

FACING FACTS



NETWORK

Connecting on Hate Crime Victim Support in Austria





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Since 2022, the Facing Facts Secretariats manages the Facing Facts Network. The Network consists of members from various EU countries who act as change makers to make the impact of hate visible and provide understandings and responses to hate crime and hate speech in Europe and beyond.

www.facingfacts.eu/members

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Introduction and background ¹

If we are to understand hate crime², 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? How do the various stakeholders within the victim support system work together and interact?

While ‘official’ hate crime data, usually provided by police reports, are the most cited source for answers to these questions, they can 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 and 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 also provide crucial parts of the jigsaw, yet connection across public authority - civil society ‘divides’ is even more limited. In terms of victim support, victims often lack the necessary information about the support system potentially available to them. Referrals of victims to other organisations within the support system, in cases where additional support is needed, could lift the victims burden of finding the necessary information and contacting various organisations on their own.

Since 2016, Facing Facts has been developing interactive workshop methods, questionnaires, graphic design and desk research to understand and assess frameworks and actions that support hate crime recording, data collection and exchange and victim referrals across a ‘system’ of public authorities and CSOs as well as among CSOs. The approach involves a participatory research methodology and is working directly with those at the centre of national efforts to improve hate crime recording, data collection and victim support to explore the hypothesis that stronger relationships across the hate crime recording, data collection and victim support system lead to better data and information about hate crime and support of victims.

¹ This text is adapted from Perry, J. (2019) ‘Connecting on Hate Crime Data in Europe’. Brussels: CEJI. Design & graphics: Jonathan Brennan, <https://www.facingfacts.eu/european-report>

² As a general rule, Facing all the Facts uses the internationally acknowledged, OSCE-ODIHR definition of hate crime: ‘a criminal offence committed with a bias motive’.

Building on the [Facing Facts' final European report](#)'s findings, also in the Austrian context it became clear that a range of factors are key to progress in this area, including the:

- strength and comprehensiveness of the international normative framework that influences national approaches to recording, data collection and victim support;
- technical capacity to actually record information and connect with other parts of the system to share and pass it on;
- existence of an underlying and inclusive policy framework at the national level;
- work of individual 'change agents' and the degree to which they are politically supported;
- skills and available resources of those civil society organisations that conduct recording, monitoring, support and advocacy;
- interaction and coordination among the support system's stakeholders;
- existence of a legal basis for formalised victim referral mechanisms to ensure victims benefit from the available support system.

In 2022-2023 Facing Facts Network member ZARA worked with the Facing Facts team to adapt this methodology to the Austrian context. This national report aims to describe the context and current picture of hate crime recording data collection and victim support in Austria and to present practical, achievable recommendations for improvement. It is hoped that national stakeholders can build on its findings to progress in this critically important piece of broader efforts to understand and effectively address the painful and stubborn problem of hate crime in Austria.

It is recommended that this report is read in conjunction with the [European Report](#), which takes a broader focus and brings together themes from across six other national contexts, tells the stories of good practice and includes practical recommendations for improvements at the European level.

Research questions

The research was guided by the following research questions:³

1. How can the Facing all the Facts methodology support in developing a functioning referral system, including a data recording and data collection system in Austria, by
 - co-describing the current situation (Who are the stakeholders supporting hate crime victims in Austria? Who is collaborating how? What do the relationships regarding referrals look like?);
 - co-diagnosing gaps and issues (Where are the gaps? Which stakeholders need to be included more? What is missing on a technical level? What needs to be done?), and;
 - co-prioritising actions for improvement (What are the most important things that need to be done now and in the future? How can we further foster collaboration on that?).
2. To what extent can an online tool be helpful for elaborating a system map in a participatory and interactive way?

The project combined traditional research methods, such as questionnaires and desk research, with an innovative combination of methods drawn from participatory research and design research.⁴ The research team consisted of Facing Facts, ZARA, which is an Austrian specialist civil society organisation (CSO) in the field of anti-racism work, and an independent researcher.

³ In terms of its conceptual scope, the research focused on hate crime recording, data collection and victim referrals, 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 online system map. 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. In addition, the Austrian system is further developed in terms of hate speech victims support than the respective support system for victims of hate crime.

⁴ See the Methodology section of the European Report for a detailed description of the research theory and approach of the project.

How did we carry out this research?

The following activities were conducted by the research team:

1. An early decision was taken to focus on CSOs' role in a hate crime support system. Starting from an already existing network⁵ in Austria coordinated by ZARA, network members as well as additionally identified CSOs with potential contacts with people affected by hate crime were invited to a workshop. Public authorities invited at this point were limited to the Austrian Ministry of Interior and the Ombud for Equal treatment, as they had already been members of the network and had been closely collaborating with CSOs⁶ on that specific topic. The first workshop's main objective was participants self-identification as a part of the Austrian hate crime victim support system and of their role therein. Participants exchanged and discussed their practices of hate crime data collection, service provision for hate crime victims as well as referrals and working relationships within the system.⁷ The workshop took place in Vienna on 11 November 2022.
2. Conducted an evaluation at the end of the workshops via Mentimeter to collect feedback on participants' experiences.
3. Sent out a survey to CSOs, the Ombud for Equal treatment, the Ministry of Interior and the Ministry of Justice to gain their insights into our research questions. From the 67 CSOs with potential contacts to people affected by hate crime 16 civil society organisations survey responses were collected. The survey asked CSOs and the Ombud for Equal Treatment if and how they are in contact with hate crime victims; in which region they operate; whether and how they collect statistical data on hate crime and if yes, whether those statistics are published; whether they offer legal advice and/or counselling services; whether they refer clients to other organisations and whether there exist any formal agreements or lived practice in terms of regular data exchange and/or victim referrals with other organisations/institutions. The surveys sent to the Ministry of Interior and the Ministry of Justice focused more on questions regarding victim referrals to CSOs as well as the working relationship and problem-solving practices between the ministries and their subordinated public authorities. In addition, all participants were asked to assess their working relationships with each other.

⁵ Network countering hate crime: <https://hatecrimekontern.at/>. The network consists of different NGOs, CSOs, Community organisations and public institutions.

⁶ For facilitation purposes in this report, other anti-discrimination bodies, which to our knowledge are only partly public authorities, are treated as CSOs.

⁷ See the Methodology section of the European Report for agenda and description of activities.

4. Gathered information via desk research to complete an overview of current hate crime reporting, recording, data collection and referral processes and actions at the national level, based on a pre-prepared template⁸. In particular, the research looked at referral processes and actions from both support and data exchange points of view.

Existing methodologies and frameworks developed by Facing Facts were adapted to the Austrian context as the basis for the workshops and this report. The self-assessment grid developed by Facing Facts is a document setting out 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. It uses scores (0-6) and colour coding (green for a score of 5-6, amber for a score of 3-4 and red for a score of 0-2) as a quick reference system to compare existing national policies and actions with international norms and standards on hate crime data collection and victim support. It aims to build on and complement existing approaches to synthesise international norms and standards on hate crime.⁹

For example, the 'Journey of a Hate Crime Case' visualisation (see p 15 below) was already available in German and previously used by ZARA within network meetings and other project activities¹⁰ like trainings with professionals. The material helped to bring all participants of the workshop to a similar level of knowledge on international norms and standards regarding the support of hate crimes victims. During the first workshop, a first version of a system map outlining the relevant stakeholders and their relationships among each other was developed by participants using a 'sticky wall' and was then transferred into an online tool.

⁸ See the Methodology section of the European Report for a full description of the research methodology.

⁹ See the annex for more details and further references.

¹⁰ E.g., in the course of the EU-Funded project Stand up for victims rights, <https://standup-project.eu>, and the network countering hate crime, see FN 3.

Participants' experiences of the first workshop

The Mentimeter evaluation allowed the gathering of some valuable feedback on participants' experience of the first workshop. Initially, participants were asked to describe in three words how they felt after the workshop. The words mostly used were “networked”, “motivated” and “tired”. Other words also used by several participants included “enriched”, “informed”, “more connected” and “instructive”. In addition, some participants felt “linked”, “happy”, “strengthened”, “optimistic”, “blessed”, “curious”, “keen to debate”, “inspired” and “excited”. Participants agreed or strongly agreed that the workshop helped them to:

- understand the importance of making hate crime more visible through improvements in recording and increased reporting (4.5 points; scale 1=strongly disagree to 5=strongly agree)
- understand what a national referral system for hate crime victims is (4.4 points);
- identify their role/perspective within the national referral system for hate crime victims (3.9 points)
- identify their relationships within the national referral system for hate crime victims (4.0 points)
- assess the strengths and weaknesses of their relationships within the system (3.9 points)
- understand the strengths and weaknesses of other relationships within the system (4.0 points)
- identify specific actions they can take (3.4 points)

Next, participants were asked if they were able to collect any innovative experiences in the course of the workshop. Responses addressed both methodological and practical points. In terms of the methodology, participants highlighted the interactive mapping process, the immediate visualisation techniques during the workshop as well as the live evaluation of the workshop. Content-wise, participants learned the importance of networking and getting to know other stakeholders involved. One participant highlighted: “The benefit of having an established way of referrals between ngos, preferably specific persons responsible for the referral in each ngo.” Another participant pointed out that border cases between hate crime and discrimination should be treated by systematic interinstitutional exchange.

