



Scorecard on Hate Crime Response in the OSCE Region

Gaps in Data Collection and Responses

July 25, 2018

ON HUMAN RIGHTS, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

© 2017 Human Rights First All Rights Reserved.

This report is available online at humanrightsfirst.org

ACKNOWLEDGEMENTS

This report was made possible by the contributions of Susan Corke, Zahava Moerdler, Erika Asgeirsson, Mazarine Lestienne, and Christopher Plummer of Human Rights First; in equal partnership with David Weinberg, Andrew Srulevitch, Michael Lieberman, Todd Gutnick, Susan Heller Pinto, and Sharon Nazarian of the Anti-Defamation League.

Contents

- Introduction 1**
 - Summary of Key Findings 1
 - Why Collect Data? 2
 - A Snapshot of the Landscape in 2016 3
- Part II – Participating State Data and Recommendations 3**
 - What Data to Collect 3
 - A Note on the Data 4
 - Categories and Recommendations 4
 - Category 1: Participating States that do not Submit Data 4
 - Category 2: Participating States that Submit Data that is not Disaggregated 5
 - Category 3: Participating State that Submit Partially Disaggregated Data 6
 - Category 4: Participating State that Submit Disaggregated Data 7
- Counting All Victims: The Causes of Underreporting and Recommendations 8**
 - Securing Justice for All Victims: Collecting Prosecution and Sentencing Data 10
- Numbers Don’t Speak for Themselves: Examples of Hate Crimes and Incidents in 2017 11**
- Conclusion and Summary Recommendations 12**
- Endnotes 14**

Introduction

Hate crimes undermine social cohesion, basic guarantees of security, and the democratic ideals of equality and non-discrimination. When a Muslim woman is attacked for wearing a hijab, or a Jewish man is beaten for wearing a kippah, the effects ripple far beyond the individual incident. Hate crimes strike not only at an individual victim's sense of identity, but at whole communities, which can be left feeling victimized, vulnerable, fearful, isolated, and unprotected by the law.

Given their broad and devastating impact, hate crimes must be viewed as serious human rights violations that merit special attention.¹

Regrettably, the overwhelming majority of the Organization for Security and Cooperation in Europe's (OSCE) 57 participating States are not doing everything they can to ensure such treatment.

In January 2016, unknown assailants threw a hand grenade into a refugee shelter in Villingen-Schwenningen, Germany.² Fortunately, the grenade did not explode, and authorities were able to evacuate the shelter without significant injury. This incident was one of the more than 3,500 attacks and other crimes against refugees, migrants, and asylum shelters recorded by German authorities in 2016, which left at least 560 people injured.³

In July 2016, a man brutally murdered a black transgender woman in Mississippi by stabbing her 119 times.⁴ She was among the at least 23 transgender people shot, stabbed, or killed by violent means in the United States in 2016.⁵ In France, Jewish men wearing religious attire were stabbed by assailants reportedly motivated by anti-Semitic ideology, both in Marseilles in January 2016 and in Strasbourg that August.⁶

These stories represent just several of the tens of thousands of potential hate crimes committed within the OSCE region in 2016. Every year since 2009 the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has attempted to count these crimes in their annual hate crime report, which is released on November 16, the International Day for Tolerance. Every year since 2010, Human Rights First and the Anti-Defamation League (ADL) analyze ODIHR's findings and rate participating states' compliance with their commitments to track and report hate crimes.

