workshops, interviews and desk research (see above timeline). Third, themes and emerging questions were reflected upon with national partners, leading to stage two.

Stage two

Reflection on emerging themes and findings led to the distillation of two key concepts: that hate crime recording and data collection is a *process* that (should be) supported by a *system* of relationships across institutional boundaries, of varying strengths.

Stage two involved designing and testing two graphics presenting the *process* and *system* concepts. The first graphic, 'The Journey of a Hate crime', depicts a victim-focused process of what should be recorded, by whom and why along with the consequences of not recording.[305] The second graphic, the 'systems map' depicts the main actors with responsibilities to record hate crimes as a system of relationships of varying strength. A workshop methodology was developed in parallel to allow the same stakeholders to apply the '*journey*' and '*systems map*' approach in order to co-describe the current situation, co-diagnose problems and opportunities and co-prioritise recommendations for improvement in their national contexts.[306] A draft online systems map was shared for consultation and feedback, allowing for a second stage of reflection in the project.[307]

The stage two consultation workshops allowed for corrections of fact to the systems maps, and for critical feedback about the methodology itself. [308]

During the stage two consultation workshops, agreement was achieved on at least one recommendation per country. This method contributed to building consensus and shared understandings across key stakeholders at the national level. In this

305 See main report for full presentation of the findings presented in the Journey of a Hate Crime.
306 See part III below for a 'how-to' guide.
307 The Facing All the Facts' Multi-Media conference on 11 December was another opportunity to share and reflect on findings both during the first plenary session and a parallel workshop.
308 This proved to be an important step to include in the project because there were gaps in some systems maps. For example, in some contexts, partners mainly relied on the information that was in the public domain to assess the strength of relationships across the 'system'. During the workshop, stakeholders stressed the importance of directly approaching institutions and agencies for confirmation of current approaches and seeking evidence for this.

way, the design-driven participatory methodology allowed key stakeholders to use, influence and give legitimacy to the design of the final research outputs.[309] Further reflection on the most common recommendations is provided in the main body of the European report.

Feedback during the stage two national consultation workshops led to a complete review of the systems map methodology. Workshop participants in several contexts pointed out that the criteria for assessing national contexts was insufficiently clear and transparent. In line with design-driven participatory research principles, the self-assessment framework was revised to explicitly link to criteria, backed up by international norms, standards and guidance, and consulted on with partners, other national stakeholders, and, informally, with colleagues from international organisations.

During the second and final reflection phase, the graphics were finalised, national findings were brought together in 6 reports, and thematic findings across the project were set out in the European report. Specific principles, concepts and practices of connection were identified, which added context to the *process* and *systems* findings, creating a comprehensive presentation of what supports connection and progress in understanding and addressing gaps and opportunities in national hate crime recording approaches.

Understanding national systems maps

The primary purpose of the national 'systems'[310] maps is to:

1. Represent those actors at the national level that play a key role in hate crime recording and data collection
2. Describe the strength of relationships across the system based on specific criteria

A secondary, or contextual purpose was to explore whether these 'systems maps' could represent and develop the shared idea that all stakeholders (including monitoring CSOs) are equal partners in this system, thus supporting the instigation and development of 'cross-boundary', sustained cooperation at the national level.

309 On the other hand, it could be counterproductive to put stakeholders 'on the spot' to agree specific recommendations. In some contexts it was more constructive to approach lead stakeholders separately for their view on recommendations pertaining to them.
310 The word 'system' is usually used in a narrow sense referring to the 'official' systems that record and collect data, such as the police, prosecution services and relevant government ministries. Research findings suggest that the meaning and use of the term should be expanded to include those CSOs that record and collect data on hate crime and/or support victims.

Explanation of key actors in national 'systems'

As with the *Journey* graphic, it was a pre-requisite of the design to have all relevant stakeholders on one page, with a victim focus and connected to each other. While some contexts have additional stakeholders represented on the map, those listed below are on all maps. This section explains the general role of each of the actors on the systems maps and should be read in conjunction with the self-assessment framework.

Victim(s) – keeping with the 'journey of a hate crime case' graphic, the victim is placed at the centre of the 'system' symbolising the most important focus, and representing the fact that if victims don't report, there is no hate crime to record.

CSOs monitoring key types of hate crime – these icons comprise the first 'layer' of recording, and represent civil society organisations that should and do record hate crime. To be included in the graphic, the CSO normally needs to have a clear methodology for hate crime recording and data collection that significantly relies on direct victim and/or witness reports. The extent to which they share the information and raise awareness of their service with victims is reflected in the colour of the relationships (see below).

Law enforcement and criminal justice agencies – Police/ law enforcement – in addition to CSOs, the police are the most likely institution to receive reports from victims and witnesses and (should) have the strongest links with the prosecution service, other agencies and government ministries. Even if they conduct very limited hate crime recording and data collection, they are included in each graphic, because they are the first point of contact for most victims and, under international norms and standards, have the most significant responsibility to record hate crimes. In several maps, this icon represents a broad range of agencies that fit within the overall category of 'law enforcement'. This might require further explanatory text or more than one icon for law enforcement.

Prosecution service – prosecution services have obligations, under international norms and standards, to record information and data about hate crimes, and have an important relationship with law enforcement. They are therefore represented on all systems maps. In some countries the prosecution service is part of the judiciary.

Courts/judiciary – the courts have obligations – under international norms and standards – to record data and information about hate crimes, and are therefore represented on all systems maps. It is their data that (should) communicate(s) whether hate crime laws have been applied. In some contexts, the judiciary and prosecution service are connected.

Government ministries – in most countries, ministries of interior and justice are

involved in collating and reviewing hate crime data that has been recorded by law enforcement and criminal justice agencies. In some countries other ministries such as the ministry of foreign affairs, ministries with policy responsibilities in relation to migration and integration, or the prime minister's office also play an active role.

More often than not, it is ministries that set broader hate crime reporting, recording and data collection policy, which determines the specific powers that the police and other agencies have to record hate crimes. In other words, they set the frameworks that allow data sharing and cooperation to develop from ad-hoc to systematic. It is also usually these bodies that are consulted by parliaments for data when hate crime laws are being proposed, debated and revised. As with law enforcement, there are challenges in showing the granularity and complexity of those units and departments within ministries that play an active role in recording and data collection.

Intergovernmental organisations and agencies (IGOs) – IGOs request and receive a significant amount of data and information on hate crime from national authorities. In the case of some IGOs, national governments have specific commitments to share data. While IGOs are bound by fewer obligations and commitments than national authorities, they have committed to share data and information and engage and involve national stakeholders in networks, policy development and capacity building activities.

The general public – the general public are witness to, and in some cases, victims of hate crime. They are also a key target audience for efforts to raise awareness about the problem and what is being done to understand and address it.[311] The extent to which 'hate crime' enters the national consciousness as a problem of national concern that needs to be addressed can determine the degree of political attention and action it receives.

311 However, it is important to note that including 'the general public' presented methodological incongruity. Apart from being possible witnesses to hate crime, they are not recorders or collectors of hate crime data. In addition, the term 'general public' hosts hugely diverse people from those community groups that are the targets of hate crime and work closely with victims to those that might even be hostile to the 'agenda'. Including the general public led to discussions about whether other bodies such as 'the media' or 'parliament' should also be included. This point should be further examined in future research.

IGOS

LAW
ENFORCEMENT

NETWORK

PROSECUTION

CSO
ANTISEMITIC
HATE CRIME

CSO
RACIST
HATE CRIME

CSO
DISABILITY
HATE CRIME

MINISTRY OF
INTERIOR

VICTIM(S)

MINISTRY OF
JUSTICE

CSO
ANTI-LGBTQ+
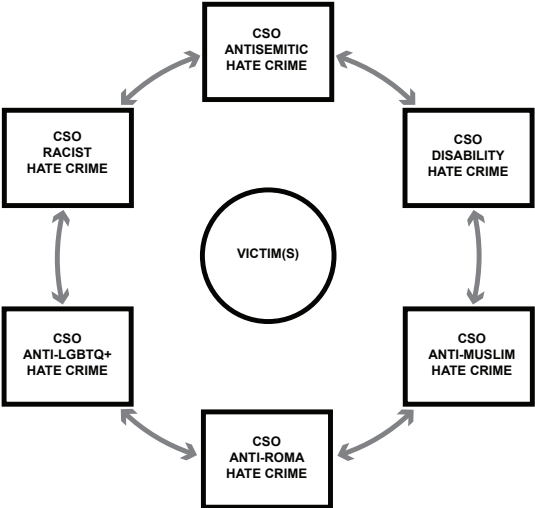HATE CRIME

CSO
ANTI-MUSLIM
HATE CRIME

CSO
ANTI-ROMA
HATE CRIME

EQUALITY
BODY

JUDICIARY

OTHER
MINISTRY

GENERAL
PUBLIC

The self-assessment framework

The tables below sets out the evidence that was collated to understand and describe current strengths and weaknesses across the relationships that form national hate crime recording and data collection systems. It aims to build on and complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.[312] Guidance that relates to what evidence can be captured, used and published by public authorities is contained in the International Standards section below. This framework seeks to support an inclusive and victim-focused assessment of the national situation, based on a concept of *relationships*. It integrates a consideration of evidence of CSO-public authority cooperation on hate crime recording and data collection as well as evidence relating to the quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent.

Table one sets out the general approach to self-assessment and the main relationships in the 'system'. Table two was used to complete the country-based description. It is important to note that there can be many different agencies playing some kind of role in recording and data collection within one country, especially in federalised systems. Where possible, we aimed to capture this complexity. For the purposes of this project, the focus is at the national level. Where there is information about significant regional differences within a country, this is highlighted. There can also be significant variations in the legal procedure that governs how cases progress from the investigation to prosecution stages across different jurisdictions. For example, cases can be directly reported to prosecutors as opposed to law enforcement; some cases are prosecuted by law enforcement, not prosecutors. Again, this methodology aims to reflect this complexity, however it remains a 'work in progress', amendable at the national level post-publication.