Furthermore, participants were asked to name the kind of support they would need to feel (more) as a part of the system. Responses varied and could be categorised into the need for

- financial resources and funding, especially for networking activities;
- structured regular exchange and networking among stakeholders, especially regarding the status quo of the system map;
- clear competencies/points of contact in each organisation;
- “[a]greements between the ngos for referrals”;
- “more hate crime-trained contact points at the police”;
- “[a]uthorities should call us experts (what we are) and not just members of a Community”;
- more information on any legal gaps and the specific situations of victim groups as the basis for the implementation of measures, actions and cooperation;
- legislation providing (more) protection for victims.

Second research phase

Consequently, the information gathered from the first workshop, its live evaluation as well as the findings from the survey and desk research fed into a first draft of the national report including the self-assessment document annexed. In addition, a second version of the system map was created via an online tool based on the draft self-assessment document and its colour coding of the various relationships. This second version of the system map was therefore based on the preliminary findings of the research, while the first version, which was created during the workshop, was based on participants self-identification and assessment.

Following this first phase of the research, it was decided that more connection and momentum would be generated, and a more accurate and meaningful final report would be produced, by including all stakeholders in the process and directly consulting on the preliminary findings. For that purpose, a second interactive online follow up-workshop was held on 28 February 2023. It was decided to not restrict participation to those organisations, which had taken part in the first workshop, but to again invite all 67 CSOs, the Ombud for Equal treatment, the Ministry of Interior as well as the Ministry of Justice. This was because the second workshop’s objective focused on further developing the Austrian hate crime victim support system including exchange among participating stakeholders. While this approach proved beneficial for the workshop’s objective, it provided challenges integrating those participants who were new to the process. The research team responded to these challenges by providing a brief recap and outline of previous steps at the beginning of the workshop. Following this initiation, the second version of the system map was presented and participants’ were reintroduced to the online tool used. Consequently, participants were allocated into small groups, each facilitated by a member of the research team, to encourage participants to interactively use the online system map and discuss the preliminary research findings it reflected.

Participants' experiences of the second workshop

Also, the second workshop was concluded by participants' live evaluation via Mentimeter. On the one hand, participants agreed or strongly agreed that the workshop helped them to

- better understand their role within the national referral system for hate crime victims (3.4 points; scale 1=strongly disagree to 5=strongly agree);
- better understand the strengths and weaknesses of the relationships important to them (3.2 points);
- better understand the options available to address these strengths and weaknesses (2.9 points);
- feel more motivated to take further actions (3.3 points);
- have a clear conception of the next steps our group should take (2.8 points).

On the other hand, participants were more indecisive on whether the workshop helped them to have a clear conception of the next steps their organisation should take (2.5 points). This reflects the workshop's primary objective and focus on promoting meetings and exchange among stakeholders as well as the system as a whole, as a first step. In consequence, the research team identified the need for clearer guidance for organisations to navigate, actively participate and 'use' the system as an important task for following phases.

In addition, participants were asked to indicate what they liked and disliked about the online tool Lucid, which had been used by the research team to create the system map, was presented and used during the workshop and was intended to serve as an interactive platform for the Austrian national system in the future. Several participants indicated that they needed more time to have a closer look at both the online tool and the preliminary findings it reflected. The point was made that their use in the workshop without any prior options for participants to prepare had not been ideal. In addition, participants missed more detailed background information on which basis the system map and its relationships had been explored. The research team reflected on this critique by internally discussing options to find a better compromise between information and user-friendliness for future workshops. One participant also disliked the obligatory registration process by providing an e-mail address. On a positive note, participants liked the interactivity and found the tool participatory and useful to provide an accessible and up to date overview of the system.

In terms of any remaining open questions, one participant highlighted that they were unsure how to now create a sustainable national network.

Third research phase

Following the second workshop, some additional and previously missing information was gathered from the authorities and together with the evaluation of and reflections on the second workshop fed into the revised final draft report.

Most importantly, the research team took strategic decisions on the role and objective of the project report on the one hand and the online system map on the other hand. It was decided that the report should be finalised at this stage. As its primary objective, it has the purpose to provide information about the status quo of the Austrian national referral and data collection system for hate crime victims to both the system's participants and the general public. Secondly, it serves to document the process of establishing and fostering the system up to this point. The report and its appended self-assessment document intend to inform readers about international standards on hate crime victim support and compare them with the current national situation in the following three specific areas: stakeholder cooperation, victim referrals to ensure the best possible support, and data collection.

It was reflected that an even more thorough participatory process on intensifying cooperation within the system can only start once all participants have the same level of information on both the international standards and the national situation. One goal of this report was the identification of specialist organisations working on hate crime as a basis for a data transfer and potential victim referral system from grassroots towards specialist organisations. Bearing this aim in mind, the report can and does not list all organisations that we consider as part of the hate crime victim support system. It cannot provide detailed descriptions of every organisation's treatment of hate crime cases. In addition, experiences from other countries show that, regularly, only specialist organisations have closer liaisons with the relevant authorities on hate crime related topics.¹¹ That is another reason why streamlining information towards specialist organisations was considered as a promising strategy for future developments.

In terms of the online system map, a snapshot of its current version has been included into this report. Additionally, it was decided to also use the online system map as a living document, potentially to be accessed and updated in the process of the system's further development and assisted by members themselves.

The following sections provide an overview of the hate crime concept's evolution in Austria and selected findings of this project regarding the status quo of data collection, service provision to and referrals of hate crime victims within the Austrian system.

¹¹ See the FATF Thematic report, <https://www.facingfacts.eu/european-report/>.

The ‘story’ of hate crime in Austria: a timeline

This timeline intends to provide some context by following the hate crime concept's evolution in Austria. On the one hand, this context is shaped by the implementation of the hate crime concept into the Austrian legislation and other milestones in terms of policies, practices and actions authorities took to counter hate crimes. On the other hand, society's attention and awareness about hate crimes are regularly linked to cases that reached media attention often because of the public visibility of its impact on the family and communities or because of a poor response to the incident by the authorities. However, many incidents of hate crime remain invisible and do not reach national awareness.

1992 The police crime recording system counting right-wing extremist crimes adds two subcategories for the more detailed recording of racist/xenophobic and antisemitic crime.

1993-1997 Between 1993 and 1997 Franz Fuchs commits a series of bomb attacks out of suspected racist and xenophobic motives. The victims targeted by the attacks are people from immigrant backgrounds, Roma and Sinti and people and organisations supporting minorities. On the night of February 4th, 1995, Peter Sarközi, Josef Simon, Karl Horvath and Erwin Horvath are killed by a booby trap. The four men were Roma. In addition to the four killings, fifteen people are injured by the attacks.

1997 Following the bomb attack series and a recommendation by the European Union's advisory committee on racism and xenophobia, racist and xenophobic motives are adopted explicitly as aggravating circumstances in criminal law. As aggravating circumstances, they need to be considered in sentencing by the court.

1999-2009 Between 1999 and 2009 several cases of severe police violence are committed against Black People in Austria. Two cases probably reaching the biggest media attention are the homicide of Marcus Omofuma on 1 May 1999 and the torture of Bakary J. on 7 April 2006. Marcus Omofuma suffocated during his deportation flight because three officers of the immigration authorities taped his mouth shut. Bakary J. was brought to a warehouse by three special unit police officers after his deportation failed. They tortured him for several hours. A fourth officer opened the warehouse and watched. It took six years for the three police officers to finally be dismissed from the police force.¹²

2007 The police crime recording system counting right-wing extremist crimes adds another subcategory for the more detailed recording of Islamophobic crime.

2016 Further hate crime motives are implemented into criminal law as explicit aggravating circumstances to be considered by the court in sentencing, now listing additional bias motivations against the victims' skin colour, language,

¹² ORF.at (2014).

religion or ideology, nationality, descent or national or ethnic origin, gender, disability, age or sexual orientation.

2016 In Linz, unknown perpetrators commit a series of three arson attacks against the tents of a group of Roma. At first, politicians at the city level condemned the violence against minorities. However, even after the third attack against the same group of people, representatives refused to provide secure housing. On a website operated by the city, unknown users had published the exact location of the tents. The postings were only deleted after Romano Centro presented the prospect of taking legal steps. In a later press statement, the mayor vilifies the families by accusing them of ‘organised begging’ for business purposes and instrumentalising their children in that regard. Soon after, the city tightened their ban of begging. Politics framed their approach as a fight against criminal organised gangs of beggars. Further antigypsyist statements claimed that the begging was done for ‘cultural reasons’ and was ‘partly [...] the way of living of a population group’.¹³

2018 The European Union Agency for Fundamental Rights (FRA) publishes their ‘Being Black in the EU’ survey results.¹⁴ The survey is part of FRA’s Second European Union Minorities and Discrimination Survey (MIDIS II) and focuses on the group of immigrants of African origin of the first and second generation living in the EU. The survey asked about hate crime victimisation, willingness to report hate crimes experienced to the police, contacts with the police and experiences with racial profiling as well as trust in the police. Among the twelve EU member states, in which the survey was conducted, participants living in Austria reported higher than average experiences of racist violence¹⁵, lower willingness to report to the police¹⁶, higher numbers of racial profiling¹⁷ and lower levels of trust in the police¹⁸. In some of these categories, Austria came in last.

