

## Facing Facts Self-assessment grid on hate crime recording and data collection, framed by international norms and standards.

This document sets out the evidence that can be used to understand and describe current strengths and weaknesses across the relationships that form national hate crime monitoring and response ‘systems’.<sup>1</sup> It aims to build on and complement existing approaches such as OSCE-ODIHR’s Key Observations framework and its INFAHCT Programme.<sup>2</sup> Guidance that relates to what evidence can be captured, used and published by public authorities is based on a list of standards which is provided as a separate document.

There are several new things about this framework, it:

- Seeks to support an inclusive and victim-focused assessment of the national situation, based on a concept of *relationships*.
- Integrates a consideration of evidence of civil society organisations (CSO)-public authority cooperation on hate crime recording and data collection
- Includes evidence on and an assessment of the quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent.<sup>3</sup>

The top part of the table in each section, sets out the general approach to self-assessment and the main relationships in the ‘system’. The bottom part of the table in each section, provides 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 and devolved systems. Where possible, it is important 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 should be highlighted. There can also be significant variations in the legal procedures that govern how cases progress from the investigation to prosecution stages across different jurisdictions. For example, cases

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<sup>1</sup> See methodology report for more on the concept of ‘systems’, <https://www.facingfacts.eu/european-report/>

<sup>2</sup> 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>

<sup>3</sup> 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 Report, Part II.

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.<sup>4</sup>

#### Figure one: Key relationships, assessment criteria and scoring

The figure below shows a 'map' of national hate crime reporting and recording systems, with the victim in the middle.

All of the national actors who—based on international norms and standards—have some kind of responsibility to increase reporting and improve recording and data collection and responses to victims are represented in the image.

Securing effective hate crime reporting and recording systems depends on **relationships** between these key actors that make up the hate crime reporting and recording system. The strength and effectiveness of these relationships depend on:

- the existence of policy and technical frameworks that allow for information to be recorded and shared between actors
- taking action

Completed maps illustrate the strength of the relationships across the system.

Green = Good relationship. Strong ability (framework) and strong effort (action) to connect, always with room for improvement.

Amber = Adequate relationship. Relatively limited ability and effort to connect.

Red= Poor relationship. Very limited ability and low effort to connect.

#### *Description of each actor*

**IGOs:** IGOs are international organisations and agencies. The most active IGOs in the area of hate crime recording and reporting are the Council of Europe, the European Commission against Racial Intolerance (ECRI), the EU Fundamental Rights Agency (FRA), and the Organisation for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE-ODIHR).

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<sup>4</sup> For a full consideration of the limitations of this framework, see the [Facing Facts Methodology Report](#).

Several international norms and standards, set out in the accompanying standards document, require national authorities to submit data and information about hate crime to IGOs. The various mandates of these IGOs commit them to offer support and capacity building to public authorities.

**Law enforcement** - 'Law-enforcement' can include national and local police, border guards and some municipal authorities.

**'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 a member organisation.

**'Prosecution'** means the prosecution authorities in the criminal justice system. In some countries, prosecutors can receive direct reports of crime from victims.

**National Ministries of Interior (MoI)** usually have some responsibility to collect, collate and analyse police-recorded incidents.

**The icons that are placed in a circle around the victim** represent civil society organisations that record hate crimes, monitor cases either directly support victims or refer victims to support services. The grey line connecting these organisations shows that they should or could work together on these activities to strengthen common advocacy aims and to meet the intersectional needs of victims and communities.

**The Ministry of Justice (MoJ)** usually has some kind of responsibility to collect hate crime data relating to prosecutions and/or sentencing.

**Equality bodies** don't usually have a direct role in hate crime recording. However, there are several examples of equality bodies taking action to improve reporting and to scrutinise the actions of public authorities in this area.

**'Judiciary'** refers to the courts and their processes for recording the criminal justice outcomes of hate crime cases.

While **'the public'** forms the background and context of 'national systems', it is also a stakeholder within the system that show know about, and is affected by, hate crime.

IGOS

LAW ENFORCEMENT

NETWORK

PROSECUTION

MINISTRY OF INTERIOR



MINISTRY OF JUSTICE

EQUALITY BODY

JUDICIARY

OTHER MINISTRY

GENERAL PUBLIC

This table gives an overview of the most important relationships across the system, guidance on how they might be assessed and guidance on how a score (red, amber, green) can be calculated.

Relationship	Evidence used to describe relationships Two main categories of evidence are applied based on referenced international norms and standards.		Score
	Framework	Action	

<p>The main relationships are identified across the system:</p> <p>Law-enforcement  ←→ prosecution  ←→ judiciary  ←→ Ministry of Interior</p> <p>Prosecution  ←→ Judiciary  ←→ Ministry of Justice</p> <p>Ministry←→ Ministry  (e.g. Ministry of Justice←→ Ministry of Interior, etc.)</p> <p>Victim←→  law enforcement  ←→ prosecution  ←→ ministries  ←→ CSOs</p> <p>General public  ←→law enforcement;  ←→Ministry(ies),  ←→prosecution;  ←→CSOs</p> <p><b>CSOs –</b>  ←→law enforcement;</p>	<p>Technical frameworks allow for recording and data collection</p> <p>Policy frameworks allow information to be shared across the system.</p> <p>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.</p>	<p>Evidence that the frameworks are used – data is recorded, shared, collected, published and information is acted upon to develop policy and improve responses.</p> <p>The 'frontline', whether investigators, prosecutors or CSOs are the ones that 'give life' to, or are limited by, existing policy frameworks.</p>	<p>Each relationship is given a score of 0-3 for:</p> <ol style="list-style-type: none"> <li>1. 'framework'</li> <li>2. 'action'</li> </ol> <p>An overall score of 5-6= green; 3-4 = amber; 0-2 = red.</p> <p>Green = Good relationship. Strong ability (framework) and strong effort (action) to connect, always with room for improvement.</p> <p>Amber = Adequate relationship. Relatively limited ability and effort to connect.</p> <p>Red= Poor relationship. Very limited ability and low effort to connect.</p>
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<p>←→prosecution;  ←→ministries,  ←→other CSOs.</p> <p><b>IGO</b> – ministry(ies);  ←→CSOs  ←→Other bodies and ministries are also relevant, including equality bodies and non-criminal justice agencies and ministries.</p> <p>These are included where relevant in national reports.</p>			
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National assessment for Austria

This table starts with a summary section, to be completed after the full assessment is completed. This section is followed by a detailed assessment of each relationship, with instructions.

Please note that the full international standards are listed here - <https://www.facingfacts.eu/annex-three-international-standards-relating-to-hate-crime-reporting-recording-and-data-collection/>

Please note that Facing Facts is revising this set of standards to better fit with its [victim and outcome-focused framework](#). Please use the above standards in the meantime.

### **General analysis**

Austria only recently initiated a strategic approach to identify and record hate crimes on the official level. A positive effort was the flagging of hate crime cases in the police case file system and its interconnection with the electronic case management system of the criminal justice system. Both law enforcement and the criminal justice system are now able to comprehensively record hate crimes. While law enforcement implemented a relatively detailed system to record various bias motivations and indicators, the criminal justice system currently only records the hate element as such without any detailed information on different bias motivations. Together with the introduction of the systematic hate crime recording system, law enforcement rolled out multilevel and extensive trainings. The e-learning program on hate crime created for and used by law enforcement has been made accessible to all judges and prosecutors, extended by an additional module created by the MoJ. Joint trainings of law enforcement, prosecutors and judges so far have been held on online hate speech but not on hate crime. It appears that the Ministry of Interior and the Ministry of Justice have a good working relationship in the field of hate crime. Inter-ministerial meetings to review progress and address shortcomings appear to take place both on an annual/semi-annual basis as well as case- and project-related.

A major negative aspect of the Austrian system is the lack of a comprehensive national strategy or action plan to combat hate crimes systematically. The government has so far heavily relied on single measures here and there, often in reaction to pressure from or funded by international or European institutions. Hate crime has no priority on the national agenda. One consequence of this strategic gap is that the entire Austrian support system of hate crime victims lacks a coordinating force. While some civil society organisation are currently trying to fill this gap, despite their best efforts, they simply lack resources and power. Tasks like the creation of a single point of information for victims, the collection and joint analysis of hate crime data from various sources, raising awareness among and informing the public and the implementation of a comprehensive system of regular referrals and knowledge exchange between all public and civil society stakeholders typically need to be coordinated by a well-funded designated agency or ministerial department. The human rights department of the Ministry of Interior sets a good example and shows commitment both inside their own ministry and in liaison with other stakeholders. However, their efforts and resources need to cover a variety of human rights related issues and it can therefore not serve as a substitute for



some sort of focused point of competence.