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312 ODIHR Key Observations, http://hatecrime.osce.org/sites/default/files/documents/Website/Key%20Observations/ KeyObservations-20140417.pdf; this methodology could also be incorporated in the framework of INFAHCT self-assessment, as described on pp. 22-23 here: https://www.osce.org/odihr/INFAHCT?download=true

Table one: Self-assessments: general approach

Relationship	Evidence used to describe relationships Two main categories of evidence are applied based on referenced international norms and standards.		Score
	Framework	Action	
The main relationships are identified across the system: Law-enforcement – prosecution; judiciary; Ministry of Interior Prosecution – Judiciary, Ministry of Justice Ministries - Ministries (e.g. MoI-MoJ, etc.) Victim - law enforcement; prosecution, ministries; CSOs General public – law enforcement; Ministry(ies), prosecution; CSOs CSOs – law enforcement; prosecution; ministries, other CSOs. IGO – ministry(ies); CSOs Further background information about existing IGO frameworks and actions is provided in the accompanying standards document. Other bodies and ministries are also relevant, including equality bodies and non-criminal justice agencies and ministries. These are included where relevant in national reports.	Technical frameworks allow for recording and data collection Policy frameworks allow information to be shared across the system. The most active and responsible ministries produce a policy framework that gives the police and other agencies the technical capacity to identify, record and act on hate crime data. If a government ministry hasn't developed an inter-departmental framework to allow for police to record all bias motivations or led the process to develop joint guidelines on recording and data collection, the police are limited in how they can relate to victims in this area.	Evidence that the frameworks are used – data is recorded, shared, collected, published and information is acted upon to develop policy and improve responses. The 'frontline', whether investigators, prosecutors or CSOs are the ones that 'give life' to, or are limited by, existing policy frameworks.	Each relationship is given a score of 0-3 for: 1. 'framework' 2. 'action' An overall score of 5-6= green; 3-4 = amber; 0-2 = red. Green = Good relationship. Effective framework and action, with room for improvement. Amber = Adequate relationship. Relatively limited framework and action. Red= Poor relationship. Very limited framework and action.

Specific relationships and criteria

General analysis			
Relationship	Evidence: this column sets out the evidence that is considered when describing a relationship as 'red', 'amber' or 'green' (See table one)		Score Framework: Action: Total: Colour:
	Framework	Action	
Law enforcement – prosecution	Relevant norm/standard: Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3,4) Law enforcement are able to record information about victim support and safety. (Standard 5) The prosecution service is able to record information sent to them by the police about bias motivations and crime type (Standard 4) and relevant information about victim support and safety (Standard 5) The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs (Standard 8; Standard 9)	Relevant norm/standard: Realistic data is produced by the system (very low numbers indicate an unrealistic measure of hate crime prevalence) (Standards 6 and 7). Data is shared systematically between the police and prosecution service to progress individual cases, including meeting victim's safety needs, and to review issues in performance. Law enforcement and prosecution service meet regularly, to review progress and share information and/or take part in joint training.	Framework: Action: Colour:
	Description of national situation:	Description of national situation	

	Framework	Action	
Law enforcement – judiciary	**Relevant norm/standard:** Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3,4) The courts have the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7) The two bodies are members of a policy and technical framework that allows cases to be traced from investigation to sentencing stages and to record and share data about victim safety and support needs (Standards 5, 8 and 9).	**Relevant norm/standard:** Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7) Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	Action	
Law enforcement – Ministry of Interior (MoI)	**Relevant norm/standard:** Law enforcement are able to comprehensively record hate crimes, including bias indicators, and specifically flag bias motivations and crime types (Standards 1, 2, 3, 4) Law enforcement are able to record information about victim support and safety (Standard 5) This information can shared with the MoI or relevant ministry for data collection and analysis. The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs (Standards 8 and 9).	**Relevant norm/standard:** Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions. Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7)	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	

	Framework	Action	
	Framework	**Action**	
Prosecution-Judiciary	**Relevant norm/standard:** The prosecution service is able to record relevant information about evidence of bias and, where appropriate, systematically present this to the court (Standards 4 and 7). There is the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7) The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs. (Standards 8 and 9)	**Relevant norm/standard:** Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions. Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standard 6) There is no evidence that the prosecution and judiciary regularly reflect on problems and gaps with the data and information that is captured.	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	**Action**	
Prosecution – MoJ	**Relevant norm/standard:** The prosecution service is able to record relevant information - including about evidence of bias - and to share this with the MoJ for data collection purposes (Standard 4) The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs Standard 8 and 9)	**Relevant norm/standard:** Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	**Action**	
MoI – MoJ (and other ministries, named at national level)	**Relevant norm/standard:** The two bodies receive data and information from law enforcement and the prosecution service, respectively (Standards 1,2,3,4). The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs across the criminal justice system (standards 8 and 9)	**Relevant norm/standard:** Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions. Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standards 6 and 7)	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	

	Framework	Action	
	Framework	Action	
Victim- Law enforcement	Relevant norm/standard: Law enforcement are able to comprehensively record hate crimes, including bias indicators – including victim perception - and flag bias motivations and crime types (Standards 1, 2, 3, 4) Law enforcement are able to record information about victim support and safety (standard 5) There is a process to keep victims informed about the progress of the investigation (Standard 10, 11, 12, 13,14) Law enforcement can accept anonymous reports of hate crime. (Standard 42).	Relevant norm/standard: The system is used to record bias motivations and crime types and to ensure specific support to victims (Standards 15 and 16) The system is used to keep victims informed about the progress of the investigation (Standard 11) Action is taken to increase reporting (Standard 17)	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	Action	
Victim - Prosecution	Relevant norm/standard: There is a process to keep victims informed about the progress of the criminal justice process (Standards 10, 11, 12, 13, 14, 18,19).	Relevant norm/standard: The system is used to keep victims informed	Framework: Action: Colour:
	Description of national situation	Description of national situation	
	Framework	Action	
Victim - MoI (or relevant ministry) -	Relevant norm/standard: There is an established and resourced framework to gather data about unreported hate crime – for example through victimisation surveys that include questions about hate crime (Standards 20, 21, 22, 42)	Relevant norm/standard: Relevant policy commitments on improving reporting and support have been made and acted upon (Standard 17) Victimisation surveys are carried out and the results are published in an accessible format (Standard 23)	Framework: Action: Colour:
	Description of national situation	Description of national situation	

	Framework	Action	
Victim - CSO monitoring Racist HC –	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standard 31 and 42)	Relevant norm/standard: The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	Framework: Action: Colour:
	Description of national situation	Description of national situation court.	
	Framework	Action	
Victim-organisation monitoring disability hate crime	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	Relevant norm/standard: The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	Framework: Action: Colour:
	Description of national situation:	Description of national situation	
	Framework	Action	
Victims-organisations monitoring Anti-LGBT+ hate crime	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	Relevant norm/standard: The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	Framework: Action: Colour:
	Description of national situation	Description of national situation	
	Framework	Action	
Victims -organisation monitoring Anti-Roma hate crime.	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standard 31 and 42)	Relevant norm/standard: The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	Framework: Action: Colour:
	Description of national situation	Description of national situation	

	Framework	Action	
	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	Relevant norm/standard: The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	Framework: Action: Colour:
Victim-organisation monitoring antisemitic hate crime	Description of national situation	Description of national situation	
	Framework	Action	
Victim-organisation monitoring anti-Muslim hate crime	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	Relevant norm/standard: The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	Framework: Action: Colour:
	Description of national situation	Description of national situation	
	Framework	Action	
General public- Law enforcement	Relevant norm/standard: Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3) See law enforcement-prosecutor relationship for details on police-recorded data.	Relevant norm/standard: Hate crime data is produced, published and made accessible (Standard 6) Action is taken to increase reporting (Standard 17 and 42)	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	Action	
General public - MoI	Relevant norm/standard: MoI has access to law enforcement and other official hate crime data (see relevant relationships).	Relevant norm/standard: Data and information (for example on hate crime strategy and actions plans) are produced, published and made accessible (Standard 6).	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	

	Framework	Action	
General public-Prosecution	Relevant norm/standard: Prosecution service records and captures data on the number and outcomes of hate crime prosecutions (Standards 4 and 7).	Relevant norm/standard: Data on prosecuting hate crime are produced, published and made accessible (Standard 6).	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	Action	
General public - Courts	Relevant norm/standard: The courts record and captures data on the number and outcomes of cases where hate crime laws were applied (Standard 4).	Relevant norm/standard: Data on hate crime sentences are produced, published and made accessible (Standards 6 and 7)	Framework: Action: Colour:
	Description of national situation:	Description of national situation:	
	Framework	Action	
General public - CSO	Relevant norm/standard: The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	Relevant norm/standard: The CSO regularly publishes data and information describing victims' experiences of hate crime based on their own recording systems (Standard 39). The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	Framework: Action: Colour:
	Description of national situation	Description of national situation	
	Framework	Action	
CSO-Law enforcement	Relevant norm/standard: The two bodies are members of an agreement to refer cases for support services (Standard 16 and 29) There is a structure for connection, that could include specialist police networks, a training agreement, information-sharing protocol, etc. (Standard 24, 25, 26, 41, 42) Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem and considers actions for improvement. (Standard 8 and 9)	Relevant norm/standard: Structures and frameworks are used in a meaningful way/ the two bodies connect in meaningful ways. For example, The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	Framework: Action: Colour:
	Description of national situation	Description of national situation	

	Framework	Action	
	Framework	**Action**	
CSO-Prosecution	**Relevant norm/standard:** No expectation that there is an information-sharing agreement in place. Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem and considers actions for improvement (Standards 8, 9 and 41)	**Relevant norm/standard:** Evidence of CSO input into prosecutor training; and/or joint case reviews, and/or specialist prosecutors offices that make connections with CSOs (Standard 25)	**Framework:** **Action:** **Colour:**
	Description of national situation:	Description of national situation:	
	Framework	**Action**	
CSO - Ministries	**Relevant norm/standard:** **NB – not all ministries will have relationships with CSOs. Generally, the lead ministry on hate crime should have some link(s).** **Framework: CSO is a member of cross-government framework with a focus on hate crime recording and data collection (Standards 8 and 9)**	**Relevant norm/standard:** CSOs play an active role in these frameworks, CSO data is actively considered in government policy-making. The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	**Framework:** **Action:** **Colour:**
	Description of national situation	Description of national situation	
	Framework	**Action**	
Network* – LGBT+ ***** 'Network' means a group of CSOs that work together to record and monitor hate crime using a common methodology. This network might be a small or large number of CSOs that is coordinated by a person or one member organisation.	**Relevant norm/standard:** Both bodies are members of a framework that shares data and works in coalition to advocate for improvements in responses to hate crime (Standard 31)	**Relevant norm/standard:** The framework is used. There is evidence of coalition building and advocacy based on shared positions.	**Framework:** **Action:** **Colour:**
	Description of national situation	Description of national situation	