2020/2021 In November 2020, the police initiate systematic hate crime identification and recording. The change is accompanied by obligatory trainings and the publication of yearly reports. In March 2021, the Ministry of Justice introduces systematic hate crime recording into the criminal justice system.

¹³ Romano Centro (2017), pp. 10 and 14-15.

¹⁴ FRA (2018).

¹⁵ FRA (2018), p. 22.

¹⁶ FRA (2018), Data Explorer.

¹⁷ FRA (2018), pp. 31-32.

¹⁸ FRA (2018), p. 35.

The journey of a hate crime case ¹⁹

In previous research, in which around 100 people across 6 countries took part, a workshop methodology was used, to create a victim-focused, multi-agency picture about what information is and should be captured as a hate crime case journeys through the criminal justice system from reporting to investigation, prosecution and sentencing, and the key stakeholders involved.²⁰

The *Journey* graphic 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.’²¹ 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 standards²² 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.²³ 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.

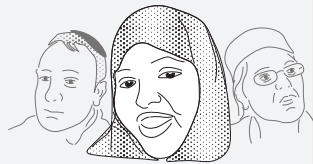
¹⁹ This text is adapted from Perry, J. (2019) ‘Connecting on Hate Crime Data in Europe’. Brussels: CEJI. Design & graphics: Jonathan Brennan, <https://www.facingfacts.eu/european-report>

²⁰ See Methodology section of the [European Report](#) for further detail.

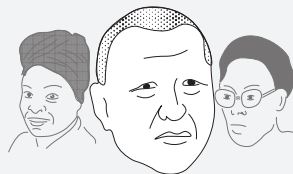
²¹ Schweppe et al. (2018), p. 67. The extent of this ‘disappearing’ varied across national contexts, and is detailed in national reports.

²² See appendix.

²³ Based on interviews with individual ‘change agents’ from across these perspectives during the research.



“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?



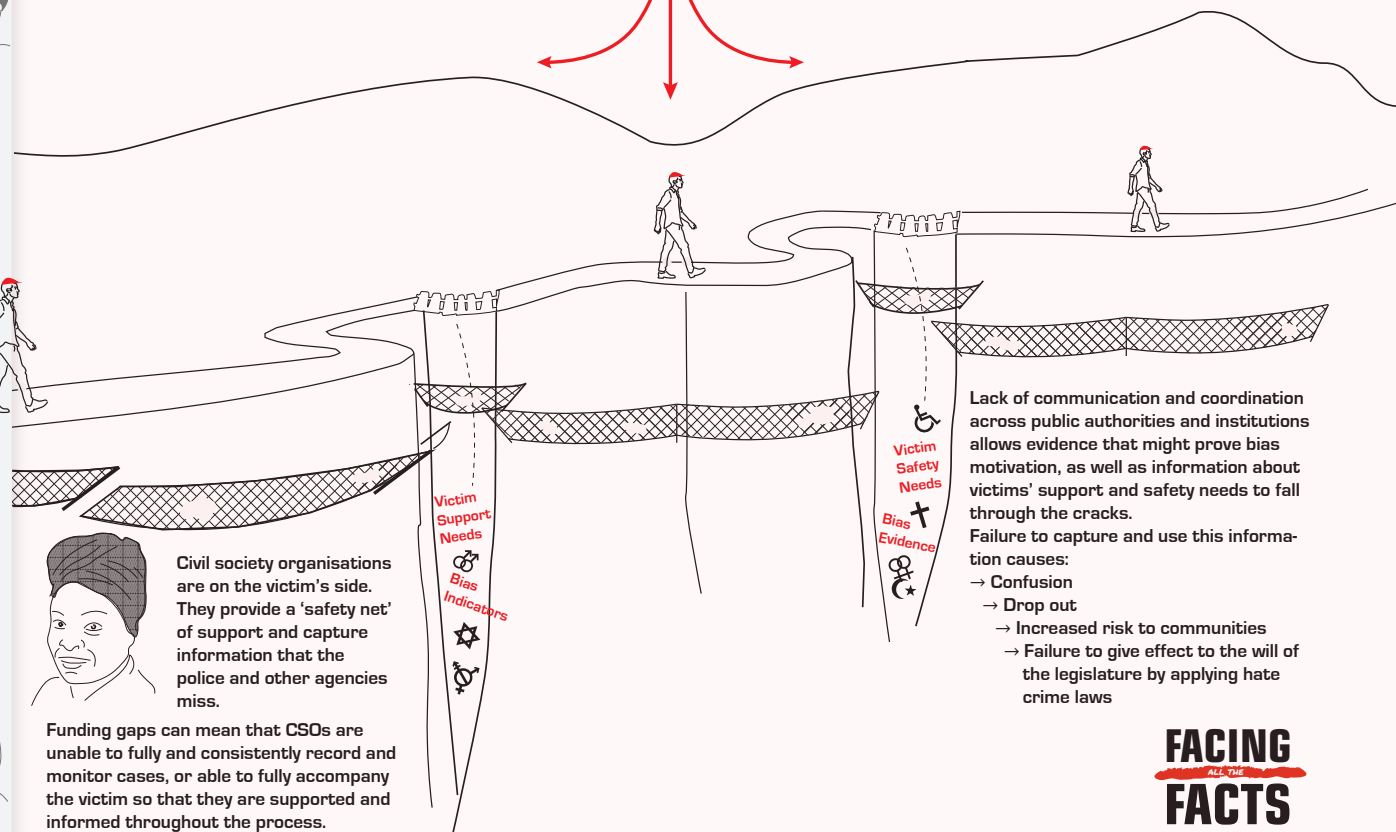
SENTENCING

'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.

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

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Mapping Austria's hate crime recording, data collection and victim support 'system' ²⁴

The 'linear' criminal justice *process* presented in the *Journey* graphic is shaped by a broader *system* of connections and relationships that needs to be taken into account. Extensive work and continuous consultation produced a victim-focused framework and methodology, based on an explicit list of international norms and standards, that 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 and CSO-CSO cooperation on hate crime recording, data collection and victim support 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.²⁵ In this way it aims to go beyond, yet complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.²⁶ The *system* map also serves as a tool to support all stakeholders in a workshop or other interactive setting to co-describe current hate crime recording, data collection and victim support systems; co-diagnose its strengths and weaknesses; and co-prioritise actions for improvement.²⁷

The system map should be studied with reference to the self-assessment framework appended, which provides a detailed explanation for the colour coded relationships. If the map is being viewed online, these explanatory notes can be accessed by clicking on the '+' icon.

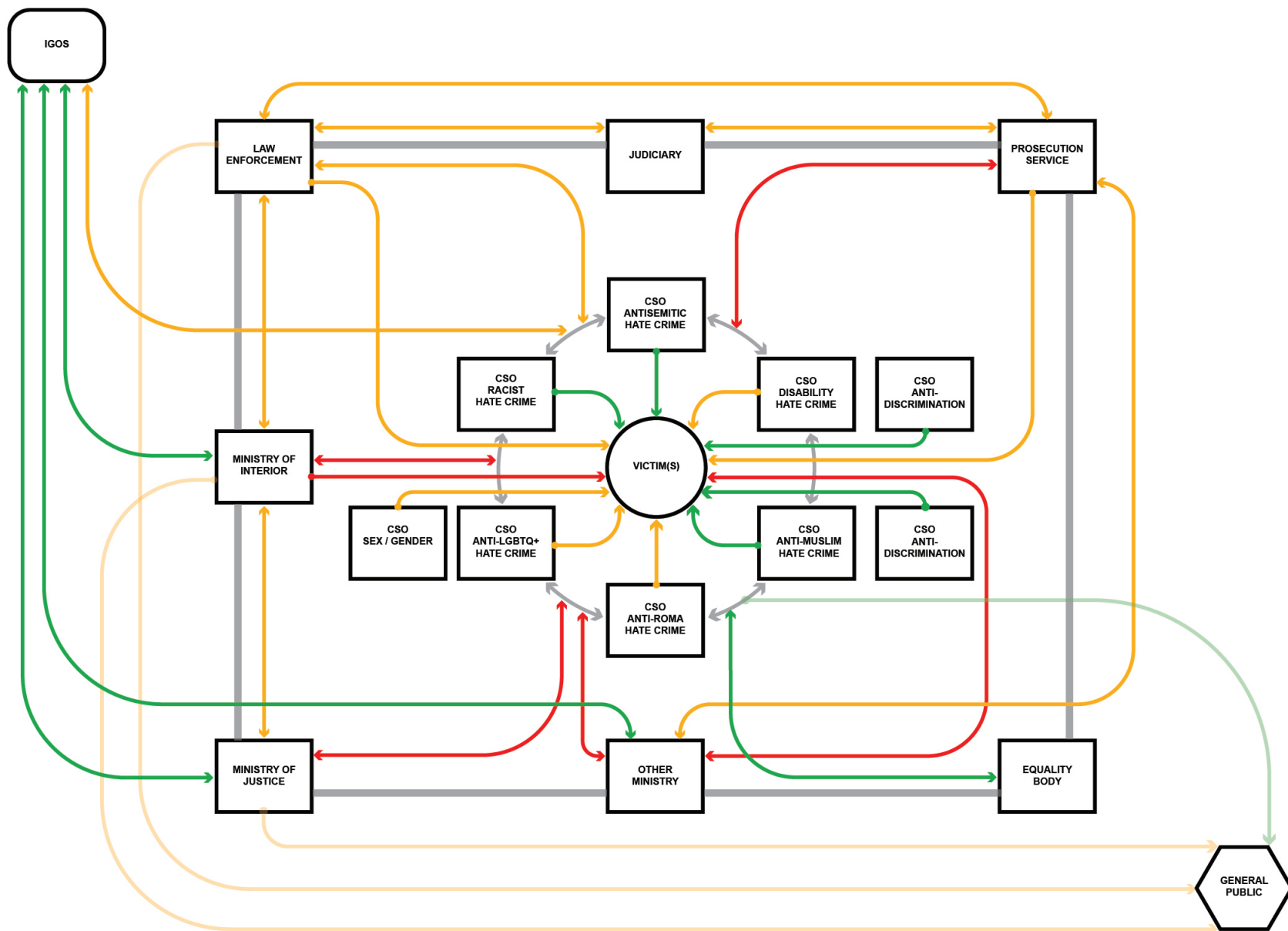
Follow the link to use the online, [full-screen interactive version of Austria's system map](#).