Within the field of civil society organizations, the Ombud for Equal treatment , other anti-discrimination bodies and an Austrian-wide generic victim support organisation, there are about a handful of organisations that have been active in the support of hate crime victims and raising awareness on the topic for many years. On the other hand, many organisations that focus their work on different or broader fields, regularly get in contact with hate crime victims. Among this latter group, some record (explicit) hate crime statistics while others use different categories or non-statistical case documentations. Client referrals and knowledge exchange across civil society organisations take place but on a rather sporadic, non-systematic basis. In those cases where civil society organisations had consultations with each other, respondents reported positive experiences.

There appears to be good coverage across all communities in terms of counselling services. However, it has been reported that there is some under-representation of statistics of cases of disability hate crimes. Organisations offering counselling services to or representing people with disabilities have only recently begun to work with the concept of hate crime and often have other priorities (e.g., issues such as independent living and equal access to work, housing, health and education; in terms of incident reporting, organisations indicated a higher relevance of cases of violence or of hate incidents that are not crimes). On the other hand, organisations focusing on counselling services for hate crime victims have little to no contact with this community. In terms of anti-LGBT+ hate crimes and in comparison to the other communities, fewer statistics and data are published by those organisations that focus their work on the support of LGBT+ communities. Unfortunately, LGBT+ communities still face many discriminations in Austrian society and lack strong anti-discrimination laws. Therefore, collecting and publishing hate crime statistics might not be a priority for organisations working with these and other similarly marginalised communities.

Respondents suggested to develop an agreement among CSOs regarding questions like which data should be collected, where to bring them together and/or to create an online reporting system, which can be fed by all relevant stakeholders. In addition, it was recommended to share clear information on who is competent in which field, to be able to refer clients purposefully. Several respondents recommended creating the legal basis to share necessary data with other organisations, to secure referrals without having to get victim’s approval. However, any kind of automatic referral system needs to respect victims’ rights and data protection laws.

Relationship	Evidence: this column sets out the evidence that is considered when describing a relationship as ‘red’, ‘amber’ or ‘green’ (See table one) (Refer to end note for relevant international norm/standard)	Score  Framework: Action:
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			Total: Colour:
	Framework	Action	
<b>Law enforcement – prosecution</b>	<p><i>Relevant norm/standard:</i> 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)</p> <p>Law enforcement are able to record information about victim support and safety. (Standard 5)</p> <p>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)</p> <p>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)</p>	<p><i>Relevant norm/standard:</i> Realistic data is produced by the system (very low numbers indicate an unrealistic measure of hate crime prevalence) (Standards 6 and 7).</p> <p>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.</p> <p>Law enforcement and prosecution service meet regularly, to review progress and share information and/or take part in joint training.</p>	<p><b>Framework: 2</b> <b>Action: 2</b> <b>Colour: Amber</b></p>
	<p><i>Description of national situation:</i> The Austrian law enforcement agencies are able and required to record comprehensive information</p>	<p><i>Description of national situation:</i> The Ministry of Justice introduced systematic hate crime recording in March 2021. The e-learning</p>	

	<p>about hate crimes, including bias indicators and specifically flag bias motivations and crime types. Until November 2020 no systematic identification and recording of hate crime was taking place. Only right-wing extremist crime, under the subcategories racism/xenophobia, antisemitism and islamophobia, had been reported as ‘hate crime’ to ODIHR.<sup>5</sup> Funded by an EU project, law enforcement rolled out comprehensive trainings and implemented systematic identification and recording of hate crimes in November 2020. Relevant information in hate crime cases is since then collected through a tick-box system within the electronic police case file database.</p> <p>Trainings for law enforcement were conducted as an e-learning program followed by one to two hours in-depth seminars held by specially trained police officers acting as multipliers. These multipliers also continue to serve as internal contact persons. They receive regular updates via newsletters sent out by the human rights department of the MoI. Criminalistic guidelines are available to all officers. An additional e-learning program treating online hate speech is currently being finalized. The training contents on hate crime also fed into the regular basic and further trainings on all levels.</p>	<p>program on hate crime created for and used by law enforcement has been made accessible to all judges and prosecutors, extended by an additional module created by the MoJ. Joint trainings of law enforcement, prosecutors and judges were held on online hate speech but not yet hate crime.</p> <p>Hate crimes are flagged as bias motivated crime (<i>vorurteilsmotivierte Straftaten – “VM”</i>) in the justice system’s digital registers (<i>Verfahrensautomation Justiz und EliAs</i>). The bias motivations identified and flagged by law enforcement are automatically transferred into and recorded in the justice system’s digital registers together with the police crime report. Besides, the criminal justice agencies can independently assess and record any bias motivations. The flagging is applied both to any bias motivated crime (captured as aggravating circumstances under Austrian criminal law) and the relevant specific offences like incitement to hatred and the Austrian National Socialism Prohibition Act. Currently, bias motivations are only recorded cumulatively as an overall ‘hate motive’, without disaggregating by bias motive. However, changes towards a more detailed recording system, to be implemented for the criminal justice system, are currently under discussion.</p>	
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<sup>5</sup> Haider (2020).

	<p>The following ‘monitoring-definition’ is used by both law enforcement/the Ministry of Interior (MoI) and the criminal justice system/Ministry of Justice (MoJ): ‘Bias motivated crimes are criminal offenses committed due to the actual or perceived aggrieved persons’ membership to groups, which the perpetrator rejects. They can be directed against health and life, other people’s property, honour or other legally protected rights. It is essential for these criminal offenses – labelled as “bias crime” (<i>Vorurteilskriminalität</i>), “hate crime” (<i>Hasskriminalität</i>) or “hate crime” (<i>Hate Crime</i>) that the victim or the object of the crime were selected because they stand for a group, against which the perpetrators are prejudiced. The perpetrators’ derogatory attitude can also entail considering a group undeservedly privileged. The groups typically particularly worthy of protection, which are rejected by the perpetrator, are defined by characteristics of identity (especially gender, ethnic/national origin, religion, sexual orientation, ideology), the body (especially age, disabilities, skin colour, disease) or the social position (especially social status, homelessness). Through the criminal act, an intimidating message is directed at people who carry these characteristics. Indicators for such bias motivations can be derived in consideration of all circumstances. In particular, the perpetrator’s</p>	<p>The hate crime statistics for 2021 submitted to ODIHR show an increase in recorded cases since the implementation of systematic hate crime recording. 5,464 hate crime cases were recorded by the police, 4,304 cases were prosecuted and in 184 cases were sentenced. The statistics include offences understood as right-wing extremism.<sup>7</sup></p>	
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<sup>7</sup> OSCE/ODIHR (undated).

	<p>ideology as well as the victims' and witnesses' perceptions should be considered. The victim selection per se, based on the mere opportunity to commit a crime, is not a bias motivation.'</p> <p>Law enforcement records bias motivations under the following categories and sub-categories:</p> <ul style="list-style-type: none"><li>• Age</li><li>• Disabilities<ul style="list-style-type: none"><li>○ Physical disabilities</li><li>○ Intellectual/cognitive disabilities</li></ul></li><li>• Gender/Sex<ul style="list-style-type: none"><li>○ Queer/Inter</li><li>○ Woman</li><li>○ Man</li><li>○ Others</li></ul></li><li>• Skin colour</li><li>• National/ethnic origin</li><li>• Religion<ul style="list-style-type: none"><li>○ Christians</li><li>○ Jews</li><li>○ Muslims</li><li>○ Others</li></ul></li><li>• Sexual orientation<ul style="list-style-type: none"><li>○ Bisexual</li><li>○ Heterosexual</li><li>○ Homosexual</li></ul></li><li>• Social status<ul style="list-style-type: none"><li>○ Homeless</li><li>○ Others</li></ul></li></ul>		
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	<ul style="list-style-type: none"> <li>• Ideology <ul style="list-style-type: none"> <li>○ Parties</li> <li>○ Western democracies</li> <li>○ Others</li> </ul> </li> </ul> <p>If the sub-categories ‘others’ are selected a text field is provided to describe which protected characteristic is concerned. Pop-up information fields define some of the categories. In another text field, officers should provide further information regarding the bias indicators identified. Bias indicators should be identified by following a guideline highlighting the following aspects: Victims’ perceptions and impressions, place and time, negative messages by the perpetrator, severity of the crime, perpetrator. Law enforcement are encouraged to record bias motivations when in doubt. If a potential hate crime is identified an ‘interview tool’ assists police officers with the interviewing process and the individual assessment of victim’s protection needs.<sup>6</sup></p>		
	<b>Framework</b>	<b>Action</b>	
<b>Law enforcement – judiciary</b>	<p><i>Relevant norm/standard:</i></p> <p>Law enforcement are able to comprehensively record hate crimes, including bias indicators and</p>	<p><i>Relevant norm/standard:</i></p>	<p><b>Framework: 2</b></p> <p><b>Action: 2</b></p>

<sup>6</sup> For more information, see: Fuchs (2021), pp. 59-69.