	Framework	Action	
Network – anti-Roma	Relevant norm/standard: Both bodies are members of a framework that shares data and works in coalition to advocate for improvements in responses to hate crime (Standard 31)	Relevant norm/standard: The framework is used. There is evidence of coalition building and advocacy based on shared positions.	Framework: Action: Colour:
	Description of national situation	Description of national situation	
	Framework	Action	
Network – racist	Relevant norm/standard: Both bodies are members of a framework that shares data and works in coalition to advocate for improvements in responses to hate crime (Standard 31)	Relevant norm/standard: The framework is used. There is evidence of coalition building and advocacy based on shared positions.	Framework: Action: Colour:
	Description of national situation	Description of national situation	

	Framework	Action	
IGO – relevant government ministry/ CJ agency	Relevant norm/standard: There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa. (Standards 30, 32, 33, 34, 35, 36, 37) Parties are able to influence international norms and standards on hate crime reporting, recording and data collection and related activities and guidelines See standards document for information current platforms of exchange and cooperation.	Relevant norm/standard: See standards document for ongoing action by IGOs to connect with national authorities on hate crime reporting, recording and data collection National assessment will look at these factors: Data is shared with IGO in line with agreed obligations/as part of regular requests. National representatives attend IGO networking events National representatives ask for and implement capacity-building activities in the area of hate crime recording and data collection.	Framework: Action: Colour:
	Description of national situation N/A – this is a set international framework.	Description of national situation	
	Framework	Action	
IGOs- Network	Relevant norm/standard: There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa (Standard 37) Parties are able to influence international norms and standards on hate crime reporting, recording and data collection and related activities and guidelines See standards document for information current platforms of exchange and cooperation.	Relevant norm/standard: Data is shared between the two parties as part of regular requests. CSOs attend IGO networking events and ask for and implement capacity-building activities in the area of hate crime recording and data collection	Framework: Action: Colour:
	Description of national situation N/A – this is a set international framework.	Description of national situation	

Part II: Critical evaluation of the *Journey and Systems methods*[313]

Both graphics were used as tools for collaborative work during the second set of national workshops. This section identifies methodological themes arising from this work.

Workshop methods supported collaborative working:

Participants in the first set of workshops reported that they found it helpful to connect with colleagues from other organisations and institutions – often for the first time – and bring together information about how they each capture hate crime data, what gaps exist and the potential consequences of these gaps. Participants in all workshops reported that they learned new information about current reporting, recording and data collection systems. In several workshops, participants agreed specific actions on cooperation – for example arranging meetings to further discuss how hate crime recording and data collection might be improved between one or more institutions. Feedback from the interactive workshops included:

- 'It is useful to see and compare peoples' perceptions' (CSO)
- 'It was interesting to look another person in the eye and admit that the relationship could be improved.' (public authority)
- 'This way of working is not usual for me – the most positive thing is that it reflects many elements.' (CSO)
- 'It was quite rewarding, because even though we agreed, we also had discrepancies.' (Public authority)

This feedback and agreements to work together following the workshops evidence that the interactive, victim-focused methods met its objective: to connect, to 'get on the same page' and to build relationships at the national level.

The need to allow for national context

The same methodology was used for all workshops except for the final consultation workshop for England and Wales. This was because:

- The UK hate crime recording system is very complex. There was a risk that focusing on the entire 'system' in the national report and the half-day consultation workshop would simply repeat what is already known, without advancing knowledge or action

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313 Part III describes workshop activities in detail.

- Interviews with change makers were taking the research in the direction of an in-depth consideration of third party reporting – its current state and possible future directions. In line with our design-driven participatory methodology, this research focus was prioritised as being most useful to those engaged in the issues at the national level

We therefore used the London consultation workshop to consider our findings on third party reporting and to seek agreement on possible recommendations. We did not conduct the 'systems map' exercise on the sticky wall or review the draft systems map in depth.[314]

Using the 'sticky wall'[315]

A 'sticky wall' is a large piece of fabric that is sprayed with adhesive. It is mounted on a wall using blue/white tack or tape. It is used in a variety of ways as a facilitation tool for trainings and workshops. As the detailed activity guide describes below, during the first workshops, participants worked in small groups to plot the information and data that is captured and recorded at the reporting, investigation, prosecution and sentencing stages. Participants attached, removed and moved labels and paper as they wished, and often in negotiation with each other. During the second workshop, participants worked to create their own 'systems maps'. They were asked to place red, yellow or green string to represent the strength of connections and relationships, again negotiating and debating across 'divides' to try to agree the final colour of the string. In all workshops, most participants took photos of the final sticky wall. Feedback on the tool was positive.

Feedback included the following themes:

- The technique allowed participants to build and see a fuller picture of hate crime recording and data collection
- It was interactive and fun to use
- It was practical

From the public authority perspective in particular, these highly interactive and somewhat experimental approaches were very new and rarely practiced in the workshop, meeting and training contexts that they are used to. It was encouraging to see most participants taking part in using the sticky wall and being open to this new technique. However, several participants working in a public authority context reflected that the 'novelty factors' of the sticky wall and coloured string undermined the 'seriousness' of the activities. One participant suggested that these sorts of approaches can't be introduced as a 'one-off' and needed to be regularly encouraged and used in more formal public authority contexts before they

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314 See 'Connecting on hate crime data in England and Wales'.
315 Thanks to the Institute of Cultural Affairs for inspiration on this facilitation method.

could be fully accepted as credible ways to engage. This is an important insight for future efforts.

Methodological limitations of national workshops

Not all workshops had full representation across relevant institutions, organisations and affected groups. As a result, key perspectives were missing. These gaps reflected a number of possible issues:

- A lack of commitment by the invited institution to the importance of hate crime recording and data collection
- A weakness in the relationship between the national partner and the institution or organisation concerned
- A lack of capacity: a broad range of groups can be affected by hate crime yet not every group is effectively represented in national NGO monitoring activities. For example, while people with disabilities are a known target of hate crime across Europe, very few NGOs conduct effective recording and monitoring work in this area

The lack of involvement of key stakeholders in some workshops was countered by desk research and specific follow up when completing the systems maps.

National workshops and related outputs cannot reflect the diversity of regional and local approaches. As a result, a lot of important and good work is missing from national reports and systems maps. It is recommended that similar exercises are undertaken at the regional and local levels, following the activity guide set out below.

Strengths and challenges of the Journey of a Hate Crime graphic

The *Journey* image was shared during consultation workshops. Feedback included:

- Taking a victim focused approach highlights the fact that our criminal justice system does not take this approach - (public authority)
- The victim experience is actually more like a maze, where victims can bump into 'walls', feel stuck and not know where to go – (academic)
- It is really useful to see all agencies as part of the same picture – (NGO)
- I can use this in my trainings with colleagues – (public authority)
- The graphic presents findings that could take many pages to present in narrative form (public authority)
- The generally 'hostile' environment that many victims experience is not sufficiently conveyed by the image (public authority)
- How can we make sure that all victim groups are represented in this graphic? (NGO and academic)

- Make sure you can print out the image and use it in paper form for trainings and other activities (NGO)
- The Journey graphic only represents three stages of the criminal justice process. The pre-reporting stage isn't captured and the post sentencing stage is also invisible. This means that important local authority, probation and prison functions are not represented (combined feedback)

The potential versatility of the graphic as an engagement and training tool is highlighted in the feedback above. It is recommended that learners, trainers and workshop participants work with A3 colour printed versions of the graphic to insert information about the national context or to portray evidence about the victim experience. It is also recommended that further graphics are developed to represent other aspects of the hate crime experiences before reporting and/or after sentencing (e.g. probation) are developed. As a first step an instructional video on how to use the graphic as a training and development tool has been developed as part of the online learning for decision makers.
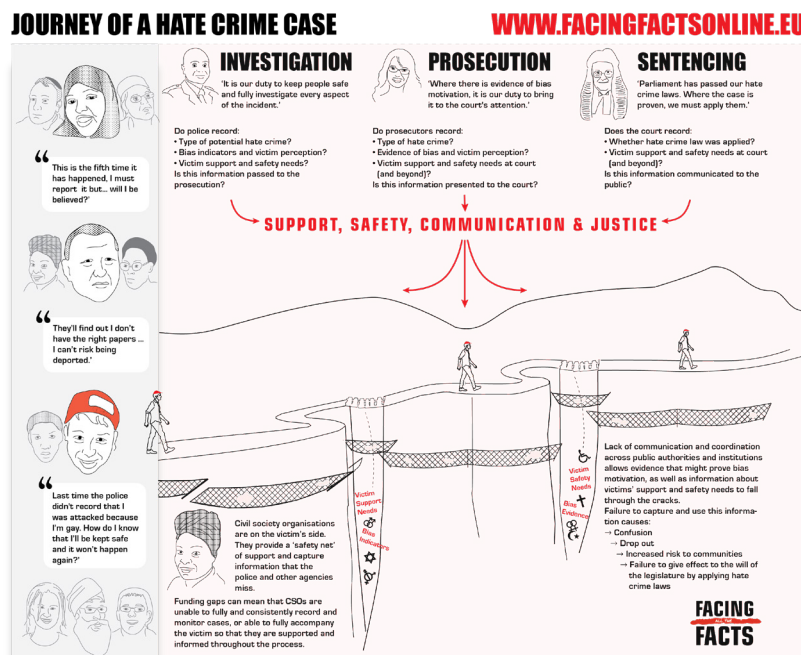
Challenges and limitations of national systems maps:

The systems maps took a lot of time and effort by the lead researcher, national partners and graphic designer to complete.[316] It was difficult to develop a framework that met our aims, which were to create a comprehensive and victim-focused assessment of the national situation, based on a concept of *relationships* that integrates a consideration of evidence of CSO-public authority cooperation, as well as evidence on the quality of CSO efforts to directly record and monitor hate

316 See national reports for national systems maps.

crimes against the communities they support and represent. The elaborate process of creating national systems maps revealed that the current normative framework:

1. Does not oblige relevant stakeholders to implement a practical means of connection with each (e.g. shared definitions of hate crime as the basis of a flagging system, the technical facility to pass information and data from one agency to another)
2. Does not conceptualise relationships across stakeholders as being of fundamental importance when giving life to normative obligations

On reflection it is clear that, with the exception of the Victims' Directive, the current normative framework has an *institutional* as opposed to a *victim* focus. While most international obligations focus on recording and collection of data by institution, the Directive obliges institutions to cooperate with each other and with CSOs to keep victims informed, safe and to collect data based on those obligations. The Findings section of this report proposes a victim-focused model for reporting, recording and data collection, which could inform the international, normative framework and possibly improve these sorts of assessments in the future.