²⁴ This text is adapted from Perry, J. (2019) 'Connecting on Hate Crime Data in Europe'. Brussels: CEJL. Design & graphics: Jonathan Brennan, <https://www.facingfacts.eu/european-report>

²⁵ 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 of the [European Report](#).

²⁶ ODIHR Key Observations, <https://hatecrime.osce.org/sites/default/files/2021-10/KEY%20OBSERVATIONS%20as%20of%202020HCR.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>.

²⁷ See Methodology section of the [European Report](#) for instructions.



Evidence of relationships and overall commentary



Good relationship: effective framework and action, with room for improvement.



Adequate relationship: limited framework and action.



Poor relationship: inadequate framework and action.



CSOs (should be) networked for effective advocacy and to serve intersectionality



Responsibility for framework and action flows from public authorities and CSOs to the victim(s) and the general public, not the other way around.



Faded arrows to the 'general public' represent the point that while the 'public' forms the background and context of the national 'system', it should be represented as a specific stakeholder in it.

Commentary on system map

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 an overall 'hate motive', without disaggregating by bias motive. The prosecution legally assesses every case and decides whether to press charges, close the proceedings or offer a diversion. The prosecution may request the criminal police to gather further evidence. Where the prosecution identifies a potential hate crime the relevant facts and evidence need to be gathered and, if charges are pressed, presented, irrespective of whether the case had been previously flagged as a hate crime by the criminal police.

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 Ministry of Justice. 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 organisations 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 adequately 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 organisations, the Ombud for Equal treatment, and other anti-discrimination bodies, 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 much discrimination 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.²⁸ 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 victims' approval. However, any kind of automatic referral system needs to respect victims' rights and data protection laws.²⁹

²⁸ The process to implement such a system has been initiated by ZARA more than 2 years ago with some stakeholders. However, more coordination and the inclusion of additional stakeholders is needed.

²⁹ See the recommendations section for a more detailed discussion of this topic.

National context

The next sections give context to the ‘journey of a hate crime case’ and the ‘system map’ and present themes gathered through the first workshop and a survey among civil society organisations, equality and anti-discrimination bodies monitoring hate crimes or otherwise getting in contact with hate crime victims, the Ministry of Interior and the Ministry of Justice.

Initiation of official systematic hate crime recording in 2021

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.³⁰ Funded by an EU project, law enforcement implemented comprehensive trainings and 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.³¹

The Ministry of Justice introduced systematic hate crime recording in March 2021. Hate crimes are flagged as bias motivated crime (vorurteilsmotivierte Straftaten – “VM”) in the justice system’s digital registers (Verfahrensautomation Justiz und ELiAs). 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.

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 184 cases were sentenced.³²

Referring clients to law enforcement ‘[...] in the hope that the competent officer is sensitised enough’

The relationship between law enforcement and civil society organisations, equality and anti-discrimination bodies is characterised by unsystematic cooperation on a case-by-case basis. Several organisations describe that in their experience, both the quality of investigations and how the victim is treated, highly depend on the skills and commitment of the case handler.

³⁰ Haider (2020).

³¹ Fuchs (2021), pp. 59-69.

³² OSCE/ODIHR (undated).

‘[...] 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.’³³

‘[...] Police is not always the same as police, but there are a lot of different officers and units. Some are very supportive, record the case, inform victims about their rights, organise translators, secure evidence or assist in doing so. Others do not take victims seriously, do not record the case, etc. Improvement: comprehensive trainings (and not only for those interested), clear operational processes and contact persons.’³⁴

‘[...] 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, [so that there is time] eventually to also file a report.’³⁵

It appears that in regions where the same professionals on both sides meet regularly, e.g. there is a regular working relationship between specific case workers and/or police reports are regularly filed with the same police station, there is less fluctuation in the quality of services. One respondent from outside Vienna explained, referring to the project’s ‘green’, ‘amber’ and ‘red’ assessment:

‘Green in most cases as we accompany [clients] to interviews and this is also known with the police.’³⁶

A major concern, especially for civil society organisations working on racist hate crime, is the lack of an independent and effective complaints system regarding police misconduct and law enforcement’s reluctance to record and investigate hate crimes committed by police officers.

‘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”³⁷, maybe this will lead to a better cooperation. Unfortunately, we regularly have reports on racial profiling. We would like to discuss them with the police in [...].’³⁸

³³ Respondent nr. 12.

³⁴ Respondent nr. 9.

³⁵ Respondent nr. 8.

³⁶ Respondent nr. 10.

³⁷ “Gemeinsam Sicher” is the community policing project of the Austrian police.

³⁸ Respondent nr. 6.

On the other hand, several organisations praise their cooperation with the human rights department of the Ministry of Interior:

‘[...] Problems can be discussed.’³⁹

‘[...] Through the “Hate Crime Kontern Network” we are in contact and exchange regarding hate crime. However, not regarding particular cases.’⁴⁰

‘Good cooperation – green, in particular with the human rights department of the Mol, very good exchange and knowledge transfer as well as commitment!!!!’⁴¹

Room for improvement of inter-organisational cooperation

In terms of the relationship between the Ministry of Justice/criminal justice system and civil society organisations, equality and anti-discrimination bodies, it is striking that the two sides’ assessment of the situation stand in stark contrast. While the Ministry of Justice perceives itself to have good relationships with CSOs, CSOs’ opinions appear to be divided between two groups. Cooperation seems to exist only with CSOs working in the broader field of crime victim support and/or being appointed organisations to provide psychosocial and legal support in criminal proceedings (*Prozessbegleitung*). Most CSOs focusing their work on hate crimes or not mainly working with victims of crime commented that no relationship or cooperation existed. This indicates that there are currently no specific networking efforts in place regarding the topic of hate crime.

‘There is no cooperation except with a judge who offers meetings for exchange, interpretation of cases, etc. (of course not regarding specific pending cases).’⁴²

‘[...] There is no cooperation. Also here, a direct sensitised contact person would be desirable.’⁴³

‘Adequate cooperation – [...], because there is room for improvement – too little knowledge regarding hate crimes.’⁴⁴

‘[...] however, so far rarely any specific cooperation on that matter.’⁴⁵

‘Bad cooperation – [...], because they want to play their cards close to their chest and believe they don’t need any support.’⁴⁶

³⁹ Respondent nr. 12.

⁴⁰ Respondent nr. 8.

⁴¹ Respondent nr. 10.

⁴² Respondent nr. 6.

⁴³ Respondent nr. 8.

⁴⁴ Respondent nr. 10.

⁴⁵ Respondent nr. 12.

⁴⁶ Respondent nr. 10.

One organisation also criticised a lack of providing victims their participation rights in criminal proceedings:

‘In need of improvement: consideration of victims’ interests, consideration of the victim’s right to make a statement concerning diversions, informing the organisation providing support services to victims during criminal proceedings (*Prozessbegleitung*) 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 (*Prozessbegleitung*) are perceived as [only] creating work for the prosecution regarding their requests.’⁴⁷

Shortcomings in the referral system of hate crime victims

Referrals are currently done on a case-by-case basis by most stakeholders. Referrals including any non-anonymised data exchange between stakeholders require the victim’s approval. Only in cases where a person is at risk of violence or stalking and a restraining order is issued by law enforcement, an automatic referral mechanism is in place between law enforcement and designated victim support organisations. In such cases, law enforcement informs special intervention organisations, who then contact the person at risk and offer their support.⁴⁸

It appears that the shortcomings of the optional referral system are twofold. At the level of law enforcement, an obligatory referral mechanism seems preferable to ensure formalised processes. Also, the Ministry of Interior recommended the implementation of an automatic referral mechanism like the one in existence in the field of domestic violence protection. At the CSO level, a lack of clarity can be perceived as to which organisations exist and which services are provided.

‘[...] 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.’⁴⁹

‘With some organisations we are well interconnected and have an exchange 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.’⁵⁰

⁴⁷ Respondent nr. 16.