	<p>specifically flag bias motivations and crime types (Standards 1,2,3,4)</p> <p>The courts have the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7)</p> <p>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).</p>	<p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7)</p> <p>Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p>	<p><b>Colour:</b> <b>Amber</b></p>
	<p><i>Description of national situation:</i> See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i> See section law enforcement-prosecution.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Police – Ministry of interior</b>	<p><i>Relevant norm/standard:</i> 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)</p> <p>Law enforcement are able to record information about victim support and safety (Standard 5)</p> <p>This information can be shared with the Mol or relevant ministry for data collection and analysis.</p>	<p><i>Relevant norm/standard:</i> Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7)</p>	<p><b>Framework:</b> <b>2</b></p> <p><b>Action: 2</b></p> <p><b>Colour:</b> <b>Amber</b></p>

	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).		
	<i>Description of national situation:</i> See section law enforcement-prosecution.	<i>Description of national situation:</i> Depending on the respective competences, meetings to discuss data recording, strategy or the optimisation of workflows take place both at the level of the MoI as well as with the subordinated police departments. The most intense exchange happens between the MoI human rights department and the Federal Criminal Police Office ( <i>Bundeskriminalamt</i> ) in terms of data recording, strategy, problem solving, optimization of workflows as well as the development of prevention measures. Between individual police officers and the MoI human rights department direct exchange often takes place as part of quality checks. The MoI human rights department does quality checks concerning the cases flagged as hate crime and, if necessary, requests improvements.  Also, see section law enforcement-prosecution.	
	<b>Framework</b>	<b>Action</b>	
<b>Prosecution-Judiciary</b>	<i>Relevant norm/standard:</i>	<i>Relevant norm/standard:</i>	<b>Framework: 2</b>



	<p>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).</p> <p>There is the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7)</p> <p>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)</p>	<p>Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standard 6)</p>	<p><b>Action: 1</b> <b>Colour: Amber</b></p>
	<p><i>Description of national situation:</i> See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i> See section law enforcement-prosecution.</p> <p>There is no evidence that the prosecution and judiciary regularly reflect on problems and gaps with the data and information that is captured.</p>	
	<b>Framework</b>	<b>Action</b>	
<p><b>National government ministries (MoI-MoJ)</b></p>	<p><i>Relevant norm/standard:</i> The two bodies receive data and information from law enforcement and local authorities, respectively (Standards 1,2,3,4).</p> <p>The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim</p>	<p><i>Relevant norm/standard:</i> Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.</p> <p>Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standards 5 and 6)</p>	<p><b>Framework: 2</b> <b>Action: 2</b></p> <p><b>Colour: Amber</b></p>

	support/safety needs across the criminal justice system (standards 8 and 9)		
	<p><i>Description of national situation:</i> See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i></p> <p>According to the Mol, the two ministries are in continuous contact. Once or twice a year, meetings discussing strategy, problem solving or optimisation of workflows in the area of hate crime take place. Partly, also civil society organisations like ZARA have been included. In addition, there are several circles between Mol and MoJ, in which the topic is also discussed. The MoJ department executing the functional supervision over the prosecution indicated that regular case- or project-related meetings and coordination with the Mol or its departments take place.</p> <p>Both the Mol and the MoJ qualify their relationship to each other as green. Also see section law enforcement-prosecution for more information.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim- Law enforcement</b>	<p><i>Relevant norm/standard:</i> 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)</p>	<p><i>Relevant norm/standard:</i> The system is used to record bias motivations and crime types and to ensure specific support to victims (Standards 15 and 16)</p> <p>The system is used to keep victims informed about the progress of the investigation (Standard 11)</p>	<p><b>Framework: 2</b></p> <p><b>Action: 1</b></p> <p><b>Colour: Amber</b></p>

	<p>Law enforcement are able to record information about victim support and safety (standard 5)</p> <p>There is a process to keep victims informed about the progress of the investigation (Standard 10, 11, 12, 13,14)</p> <p>Law enforcement can accept anonymous reports of hate crime.</p>	Action is taken to increase reporting (Standard 17)	
	<p><i>Description of national situation:</i> See sections victim-Mol and law enforcement-prosecution.</p>	<p><i>Description of national situation:</i> See sections victim-Mol and law enforcement-prosecution.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim - Prosecution</b>	<p><i>Relevant norm/standard:</i> There is a process to keep victims informed about the progress of the criminal justice process (Standards 18,19, 20, 11, 12, 14).</p>	<p><i>Relevant norm/standard:</i> The system is used to keep victims informed</p>	<p><b>Framework: 2</b> <b>Action: 1</b>  <b>Colour: Amber</b></p>
	<p><i>Description of national situation</i> Law enforcement as well as the prosecution and courts have the obligation to inform victims about their rights in the proceedings including any compensation, specific protection, and support services they are entitled to (secs 10 and 70 Austrian Code of Criminal Procedure).</p>	<p><i>Description of national situation:</i> Victims in the criminal proceedings are generally informed by information sheets and forms regarding their rights, the steps of the proceedings and summons to hearings. Normally, inter alia due to high caseloads, prosecution and victims have little to no direct contact before and after the hearing(s). Reasons provided for the</p>	

		discontinuation of proceedings are often reduced to the letter of the law (one sentence).	
	<b>Framework</b>	<b>Action</b>	
<b>Victim - Mol (or relevant ministry) -</b>	<i>Relevant norm/standard:</i> 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 (standard 20, Standard 21, Standard 22)	<i>Relevant norm/standard:</i> 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)	<b>Framework: 0</b>  <b>Action: 2</b>  <b>Colour: Red</b>
	<i>Description of national situation</i>  Currently, no established and resourced framework to gather data about unreported hate crime is in place.	<i>Description of national situation</i>  A victimisation survey was carried out and its results published as part of the project in which the police hate crime recording system was adopted. The survey asked about experiences with biased crime and their effects on victims' sense of security. It was carried out as part of a larger representative computer-assisted telephonic survey on "subjective security", which the Mol assigns yearly. Interviews were conducted between November 2020 and February 2021. <sup>8</sup> In the preceding and consecutive years, no data about	

<sup>8</sup> Fuchs (2021).

		<p>unreported hate crime have been gathered by the Mol.</p> <p>In addition, three victimisation surveys, inter alia collecting data regarding hate crime, were carried out respectively assigned by research institutes and antidiscrimination bodies. The studies “Queer in Vienna” (“<i>Queer in Wien</i>”, 2015)<sup>9</sup> and “LGBTI experiences with violence survey” (“<i>LGBTI Gewalterfahrungen Umfrage</i>”, 2015)<sup>10</sup> collected data on hate crime against LGBTI. The study “Hate crime in Styria” (“<i>Hate Crime in der Steiermark</i>”, 2017)<sup>11</sup> focused on racist and xenophobic hate crime.</p> <p>Unfortunately, the change of the police hate crime recording system was not accompanied by campaigns or any similar initiatives informing the wider public. Parallel to the project report, which documented the changes of the recording system and the trainings of law enforcement, information folders were created both in German and ten other languages. The folders are available for download on the Mol’s website<sup>12</sup>.</p>	
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<sup>9</sup> Schönpflug et al. (2015).

<sup>10</sup> Hart/Painsi (2015).