Specific limitations of the systems maps:

- The maps only represent the national level: it wasn't possible to research include recording and data collection activity taking place at the local and regional levels. As a result, strong local and regional practice is missing, and the complexity of national law enforcement agencies and structures risks being oversimplified, particularly in federalised systems such as Spain and Italy or devolved contexts such as the United Kingdom[317]
- Describing both 'sides' of a relationship with one 'line'. In some relationships, one side does most of the 'work'. For example, the flow of information and data might be positive from a CSO to a public authority but very limited in the other direction. This led to some workshop participants using two colours to describe the same relationship. In the online systems map, the line can only be one colour and the narrative of the self-assessment aims to describe where one 'side' has a stronger framework and/or is more 'active' than the other
- Some relationships are naturally 'one-way'. For example, there isn't an expectation on victims to routinely share data and information with CSOs or with public authorities such as the police. However, there is an expectation that the police take action to ensure that all elements of a hate crime are captured, to communicate with victims and to encourage reporting
- Some relationships don't need to exist. For example the MoI might take the lead in coordinating data and information to IGOs. As a result, there is no need for there to be a direct relationship between law enforcement, the prosecution service or

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317 One approach to counter these weaknesses is to use the same methodology at the local and regional levels or with a tighter focus on one area of hate crime or one part of the system. This allows for more granularity in the context of the bigger, national picture offered in these reports.

other government ministries and IGOs. This is also explained in national analyses

- Over-complicating versus oversimplifying – On the one hand, the number of lines and relationships can make maps difficult to 'read'. On other hand, several of the maps can't reflect the depth and complexity of action in national contexts because the detail risked being overwhelming.[318] Efforts were made to achieve a balance, however there is still room for improvement. It would be interesting to explore technology that allows for certain relationships to be visually spotlighted and highlighted and/ or certain areas of the map to be 'zoomed in' for closer inspection within the broader national context

- Missing information - While every effort was taken to work with national stakeholders to ensure that information and data is accurate, it is inevitable that some will be missing or possibly incorrect. The systems maps are designed to be dynamic and can be updated with corrections and as national situations change and evolve. National stakeholders will be able to work with Facing all the Facts to amend and update maps after publication

- Presenting a comparative picture of diverse contexts - Some contexts are significantly ahead in their journey on hate crime recording and data collection, while others are at the beginning. For example, England and Wales has had a strategic approach to hate crime recording and data collection since 2008, whereas Ireland currently does not. The assessment framework gives 'credit' for both the framework (E+W will achieve higher score) and the action taken between stakeholders (Irish stakeholders' efforts are reflected here). This approach better supports a comparative description

- Description not 'assessment': The Facing all the Facts Project is not aiming to set norms and standards in the area of hate crime recording and data collection or to provide a formal 'assessment' of national efforts. Instead, it aims to develop transparent tools, based on existing standards, to bring key stakeholders together to co-describe, the current system and relationships; to co-diagnose areas for improvement and to co-prioritise what to work on in the short, medium and long-term. Therefore, the term 'description' is used and the importance of revisiting and revising the description over time is emphasised

Conclusions

The feedback and analysis of this project's action-research methodology and outputs suggest that:

- Taking the time to involve all relevant stakeholders in the process of describing and understanding the national hate crime and data collection 'system' can lead to better national understandings of the nature and impact of hate crime and who should and is doing what in this area;

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318 For example, there can be great complexity and details relating to the range of crime types and protected characteristics/bias motivations that are captured at the national level. Where there are gaps (e.g. LGBT+) these are mentioned, however there is not a detailed description of crime types and protected characteristics in each national context. It can be added at the national level at any time.

- A focus on relationships and their varying strengths highlights the dynamic and complex nature of the system that needs to be understood and supported
- The explicit focus on CSO/NGO-public authority relationships brought CSO's from the periphery into this 'system' as central actors, and encouraged a victim focus

However, the process has been time consuming and quite messy at various stages, requiring a lot of input from national partners. This is partly because it was the first time that a normative framework, integrating a victim and community perspective has been created and applied to describe and diagnose national systems. Towards the end stages of the research, when country analyses were being finalised, the research team reflected that the process has been so difficult partly because the current framework does not specifically address the following issues:

- That there should be 'nodes' of connection across institutions that can be created through technical and policy agreement such as inter-institutional definitions and hate crime flagging guidelines; electronic or manual databases that are connected, or
- That relationships, based on regular meetings, communication, and common goals, between institutions are important

The implications of these gaps is that it is difficult to develop, describe and implement a *victim-focused* 'system'. From the victim and community perspective protecting institutional boundaries, a preoccupation of many public authorities, can be in conflict with efforts to achieve the desired outcomes of safety, security and justice. Until this perspective is integrated into the international normative framework, it will remain difficult to most effectively describe, assess and prioritise. These points are addressed in more detail in the Findings and Recommendations sections.

Further, on a more practical note, one day and half-day workshops and the resulting national reports and systems maps will have limited impact if they are not revisited and revised. It is recommended that national stakeholders continue to use the tools produced by the project to re-assess their situation at the national regional and local levels and to agree specific actions and updates to their systems maps accordingly.

Part III: Facilitator's guide for National Workshops and change agent interviews

National workshops

Stakeholders from across the CSO and public authority sectors were identified and brought together to map current recording systems, the national picture of hate crime and to agree gaps and potential actions for improvement. While the workshops served as a data-gathering exercise about current practices and gaps, they also aimed to test out new ways to connect people working on hate crime recording who don't usually work together on the topic.

The workshop methodology focused on activities and tools such as the 'sticky wall' that encourage different stakeholders to see and even experience things from each other's point of view and to understand and agree what they might offer each other to improve available information about hate crime's prevalence and impact and to better meet victims' support and security needs.

We aimed to test out ways to bring together key agencies and organisations and provide a space to:

- Co-describe how hate crimes are recorded and by whom
- Co-diagnose current gaps in recording
- Start to co-prioritise actions for improvement

Participants:

- Took part in a reflection to encourage them to take on another perspective
- Used case studies to explain how they would record a hate crime using their current methodology whether from a CSO or for example, police perspective
- Shared and mapped existing information about hate crime prevalence and impact together, and openly discuss its reliability and validity from different perspectives
- Identified possible next steps and actions that can be taken together, and
- Gave feedback about the strengths and weaknesses of the workshop methodology

When working to agree national recommendations, we drew on international resources such as capacity building activities offered by FRA and ODIHR.

The next section gives detailed guidance on how to carry out these activities. The guidance brings together what was learned from facilitating 12 workshops over two years. The Findings section draws out cross national themes and national reports look at the findings for the workshops in detail.

Change agent interviews

What do we mean by change agents? There are a few definitions of change agents, but in a nut shell, they can be described as a person or a group of people who cause a change in the way things are done or in the way ideas are viewed. In the case of hate crime recording they might be individuals who have played a significant role in supporting improvements in this area from the police, prosecution, court or NGO perspective. They may work in a public authority, CSO, educational role or they may have moved from one to another. They may have instituted a new monitoring system, convinced an institution to introduce hate crime training, or significantly contributed to raising awareness of the problem of hate crime and the need to address it over a period of time, sometimes years.

While the workshops are collective and group based, the purpose of the interviews with change agents was to explore their perspective on specific, complex or sensitive issues in more depth.

Lead partners identified key people – 'change agents' - who have been at the centre of efforts to understand and address hate crime at the national level. We wanted to find out what, in their opinion, supports - and what undermines - cooperation between public authorities and those civil society organisations that conduct recording and monitoring activities. We also wanted their perspective on the 'story' of hate crime in the country: what were the key events that shaped the national consciousness about hate crime? In terms of the specifics of improving the hate crime data picture, what needs to be done next?

The interviews took place during the same week as the workshops and at the convenience of the interviewee.

Project partners worked with the research lead to identify five people per country from a range of perspectives.

The following issues needed to be taken into account:

- Filming: the interviews with change makers were filmed
- Allow for full or partial anonymity where requested (e.g. country only, no name; keep only part not full interview anonymous, etc.)
- Designed an interview guide that goes beyond the surface of barriers to recording hate crimes and/ or working with CSOs to the heart of the challenges and successes in their experience, presenting new and unlikely insights

- Avoid the common focus on sharing 'good practice' and instead explore what works to support and sustain these particular change agents' practice in their context and, from that perspective, to draw out common elements that may form the basis of national and European recommendations. Explore what skills and techniques work, including those of diplomacy. Explored what kind of model successful change agents work with in different institutional settings

The interview guide can be found at annex one of this report. Cross national themes emerging from the interviews are explained in the Findings section and nationally focused findings are presented in the national reports.

General guidelines for planning a workshop

- Invite representatives from across government departments and agencies that have some responsibility in relation to hate crime recording, including police, prosecution service, courts, statistical authorities
- Make sure that the CSOs you invite currently record hate incidents against one or more target groups based on a strong and transparent methodology such as direct reports from victims in person or online
- In some contexts it will be a challenge to convince representatives from one or more public authorities to attend. They may not see hate crime as a priority, you may not have a relationship with the relevant contact, the topic of the workshop may be perceived to be too politically sensitive, etc. Try to counter these risks by working with others that do have relationships with your target group to provide the necessary arguments, information and support to convince them to attend
- Practical considerations: need interpreting facilities and ideally, space for small group work (either big room or smaller break out rooms); refreshments, etc

Activity one: taking 'the other' perspective: what does hate crime mean to me?