⁴⁸ Secs 25 para 3, 38a para 4, 56 para 1 subpar 3 of the Austrian Security Police Act.

⁴⁹ Respondent nr. 16.

⁵⁰ Respondent nr. 8.

'In counselling centres there should be clear guidelines where to refer clients to.'⁵¹

(Incomplete) list of CSOs currently providing specialist counselling and/or recording in hate crime cases⁵²

CSO	Hate crime counselling	Hate crime recording	Region	Bias motivations/ communities
Anti-discrimination Office Salzburg ⁵³	Legal advice	Yes	Salzburg	All
Anti-discrimination Office Styria ⁵⁴	Legal advice and support at interviews with the police and taking legal action	Yes	Styria	All
Dokustelle Islamfeindlichkeit & antimuslimischer Rassismus ⁵⁵	Legal advice and psychosocial counselling	Yes	Austria	Islamophobia and anti-muslim racism
Initiative für ein Diskriminierungsfreies Bildungswesen (IDB) ⁵⁶	No	Yes	Austria	All; focus on incidents in the education system
IKG Wien/ Antisemitismus Meldestelle ⁵⁷	Unknown	Yes	Austria	Antisemitism

⁵¹ Respondent nr. 14.

⁵² The list is intended to serve as a starting point to formalise and foster referral practices.

⁵³ Antidiskriminierungsstelle Salzburg, <https://www.antidiskriminierung-salzburg.at/index.php?id=5>.

⁵⁴ Antidiskriminierungsstelle Steiermark, <https://www.antidiskriminierungsstelle.steiermark.at>. The anti-discrimination office Styria also operates the BanHate app, where hate crimes and online hate speech can be reported: <https://www.banhate.com>.

⁵⁵ Dokustelle Islamfeindlichkeit & antimuslimischer Rassismus, <https://dokustelle.at>. The website provides for online reporting.

⁵⁶ Initiative für ein Diskriminierungsfreies Bildungswesen (IDB), <https://diskriminierungsfrei.at>. The website provides for online reporting.

⁵⁷ Antisemitismus Meldestelle, <https://www.antisemitismus-meldestelle.at>. The website provides for online reporting.

CSO	Hate crime counselling	Hate crime recording	Region	Bias motivations/ communities
24h-Frauennotruf ⁵⁸	Psychosocial counselling and legal advice; support in criminal proceedings	No	Vienna	Violence against women, misogyny, lesbophobia
WAS ⁵⁹	Psychosocial counselling and legal advice	Not explicitly	Vienna, Austria	LGBTIQ
Weisser Ring/Opfernotruf ⁶⁰	Psychosocial counselling and legal advice; support in criminal proceedings	Yes	Austria	All
ZARA ⁶¹	Legal advice and support at interviews with the police and taking legal action	Yes	Vienna, Austria	Racism (including anti-Muslim, anti-Roma, etc.)

⁵⁸ 24-Stunden Frauennotruf, <https://www.wien.gv.at/menschen/frauen/beratung/frauennotruf/>.

⁵⁹ Wiener Antidiskriminierungsstelle für LGBTIQ-Angelegenheiten (WAS), <https://www.wien.gv.at/kontakte/was/>.

⁶⁰ Weisser Ring, <https://www.weisser-ring.at/>; Opfernotruf, <https://www.opfer-notruf.at/>. The latter website provides for online reporting.

⁶¹ ZARA, <https://zara.or.at/de>. The website provides for online reporting.

Conclusion and Recommendations⁶²

Although Austria's progress has only recently begun, a strong commitment of individual actors of several initiatives and institutions can be felt. Especially the efforts of and cooperation within the Network countering hate crime – coordinated by ZARA – with its members of CSOs and public authorities (the Human Rights Department of the MoI) can be seen as a “hybrid engine of change”⁶³. The collaboration and proactive work on hate crime reporting and recording as well as engagement with IGOs in the last years are the basis of the “engine”. Nevertheless, a missing framework and strategic system-wide approach makes the endeavours of the “hybrid engine of change” vulnerable to changes and harbours the risk to remaining individual efforts.

The following recommendations aim to consolidate and support further progress, with a focus on better aligning client referral, data collection and data exchange efforts across public authorities, institutions and towards those CSOs that are already specialist and effective in recording and monitoring hate crimes and supporting victims.

1. Provide funding for the establishment and operation of a structured hate crime victims referral system as well as exchange and networking platforms like the Network countering hate crime as its basis.
2. Continue to identify specialist CSOs that have effective systems in place to record hate crimes and offer victim support.
3. Create a list of the specialist CSOs working on hate crime and provide it to other (grassroots) organisations potentially in contact with hate crime victims. Include detailed information on regional and thematic competences as well as points of contact to establish systematic and effective referrals among CSOs, equality and anti-discrimination bodies.
4. Both specialist and non-specialist CSOs, equality and anti-discrimination bodies should establish a formalised process for data exchange and client referrals among each other. This should include an agreement between them to standardise how and what kind of data can be forwarded while respecting victims' rights and data protection laws. CSOs, equality and anti-discrimination bodies should also internally aim automated processes to seek victims' permission for client referrals.

⁶² Other relevant projects on related topics include: Stand Up for Victims' Rights, Policy Brief, https://standup-project.eu/wp-content/uploads/2023/01/A4_policy_brief_standUP_EN.pdf; Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR), Practices of Civil Society and Government Collaboration for Effective Hate Crime Victim Support, <https://www.osce.org/files/documents/4/2/514165.pdf>; European Union Agency for Fundamental Rights, Hate crime recording and data collection practice across the EU, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf.

⁶³ <https://www.facingfacts.eu/findings-iv/>

5. Provide continual trainings to sensitise and raise awareness on a victim's centred approach and of hate crime victims' special needs across law enforcement and criminal justice system professionals. In addition, provide training budget for CSOs to ensure quality standards in victim support are continuously met.
6. Create single points of contact or liaison officers in law enforcement to ensure that victims can be referred to, gather information from and/or report their case to specially trained and committed police officers.⁶⁴ Currently, the training approach of the Mol foresees a mainstreaming of the topic rather than a specialisation. That is for many reasons a valid strategy. Still, to build a network of single contact points for specialist and grassroots CSOs has its advantages when referring victims of hate crime (or accompanying when reporting).
7. Implement a legal basis for an automated referral system of hate crime victims between law enforcement and victim support organisations. Consult specialist CSOs working in the field of hate crime victim support to decide on the form of such automated referrals (e.g., similar to the existing system in the field of domestic violence or an opt-out model, etc.).
8. Adopt a national strategy or action plan to combat hate crimes in order to provide legal frameworks and financial support to formalise the hate crime referral mechanisms needed to adequately support hate crime victims. For example, this could be established in the form of an inter-ministerial working group, led by the Ministry of Interior.
9. Systematise hate crime data collection and data exchange practices across civil society organisations, equality and anti-discrimination bodies as well as across public and civil society stakeholders. In order to enable joint reporting, an agreement on a set of data that is collected by all cooperating organisations should be concluded. For example, data could be streamlined from grassroots to specialist organisations, then collected by the Ministry of Interior and fed into the annual hate crime reports.
10. Institutionalise cooperation and coordination across law enforcement/the Ministry of Interior, the criminal justice system/Ministry of Justice and CSOs, equality and anti-discrimination bodies.

⁶⁴ See FRA, Hate crime recording and data collection practice across the EU, <https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu> for different models.

11. Launch public information and awareness campaigns on hate crimes. Create a multi-lingual and accessible website, app or similar single point of information on how and where to report incidents as well as all legal advice and counselling service providers available.
12. Establish regular victimisation surveys to gather data about unreported hate crime.

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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.¹ It aims to build on and complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.² 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.³

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 can be directly reported to prosecutors as opposed to law enforcement; some cases are prosecuted by law

¹ See Facing Facts Methodology Report (<https://www.facingfacts.eu/methodology-introduction-part-i/>) for more on the concept of 'systems'.

² ODIHR Key Observations ([http://hatecrime.osce.org/sites/default/files/documents/Website/Key Observations/KeyObservations-20140417.pdf](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>

³ 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 Facing Facts Methodology Report, Part II: <https://www.facingfacts.eu/part-ii-critical-evaluation-of-the-journey-and-the-systems-methods/>

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.⁴

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 Racism and 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).

⁴ For a full consideration of the limitations of this framework, see the Facing Facts Methodology Report: <https://www.facingfacts.eu/part-ii-critical-evaluation-of-the-journey-and-the-systems-methods/>

Several international norms and standards, set out in the Facing Facts Document listing international standards as the basis for national self-assessments (<https://www.facingfacts.eu/annex-three-international-standards-relating-to-hate-crime-reporting-recording-and-data-collection>) 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 one 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.