Summary of Key Findings

The most recent ODIHR report,⁷ covering both official and civil society data from 2016, demonstrates that participating states continue to struggle with bias-motivated crimes and fall short of their commitments to report reliable data. Many participating states failed to meet even the most basic reporting requirements. Even among participating states that submitted data, such information was often incomplete and undermined by underreporting. For 2016,

- Only 44 of the OSCE's 57 participating States submitted information in response to ODIHR's annual questionnaire. This includes participating states that submit information on laws or trainings, for example, but did not submit hate crime data.⁸
- 21 participating States did not submit data on hate crimes to ODIHR.
- 36 participating States submitted official hate crime data. Of these 36:
 - 10 participating States submitted data that was not disaggregated;
 - 10 participating States submitted partially disaggregated data (either on bias type, or crime type); and

- 16 participating states submitted data disaggregated by type of crime and bias type.
- 24 participating States submitted prosecution and/or sentencing data in addition to police data.
- 125 civil society contributors, international organizations and the Holy See submitted information on bias-motivated incidents, covering 48 participating States.⁹

The overall number of participating States submitting data did not change from 2015, although three more submitted at least partially disaggregated data (24 in 2016 up from 21 for 2015¹⁰). Clearly, much room for improvement remains, both among participating States that did submit data and among those that did not.

In Part II of this report, participating States are classified by the level of disaggregated data they submitted for 2016. This section includes recommendations specific to each category of participating States. Part III discusses in depth why all participating States should address the issue of underreporting. While specific examples are included throughout the report, the overall picture illustrates the need for greater regional emphasis on addressing hate crime and promoting tolerance.

Ultimately, all 57 participating States of the OSCE have work to do to adequately address the problem of hate crime. All participating States should:

- Assess their data collection mechanisms against the key recommendations laid out by ODIHR in their 2014 manual, *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*.¹¹
- Take advantage of the training and technical support offered by ODIHR to enhance data collection mechanisms and better equip law enforcement, prosecutors, and the judiciary.
- Train local law enforcement agencies on hate crime and data collection mechanisms, including on identifying the bias motivations covered by their mechanisms.
- Use victimizations survey data and CSO data to assess underreporting by victims and law enforcement.
- Work with NGOs, community groups, and experts to understand the root causes of underreporting.
- Facilitate opportunities for experts within the entities that compile data to brief policymakers on the implications of their findings, to ensure this data drives policy and resource allocation.
- Expand data collection mechanisms to include prosecution and sentencing data, or other relevant data points, such as gender.

Why Collect Data?

The OSCE is built on a vision that “lasting security cannot be achieved without respect for human rights.”¹² Racism, xenophobia, and other forms of intolerance are serious threats to this vision.¹³

The OSCE participating States have committed to investigating and collecting data on hate crimes to ensure that all people are more secure, regardless of race, religion, ethnicity, disability, sexual orientation, or gender identity.¹⁴

High quality hate crime data provides an essential baseline to understand the nature and magnitude of the problem.¹⁵ Concrete information allows policymakers to assess local and national hate crime trends, properly allocate resources, and communicate with affected communities and the wider public about responses.¹⁶ It also informs prevention efforts, helps identify best practices, and builds the capacity of law enforcement to effectively investigate various types of hate crimes.¹⁷

Properly recording hate crimes also matters for the victims of these horrendous acts. Crimes must be counted to provide validation, accountability, and ensure that victims' experiences are not erased.¹⁸ Reporting allows victims access to a system that protects them under the law.

A Snapshot of the Landscape in 2016

The individual incidents captured in the ODIHR report occurred against a tumultuous political and social landscape. Over the course of 2016, far-right populist parties or political movements gained momentum in many countries in the OSCE region, notably Austria, Bulgaria, Czech Republic, France, Germany, Hungary, the Netherlands, Poland, Slovakia, the United States, and the United Kingdom. These parties and movements are often built on exclusionary narratives about national identity characterized by anti-immigrant, anti-Muslim, and anti-EU sentiment.