Rationale:

The purpose of this exercise is to *take on* different perspectives when thinking about what hate crime means, its impact and its significance. It aims to connect the participants in different ways and mix up the 'hierarchies' from the beginning.

Requirements:

About ten pieces of A4 paper

Directions:

Before the workshop

Take several pieces of A4 paper. Using one piece of paper for each of the following roles, write:

- 'Victim'
- 'Police officer'
- Civil Society organisation (CSO)
- 'Policy maker' (Ministry of Justice/Ministry of Interior)
- 'Prosecutor'
- 'Judge'
- 'Statistician'
- Etc

Write the role in English and the national language where relevant.

Look at the participants list and make a note of which role you should give each participant. For example, there might be someone or a particular role that would benefit from considering a particular perspective. Make sure you give a participant a role that they **do not** currently have.

During the workshop

1.   Introduce the activity and tell participants:

You have been given a 'role' that is different from what you do every day or we think is different than your experience. Spend a few minutes thinking about what hate crime means to you from this perspective and share your thoughts with your group. What is important and what is significant? What do you need?[319]

For example, if you have been given the role of a 'victim' what does hate crime mean to you? What is significant to you and what do you need?

Similarly, if you are a policy maker in the Ministry of Justice or the Ministry of Interior for example, what does hate crime mean to you? What is significant and what do you need to know about it?

If you are a police officer, what does hate crime mean to you? What is significant about it and what does it mean? What do you need to do your job?

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319 Consider distributing this text in document form for all tables.

2.   Count off the participants into groups of no more than 5 people. Ask them to find a space where they can speak in a group

Discussion questions/ wrapping up

3.   Bring participants back to the large group and ask them to share one or two key points that struck them during this exercise. Capture any important points that come up on flip chart pages throughout the room

Activity two: the 'journey' of a hate crime case

Rationale

The purpose of this exercise is to map the journey of a case from the perspective of the victim experience. By the end of the exercise, participants will think through what information *is* and *should be* captured to help ensure safety and justice and the role of police, prosecutor, policy maker and CSO information in achieving this.

Requirements

- 'Sticky wall'[320]
- Black markers
- Coloured index cards (at least 20 cards of various bright colours)
- White tack
- Print-out of case study document
- Journey of a Hate Crime Case graphic

Directions:

Before the workshop

Carefully review the participants list and create groups based on mixed roles and perspectives. Also consider whether you want to bring together particular individuals, for example where there might be a possibility to generate agreement and progress between them.

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320 See here for further information - http://www.facilitationcenter.com/sticky-walls.html

Take cards and write:

- 'Victim', or draw a stick figure of a person
- 'Investigation'
- 'Prosecution'
- 'Sentencing'
- Questions
- Or draw an exclamation mark !

Arrive at the workshop room early, put up the sticky wall in a place that will allow participants enough space to stand in front of and move around the sticky wall.

Now,

- Place the cards 'investigation', 'prosecution', 'sentencing' along the top of the wall
- Place the 'victim' anywhere on the wall
- Put the cards for questions and problems at the bottom of the wall
- Take the extra cards and markers and put them on the participants' table. Be generous

During the workshop

1. Divide participants into the pre-arranged groups and give out the handouts.
2. Explain that participants are going to put everything they know about how hate crime is recorded across the investigation, prosecution and sentencing process on the wall by writing information on the cards and sticking them on the wall. Explain that each person has information to add to the wall whether they are a police officer, judge, CSO representative, prosecutor, ministry representative or other person. Move the victim along the three stages to show that the group is aiming to build a picture of information about what is captured about the victim experience. Explain that questions and problems should be written down and placed at the bottom of the map.
3. Give participants 30-45 minutes to work in their small groups agree and write the information they want to share. Ask them to post their papers on the wall.
4. Give participants time to tour the wall and look at others' contributions. You could do this during the coffee break.
5. Bring the participants back into the larger group to share and discuss their work.

Points for discussion

Highlight the following points in the discussion:

• CSOs are in the most likely position to be at the victim's side at each stage and/ or throughout the process (they monitor the process but they can't be responsible for quantitative data)
• There is great potential for information to fall through the cracks between investigation – prosecution – courts stages – policy stages
• The experience of victims can be confusion, re-victimisation, drop out and increased risk
• Explain why this is important – without this information we do not know if victims have access to safety and justice

6. Now share the A3 copies of the Journey of Hate Crime. Give participants a few minutes to study the graphic. In either small groups or in a plenary format ask participants to reflect on the following questions: does the graphic align with the information that they identified already? What is missing? What is new? Encourage participants to write or draw on the graphic to add national information or to convey the victim experience based on the information they have.

Handout to give to participants:

Background information:

The case involves a man of African descent who is a victim of a racist assault on the streets of a major city. The assault was carried out by two men and racist slurs and the phrase 'go back to your country' were used during the assault. The police are called by a witness and take a statement from the victim and other witnesses. It is confirmed that this incident is a racist assault.

In your group, try to answer the following questions:

What information do the **police** capture about this case? Since it is clearly a racist incident, how is this information captured and shared? How does the incident become included in hate crime statistics?

Capture this information on the papers that you are given. Use as many pieces of paper that you need.

What are the gaps? Is there information that isn't captured?

The case progress to the **prosecution** stage. How is this information captured by the prosecution? If the prosecution decide to go ahead with a hate crime prosecution,

how is this recorded? Can it be included in statistical data?

What happens if the victim decides not to give evidence, is this information captured by the prosecution service or the police?

Capture this information on the papers that you are given. Use as many pieces of paper that you need.

The case goes to **court**. Can the case be recorded as a hate crime case by the court? If so, how?

What happens if there is an acquittal, is this information captured in court statistics? How about a conviction? Is it possible to record that a hate crime law was applied?

Capture this information on the papers that you are given. Use as many pieces of paper that you need.

The victim is referred to an NGO for support. How is this information captured by the NGO? What other information is captured? What if the victim is unhappy about their treatment by the police, is this information recorded?

What else do NGOs record? Are the police, prosecution and court responses documented? How is this shared with the police and prosecution service?

Capture this information on the papers that you are given. Use as many pieces of paper that you need.

Now imagine that as a policy maker you need to gather statistics about how many crimes were recorded by the police, how many prosecutions and sentences, etc. Where would you get this information? Write this down on your papers.

Capture this information on the papers that you are given. Use as many pieces of paper that you need.

After you have recorded the recording system from each perspective, think about the gaps that remain. For example, if we were looking at a homophobic assault, would the same data be captured? What would be different? Record these gaps and questions.

Now go to the 'sticky wall' and put your papers in the 'investigation', prosecution' and 'sentencing'.

Stick your gaps and questions at the bottom of the wall.

Activity three: the hate crime recording and data collection 'system'

Rationale

The purpose of this activity is:

- To build a picture of the national 'system' of hate crime recording and data collection
- To identify the systems strengths and weaknesses
- To co-prioritise actions for improvement

It is important to note that this activity should take place in conjunction with a much deeper research activity mapping the national 'system' using the self-assessment framework described in Part II. Overall, the process takes time and resources.

Participants will complete this activity in two stages. First they will map the current system on the sticky wall, focusing on their own relationships. Second they will review the map that has been produced during the research phase and identify recommendations for improvement (see section I and II above).

Requirements:

- 'Sticky wall'[321]
- Black markers
- Coloured index cards (at least 30 cards of various bright colours)
- White tack
- A few metres of yellow, red and green string or yarn (yarn is a good choice because it is light-weight and sticks to the wall more easily)
- Print-out of national systems map graphic
- Print out of pre-prepared national self-assessment.

Directions:

Before the workshop

Complete the country self-assessment with national partners (see methodology in Part I). Allow yourself several weeks for this process.

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321   See here for further information - http://www.facilitationcenter.com/sticky-walls.html

Ideally, the draft self-assessment should be shared with stakeholders before the event. This will give people a chance to understand the process and correct any mistakes. Explain that the assessment is not in the public domain and that stakeholders will have a chance to provide feedback during the workshop and in writing after the workshop.

Just before the workshop, take the index cards and write the following words (per card) in English and the national language:

- Victim
- 'AS' (stands for CSOs that record and monitor antisemitic crime)
- 'AM' (stands for CSOs that record and monitor anti-Muslim hate crime)
- 'AD' (stands for CSOs that record and monitor disability hate crime)
- 'AR' (stands for CSOs that record and monitor anti-Roma hate crime)
- 'Racist' (stands for CSOs that record and monitor racist crime)
- 'anti- LGBTI' (stands for CSOs that record and monitor anti-LGBTI crime)
- Law enforcement
- Prosecution Service
- Judiciary
- Ministry of Justice
- Ministry of Interior
- Ministry of Foreign Affairs (optional)
- General Public
- IGO (intergovernmental institutions including OSCE-ODIHR, FRA, UN, ECRI)
- EB (equality body)
- Other (add the name of any other body that plays a significant role in recording and monitoring hate crime at the national level)

Pile the index cards in the order above, with 'victim' on the top of the pile.

Now take the yarn or string and cut about 15 pieces of each colour, about 50 centimetres long. Loosely tie them into bunches of 5 pieces. This gives you enough material for three small groups.

Carefully review the participants list and create groups based on mixed roles and perspectives. Also consider whether you want to bring together particular individuals, for example where there might be a possibility to generate agreement and progress between them.

Arrive at the venue with plenty of time to put up the sticky wall and arrange the tables into groups, if interpreting allows.