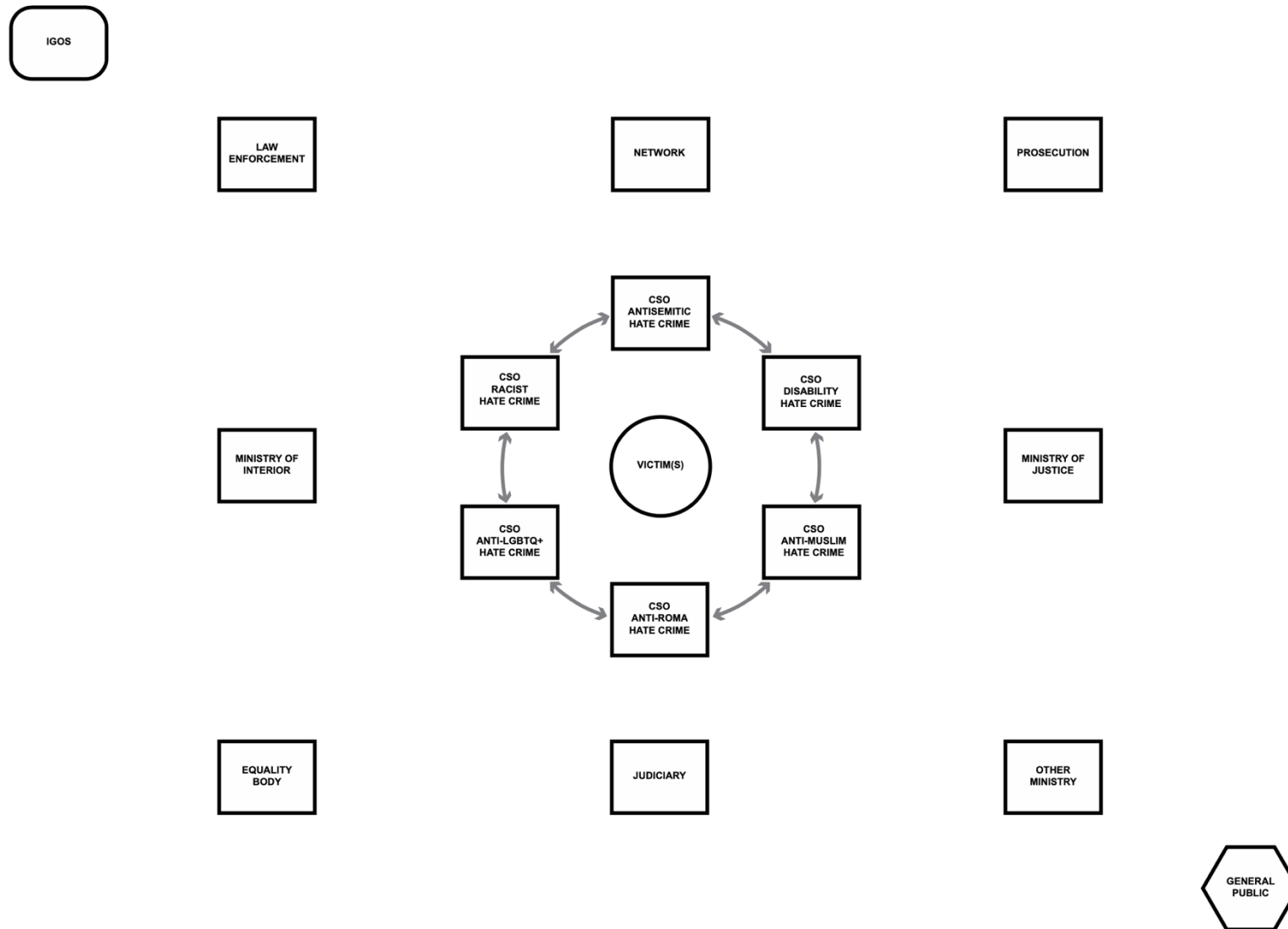
The icons that are placed in a circle around the victim represent civil society organisations that record hate crimes, monitor cases either directly support victims or refer victims to support services. The grey line connecting these organisations shows that they should work together on these activities 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 should know about, and is affected by, hate crime.



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.

Evidence used to describe relationships			
Relationship	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</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</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"> 'framework' 'action' <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>

<p>↔ CSOs</p> <p>General public</p> <p>↔ law enforcement;</p> <p>↔ Ministry(ies),</p> <p>↔ prosecution;</p> <p>↔ CSOs</p> <p>CSOs –</p> <p>↔ law enforcement;</p> <p>↔ prosecution;</p> <p>↔ ministries,</p> <p>↔ other CSOs.</p> <p>IGO – ministry(ies);</p> <p>↔ CSOs</p> <p>↔ 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>	<p>police are limited in how they can relate to victims in this area.</p>		
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National assessment

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 (<https://www.facingfacts.eu/a-victim-and-outcome-focused-framework-for-improving-reporting-and-increasing-reporting/>). 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: Total: Colour:
	Framework	Action	
Law enforcement – prosecution	<p><i>Relevant norm/standard:</i></p> <p>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</p>	<p><i>Relevant norm/standard:</i></p> <p>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>Framework: 2</p> <p>Action: 2</p> <p>Colour: Amber</p>

	indicators, crime types and victim support/safety needs (Standard 8; Standard 9)		
	<p><i>Description of national situation:</i></p> <p>The Austrian law enforcement agencies are able and required to record comprehensive information 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.⁵ 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</p>	<p><i>Description of national situation:</i></p> <p>The Ministry of Justice introduced systematic hate crime recording in March 2021. 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 were held on online hate speech but not yet hate crime.</p> <p>Hate crimes are flagged as bias motivated crime (vorurteilsmotivierte Straftaten – “VM”) in the justice system’s digital registers (Verfahrensautomation Justiz und EliAs). 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</p>	

⁵ Haider (2020).

	<p>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>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” (Vorurteils kriminalität), “hate crime” (Hasskriminalität) or “hate crime” (Hate Crime) 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</p>	<p>‘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> <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.¹⁰</p>	
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¹⁰ OSCE/ODIHR (undated).

	<p>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 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.'⁶</p> <p>Law enforcement records bias motivations under the following categories and sub-categories:</p> <ul style="list-style-type: none">• Age• Disabilities<ul style="list-style-type: none">○ Physical disabilities○ Intellectual/cognitive disabilities• Gender/Sex<ul style="list-style-type: none">○ Queer/Inter○ Woman○ Man○ Others• Skin colour• National/ethnic origin• Religion<ul style="list-style-type: none">○ Christians○ Jews		
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⁶ Fuchs (2021), p. 13; translated by IH.

	<ul style="list-style-type: none">○ Muslims○ Others• Sexual orientation<ul style="list-style-type: none">○ Bisexual○ Heterosexual○ Homosexual• Social status<ul style="list-style-type: none">○ Homeless○ Others• Ideology<ul style="list-style-type: none">○ Parties○ Western democracies○ Others⁷ <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.⁸ Law enforcement are encouraged to record bias motivations when in doubt. If a potential hate</p>		
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⁷ Fuchs (2021), 63.

⁸ Fuchs (2021), 65.

	crime is identified an 'interview tool' assists police officers with the interviewing process and the individual assessment of victim's protection needs. ⁹		
Framework		Action	
Law enforcement – judiciary	<p><i>Relevant norm/standard:</i></p> <p>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>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><i>Relevant norm/standard:</i></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>Framework: 2</p> <p>Action: 2</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i></p> <p>See section law enforcement-prosecution.</p>	

⁹ Fuchs (2021), pp. 68-69.

	Framework	Action	
<p>Police – Ministry of interior</p>	<p><i>Relevant norm/standard:</i></p> <p>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>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><i>Relevant norm/standard:</i></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). (Standards 6 and 7)</p>	<p>Framework: 2</p> <p>Action: 2</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i></p> <p>Depending on the respective competences, meetings to discuss data recording, strategy or the optimisation of workflows take place both at the level of the Mol as well as with the subordinated police departments. The most intense exchange happens between the Mol human rights department and the Federal Criminal Police Office</p>	

		<p>(Bundeskriminalamt) in terms of data recording, strategy, problem solving, optimisation of workflows as well as the development of prevention measures. Between individual police officers and the Mol human rights department direct exchange often takes place as part of quality checks. The Mol human rights department does quality checks concerning the cases flagged as hate crime and, if necessary, requests improvements.</p> <p>Also, see section law enforcement-prosecution.</p>	
Framework		Action	
<p>Prosecution – Judiciary</p>	<p><i>Relevant norm/standard:</i></p> <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><i>Relevant norm/standard:</i></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>Framework: 2</p> <p>Action: 1</p> <p>Colour: Amber</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>	
Framework		Action	
National government ministries (Mol – MoJ)	<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 support/safety needs across the criminal justice system (standards 8 and 9)</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>Framework: 2 Action: 2 Colour: Amber</p>
	<p><i>Description of national situation:</i> See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i> 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</p>	

		<p>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>	
Framework		Action	
Victim – Law enforcement	<p><i>Relevant norm/standard:</i></p> <p>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>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>	<p><i>Relevant norm/standard:</i></p> <p>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>Action is taken to increase reporting (Standard 17)</p>	<p>Framework: 2</p> <p>Action: 1</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>See sections victim-Mol and law enforcement-prosecution.</p>	<p><i>Description of national situation:</i></p> <p>See sections victim-Mol and law enforcement-prosecution.</p>	

Framework		Action	
Victim – Prosecution	<p><i>Relevant norm/standard:</i></p> <p>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></p> <p>The system is used to keep victims informed</p>	<p>Framework: 2</p> <p>Action: 1</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>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></p> <p>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 discontinuation of proceedings are often reduced to the letter of the law (one sentence).</p>	
Framework		Action	
Victim – Mol (or relevant ministry)	<p><i>Relevant norm/standard:</i></p> <p>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 and 22).</p>	<p><i>Relevant norm/standard:</i></p> <p>Relevant policy commitments on improving reporting and support have been made and acted upon (Standard 17).</p>	<p>Framework: 0</p> <p>Action: 2</p> <p>Colour: Red</p>

		Victimisation surveys are carried out and the results are published in an accessible format (Standard 23).	
	<p><i>Description of national situation:</i></p> <p>Currently, no established and resourced framework to gather data about unreported hate crime is in place.</p>	<p><i>Description of national situation:</i></p> <p>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 2021.¹¹ In the preceding and consecutive years, no data about 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" ("Queer in Wien", 2015)¹² and "LGBTI experiences with violence survey" ("LGBTI Gewalterfahrungen Umfrage", 2015)¹³ collected data on hate crime against LGBTI. The study "Hate crime in Styria" ("Hate Crime in der</p>	

¹¹ Fuchs (2021).