<sup>11</sup> Nicoletti/Starl (2017).

<sup>12</sup> Bundesministerium für Inneres (undated).

		However, a 2023 tender by the Austrian Research Promotion Agency ( <i>Österreichische Forschungsförderungsgesellschaft – FFG</i> ) promotes further hate crime research including another victimisation survey and information and prevention strategies in cooperation with the Mol. <sup>13</sup>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim - organisations monitoring racist hate crime</b>	<i>Relevant norm/standard:</i> 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)	<i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	<b>Framework: 3</b> <b>Action: 3</b>  <b>Colour: Green</b>
	<i>Description of national situation</i>  Five of the organisations that responded to our survey identified as either focusing their work on racist hate crime or having the most cases in this area (including one organisation representing Roma).  <u>Statistical recording</u> Only one of the five organisations records specific hate crime statistics. The necessary information are collected by using a form and through the	<i>Description of national situation</i>  <u>Advice and counselling services</u> All five organisations provide counselling and information services, two of them cater specifically to migrants and/or refugees. In terms of hate crimes, three organisations provide legal advice and psychosocial counselling, although the organisation working with Roma only rarely. Two organisations are not specialised in providing advice regarding hate crimes. However,	

<sup>13</sup> See the relevant FFG KIRAS tender regarding research on hate crime, <https://www.ffg.at/kiras/ausschreibung-2022>.

	<p>counselling session. Its indicators are based on the offences and bias motivations of the Austrian criminal law. In addition, this organisation issues and publicly presents yearly reports.</p> <p>Another organisation records case documentations regarding antigypsyism, also in terms of their relevance under criminal law, but does no separate hate crime recording. The other three have no statistical hate crime recording in place. However, in general, cases are documented based on the clients' reports and self-identification regarding the protected characteristics. Four of the five organisations also record clients' socio-demographic data for internal purposes only.</p> <p>A <u>well known organisation</u> working in this field is ZARA.</p>	<p>incidents/experiences pop up during advice sessions on different matters.</p> <p><u>Referrals</u> All five organisations refer clients to other organisations. Referrals are made to ZARA (mentioned by 2, Civil Courage &amp; Anti-Racism Work), Klagsverband (2, Litigation Association of NGOs Against Discrimination), Gleichbehandlungsanwaltschaft (2, Ombud for Equal Treatment), attorneys (1), Gewaltschutzzentrum (1, Violence Protection Centre), LEFÖ in cases of human trafficking (1) and law enforcement (2). One survey participant indicated that they refer clients to the police when they haven't reported their case yet, "[...] in the hope that the competent officer is sensitised enough".</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim-organisations monitoring disability hate crime</b>	<p><i>Relevant norm/standard:</i> 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)</p>	<p><i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 1</b> <b>Action: 3</b>  <b>Colour: Amber</b></p>
	<p><i>Description of national situation</i></p>	<p><i>Description of national situation</i> In the counselling sessions clients regularly report</p>	

	<p>One of the organisations that responded to our survey identified as focusing their work on the support of women* with disabilities*. The organisation provides psychosocial counselling. There is no statistical recording of hate crime cases in place (also see the information in the right column). The organisation collects data on their cases and some sociodemographic data as requested by their donors. However, the activities reports containing these data are only submitted to the donors but not published.</p> <p>During the workshop it was discussed that no single point of contact for reporting of/counselling in cases of disability hate crime exists. Participants explained that in this field, the term/concept of hate crime has only recently been introduced. CSOs working in this field focus more on violence against people with disabilities.</p> <p><u>Well known organisations in this field:</u> The Behindertendachverband puts their focus on the political level but does not work on individual cases. Other CSOs working in this field are NINLIL, Vertretungsnetz and Integration Wien.</p>	<p>their experiences with “micro aggressions” in their everyday lives. The organisation stated that those accounts often cannot be qualified as reportable hate crimes. However, clients are regularly targeted by demeaning comments and treatments (not being taken seriously, people only speaking to their support person, etc.). In addition, clients being assisted by a support person often perceive envy from other people. Others interpret the assistance as some kind of service they enjoy but not as a necessary service for them.</p> <p><u>Referrals</u> The organisation refers clients to other victim support organisations, e.g. Weisser Ring, 24h-Frauennotruf der Stadt Wien.</p>	
	<b>Framework</b>	<b>Action</b>	
<b>Victim - organisations</b>	<i>Relevant norm/standard:</i>	<i>Relevant norm/standard:</i>	<b>Framework: 1</b>



<b>monitoring Anti-LGBT+ hate crime</b>	<p>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)</p>	<p>The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<b>Action: 3</b>  <b>Colour: Amber</b>
	<p><i>Description of national situation</i>  Three of the organisations that responded to our survey identified as either focusing their work on anti-LGBT+ hate crime or having the most cases in this area.</p> <p><u>Statistical recording</u>  Two organisations do not record (explicit) hate crime statistics. One organisation records the cases more under discrimination aspects, using LGBTIQ and intersecting discriminations as categories. They publish statistics on their caseload and report shortcomings to the city of Vienna.</p> <p>One organisation focuses on counselling for men* and boys* who experienced violence. They record the relevant criminal offence and the prevailing targeted protected characteristic, if applicable. No statistics are published.</p> <p>The third organisation records statistics based on the following list of categories: sexualized violence against children, violence against women, sexualized violence against women, juvenile right-wing extremism, violence in same sex partnerships,</p>	<p><i>Description of national situation</i>  <u>Advice and counselling services</u>  One of the organisations focuses on counselling for men* and boys* who experienced violence. All three organisations provide a variety of advice and counselling services.</p> <p><u>Referrals:</u>  All three organisations refer their clients to other organisations upon request.</p>	

	<p>homophobia in society, homophobia in the family, internalized homophobia, transphobia in society, transphobia in the family, internalized transphobia, interphobia in society, interphobia in the family. This organisation also records sociodemographic data like origin, place and state of residence. They publish activities reports and file them to ministries and other donors.</p> <p><u>Well known organisations working in this field</u> include: Homosexuelle Initiative Wien (HOSI), Wiener Antidiskriminierungsstelle für LGBTIQ, Verein Intergeschlechtlicher Menschen Österreich (VIMÖ), Verein Nicht-Binär (Venib).</p>		
	<b>Framework</b>	<b>Action</b>	
<b>Victim - organisation monitoring Anti-Roma hate crime</b>	<p><i>Relevant norm/standard:</i> 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)</p>	<p><i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 1</b> <b>Action: 3</b></p> <p><b>Colour: Amber</b></p>
	<p><i>Description of national situation</i> See section victims-organisations monitoring racist hate crime.</p> <p>One <u>well-known organization</u> representing Roma is Romano Centro.</p>	<p><i>Description of national situation:</i> There is one Austrian organisation focusing on the representation of Roma. While they provide legal advice and psychosocial counselling (see section victims-organisations monitoring racist hate crime), they indicated that in their day-to-day business they rarely have any hate crime cases.</p>	

	Framework	Action	
<b>Victim - organisation monitoring Anti-Muslim hate crime</b>	<p><i>Relevant norm/standard:</i> 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)</p>	<p><i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 3</b> <b>Action: 3</b>  <b>Colour: Green</b></p>
	<p><i>Description of national situation</i> One of the organisations that responded to our survey identified as focusing their work on racist hate crime, including anti-muslim racism. Therefore, see also section victim-organisations monitoring racist hate crime.</p> <p><u>Well known organisation working in this field:</u> The organisation Dokustelle records anti-muslim (racist) hate crimes, publishes yearly online reports and presents them in press conferences. Statistics are provided for criminal offences and specific non-criminal incidents, location in which it took place, gender of perpetrators and victims and perpetrator group (e.g., including law enforcement, politicians and the media). In their reports, they provide advice on opportunities for action along the documented cases.<sup>14</sup></p>	<p><i>Description of national situation</i> The Dokustelle provides legal advice and psychosocial counselling and refers clients to other relevant organisations.</p>	
	<b>Framework</b>	<b>Action</b>	

<sup>14</sup> Dokustelle Islamfeindlichkeit & antimuslimischer Rassismus, <https://dokustelle.at>.