During the workshop:

1. Divide participants into their pre-allocated groups.
2. Explain the purpose of the session. We want to:
   - Build a picture of the national 'system' of hate crime recording and data collection
   - Identify the system's strengths and weaknesses
   - Co-prioritise actions for improvement
3. Explain that you will discuss the systems maps in detail during the second part of the workshop. In the first part, you will be focusing on the process of connection with your colleagues and looking in more detail at the connections and gaps in your relationships on hate crime recording and data collection.
4. Explain that you will start by setting out the key organisations and institutions that perform this function.
5. Start placing the cards on the sticky wall:
   - Starting with the index card 'victim', explain that the victim is and should be at the centre of hate crime recording and data collection efforts
   - Follow with the cards AS, AM, AR, Racist, anti-LGBT and AD explaining that these represent CSOs that record and monitor hate crimes and support victims
   - Then place the cards for law enforcement, prosecution and the judiciary explaining that these institutions each have responsibilities to record information about hate crime investigations, prosecutions and sentencing
   - Place the cards for government ministries, explaining that they have a role in compiling and analysing data from criminal justice agencies and other sources
   - Place the equality body card explaining that they also play a role in monitoring hate crime
   - Place the IGO card explaining that government ministries, agencies and CSOs often send information for country monitoring purposes and/or annual reports, national representatives attend international meetings and capacity building activities, etc
   - Place the general public card explaining that it is also important to look at what information about hate crime is easily accessible in the public domain
   - Finally – or when you think it is appropriate – add any other organisations or institutions that you think are relevant

Now you have the skeleton of the systems map.

6. Explain to participants that they are now going to draw on their own knowledge to add to the map and to assess the strength of connection(s) across the system.

7. Stress that the focus is on hate crime recording and data collection, not other aspects of hate crime responses. Encourage them to use their limited time to focus on their relationships. For example, if there is a police officer and a CSO recording hate crimes against LGBT+ communities, focus on assessing that relationship together. Likewise if there is a police officer and prosecutor in one group.

8. Ask participants to discuss two specific areas of connection in pairs:

    ⋯⋗ Do they share a technical and policy framework for hate crime recording and data collection, for victim protection and support? For example, is there a national agreement that sets out how hate crimes are recorded and data is collected and how information about victim support and safety is captured? Is there an electronic system to capture this information, are there guidelines setting out the step by step process for doing this? Ask them to agree a score of 0-3. O is weak and 3 is strong.

    ⋯⋗ What action is being taken to record and share data (respecting laws on data protection and victim confidentiality) ? What action is taken to ensure victims are referred to support and safety information is acted upon? Ask them to agree a score of 0-3. O is weak and 3 is strong.

    ⋯⋗ Explain that they will be giving their 'relationship' a colour. An overall score of 0-2 is red, 3-4 is amber, 5-6 is green.

9. Give groups about 60 minutes to discuss the activity and start to agree 'colours'. Where there is disagreement, encourage participants to choose a single colour. Where this isn't possible, allow participants to put more than one colour on the map. The purpose of this activity is to encourage engagement, connection and discussion across 'boundaries'. It isn't necessary to achieve the 'final say' on the national situation. Remember, you will be sharing the final systems map with detailed evidence during the second part of the exercise.

10. After participants have finished placing their coloured string on the sticky wall, bring the whole group together to reflection the process and outcome.

Wrapping up:

11. Ask for feedback about the process. What was useful about the activity? What could be improved?
12. Ask for summaries of people's contribution. What connections did they look at? What colour did they give the connection? Why?

You have finished stage one of the exercise. You might want to consider having a break here.

13. Now share the pre-prepared, detailed systems map with the group. Give a brief overview of the map and the self-assessment. Explain that there isn't time to go through all of the evidence in detail, but stakeholders will be able to provide written feedback after the workshop.
14. Allow participants to study the map and the self-assessment framework for about 30-40 minutes.
15. Now start a general discussion. Ask participants if they would like to share some general reflections about the assessment?
16. Wrap up the general discussion, reminding participants that they can provide written feedback after the workshop. Explain that in the final part of the activity, you will move onto identifying actions for improvement. Ask the group, based on this work, what are the priorities for action? What can be agreed here? Post the main ideas on the sticky wall.
17. Close the activity with any final reflection. Encourage participants to take photos of the final map.[322]
18. Incorporate new feedback and findings into the national Systems Map.

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322 Note: this activity complemented the development of national, online, 'systems maps' for each country, which are discussed thematically in the Findings section and in detail in each country report.

Annex one: National hate crime data assessment matrix

This matrix is based on ODIHR's guide, which sets out 'ten practical steps' for governments and public authorities to take to assess their current hate crime recording framework and to identify priorities and actions.

To fit the needs of this project, the matrix focuses on three further areas: CSO involvement in each step, an assessment of CSO's own monitoring systems, and an assessment of actions to improve hate crime reporting.

The matrix was completed together with national partners to generate a national overview of hate crime recording and CSO-public authority cooperation in each country in advance of the first workshop. This overview identified potential areas of focus for the national workshops and, together with the outcomes of the workshops formed the basis of the final self-assessment framework.

Policy area	Description and assessment	CSO role
1: Is there a hate crime legal framework?	Describe the legal provisions in place, including links, and assess the gaps (crime types/protected characteristics)	How were/are CSOs involved in the development and enactment of this legislation and its implementation?
2: Is there a national coordination structure that monitors hate crime data and involves CSOs as representatives?	List the institutions involved and describe the typical agenda of the meetings, their frequency, the level of involvement of officials, whether specific hate crime cases are considered, whether there are local and/or regional structures; whether the structures consider hate crime patterns or particular spikes in hate crime and the reasons for this.	Do CSOs have a clear role in the preparation of the agenda/ are all affected groups represented at meetings? Are CSOs involved in any discussions about individual cases? Is data shared with CSOs? If there are local or regional groups, is information about local hate crime patterns/ affected groups discussed with CSOs. How constructive is this dialogue on a scale of 1-10? What are the problems?
3: Is there a shared monitoring definition for 'hate crime' across the police, prosecution service and the courts?	Include which institutions share this definition and the specific categories of information which are included. Include the bias motivations and crime types that are included in the definitions and those that are excluded. Explain whether this definition is in place throughout the country or just some areas/jurisdictions.	Is data shared with CSOs? Is there cooperation on specific cases? Do CSO reports refer to and/ or follow the same national hate crime definitions?

4: Is there an established system to record data including the relevant fields (bias motivations and crime types) in recording forms/ electronic systems? Is it clear whose job it is to record and to verify incidents as hate crimes? Is data collected across the police, prosecution service and the courts and other agencies? Is it comparable? Is there guidance for all personnel on how to identify and record hate crimes and incidents?	Describe the current recording system and gaps.	Have CSOs been involved in developing any relevant guidance? As above, are there data sharing agreements in place? What CSO data is available? How does it match up to 'official' data? What are the gaps?
4a. What hate crime recording methods are used by CSOs?	List the CSOs that conduct hate crime monitoring and briefly describe their methods, and the types of hate crime that they monitor. Assess their strengths and weaknesses (see http://www.facingfactsonline.eu)	
5. Is there a training programme for police, prosecutors and all others who are expected to use the recording system?		Are CSOs involved in the design and delivery of this training?
5.a What training to CSOs provide to their monitors including staff and volunteers?	Describe any training that CSOs undertake to perform their monitoring work.	
6. Is data being collected and recorded? What approach is taken? Is the widest possible approach adopted to record hate crimes? For example, is victim perception taken into account? Is the information that is collected detailed?	Describe the step by step process followed by police when recording a hate crime. Describe the step by step process followed at the when recording a decision to prosecute. Describe the step by step process that the courts take when registering 'hate crime judgments'.	If a CSO is involved in supporting a victim and is in touch with the authorities, is there a process to feed in the CSO view/ perception on whether an incident was a hate crime taken into account? Is CSO data/evidence on court monitoring and police/ prosecution responses taken into account by policy makers?

7. Are there household crime surveys or victimization surveys that ask the general population about their experiences of crime whether or not they report it? Does it or do they include questions about hate crime victimization? If these surveys do not exist, how is unreported crime measured? Has any small scale research been funded or commissioned? What were the findings?	Describe any current surveys that are conducted to understand and measure unreported hate crime.	Have CSOs been involved in the design of victimization surveys? Have CSOs been commissioned to conduct small scale surveys with affected groups?
8. Is hate crime data regularly reviewed and analysed to better understand hate crime and improve responses to it? This could be at the local/ intelligence level and/or national level.	Describe any processes that are in place to review existing data and to use the data to improve hate crime responses.	Are the views of CSOs on the review and assessment of HC data taken into account?
8a Is CSO data regularly reviewed and analysed to better understand their service and quality of their data	Describe any processes that are in place to review existing data and to use the data to improve hate crime responses.	
9. Is hate crime data and government's efforts to address hate crime published? Is the information also publicized? Is all data, including police, prosecution and crime survey data, published together?	Provide links to any published reports. Explain whether any activities are undertaken to raise awareness in relation to the publication.	Is CSO data included? Are CSOs included in awareness raising activities?
10. Are gender and broader issues of intersectionality taken into account? How?	People can be targeted based on more than one identity, and may have needs based on interesting identities (for example religion and gender). Explain how this is taken into account in guidance, training and hate crime recording.	
11. NEW: are there national efforts to improve the reporting of hate crime and hate speech?	Describe any efforts such as awareness raising activities, social media campaigns, community engagement activities, etc.	Do these involve working with civil society?

Annex two: Change agent interview guide

Interviewees (from CSOs and public authorities) will be encouraged to tell the story of their work on hate crime, describing their involvement in a 'journey' to improve understandings and responses. They will be encouraged to describe 'pivotal moments' that moved the agenda forward and, in some cases, backwards.

All quotes will be checked before publication.

Certain topics will be specifically explored:

- Question about their current role and remit
- 'Please can you tell me about two or three of your most significant – in terms of positive and/or negative impact – experiences of working to tackle hate crime with CSOs and public authorities'
- What are the challenges in securing effective and equal engagement and cooperation between CSOs and public authorities on hate crime?
- What, would you like to highlight about the national social, political and cultural context that can help or hinder actions to improve hate crime recording
- What kind of model do successful change makers work with in different institutional settings? Skills? Techniques? Diplomacy?
- What are the similarities and differences between the recording models used by the state and those used by CSOs? What are the reasons for these differences? What are the consequences?
- Share your experience of the practicalities, positive and negative, of identifying and involving 'appropriate' CSOs in:
  - Hate crime monitoring
  - Sharing of data
  - Membership of national, cross government strategic groups on hate crime
  - Input into police, prosecutor, hate crime recording guidelines
  - Training development and delivery
- Are there differences across CSOs working with different targeted groups? What does this mean for engagement?
- How do you think the expectations of the range of NGOs working in the area can be best met and managed?
- What further improvements do you want to see in responses to hate crime?
- How can 'hate crime' be best 'translated' in various contexts; is there an understanding of the phenomenon and concept at the national level? Among public authorities? CSOs? the general public?
- What has been the nature of change over time? What has caused or contributed to this change?