¹² Schönpflug et al. (2015).

¹³ Hart/Painsi (2015).

		<p>Steiermark”, 2017)¹⁴ 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 website¹⁵.</p> <p>However, a 2023 tender by the Austrian Research Promotion Agency (Österreichische Forschungsförderungsgesellschaft – FFG) promotes further hate crime research including another victimisation survey and information and prevention strategies in cooperation with the Mol.¹⁶</p>	
Framework		Action	
Victim – organisations monitoring racist hate crime	<p><i>Relevant norm/standard:</i></p> <p>The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused</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>Framework: 3</p> <p>Action: 3</p> <p>Colour: Green</p>

¹⁴ Nicoletti/Stari (2017).

¹⁵ Bundesministerium für Inneres (undated).

¹⁶ See the relevant FFG KIRAS tender regarding research on hate crime, <https://www.ffg.at/kiras/ausschreibung-2022>.

	methodology that is accessible to its target community(ies) (Standard 31)		
	<p><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).</p> <p><u>Statistical recording</u> Only one of the five organisations records specific hate crime statistics. The necessary information is collected by using a form and through the 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><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, 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 & 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</p>	

	A well-known organisation working in this field is ZARA.	when they haven't reported their case yet, "[...] in the hope that the competent officer is sensitised enough".	
Framework		Action	
Victim – organisations monitoring disability hate crime	<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>Framework: 1</p> <p>Action: 3</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></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</p>	<p><i>Description of national situation:</i></p> <p>In the counselling sessions clients regularly report 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>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></p> <p>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><u>Referrals</u></p> <p>The organisation refers clients to other victim support organisations, e.g. Weisser Ring, 24h-Frauennotruf der Stadt Wien.</p>	
Framework		Action	
Victim – organisations monitoring Anti-LGBT+ hate crime	<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>Framework: 1</p> <p>Action: 3</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>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></p> <p>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</p>	<p><i>Description of national situation:</i></p> <p><u>Advice and counselling services</u></p> <p>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></p> <p>All three organisations refer their clients to other organisations upon request.</p>	

	<p>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, 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 include:</u> Homosexuelle Initiative Wien (HOSI), Wiener Antidiskriminierungsstelle für LGBTIQ, Verein Intergeschlechtlicher Menschen Österreich (VIMÖ), Verein Nicht-Binär (Venib).</p>		
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Framework		Action	
Victim – organisation monitoring Anti-Roma hate crime	<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>Framework: 1</p> <p>Action: 3</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>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></p> <p>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	
Victim – organisation monitoring Anti-Muslim hate crime	<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>Framework: 3</p> <p>Action: 3</p> <p>Colour: Green</p>
	<p><i>Description of national situation:</i></p> <p>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><i>Description of national situation:</i></p> <p>The Dokustelle provides legal advice and psychosocial counselling and refers clients to other relevant organisations.</p>	

	<p><u>Well known organisation working in this field:</u></p> <p>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.¹⁷</p>		
Framework		Action	
Victim – organisation monitoring antisemitic hate crime	<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>Framework: 3</p> <p>Action: 3</p> <p>Colour: Green</p>
	<p><i>Description of national situation:</i></p> <p>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.</p>	<p><i>Description of national situation:</i></p> <p>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.</p>	

¹⁷ Dokustelle Islamfeindlichkeit & antimuslimischer Rassismus, <https://dokustelle.at>.

	<p><u>Well known organisation working in this field:</u></p> <p>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.¹⁸</p>		
Framework		Action	
Victim – organisations working in the field of violence against women	<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>Framework: 1</p> <p>Action: 3</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>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</p>	<p><i>Description of national situation:</i></p> <p>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</p>	

¹⁸ Antisemitismus Meldestelle, <https://www.antisemitismus-meldestelle.at>.

	<p>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></p> <p>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 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.</p>	<p>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>	
Framework		Action	
Victim – organisations working in the general field of anti-discrimination or with no specific	<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>Framework: 3</p> <p>Action: 3</p> <p>Colour: Green</p>

<p>focus regarding bias motivations</p>	<p><i>Description of national situation:</i></p> <p>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.</p> <p><u>Statistical recording</u></p> <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,</p>	<p><i>Description of national situation:</i></p> <p><u>Legal advice and counselling</u></p> <p>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.</p> <p>The umbrella organisation provides no legal advice or counselling services.</p> <p>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 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></p> <p>The Ombud for Equal Treatment refers clients primarily to victim support organisations, civil society organisations or law enforcement.</p>	
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	<p>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 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</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 clients to law enforcement and the anti-discrimination office.</p>	
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	<p>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>		
	Framework	Action	
Victim – generic victim support organisation	<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>Framework: 3</p> <p>Action: 3</p> <p>Colour: Green</p>
	<p><i>Description of national situation:</i></p> <p>One organisation operates an emergency call service for victims open to all victims in need of 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.</p>	<p><i>Description of national situation:</i></p> <p>The organisation operating an emergency call service for victims provides counselling as well as 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/Mol for more detail). It refers online hate crime cases to ZARA for their support in criminal proceedings.</p>	

Framework		Action	
General public – Law enforcement	<p><i>Relevant norm/standard:</i></p> <p>Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3)</p>	<p><i>Relevant norm/standard:</i></p> <p>Hate crime data is produced, published and made accessible (Standard 6)</p> <p>Action is taken to increase reporting (Standard 17)</p>	<p>Framework: 2</p> <p>Action: 1</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>See sections law enforcement-prosecution and victim-Mol.</p>	<p><i>Description of national situation:</i></p> <p>See sections law enforcement-prosecution and victim-Mol. 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.</p>	
Framework		Action	
General public – Ministry of interior	<p><i>Relevant norm/standard:</i></p> <p>The Home Office has access to law enforcement and other official hate crime data (see relevant relationships).</p>	<p><i>Relevant norm/standard:</i></p> <p>Data and information (for example on hate crime strategy and actions plans) are produced, published and made accessible (Standard 6).</p>	<p>Framework: 3</p> <p>Action: 1</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>See sections law enforcement-prosecution and victim-Mol.</p>	<p><i>Description of national situation:</i></p> <p>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</p>	

		<p>antisemitism¹⁹, for extremism prevention and deradicalization and for the integration of Roma including the combating of antigypsyism.</p> <p>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 that yearly reports will be published.</p>	
Framework		Action	
General public – Ministry of Justice	<p><i>Relevant norm/standard:</i></p> <p>Prosecution service records and captures data on the number and outcomes of hate crime prosecutions (Standards 4 and 7).</p>	<p><i>Relevant norm/standard:</i></p> <p>Data on prosecuting hate crime are produced, published and made accessible (Standard 6).</p>	<p>Framework: 2</p> <p>Action: 1</p> <p>Colour: Amber</p>
	<p><i>Description of national situation:</i></p> <p>See section law enforcement-prosecution.</p>	<p><i>Description of national situation:</i></p> <p>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 (Verfahrensautomation Justiz und EliAs) 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</p>	

¹⁹ For more information, see: Bundeskanzleramt (undated).

		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).	
Framework		Action	
General public – CSOs	<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). The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	Framework: 3 Action: 2 Colour: Green
	<i>Description of national situation:</i> See sections on victim-CSOs.	<i>Description of national situation:</i> See sections on victim-CSOs.	
Framework		Action	
CSOs, equality or antidiscrimination bodies, generic victim support organisation – Law enforcement/Mol	<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)	<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).	Framework: 1 Action: 1 Colour: Red

	<p>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)</p>		
	<p><i>Description of national situation:</i></p> <p>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. However, a memorandum of understanding was signed with the Israelite Religious Society (Israelitische Religionsgesellschaft) 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><i>Description of national situation:</i></p> <p><u>Referral and data exchange practices:</u></p> <p>According to the Mol, law enforcement refers hate crime victims to the victim support organisations, which are members of the “Hate Crime Kontern” 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</p>	

		<p>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> <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:</p>	
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		<p>“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 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>	
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		<p>Green: “Green in most cases as we accompany [clients] to interviews and this is also known with the police.”</p> <p>Amber: “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 reports on racial profiling. We would like to discuss them with the police in [...].”</p> <p>Red to amber: “[...] 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>	
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		<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 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</p>	
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		<p>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> <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></p> <p>Green: 1 Amber: 6 Amber to red: 1</p>	
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		Red: 2 No relationship/cooperation/experience: 6	
Framework		Action	
CSOs, equality or antidiscrimination bodies, generic victim support organisation – Prosecution/Moj	<p><i>Relevant norm/standard:</i></p> <p>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 and considers actions for improvement (Standards 8 and 9)</p>	<p><i>Relevant norm/standard:</i></p> <p>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>Framework: 1</p> <p>Action: o</p> <p>Colour: Red</p>
	<p><i>Description of national situation:</i></p> <p>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</p>	<p><i>Description of national situation:</i></p> <p>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 (Prozessbegleitung). 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</p>	

	<p>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 with disabilities shall be duly considered.’ This was also highlighted in a MoJ ministerial decree.²⁰ 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>support. It is provided by a list of organisations as assigned by the MoJ.²¹</p> <p><u>Qualification of relationship CSOs, equality or antidiscrimination bodies, generic victim support organisation-prosecution:</u></p> <p>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> <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</p>	
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²⁰ Bundesministerium für Justiz (2016).