<b>Victim-organisation monitoring antisemitic hate crime</b>	<i>Relevant norm/standard:</i> 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)	<i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	<b>Framework: 3</b> <b>Action: 3</b> <b>Colour: Green</b>
	<i>Description of national situation</i> None of the organisations that responded to our survey identified as focusing their work on antisemitic hate crime or having the most cases in this area.  <u>Well known organisation working in this field:</u> The Israelitische Kultusgemeinde (IKG) operates an online antisemitism reporting office. The cases are recorded and published in yearly reports including press statements. The recording system uses the guidelines of the Fundamental Rights Agency for their categories: physical attacks, threats, vandalism, offensive behaviour and mass mailings and articles. <sup>15</sup>	<i>Description of national situation</i> The website of the online antisemitism reporting office explains that clients will possibly be contacted to discuss further options in terms of reporting, psychosocial, legal or other questions.	
	<b>Framework</b>	<b>Action</b>	
<b>Victim-organisations working in the</b>	<i>Relevant norm/standard:</i> The CSO is able to systematically record hate crimes and incidents using a transparent victim-	<i>Relevant norm/standard:</i>	<b>Framework: 1</b> <b>Action: 3</b>

<sup>15</sup> Antisemitismus Meldestelle, <https://www.antisemitismus-meldestelle.at>.

<b>field of violence against women</b>	focused methodology that is accessible to its target community(ies) (Standard 31)	The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	<b>Colour: Amber</b>
	<p><i>Description of national situation</i> One organisation identified as advising victims of psychological, physical and sexual violence against women. „In our understanding violence against women is committed against the victims BECAUSE they are women. Violence against women [serves] as the most extreme expression of power imbalances in society and misogyny. Insofar, yes, we work with hate crime victims, even if in the Austrian discourse hate crime against women is often perceived as/reduced to hate speech.” The organization provides legal advice as well as counselling by psychologists and social workers. In addition, they provide psychosocial support in criminal proceedings and organize/consult legal support for that purpose.</p> <p><u>Statistical recording</u> Based on their definition/understanding of gender-based violence against women they record the reasons for the violence. No distinction regarding hate crime is done. In intersectional cases including misogyny/lesbophobia they record these aspects in the text of the case documentation. As protected characteristics, the gender/sex is recorded based on self-identification. Some sociodemographic data</p>	<p><i>Description of national situation</i> The organisation refers cases to or consults other CSOs upon client’s consent. Referrals and consultations are statistically recorded. They also highlighted that they have a formalised referral process in place with the organisation Weisser Ring, attorneys specialised in victim representation, some hospitals and the organisation WienCERT (IT experts of the city of Vienna who can be consulted for specific questions regarding cyber violence). All referrals require client’s approval. The organisation uses an approval form to be filled in by clients regarding the exchange of their data. The form contains several tick boxes and free fields to insert organisations, law enforcement and the prosecution.</p>	

	is recorded. However, the organization aims to record as little data as necessary due to their nature as an emergency call service. Only internal activities reports are produced.		
	<b>Framework</b>	<b>Action</b>	
<b>Victim-organisations working in the general field of anti-discrimination or with no specific focus regarding bias motivations</b>	<i>Relevant norm/standard:</i> 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)	<i>Relevant norm/standard:</i> The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	<b>Framework: 3</b> <b>Action: 3</b> <b>Colour: Green</b>
	<i>Description of national situation</i> Five of the organisations that responded to our survey identified as working in the general field of anti-discrimination or coming into contact with various forms of bias motivations (no focus). Four organisations come into contact with hate crime victims through their counselling services. One organisation has indirect contacts as an umbrella organisation through its members. Two anti-discrimination bodies and the Ombud for Equal Treatment work with the legal discrimination definitions under Austrian and EU law. One organisation primarily works on cases of racist and sexist/misogynist hate crime.  <u>Statistical recording</u>	<i>Description of national situation</i> <u>Legal advice and counselling</u> The Ombud for Equal Treatment offers legal advice only. However, they can only operate within their legal mandate. In intersecting cases between discriminations and hate crimes, they advise clients that the case might be qualified as a hate crime and refer them to other relevant organisations.  The umbrella organisation provides no legal advice or counselling services.  The antidiscrimination bodies provide legal advice. One also provides support at interviews and with the enforcement of rights. The other works with other victim support organisations for	

	<p>The umbrella organisation and the organisation primarily working on cases of racist and sexist/misogynist hate crime do not record hate crime statistics.</p> <p>Both anti-discrimination offices use the OSCE hate crime definition (criminal offence + bias motivation) for their recordings. One records hate crimes based on the following categories: xenophobic, misogynist, anti-LGBTIQ+, antisemitic, ageist, disablist, anti-socially marginalised people, anti-muslim, anti-political or ideological worldviews etc. The protected characteristics recorded are categorised as: age, sexual orientation, disabilities, gender, ethnical origin, social status, religion and ideology. As sociodemographic data age, gender identity, migration background, religion and nationality are recorded. The organisation publishes hate crime statistics in their yearly reports and feeds them back to their donor.</p> <p>The other records hate crimes based on the discrimination dimensions of the anti-discrimination law. The protected characteristics recorded are categorised as: gender (including woman/man/trans/inter/*), ethnic origin, religion or worldview, sexual orientation, age, disabilities. No sub-categories are used. Indicators/aspects are identified by caseworkers with the aid of a</p>	<p>psychological counselling or more detailed legal advice.</p> <p>The organisation primarily working on cases of racist and sexist/misogynist hate crime provides legal advice and psychosocial counselling.</p> <p><u>Referrals</u> The Ombud for Equal Treatment refers clients primarily to victim support organisations, civil society organisations or law enforcement.</p> <p>The umbrella organisation refers clients to their member organisations.</p> <p>One of the anti-discrimination bodies refers clients to law enforcement, prosecution as well as specialised institutions in the fields of violence protection and child protection. They accompany victims to police interviews and assist with reporting and taking legal action.</p> <p>The other anti-discrimination body refers clients primarily to violence protection organisations (violence protection centre, Weisser Ring). They also assist with reporting to law enforcement or prosecution.</p> <p>The organisation primarily working on cases of racist and sexist/misogynist hate crime refers</p>	
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	<p>guidance document. Little sociodemographic data are recorded, depending on relevance in the respective cases (e.g., family status, residence status, etc.). The organisation publishes yearly reports and regularly contributes to the regional human rights report. Meetings with the municipality are set up at least once per year.</p> <p>The Ombud for Equal Treatment flags hate crimes in their statistics, using the criminal law definitions. They currently work on categories to record hate crime cases in more detail. Sociodemographic data are recorded. The organisation publishes activities reports biannually to be submitted to the parliament.</p> <p>All organisations recording hate crime statistics consider intersectionality through ticking multiple boxes.</p>	clients to law enforcement and the anti-discrimination office.	
	<b>Framework</b>	<b>Action</b>	
<b>Victim- generic victim support organisation</b>	<p><i>Relevant norm/standard:</i></p> <p>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)</p>	<p><i>Relevant norm/standard:</i></p> <p>The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)</p>	<p><b>Framework: 3</b></p> <p><b>Action: 3</b></p> <p><b>Colour: Green</b></p>
	One organisation operates an emergency call service for victims open to all victims in need of	The organisation operating an emergency call service for victims provides counselling as well as	



	counselling. It records cases of hate crimes and protected characteristics on the basis of the following categories: ethnic origin, gender, sexual orientation, religion, disabilities and hate on the internet. Sociodemographic data could be retrieved from the case database but are not statistically recorded.	psychosocial and legal support in criminal proceedings. It is also one of the appointed intervention organisations to which persons/victims are automatically referred by law enforcement if a restraining order has been issued (see section CSOs, equality or antidiscrimination bodies, generic victim support organisation-Law enforcement/MoI for more detail). It refers online hate crime cases to ZARA for their support in criminal proceedings.	
	<b>Framework</b>	<b>Action</b>	
<b>General public- Law enforcement</b>	<i>Relevant norm/standard</i> Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3)	<i>Relevant norm/standard:</i> Hate crime data is produced, published and made accessible (Standard 6)  Action is taken to increase reporting (Standard 17)	<b>Framework: 2 Action: 1  Colour: Amber</b>
	<i>Description of national situation</i> See sections law enforcement-prosecution and victim-MoI.	<i>Description of national situation:</i> See sections law enforcement-prosecution and victim-MoI. Action to increase reporting could be taken through information campaigns and sensitised contact persons for (questions on) hate crime reporting and/or the various victim groups.	
	<b>Framework</b>	<b>Action</b>	
	<i>Relevant norm/standard:</i>	<i>Relevant norm/standard:</i>	<b>Framework:3</b>