For instance, in the 2016 U.S. presidential election, President Donald Trump's populist and nationalist platform invoked antisemitic, anti-migrant, and anti-Muslim rhetoric.¹⁹ He demonized Muslims as terrorists²⁰ and Mexican immigrants as rapists.²¹ In the run-up to the Brexit referendum, the UK Independence Party (UKIP), the leading British party in support of the Brexit movement, relied on divisive anti-Muslim and anti-migrant messages to drive support for its position.²² In Hungary's October 2016 referendum on refugee resettlement, the government of Prime Minister Viktor Orbán invested nearly \$50 million in a state-sponsored propaganda campaign that spread disinformation about refugees and played on fears of terrorism.²³ Germany's far-right Alternative for Deutschland (AfD) party gained local and state level representation²⁴ by relying on an anti-Muslim and anti-immigrant platform, arguing for a burka ban and that all imams in Germany be vetted by the state.²⁵

While the causes of hate crime are complex, and no single factor is determinative, fear-mongering exacerbates underlying tensions and creates an environment conducive to hate crime. The Federal Bureau of Investigation (FBI) reported in November 2017 that hate crimes in the United States increased for the second straight year in 2016, climbing from 5,850 in 2015 to over 6,100 in 2016.²⁶

According to official data, hate crimes in the UK increased 29 percent in March 2016–March 2017 (compared to the same period in the preceding year).²⁷ The Home Office attributed this rise to both increased hate crime around the Brexit referendum in June and improved reporting.²⁸ This validated anecdotal and regional evidence of a post-Brexit spike in hate crime, a trend linked to intolerant advertisements calling for Brexit as a response to the migrant crisis.²⁹

Germany reported sustained high levels of hate crimes against refugees, migrants, and asylum seekers, a trend that began in 2015 at the onset of the refugee crisis.³⁰ Police recorded more than 3,500 crimes against migrants, refugees, and asylum seekers in 2016. This included 988 crimes against asylum shelters. Police recorded 1,031 crimes against asylum shelters in 2015, up from 198 in 2014.³¹

Part II – Participating State Data and Recommendations

What Data to Collect

OSCE participating States have committed to “collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestation of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted, and the sentences imposed.”³² They have also committed to “periodically report to the ODIHR reliable information and statistics on hate crimes.”³³

What exactly does it mean to collect data “in sufficient detail”? While the needs of each participating State differ, ODIHR has set out some general guideposts in their 2014 manual, *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*.³⁴

To start, participating States should collect data on hate crimes reported to law enforcement, disaggregated by both bias motivation and type of crime.³⁵ Different communities experience different patterns of hate crime and maintain varied levels of confidence in law enforcement and the criminal justice system. Data disaggregated by bias motivation allows policymakers and law enforcement to identify vulnerable communities, although close attention should be paid to communities less likely to report to law enforcement. Police data paired with victimization survey data³⁶ (which captures incidents that were not reported to law enforcement) enables effective responses by law enforcement and facilitates the proper allocation of resources to support and protect affected communities.³⁷

Additionally, as discussed more fully in Part III of this report, prosecution and sentencing data can be used to assess the effectiveness of hate crime policies and responses.

A Note on the Data

Pertinent differences among participating States prevent easy comparisons. Participating States define hate crimes in different ways - for instance, while many European countries include hate speech as a criminal offense, the United States does not. Data reported to the OSCE is supposed to omit hate speech offenses³⁸, but not all participating States submit data separated in this way.³⁹ Additionally, some participating States have well-established reporting mechanisms, while others have little infrastructure in place. Differences thus may be due to capacity to collect

data rather than actual rates of hate crimes.⁴⁰ Participating States therefore shouldn't be compared to each other but assessed in terms of their own year-on-year progress.

However, while each participating State faces its own unique challenges in responding to hate crime, they can learn from each other's experiences and draw on core best practices. Thus, we have categorized the 57 participating States of the OSCE based on whether they reported disaggregated data to ODIHR for the 2016 OSCE hate crime report to facilitate the development of specific recommendations.

Categories and Recommendations

Category 1: Participating States that do not Submit Data

Twenty-one participating States, including: Albania, Azerbaijan, Belgium, Belarus, Bosnia and Herzegovina, Cyprus, Holy See, Ireland, Kyrgyzstan, Luxembourg, Malta, Monaco, Mongolia, Montenegro, Norway, Portugal, San Marino, Slovenia, Tajikistan, Turkmenistan, and Uzbekistan.

While none of the above participating States submitted data to ODIHR for 2016, their circumstances vary widely.