²¹ Die österreichische Justiz (undated).

		<p>law enforcement also applies to the prosecution (see section CSOs-law enforcement/Mol).</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:</p> <p>No relationship/cooperation: “There is no cooperation except with a judge who offers meetings for information exchange, interpretation 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 (Prozessbegleitung) 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</p>	
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		<p>[Prozessbegleitung] are perceived as [only] creating work for the prosecution regarding their requests.”</p> <p>Amber: “Adequate cooperation – amber, 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</p> <p>Amber to red: 1</p> <p>Red: 1</p> <p>No relationship/cooperation/no experience: 7</p> <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</p>	
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		<p>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 No relationship/cooperation/no experience: 5</p>	
Framework		Action	
<p>CSOs, equality or antidiscrimination bodies, generic victim support organisation – other government Ministries (than MoJ/MoJ)</p>	<p><i>Relevant norm/standard:</i></p> <p>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></p> <p>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>Framework: 0</p> <p>Action: 1</p> <p>Colour: Red</p>

	<p><i>Description of national situation:</i></p> <p>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></p> <p>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 other ministries.</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</p>	
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		<p>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></p> <p>Green: 1 Amber: 3 Amber to red: 1 Red: 2 No relationship/cooperation/no experience/no qualification: 8</p> <p>Also see the sections on CSOs, equality or antidiscrimination bodies, generic victim support organisation-Law enforcement/Mol and CSOs, equality or antidiscrimination bodies, generic victim support organisation-Prosecution/Moj.</p>	
Framework		Action	
CSOs/Ombud for Equal Treatment/Anti-discrimination	<p><i>Relevant norm/standard:</i></p> <p>There is no international framework.</p>	<p><i>Relevant norm/standard:</i></p> <p>There is no international framework.</p>	<p>Framework: / Action: / Colour: /</p>

<p>bodies, generic victim support organisation – CSOs/ Ombud for Equal Treatment/Anti-discrimination bodies, generic victim support organisation</p>	<p><i>Description of national situation:</i> For referral practices see the sections Victim/CSOs.</p>	<p><i>Description of national situation:</i> For referral practices see the sections Victim/CSOs. <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.” 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 of violence protection and counselling for women* generally good (and important for our work).” 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</p>	
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		<p>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 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</p>	
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		<p>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>	
Framework		Action	
<p>IGO – relevant government ministry/ CJ agency</p>	<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. (Standards 30, 32, 33, 34, 35, 36, 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 Facing Facts Document listing international standards as the basis for national self-assessments for information current platforms of exchange and cooperation: https://www.facingfacts.eu/annex-three-international-standards-relating-to-hate-crime-reporting-recording-and-data-collection/</p>	<p><i>Relevant norm/standard:</i></p> <p>See Facing Facts Document listing international standards as the basis for national self-assessments for ongoing action by IGOs to connect with national authorities on hate crime reporting, recording and data collection: https://www.facingfacts.eu/annex-three-international-standards-relating-to-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>National representatives attend IGO networking events</p>	<p>Framework: 3</p> <p>Action: 3</p> <p>Colour: Green</p>

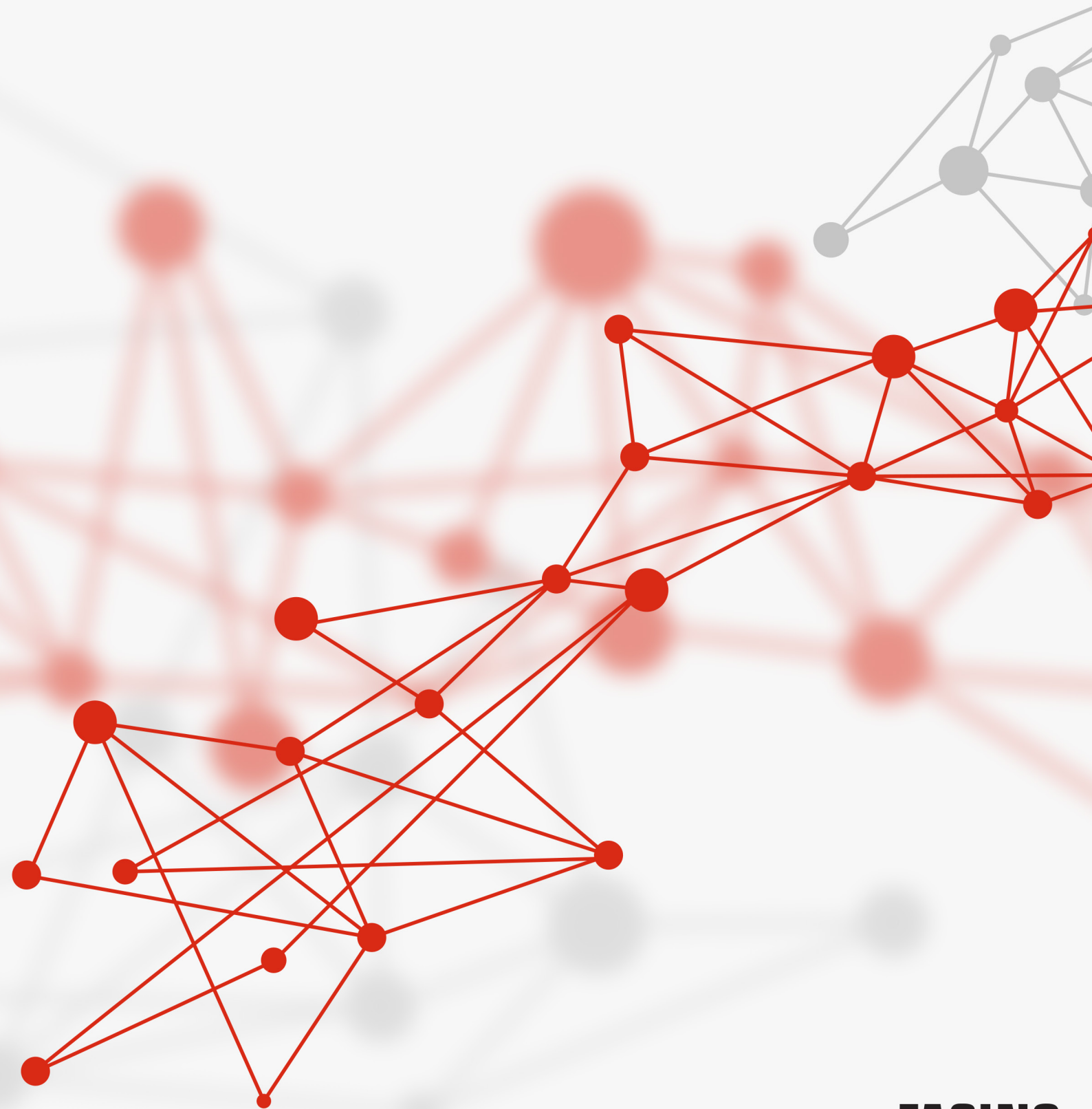
		National representatives ask for and implement capacity-building activities in the area of hate crime recording and data collection.	
	<p><i>Description of national situation:</i> N/A – this is a set international framework.</p>	<p><i>Description of national situation:</i> The Ministry of Interior exchanges 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> Both the MoI and the MoJ qualify their relationship with IGOs as green.</p>	
Framework		Action	
IGOs – CSOs, equality or antidiscrimination bodies, generic	<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 (Standard 37)</p>	<p><i>Relevant norm/standard:</i> Data is shared between the two parties as part of regular requests.</p>	<p>Framework: 1 Action: 2 Colour: Amber</p>

victim support organisation	<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 Facing Facts Document listing international standards as the basis for national self-assessments for information current platforms of exchange and cooperation: https://www.facingfacts.eu/annex-three-international-standards-relating-to-hate-crime-reporting-recording-and-data-collection/</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><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).²²</p> <p><u>Qualification of relationship IGOs-CSOs, equality or antidiscrimination bodies, generic victim support organisation:</u></p>	

²² OSCE/ODIHR (undated).

		<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 there has been rarely any/no cooperation/experience so far. One qualifies the relationship as green, having cooperation through EU</p>	
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		<p>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 – amber, 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></p> <p>Green: 3 Amber: 5 Red: 1 No cooperation/experience: 6</p>	
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