<b>General public – Ministry of interior</b>	The Home Office has access to law enforcement and other official hate crime data (see relevant relationships).	Data and information (for example on hate crime strategy and actions plans) are produced, published and made accessible (Standard 6).	<b>Action: 1</b>  <b>Colour: Amber</b>
	<i>Description of national situation</i> See sections law enforcement-prosecution and victim-Mol.	<i>Description of national situation:</i> Austria has so far not released any national strategy or action plan to combat hate crimes systematically. However, there are national strategies in place to combat antisemitism <sup>16</sup> , for extremism prevention and deradicalization and for the integration of Roma including the combating of antigypsyism.  Following the project report documenting the change of the law enforcement hate crime recording system in 2020, an annual report on hate crime in Austria was published in 2022 for the year 2021. It is currently intended to publish yearly reports.	
	<b>Framework</b>	<b>Action</b>	
<b>General public- Prosecution</b>	<i>Relevant norm/standard:</i>	<i>Relevant norm/standard:</i> Data on prosecuting hate crime are produced, published and made accessible (Standard 6).	<b>Framework: 2</b> <b>Action: 1</b>

<sup>16</sup> For more information, see: Bundeskanzleramt (undated).

	Prosecution service records and captures data on the number and outcomes of hate crime prosecutions (Standards 4 and 7).		<b>Colour: Amber</b>
	<i>Description of national situation</i> See section law enforcement-prosecution.	<i>Description of national situation:</i> Hate crime statistics stemming from the criminal justice system (e.g. number of indictments, convictions etc.) are currently not published but can be retrieved. The justice system's digital registers ( <i>Verfahrensautomation Justiz und EliAs</i> ) allow requests for statistical purposes, although it is not their primary function. In addition, some socio-demographic data are recorded, for example perpetrators' nationalities. Statistical data on the number of indictments and convictions regarding bias motivated crime of the year 2021 were submitted to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) through its Hate Crime data Questionnaire (and published in their statistics).	
	<b>Framework</b>	<b>Action</b>	
<b>General public - CSOs</b>	<i>Relevant norm/standard:</i> 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)	<i>Relevant norm/standard:</i> The CSO regularly publishes data and information describing victims' experiences of hate crime based on their own recording systems (Standard 39).	<b>Framework: 3</b> <b>Action: 2</b> <b>Colour: Green</b>

		The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	
	<i>Description of national situation</i> See sections on victim-CSOs.	<i>Description of national situation</i> See sections on victim-CSOs.	
	<b>Framework</b>	<b>Action</b>	
<b>CSOs, equality or antidiscrimination bodies, generic victim support organisation-Law enforcement/Mol</b>	<i>Relevant norm/standard:</i> 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)  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)	<i>Relevant norm/standard:</i> 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).	<b>Framework: 1</b> <b>Action: 1</b>  <b>Colour: Red</b>
	<i>Description of national situation</i> No specific legal or contractual basis regarding hate crime currently exists for automatic data exchange with civil society organisations, equality or antidiscrimination bodies and an Austrian-wide operating generic victim support organisation.	<i>Description of national situation</i> <u>Referral and data exchange practices:</u> According to the Mol, law enforcement refers hate crime victims to the victim support organisations, which are members of the “Hate Crime Kontern”	

	<p>However, a memorandum of understanding was signed with the Israelite Religious Society (<i>Israelitische Religionsgesellschaft</i>) in June 2022 on which basis referrals will take place.</p> <p>An automatic referral mechanism is in place in cases where a person is at risk of violence or stalking and a restraining order is issued by law enforcement. In such cases, law enforcement informs special intervention organisations (like the Austrian-wide operating generic victim support organisation and other organisations working with victims of violence against women) who then contact the person at risk and offer their support (secs 25 para 3, 38a para 4, 56 para 1 subpar 3 Austrian Security Police Act).</p>	<p>network (inter alia, Weisser Ring, ZARA), by common practice.</p> <p>Among CSOs, equality or antidiscrimination bodies and the generic victim support organisation, six organisations indicated that they refer clients to law enforcement. One organisation stated that they are in (regular) contact with the human rights department of the Mol. For referral practices by the CSOs, equality or antidiscrimination bodies and generic victim support organisation also see the respective CSO-victims sections.</p> <p>In terms of data/information exchange, one of the anti-discrimination bodies reported that they are currently trying to establish a regular exchange with 'Gemeinsam Sicher' (i.e. the community policing project of the Austrian police). One organisation working with men* and boys* reported that while there is no systematic exchange, it takes place in some cases. The generic victim support organisation operating an emergency call service for victims stated that, in practice, law enforcement has the option to send them the victim's personal information to be contacted upon victim's approval.</p> <p><u>Qualification of relationship CSOs, equality or antidiscrimination bodies, generic victim support organisation-law enforcement:</u></p>	
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		<p>In the field of racist/anti-muslim hate crime, one organisation qualified the relationship with law enforcement as amber, two organisations as amber to red and two organisations indicated that there was no relationship/cooperation. One organisation reported that there is resistance by law enforcement to record hate crimes committed by police officers.</p> <p>The CSO supporting people with disabilities indicated that there is no working relationship with law enforcement or the Mol.</p> <p>In the field of anti-LGBT+ hate crime, one organisation indicated that there was no relationship and two organisations qualified the relationship with law enforcement as amber. One of the two highlighted that trainings are necessary. The other organisation stated: “Amber: There is a differing and superficially correct cooperation, in criminal proceedings attorneys also point out misconduct, disinterest, etc. ... partly, in our cooperation, it is also visible that some officers are very correct, understanding and dedicated in the field of hate crime.”</p> <p>The organisation operating an emergency call service for women qualifies the relationship with law enforcement as amber. They explain: “Amber: Police is not always the same as police, but there</p>	
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		<p>are a lot of different officers and units. Some are very supportive, record the case, inform people concerned about their rights, organise translators, secure evidence or assist in doing so. Others do not take people concerned serious, do not record the case, etc. Improvement: comprehensive trainings (and not only for those interested), clear operational processes and contact persons.”</p> <p>In terms of the organisations working in the general field of anti-discrimination, equality or generic victim support, two organisations qualify the relationship with law enforcement as red, one as red to amber, one as amber, one has had no experience with law enforcement so far and one organisation indicated a good relationship (green). The organisations left the following comments, sorted by colour:</p> <p>Green: “Green in most cases as we accompany [clients] to interviews and this is also known with the police.”</p> <p>Orange: “The complaint system of the police is too inaccessible. For two years now, we were unsuccessful to be named a contact person [...]. However, now it is planned to have an exchange with ‘Gemeinsam Sicher’ [‘Gemeinsam Sicher’ is the community policing project of the Austrian policing], maybe this will lead to a better cooperation. Unfortunately, we regularly have</p>	
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		<p>reports on racial profiling. We would like to discuss them with the police in [...].”</p> <p>Red to orange: “[...] We would wish for a legal basis for referrals of victims of situative violence and that the police would use the option to refer victims upon their approval when reporting. It depends on the individual police officer with whom we are in contact, from green to amber to red, everything is possible, but in general it is red to amber.”</p> <p>Red: “Red. We are not in contact with the police. People concerned often tell us that they do not want to turn to the police or report their case because they fear that they would not be believed. A really sensitised representative or contact person, who takes their time for victims of hate crime, ideally upon arranging an appointment, eventually to also file a report.”</p> <p><u>Relationship qualification results CSOs, equality or antidiscrimination bodies, generic victim support organisation-law enforcement (16 respondents total):</u></p> <p>Amber: 5  Amber to red: 4  Red: 2  No relationship/cooperation/experience: 5</p> <p><u>Qualification of relationship CSOs, equality or antidiscrimination bodies, generic victim support</u></p>	
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		<p><u>organisation-Mol (where different to law enforcement):</u></p> <p>In the field of racist hate crime, one organisation qualified the relationship/cooperation with Mol better than the one with law enforcement (amber to red vs. amber).</p> <p>In the field of anti-LGBT+ hate crime, one organisation qualified the relationship/cooperation worse (amber vs. red). One organisation, qualifying both cooperations as amber, commented: “Amber – Problems can be discussed.”</p> <p>In terms of the organisations working in anti-discrimination, equality and generic victim support, one organisation indicated there was no cooperation (vs. amber for law enforcement). Two qualified it as better in comparison to law enforcement (amber vs. red to amber; amber vs. red), the latter commenting: “Amber. Through the ‘Hate Crime Kontern Network’ we are in contact and exchange regarding hate crime. However, not regarding particular cases.” One organisation, qualifying both cooperations as green, commented: “Good cooperation – green, in particular with the human rights department of the Mol, very good exchange and knowledge transfer as well as commitment!!!!”</p>	
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		<p>The Mol qualifies the relationship with CSOs/the Ombud for Equal Treatment/anti-discrimination bodies/generic victim support organisation as amber to red. They added: “Depending on the organisation since there is no legal basis for referrals, although partly, organisations are still named [to the victim].” They would recommend to create a legal basis for victim referrals to CSOs by law enforcement independent of victim’s approval, like the system currently in place, where a person is at risk of violence (see left column).</p> <p><u>Relationship qualification results CSOs, equality or antidiscrimination bodies, generic victim support organisation-Mol (17 respondents total):</u>  Green: 1  Amber: 6  Amber to red: 1  Red: 2  No relationship/cooperation/experience: 6</p>	
	<b>Framework</b>	<b>Action</b>	
<b>CSOs, equality or antidiscrimination bodies, generic victim support organisation - Prosecution/MoJ</b>	<p><i>Relevant norm/standard:</i>  No expectation that there is an information-sharing agreement in place.</p> <p>Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem</p>	<p><i>Relevant norm/standard:</i>  Evidence of CSO input into prosecutor training; and/or joint case reviews, and/or specialist prosecutors’ offices that make connections with CSOs (Standard 25)</p>	<p><b>Framework: 1</b>  <b>Action: 0</b>  <b>Colour: Red</b></p>