Some of these participating States have well-established data collection mechanisms and previously reported hate crime data to ODIHR. For instance, between 2013 and 2015, Belarus, Bosnia and Herzegovina, and Norway each reported detailed information and data to ODIHR. Belarus provided hate crime information, including sentencing data;⁴¹ Bosnia and Herzegovina provided hate crime data, and sentencing and prosecution data;⁴² and Norway provided hate crimes data.⁴³ Yet, for the 2016 reporting cycle, none of these countries provided any data or information on hate crimes to ODIHR.

For participating States with established data collection mechanisms, it is important that they continue to submit timely information to ODIHR. When they do not report, it decreases the profile and credibility of the OSCE hate crime report and provides cover for other participating States who are less inclined to participate.

Other participating States, like Luxembourg⁴⁴ and Montenegro⁴⁵, have submitted other types of information (i.e., on national laws, training programs, etc.) and have a national entity responsible for collecting hate crime data, but have never submitted hate crimes data to ODIHR. Others, like Malta⁴⁶ and Turkmenistan⁴⁷, have never submitted information or data to ODIHR and there is no indication that they have a national entity responsible for collecting data or a data collection mechanism. These participating States are failing to comply with their most basic OSCE hate crime commitments.

Recommendations for category 1 participating States:

The participating States that did not submit 2016 data should submit data as soon as possible. To do this, they should:

- Name a national point of contact that is responsible for communicating with ODIHR and submitting the annual hate crime questionnaire.
- Assess data collection mechanisms, where they exist, and:
 - Conduct an inquiry into the potential shortcoming in existing reporting and data collection systems that prevent them from fulfilling their data collection commitments in a timely manner. Report these findings to ODIHR and make them available to the public.
 - Work with expert civil society organizations and local law enforcement agencies to increase reporting and ensure

this information flows to the national entity, and then to ODIHR.

- If no data is submitted in 2017, make a public statement explaining why the data could not be submitted.
- Establish hate crime data collection mechanisms, if they do not exist, and:
 - Ensure that a national entity is tasked with the responsibility of collecting hate crime data. This entity should have jurisdiction to collect data on crimes reported to the police (not just those crimes which are prosecuted).
 - Consult with local CSOs, experts, impacted communities, and relevant government ministries to establish a data collection mechanism, including to determine what bias motivations should be covered and what data the mechanism should collect.
 - Establish a common definition of hate crimes for the purposes of data collection, decide what data should be captured, and train local agencies to implement a data collection mechanism. For more on these recommendations and other steps in establishing a data collection mechanism, participating States should refer to ODIHR's guide on hate crime data collection mechanisms.⁴⁸
 - Take advantage of the training and technical support offered by ODIHR.⁴⁹

Category 2: Participating States that Submit Data that is not Disaggregated

10 participating States, including: Andorra⁵⁰, Armenia⁵¹, Hungary, Kazakhstan, Latvia, Moldova, Romania, the Russian Federation, Switzerland, and Turkey.

Collecting hate crime data is a vital first step, but disaggregating data vastly improves its value in assessing the impact of hate crime on vulnerable communities. Several participating States fail to disaggregate data reported to ODIHR even though they recognize specific bias motivations in their legal provisions. For example, Kazakhstan's legislation provides penalty enhancements for crimes motivated by "national, racial or religious hatred."⁵² Hungary identifies bias based on "national, ethnic, racial or religious groups or a certain group of population—especially due to a disability, sexual identity or sexual orientation."⁵³ While Hungary's legislation is more developed in its identification of multiple bias motivations, both countries fail to report disaggregated data.

Even if national legislation does not cover all bias motivations, data collection mechanisms may still capture these motivations. For instance, neither Italy⁵⁴ nor Poland⁵⁵ specifically include sexual orientation or gender identity in their hate crime legislation, but nonetheless each submits data on anti-LGBT hate crimes. Such data can later help policymakers determine if they need to expand hate crime legislation to cover additional groups.⁵⁶

See below for recommendations for both category 2 and 3 participating States.