- Can you describe a 'change making incident'? what was the difference that it caused?
- Could the change in your context be described as 'micro'- such as water dropping on rocks producing slow change that supported the right things to be in place to respond to a particular incident?
- Think of an action initiative to improve data/ responses to hate crime: what worked?, what are the challenges?, what would you like to see changed?

Annex three: International standards relating to hate crime reporting, recording and data collection

This document lists the 'standards' on which the project's national self-assessment frameworks are based. Standards include legally binding instruments, politically binding commitments, and simple recommendations from relevant guidelines. The purpose is to provide a 'starting point' that draws together a range of laws, policy commitments, good practice and other documents to form the basis of the first inclusive, victim-focused framework on hate crime reporting and data collection that integrates a civil society perspective. The country reports and interactive workshops tested the framework and the main report identifies areas for development that could better integrate and strengthen the current international normative framework on hate crime reporting, recording and data collection.

In brief, the 'standards' included in this document are:

- Legally binding standards such as judgments from the European Court of Human Rights, the Convention on the Elimination of Racial Discrimination, and European Legislation including the Victims Directive and the Framework Decision on Racism and Xenophobia
- OSCE Ministerial Commitments
- Guidance and principles documents developed under the auspices of the High Level Group on Racism and Xenophobia
- ECRI's General Policy Recommendations
- Opinions from the EU Fundamental Rights Agency
- Report from the European Commission to the European Parliament and Council of Ministers
- Operational Guidelines developed by IGOs and civil society organisation

List of standards

Standard 1: European Court of Human Rights rulings found that law enforcement have the duty to 'unmask' the bias motive in hate crimes.[323] A key step in the 'unmasking' process is correct recording of hate crimes and incidents.

Standard 2: ECRI GPR 11 (2007), paragraph 68 "In order to gain an overview of the situation as concerns the occurrence of manifestations of racism in society that is as accurate as possible and monitor the response of the criminal justice authorities to such manifestations, it is necessary to develop a reliable system for the recording and monitoring of racist incidents."[324]

Standard 3: Key Guiding Principles on Hate Crime Recording, the Subgroup on methodologies for recording and collecting data on hate crime of the High Level Group on Racism, Xenophobia and other intolerance, 'Standard operating procedures of law enforcement agencies must provide police officers with tools to flag possible bias motivation and require that they are used; Law enforcement officers must be able to use bias *indicators* to identify bias *motivation*; Law enforcement officers must be able to flag incidents as potential hate crimes and record any bias-related information that might be useful to support further investigation.'[325]

Standard 4: European Commission, Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, 27 January 2014, "The existence of reliable, comparable and systematically collected data can contribute to more effective implementation of the Framework Decision. Reported incidents of hate speech and hate crime should always be registered, as well as their case history, in order to assess the level of prosecutions and sentences."[326]

Standard 5: Victims Rights Directive, Article 22 (1), 'Individual assessment of victims to identify specific protection needs. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation…. (3) In the context of the individual assessment, particular attention shall be paid to victims … who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; …. In this regard,

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323 For racist motive see ECtHR, Šečić v. Croatia, No. 40116/02 (31 May 2007); for anti-Religious motive see ECtHR (2010, 14 December); for homophobic motive see ECtHR (2015, 12 May).
324 European Commission against Racism and Intolerance (ECRI) (2007).
325 European Union Agency for Fundamental Rights (FRA) (2018b, June) p. 19.
326 European Commission (2014) p. 9.

victims of ...hate crime...shall be duly considered.'[327] In order to identify and meet victims needs, it is important create a system that can record these needs.

Standard 6: OSCE Ministerial Council Decision No. 9/09), Participating States of the OSCE have committed, "[To] collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed."[328]

Standard 7: ECRI GPR No 1 (1996), 'Ensure that accurate data and statistics are collected and published on the number of racist and xenophobic offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted."[329]

Standard 8: Hate Crime Data-collection and monitoring mechanisms: A practical Guide, OSCE-ODIHR (2014), recommendation 18, 'Establish official governmental working groups on addressing hate crimes to improve data collection, enhance information-sharing and develop a more coordinated and strategic national approach to addressing hate crimes. Aim to include all government agencies or departments dealing with any aspect of hate crimes, as well as civil society representatives'.[330]

Standard 9: Greece protocol on inter-institutional cooperation developed as part of OSCE-ODIHR's EU-Funded '**Building a Comprehensive Criminal Justice Response to Hate Crime**' project includes obligations across public authorities and CSOs to record and share information about hate crimes.[331]

Standard 10: Victims Directive, Article 1 Objectives (1) 'The purpose of this Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. Member States shall ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings. The rights set out in this Directive shall apply to victims in a non-discriminatory manner, including with respect to their residence status.'[332] In order to identify and meet victims' needs for information, support and protection, it is important create a system that can record these needs.

Standard 11: Victims Directive, Article 6 Right to receive information about their case, 'Member States shall ensure that victims are notified without unnecessary

327 European Parliament and The Council of the European Union (2012, 25 October), p. 71.
328 OSCE Ministerial Council Decision No. 9/09 (2009), *p. 2.*
329 European Commission against Racism and Intolerance (ECRI) (1996) p. 5.
330 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).
331 Agreement on inter-agency co-operation on addressing racist crimes in Greece (2018, 6 June).
332 European Parliament and The Council of the European Union (2012, 25 October) p. 65.

delay of their right to receive…information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by the victim and that, upon request, they receive such information'.[333] This information includes details about the progress and outcome of the criminal process, including the decision to end an investigation or not to prosecute an offender, court outcome, the charges, the location, etc. and when an offender has been released or whether s/he has escaped along with the nature of the resulting protection measures. This standard requires a point of connection and a system for information exchange between the victim and those responsible for aspects of the criminal justice process.

Standard 12: Victims Directive, Article 3 Right to understand and to be understood, 'Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.'[334] This includes the right to accessible information and the right to be accompanied by a person of their choice in order to help access this right. This standard requires the competent authorities to identify, record and act on information about communication needs.

Standard 13: Victims Directive, Article 4: Right to receive information from the first contact with a competent authority, imposes the obligation on Member States to ensure that victims are offered a range of information, 'without unnecessary delay, from their first contact with a competent authority in order to enable them to access the rights set out in this Directive', including the type of available support, protection, legal advice, compensation and other information that enables them to access their rights.[335] This obligation requires the competent authorities to implement a system of communication and information sharing with victims.

Standard 14: Victims Directive, Article 7: Right to interpretation and translation[336]

Standard 15: OSCE Participating States have committed, "[to] promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged".[337]

Standard 16: Victims Directive, Article 8: Right to access victim support services, Member States are obliged to, 'ensure that victims, in accordance with their needs, have access to confidential victim support services, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings.'[338] This includes facilitating the referral to specialist support services, free of charge,

333 Ibid, p. 67.
334 Ibid, p. 66.
335 Ibid.
336 Ibid, p. 67.
337 OSCE Ministerial Council (2009)p. 2.
338 European Parliament and The Council of the European Union (2012, 25 October) p. 68.

whether or not a victim makes a complaint in relation to an offence. Meeting this obligation requires that there is a system in place to connect with victims, assess, record and act on their needs.

Standard 17: OSCE Participating States have committed, "[to] take appropriate measures to encourage victims to report hate crimes";[339] "[To] take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating the contribution of civil society to combat hate crimes".[340]

Standard 18: Victims Directive, Article 10: Right to be heard. This obligation relates to the right to victims to be heard by the court.[341]

Standard 19: Victims Directive, Article 11: Rights in the event of a decision not to prosecute. Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to a review of a decision not to prosecute.'[342] This obligation establishes an obligation for the relevant authority to connect and communicate with victims.

Standard 20: ECRI GPR No 4 (1998), "Recommends to the governments of member States to take steps to ensure that national surveys on the experience and perception of racism and discrimination from the point of view of potential victims are organised."[343]

Standard 21: Hate Crime Data-collection and monitoring mechanisms: A practical Guide, OSCE-ODIHR (2014), Recommendation 20: 'Design and carry out victimization surveys that address the same bias motivations and types of crimes captured by official statistics, in order to provide for simple and meaningful comparisons of data and to assess the extent to which hate crimes may be under-reported, and why.'[344]

Standard 22: Hate Crime Recording and Data collection Practice Across the EU, FRA Opinion 3, "To gain a better insight into hate crime victimisation in their states, national authorities should design and carry out crime victimisation surveys that include hate crime-specific questions. The findings of these surveys should be included in Member States' hate crime reports that present the hate crime incidents recorded by the police."[345]

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339 OSCE Ministerial Council (2009) p. 2.
340 Ibid.
341 European Parliament and The Council of the European Union (2012, 25 October) p. 69.
342 Ibid.
343 European Commission against Racism and Intolerance (ECRI) (1998).
344 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September).
345 European Union Agency for Fundamental Rights (FRA) (2018b) p. 12.