	<p>and considers actions for improvement (Standards 8 and 9)</p>		
	<p><i>Description of national situation</i>  In general, the Austrian criminal procedural system does not foresee the proactive contacting of victims by victim support organisations. Therefore, no data transfers between the criminal justice system and such organisations are currently in place in that regard. In accordance with the EU Victims' Rights Directive particularly vulnerable victims are provided with specialist psychosocial and legal support upon their request and when deemed necessary (sec. 66b Austrian Code of Criminal Procedure). Only victims under the age of 14 whose sexual integrity might have been injured are provided with psychosocial support in any case. Victims have the right to an individual assessment to identify specific protection needs (sec. 66a Austrian Code of Criminal Procedure). Art 22 of the EU Victims Rights Directive explicitly stipulates that '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, victims of [...] gender-based violence, [...] hate crime, and victims</p>	<p><i>Description of national situation</i>  Only two organisations indicated a practical working relationship regarding data exchange and referrals with the MoJ. Both reported it to take place under the framework of the Austrian model of legal and psychosocial support services to victims during criminal proceedings (<i>Prozessbegleitung</i>). Certain categories of victims (e.g., victims of violence, dangerous threats or an infringement of their sexual integrity, victims of hate on the internet, victims of terroristic offenses, etc.) are legally entitled to this form of legal and psychosocial support. It is provided by a list of organisations as assigned by the MoJ.<sup>18</sup></p> <p><u>Qualification of relationship CSOs, equality or antidiscrimination bodies, generic victim support organisation-prosecution:</u>  In the field of racist hate crime, three organisations qualified the relationship with the prosecution as amber, two organisations indicated that there was no relationship/cooperation or that no estimate can be made (not many cases).</p>	

<sup>18</sup> Die österreichische Justiz (undated).

	<p>with disabilities shall be duly considered.’ This was also highlighted in a MoJ ministerial decree.<sup>17</sup> Law enforcement as well as the prosecution and courts have the obligation to inform victims about their rights in the proceedings including any compensation, specific protection, and support services they are entitled to (secs 10 and 70 Austrian Code of Criminal Procedure).</p>	<p>The CSO supporting people with disabilities indicated that there is no working relationship with the prosecution.</p> <p>In the field of anti-LGBT+ hate crime, one organisation indicated that there was no relationship with the prosecution, one organisation qualified the relationship as amber (‘based on a couple of hate crime cases submitted to the prosecution’) and another as red.</p> <p>The organisation operating an emergency call service for women qualifies the relationship with law enforcement as amber. Their comment regarding their relationship with law enforcement also applies to the prosecution (see section CSOs-law enforcement/MoJ).</p> <p>In terms of the organisations working in anti-discrimination and generic victim support, two organisations indicated that there was no relationship/cooperation, one had no experience so far, one qualifies the relationship with the prosecution as red to amber and two as amber. The organisations left the following comments, sorted by colour:  No relationship/cooperation: “There is no cooperation except with a judge who offers meetings for information exchange, interpretation</p>	
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<sup>17</sup> Bundesministerium für Justiz (2016).

		<p>of cases, etc. (of course not regarding specific pending cases).”</p> <p>“[...] There is no cooperation. Also here, a direct sensitised contact person would be desirable.”</p> <p>Red to amber: “In need of improvement: consideration of victim’s interests, consideration of the victim’s right to make a statement concerning diversions, informing the organisation providing support services to victims during criminal proceedings (<i>Prozessbegleitung</i>) and the victim about discontinuing the proceedings and diversions, the reasons provided when proceedings are discontinued are often very insufficiently argued[.] There is sometimes the impression that the organisations providing support services to victims during criminal proceedings [<i>Prozessbegleitung</i>] are perceived as [only] creating work for the prosecution regarding their requests.”</p> <p>Orange: “Adequate cooperation – orange, because there is room for improvement – too little knowledge regarding hate crimes.”</p> <p><u>Relationship qualification results CSOs, equality or antidiscrimination bodies, generic victim support organisation-prosecution (16 respondents total):</u></p> <p>Amber: 7  Amber to red: 1  Red: 1  No relationship/cooperation/no experience: 7</p>	
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		<p><u>Qualification of relationship CSOs, equality or antidiscrimination bodies, generic victim support organisation-MoJ (where different to the prosecution):</u></p> <p>In the field of anti-LGBT+ hate crime, one organisation, qualifying both cooperations as amber, commented: “Amber – however, so far rarely any specific cooperation on that matter.”</p> <p>In terms of the organisations working in anti-discrimination and generic victim support, two organisations qualified the cooperation as worse in comparison to the prosecution (amber vs. red). One of them commented: “Bad cooperation – red, because they want to play their cards close to their chest and believe they don’t need any support.”</p> <p>The MoJ qualifies the relationship with CSOs/the Ombud for Equal Treatment/anti-discrimination bodies/generic victim support organisation as green.</p> <p><u>Relationship qualification results CSOs, equality or antidiscrimination bodies, generic victim support organisation-MoJ (17 respondents total):</u></p> <p>Green: 1  Amber: 6  Amber to red: 1  Red: 4</p>	
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		No relationship/cooperation/no experience: 5	
	<b>Framework</b>	<b>Action</b>	
<b>CSOs, equality or antidiscrimination bodies, generic victim support organisation – other government Ministries (than MoI/MoJ)</b>	<p><i>Relevant norm/standard:</i> NB – not all ministries will have relationships with CSOs. Generally, the lead ministry on hate crime should have some link(s).</p> <p>CSO is a member of cross-government framework with a focus on hate crime recording and data collection (Standards 8 and 9)</p>	<p><i>Relevant norm/standard:</i> CSOs play an active role in these frameworks, CSO data is actively considered in government policy-making.</p> <p>The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).</p>	<p><b>Framework: 0</b> <b>Action: 1</b>  <b>Colour: Red</b></p>
	<p><i>Description of national situation</i> See the sections on CSOs, equality or antidiscrimination bodies, generic victim support organisation-Law enforcement/MoI and CSOs, equality or antidiscrimination bodies and generic victim support organisation -Prosecution/MoJ.</p>	<p><i>Description of national situation</i></p> <p><u>Qualification of relationship CSOs, equality or antidiscrimination bodies, generic victim support organisation-other ministries (than MoI/MoJ):</u> In the field of racist hate crime, two organisations indicated that there was no relationship/cooperation or gave no qualification. One organisation qualified the relationship as amber/red, one as amber and one as green. The latter highlighted the Ministry for Social Affairs' funding.</p> <p>The CSO supporting people with disabilities indicated that there is no working relationship with the prosecution.</p>	