Category 3: Participating States that Submit Partially Disaggregated Data

5 participating States submitted data disaggregated only by type of crime, including: Bulgaria, Croatia, Liechtenstein, Macedonia, and Serbia.

5 participating States submitted data disaggregated only by bias type, including: Austria, Czech Republic, Georgia, Netherlands, and Slovakia.

In 2016, Bulgaria, Liechtenstein, Macedonia, and Serbia disaggregated data by type of crime for the first time, a notable improvement. More

informative, however, are data conveying which vulnerable communities were most impacted by those crimes.

Croatia⁵⁷, Serbia⁵⁸, and Macedonia⁵⁹ each have comprehensive and clear legislation articulating bias motivation points along each of the criteria (and others) laid out by ODIHR. Liechtenstein provides for bias based on racist or xenophobic conduct⁶⁰ and Bulgaria provides based on racial, religious, national, or ethnic factors.⁶¹ Yet, none of these states reported disaggregated data based on bias motivation. Although legislation suggests an increased awareness of the varied groups that face discrimination, hate crime recording and reporting to ODIHR has not caught up with their legislation.

Austria, Czech Republic, Georgia, Netherlands, and Slovakia disaggregated by bias type but not by type of crime. Knowing patterns in types of hate crimes allows police to more effectively protect communities.

Recommendations for category 2 and 3 participating States

The participating States that did not submit fully disaggregated data should submit fully disaggregated data as soon as possible. To do this they should:

- Conduct an inquiry into reporting and data collection systems to identify barriers to reporting disaggregated data. Report these findings to ODIHR and make them available to the public.
- Ensure that national hate crime legislation encompasses all relevant bias motivations. While bias categories may vary by participating State, the ODIHR resource, *Hate Crime Laws: A Practical Guide*, can serve as a starting point.⁶²
- If not already included in training and guidance, specify the bias motivations to be

used for the purposes of data collection. Even if certain bias motivations are not explicitly protected by legislation, they can still be used for data collection purposes.

- Develop a standardized reporting form for use by law enforcement that reflects crime and bias motivation categories.
- Train local law enforcement agencies on hate crime and data collection mechanisms and develop guidance and other tools to facilitate more comprehensive reporting.⁶³

Category 4: Participating States that Submit Disaggregated Data

16 participating States, including: Canada, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Lithuania, Poland, Spain, Sweden, Ukraine, the United Kingdom, and the United States

These 16 participating States appear to be generally complying with their OSCE data collection commitments. In this regard, they should be lauded as role models and promoted as mentors to the other participating States. Yet, even participating States that check many of the technical boxes of compliance still have room for improvement.

For instance, underreporting of hate crime remains pervasive and severe, limiting the utility of data. To give one example, although the United States submits disaggregated data, underreporting, both between victims and law enforcement and between local law enforcement and the FBI (which compiles national data), remains widespread.⁶⁴ Victimization survey data from the Department of Justice's Bureau of Justice Statistics indicates that more than half of all hate crimes go unreported.⁶⁵

Moreover, not all participating law enforcement agencies submit quality information to the FBI. For instance, in 2016, 88 percent of participating U.S.

agencies affirmatively reported that zero hate crimes occurred in their jurisdictions,⁶⁶ including in 70 cities with populations over 100,000.⁶⁷ These figures seem unlikely to represent the underlying reality, given both CSO data and the much higher rates of hate crimes in comparable jurisdictions.⁶⁸

The problem of underreporting is not isolated to the United States. The European Union's Agency for Fundamental Rights surveyed European Jewish communities in 2013 and found that only 26 percent of victims reported antisemitic physical assaults to police and just 14 percent of victims reported antisemitic harassment to police.⁶⁹

Prosecution and sentencing data contribute to better policy responses, yet only seven participating States in this category—France, Greece, Lithuania, Poland, Sweden, Ukraine, and the United Kingdom—provided one or both categories of such data to ODIHR.