Standard 23: Hate Crime Data-collection and monitoring mechanisms: A practical Guide, OSCE-ODIHR (2014), Recommendation 24: Publish official data on hate crimes and data from victimization surveys together, to allow for comparisons between reported and unreported hate crimes."[346]

Standard 24: Hate Crime Training for Law Enforcement and Criminal Justice Authorities, 10 key guiding principles, High Level Group on combating racism and xenophobia and other forms of intolerance, 'Principle two, Identifying Targets and Building Synergies, Develop a Model of Structured Cooperation with civil society.'[347]

Standard 25: Hate crime recording and data collection practice across the EU, EU Fundamental Rights Agency (2018), FRA Opinion 4, "EU Member States should set up frameworks of systematic cooperation between law enforcement agencies and relevant civil society organisations (CSOs). This can be done in the area of data and information exchange; by early consultation of relevant CSO, drawing on their experience; cooperating on the development of instructions, guidance or training on recording hate crime, including exchanging expertise to develop, refine and revise bias indicators; and by involving CSOs in working groups on how to improve the recording of hate crime."[348]

Standard 26: In the case of Identoba and Georgia, the ECHR found that the Georgian police should have been aware of the specific threat facing LGBT+ communities based on the findings of CSO monitoring, including ILGA and local CSOs, which evidenced negative attitudes 'in parts of Georgian society towards sexual minorities'.[349] Specific evidence of serious violence against LGBT+ people captured by ILGA and local CSOs was cited by the court, which argued that based on this evidence, the Georgian police should have taken more effective action to prevent attacks against people taking place in a march to mark the International Day Against Homophobia in 2012. This provides an important rationale for systematic connection between law enforcement and monitoring CSOs on hate crime recording: such cooperation can effectively inform the police about risks facing minority communities so that preventative action can be taken.[350]

Standard 27: OSCE MC Decision No. 4/13, specific norm relating to Roma and Sinti: "law enforcement agencies and personnel to identify, collect data, investigate and prosecute hate crimes against Roma and Sinti."[351]

Standard 28: Annex to OSCE MC Decision No. 12/04, specific norm relating to antisemitic hate crime and racist and xenophobic hate crimes: "[To] collect and maintain reliable information and statistics about anti-Semitic crimes / hate crimes

346 OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2014a, 29 September) p. 40.
347 EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017, November).
348 European Union Agency for Fundamental Rights (FRA) (2018b) p. 12
349 ECtHR (2015, 12 May) para 80.
350 See also European Union Agency for Fundamental Rights (FRA) (2018d, December).
351 OSCE Ministerial Council Decision No. 4/13 (2013, 6 December).

motivated by racism, xenophobia and related discrimination and intolerance."[352]

Standard 29: CSOs receiving reports from victims on hate crimes and incidents should be effectively trained to identify and record hate crime and to either directly provide support or to refer victims to the relevant support services.[353]

Standard 30: OSCE MC Decision No. 13/06, OSCE-ODIHR is tasked to "continue to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through its Tolerance and Non-Discrimination Information System and its report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region."[354]

Standard 31: Facing Facts! Hate Crime Monitoring Guidelines, Chapter 2., hate crime and hate incident recording systems should be based on clear crime categories that are comparable with police-recording systems. Recording methods should include evidence of indicators of bias, including the perception of the victim or any other person. Reporting platforms should be known and accessible to target communities.[355]

Standard 32: OSCE MC Decision No. 9/09, OSCE Participating States have committed, '[T]o periodically report to the ODIHR reliable information and statistics on hate crimes'.[356]

Standard 33: MC Decision No. 9/09, OSCE Participating States have agreed to, "nominate … a national point of contact on hate crimes to periodically report to the ODIHR reliable information and statistics on hate crimes"[357]

Standard 34: Victims Directive, paragraph 64: "Systematic and adequate statistical data collection is recognised as an essential component of effective policymaking in the field of rights set out in this Directive. In order to facilitate evaluation of the application of this Directive, Member States should communicate to the Commission relevant statistical data related to the application of national procedures on victims of crime, including at least the number and type of the reported crimes and, as far as such data are known and are available, the number and age and gender of the victims. Relevant statistical data can include data recorded by the judicial authorities and by law enforcement agencies and, as far as possible, administrative data compiled by healthcare and social welfare services and by public and non-governmental victim support or restorative justice services and other organisations working with victims of crime. Judicial data can include

352 OSCE Ministerial Council Decision No. 12/04 (2004, 7 December).
353 CEJI (2012), chapter 3.
354 OSCE Ministerial Council Decision No. 13/06 (2006) p. 4.
355 CEJI (2012), chapter 2.
356 OSCE Ministerial Council Decision No. 9/09 (2009) p. 3.
357 OSCE Ministerial Council Decision No. 9/09 (2009) p. 3.

information about reported crime, the number of cases that are investigated and persons prosecuted and sentenced. Service-based administrative data can include, as far as possible, data on how victims are using services provided by government agencies and public and private support organisations, such as the number of referrals by police to victim support services, the number of victims that request, receive or do not receive support or restorative justice."[358]

Standard 35: CERD, States must regularly report to the Committee on the Elimination of Racial Discrimination in its progress in implementing iCERD. This can include data and information on hate crime.[359]

Standard 36: The Universal Periodic Review, under the auspices of the UN Human Rights Council, allows states to provide information on what actions they have taken to fulfil their human rights obligations, including on understanding and addressing racist violence. States are responsible for implementing UPR recommendations.[360]

Standard 37: OSCE MC Decision No. 13/06, OSCE-ODIHR is tasked to "continue its close co-operation with other relevant inter-governmental agencies and civil society working in the field of promoting mutual respect and under-standing and combating intolerance and discrimination, including through hate crime data collection."[361]

Standard 38: Victims Directive, Article 9: Support from victim support services. The Directive obliges, 'Victim support services, as referred to in Article 8(1)' to provide a minimum standard of services, including information and advice on their rights, information about or direct referral to specialist services.' These obligations require qualifying CSOs to have a system to communicate with victims and assess and address their support, and protection needs.[362]

Standard 39: Facing Facts! Guidelines for Monitoring Hate Crimes and Hate Incidents, Chapter three, Hate crime data gathered by CSOs should be regularly published, and aimed at relevant target groups including policy makers, affected communities and the general public.[363]

Standard 40: Facing Facts! Guidelines for Monitoring Hate Crimes and Hate Incidents, Chapter seven, Hate Crime data gathered by CSOs should be used to advocate for improvements in national understandings and responses to hate crime, including through police/prosecutor training and/or influencing policy makers.[364]

358 European Parliament and The Council of the European Union (2012, 25 October) p. 64.
359 Office of the High Commissioner (OHCHR) (2019).
360 United Nations Human Rights Council (2019c).
361 OSCE Ministerial Council Decision No. 13/06 (2006) p. 4.
362 European Parliament and The Council of the European Union (2012, 25 October) pp. 68-69.
363 CEJI (2012), chapter 4.
364 Ibid, chapter 7.

Standard 41: Victims Directive, paragraph 62, 'Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.'365 'Working closely' entails setting up structures of cooperation, regular meetings and joint working, including data sharing with the aim of monitoring the success of policy implementation.

Standard 42: Victims Directive, paragraph 63, 'Practitioners who are likely to receive complaints from victims with regard to criminal offences should be appropriately trained to facilitate reporting of crimes, and measures should be put in place to enable third-party reporting, including by civil society organisations. It should be possible to make use of communication technology, such as e-mail, video recordings or online electronic forms for making complaints.'366

Standard 43: Recommendation CM/Rec (2010/5) on measures to combat discrimination on grounds of sexual orientation and gender identity, the Committee of Ministers to Member States of the Council of Europe recommends that member states ensure:

- The effective and prompt investigation of hate crime, 'where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator'
- That these offences can be taken into account by the court, 'as an aggravating circumstance'
- That they take measures to encourage reporting and that those who report are provided with 'adequate assistance and support'
- 'That relevant data are gathered and analysed ...on "hate crimes" and hate-motivated incidents related to sexual orientation or gender identity'

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365 European Parliament and The Council of the European Union (2012, 25 October) p. 64.
366 Ibid.

Background information for IGO relationships in national systems

Ongoing IGO platforms for connection with national authorities and CSOs on hate crime reporting, recording and data collection

These platforms are space for connection and allow national authorities to feed into the development of international norms, standards, guidelines and activities relating to hate crime reporting, recording and data collection.

There is an existing informal framework of National Points of Contact meetings.[367] CSOs are also often invited to attend specific sessions.

Meetings of the High Level Group on Racism and Xenophobia, established in 2016 allow for EU Member States to feed into European hate crime policy and has led to the development of several principles documents, including on police hate crime recording, cited in this document. The High Level Group on Racism and Xenophobia and other forms of Intolerance includes standing membership of EU level network CSOs and ad-hoc attendance by national CSOs. As explained on its home page, "The High Level Group is intended as a platform to support EU and national efforts in ensuring effective implementation of relevant rules and in setting up effective policies to prevent and combat hate crime and hate speech. This is done by fostering thematic discussions on gaps, challenges and responses, promoting best practice exchange, developing guidance and strengthening cooperation and synergies between key stakeholders."[368]

ECRI is made up of a national representative from each of the member states of the CoE. The body develops and publishes General Policy Recommendations.[369]

Ongoing action by IGOs to connect with national authorities and CSOs on hate crime reporting, recording and data collection

ECRI country visits rely on gathering and reviewing national data on hate crime in partnership with national authorities. The precise methodology is not in the public domain.[370]

FRA regularly publishes general and specific hate crime victimisation surveys that can be used to inform hate crime policy at the national level.[371]

367 See for example, OSCE/ODIHR Tolerance and Non-Discrimination Department (2018, 16 November).
368 European Commission (2019, 18 March).
369 See Council of Europe Portal (2019b).
370 See European Commission against Racism (ECRI) and Intolerance and Council of Europe (n.d.); See also Council of Europe Portal (2019a).
371 European Union Agency for Fundamental Rights (FRA) (2019d).

FRA regularly requests information on States' hate crime recording and data collection methodologies.[372] Its most recent report presents a detailed comparative overview of States' approaches.[373]

IGOs publish guidance and guidelines that can be used to inform policy and practice at the national level. These are referred to throughout this document.

Although not part of OSCE Ministerial Commitments, ODIHR Annual Hate Crime Reporting includes information about hate incidents submitted by CSOs.[374]

The Committee on the Elimination of Racial Discrimination will consider and publish information from CSOs, including on hate crime as part of its regular review of the implementation of iCERD at the national level.[375]

ECRI reports include information from CSOs, however there is no method in the public domain explaining how this is done.

FRA's Fundamental Rights Platform provides a mechanism for connection and cooperation on a range of areas, including hate crime.[376]

FRA regularly publishes general and specific hate crime victimisation surveys that can be used in CSO advocacy at the national level.[377]

IGOs publish guidance and guidelines that can be used to inform CSO practice and advocacy at the national level. These are referred to throughout this document.

372 See European Union Agency for Fundamental Rights (FRA) (2019a).
373 European Union Agency for Fundamental Rights (FRA) (2018b).
374 OSCE/ODIHR Tolerance and Non-Discrimination Department (2019b).
375 United Nations Human Rights Council (2019a).
376 European Union Agency for Fundamental Rights (FRA) (2019b).
377 European Union Agency for Fundamental Rights (FRA) (2019d).

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