		<p>In the field of anti-LGBT+ hate crime, two organisations indicated that there were no relationships, one organisation qualified the relationship as red.</p> <p>The organisation operating an emergency call service for women did not provide a qualification.</p> <p>In terms of the organisations working in the general field of anti-discrimination and generic victim support, four organisations indicated that there was no cooperation/experience or provided no qualification. One qualifies the relationship as red and commented: “There is no regular exchange regarding hate crimes.” Another organisation qualified the cooperation as amber and commented: “We are funded by various ministries and with them, there is a good cooperation.”</p> <p><u>Relationship qualification results CSOs, equality or antidiscrimination bodies, generic victim support organisation-other ministries (16 respondents total):</u>  Green: 1  Amber: 3  Amber to red: 1  Red: 2  No relationship/cooperation/no experience/no qualification: 8</p>	
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		Also see the sections on CSOs, equality or antidiscrimination bodies, generic victim support organisation-Law enforcement/MoI and CSOs, equality or antidiscrimination bodies, generic victim support organisation-Prosecution/MoJ.	
	<b>Framework</b>	<b>Action</b>	
<b>CSOs/Ombud for Equal Treatment/Anti-discrimination bodies, generic victim support organisation – CSOs/ Ombud for Equal Treatment/Anti-discrimination bodies, generic victim support organisation</b>	<p><i>Relevant norm/standard:</i> There is no international framework.</p> <p><i>Description of national situation:</i> For referral practices see the sections Victim/CSOs.</p>	<p><i>Relevant norm/standard:</i> There is no international framework.</p> <p><i>Description of national situation:</i> For referral practices see the sections Victim/CSOs.</p> <p><u>Qualification of interinstitutional relationship:</u> In the field of racist hate crime, one organisation provided no qualification, one qualified the relationship as amber and three organisations qualified their relationships with other CSOs, equality or antidiscrimination bodies and the generic victim support organisation as green. One of the antidiscrimination bodies commented: “Good experiences.”</p> <p>The CSO supporting people with disabilities qualified their working relationship with other CSOs, equality or antidiscrimination bodies and the generic victim support organisation as green and commented: “Cooperation, networking in the fields</p>	<p><b>Framework:</b> / <b>Action:</b> / <b>Colour:</b> /</p>

		<p>of violence protection and counselling for women* generally good (and important for our work).”</p> <p>In the field of anti-LGBT+ hate crime, one organisation indicated that there was no relationship/cooperation with other CSOs, equality or antidiscrimination bodies and the generic victim support organisation, two organisations qualified them as green. They added the following comments: “Exchange on specific cases, depending on needs.” “Green – ZARA – extremely capable. Green – Ombud for Equal Treatment – although no recent experience.”</p> <p>The organisation operating an emergency call service for women qualifies the relationship with other CSOs, equality or antidiscrimination bodies and the generic victim support organisation as green/amber. “In general, good cooperation respectively solution-focused readiness to cooperate (also with individual cases and no formalised process).”</p> <p>In terms of the organisations working in the general field of anti-discrimination and generic victim support, two organisations indicated that there was no relationship/cooperation or provided no assessment. One qualified the relationship as amber and commented: “With some organisations we are well interconnected and have an exchange</p>	
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		<p>also regarding specific questions. We refer clients to the respective institutions, and they do the same. Contact persons on the topic of hate crime in the respective organisations would be helpful to intensify the exchange.” One organisation qualified the relationship as green to amber and two as green. The latter commented as follows: “The cooperation is important and also leads to an improvement of work processes.” “Good cooperation – green because there is years long counselling experience on both sides and networking.”</p> <p><u>Relationship qualification results (16 respondents total):</u>  Green:8  Green to amber: 2  Amber: 3  No relationship/experience/qualification: 3</p>	
	<b>Framework</b>	<b>Action</b>	
<b>IGO – relevant government ministry/ CJ agency</b>	<p><i>Relevant norm/standard:</i>  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)</p> <p>Parties are able to influence international norms and standards on hate crime reporting, recording</p>	<p><i>Relevant norm/standard:</i>  See standards document for ongoing action by IGOs to connect with national authorities on hate crime reporting, recording and data collection.</p> <p>National assessment will look at these factors:  Data is shared with IGO in line with agreed obligations/as part of regular requests.</p>	<p><b>Framework: 3</b>  <b>Action: 3</b></p> <p><b>Colour: Green</b></p>

	<p>and data collection and related activities and guidelines</p> <p>See standards document for information current platforms of exchange and cooperation.</p>	<p>National representatives attend IGO networking events</p> <p>National representatives ask for and implement capacity-building activities in the area of hate crime recording and data collection.</p>	
	<p><i>Description of national situation</i></p> <p>N/A – this is a set international framework.</p>	<p><i>Description of national situation</i></p> <p>The Ministry of Interior exchanges data on hate crime with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe, the European Union Agency for Fundamental Rights (FRA), the European Commission and the United Nations.</p> <p>Statistical data on the number of indictments and convictions regarding bias motivated crime of the year 2021 were submitted to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) through its Hate Crime data Questionnaire by the MoJ.</p> <p><u>Qualification of relationship IGO-relevant ministries:</u></p> <p>Both the Mol and the MoJ qualify their relationship with IGOs as green.</p>	
	<b>Framework</b>	<b>Action</b>	

<b>IGOs- CSOs, equality or antidiscrimination bodies, generic victim support organisation</b>	<p><i>Relevant norm/standard:</i></p> <p>There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa (Standard 37)</p> <p>Parties are able to influence international norms and standards on hate crime reporting, recording and data collection and related activities and guidelines</p> <p>See standards document for information current platforms of exchange and cooperation.</p>	<p><i>Relevant norm/standard:</i></p> <p>Data is shared between the two parties as part of regular requests.</p> <p>CSOs attend IGO networking events and ask for and implement capacity-building activities in the area of hate crime recording and data collection</p>	<p><b>Framework: 1</b></p> <p><b>Action: 2</b></p> <p><b>Colour: Amber</b></p>
	<p><i>Description of national situation</i></p> <p>N/A – this is a set international framework.</p>	<p><i>Description of national situation</i></p> <p>14 organisations indicated that no agreement exists and no data exchange takes place in practice with international organisations. One organisation stated that information is exchanged on request. Another organisation indicated to regularly submit hate crime data to ODIHR. The ODIHR hate crime CSO statistics for Austria show that for 2021 four organisations submitted data (ZARA, Anti-discrimination Office Styria, Dokustelle and OIDAC).<sup>19</sup></p>	

<sup>19</sup> OSCE/ODIHR (undated).

		<p><u>Qualification of relationship IGOs-CSOs, equality or antidiscrimination bodies, generic victim support organisation:</u></p> <p>In the field of racist hate crime, two organisations indicated that there was no relationship/cooperation, one qualified the relationship as amber and two organisations as green. One of the two latter commented: “Good interconnection internationally through networks (Europe-wide).”</p> <p>The CSO supporting people with disabilities qualified the relationship as amber and highlighted their membership with WAVE as an example.</p> <p>In the field of anti-LGBT+ hate crime, two organisations indicated that there has been rarely any/no cooperation so far, one organisation qualified the relationship as amber.</p> <p>The organisation operating an emergency call service for women did not qualify the relationship with IGOs but commented: “We provide statements (from a national/regional point of view); in isolated cases and upon request [we provide] expertise for e.g. EIGE or FRA.”</p> <p>In terms of the organisations working in the general field of anti-discrimination and generic victim support, two organisations indicated that</p>	
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		<p>there has been rarely any/no cooperation/experience so far. One qualifies the relationship as green, having cooperation through EU projects. Two qualify the relationship as amber. One of them commented: “We are in contact with some International Organisations. We are a member of Equinet and regularly actively participate in events, to also have international exchange.” The other commented: “Adequate cooperation – orange, because mostly data is requested from us but there is little room for exchange.” One organisation qualifies the relationship as red.</p> <p><u>Relationship qualification results IGOs-CSOs, equality or antidiscrimination bodies, generic victim support organisation (15 respondents total):</u>  Green: 3  Amber: 5  Red: 1  No cooperation/experience: 6</p>	
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