With data collection mechanisms in place and generally functioning, these participating States can focus on improving the quality of their data and using information gathered to inform prevention and response efforts.

Recommendations for category 4 participating States

Participating States that submit disaggregated data should focus on providing more and better data and improving national prevention and response efforts. These participating States should:

- Use victimization survey data and CSO data to assess underreporting by victims and law enforcement.
- Assess local participation in national reporting mechanisms and establish local capacity to ensure quality participation in national data collection mechanisms.
- Work with NGOs, community groups, and experts to understand root causes of

underreporting. Develop strategies to encourage reporting and build trust in law enforcement.

- Consider other potential data points that would be useful to policymakers. For instance, further disaggregating hate crime data on gender within various bias categories could illuminate how gender intersects with racial, religious, ethnic, and other biases.⁷⁰
- Identify a responsible entity to expand data collection mechanisms to include prosecution and sentencing data. (i.e. it may be difficult for police to collect this data, so expanding to collect prosecution data will likely require involving other components of the justice system).
- Facilitate opportunities for experts within the entities that compile data to brief policymakers on the implications of their findings, to ensure this data drives policy and resource allocations.
- Give academics and other researchers access to as much raw data as possible, consistent with privacy and other guarantees, to enable them to conduct their own analysis of hate crime trends.
- Expand national hate crimes legislation to ensure all potential bias categories are included.

In September 2017, a coalition of over 80 civil rights, religious, education, and professional organizations outlined dozens of concrete steps that the U.S. Justice Department can take to further combat hate crimes and hate-based incidents in the United States. In the wake of white supremacist violence in such places as Charlottesville, Virginia, these recommendations took on new urgency.⁷¹ These recommendations illustrate that data collection is the first step, but there remains much more to be done to effectively address hate crimes.

Counting All Victims: The Causes of Underreporting and Recommendations

Underreporting remains widespread and prevents participating States from devising efficient policies to prevent hate crime. Official state data often underestimates the actual hate crime rate because of underreporting at two points: between victims and law enforcement, and between law enforcement and the national entity responsible for data collection.

With regard to the first point, hate crimes that are not reported to law enforcement are not included in participating State data. Thus, it is urgent that participating States develop programs and strategies to encourage the reporting of hate crimes, something which OSCE participating States have committed to do.⁷²

Based on their experience with victims of hate crimes, professionals (including police officers, public prosecutors, judges, and experts working for victim support services) often point to similar factors to explain why victims do not report to law enforcement. Those typically include: fear, guilt, or shame of victims; lack of awareness of rights, in part due to lack of victim support services; victim doubt that they would benefit or view that proceedings would be costly and time consuming; and lack of trust that police would treat them appropriately.⁷³

The relationship between police forces and the communities they serve also impacts the willingness of people to report crimes, including hate crimes. Law enforcement often is not a diverse representation of the community at large, which undermines community trust.⁷⁴ Additionally, marginalized communities who are vulnerable to hate crime also tend to be victims of discriminatory policing practices or excessive use of force.

For instance, African Americans are among the groups most often targeted for hate crimes yet are also disproportionately arrested and sentenced for alleged criminal activity⁷⁵ and are statistically much more likely than other Americans to be victims of police brutality.⁷⁶ These experiences decrease community trust in law enforcement and may mean that victims do not feel safe reporting crimes.⁷⁷

In the United States, for example, the Department of Justice must consider why victims of hate violence fail to report these crimes to the police. As the Department seeks to address hate violence, it is essential to underline the importance of ensuring that it is efficient and safe for all victims of hate crimes to contact the police. If marginalized or targeted community members—including immigrants, people with disabilities, LGBT community members, Muslims, Arabs, Middle Easterners, South Asians, and people with limited language proficiency—cannot report, or do not feel safe reporting, law enforcement cannot effectively address these crimes, thereby jeopardizing the safety of all.

Further, demands that local police enforce federal immigration laws have undermined community trust and created an environment in which individuals are increasingly unlikely to call on law enforcement for assistance in any situation. To effectively address hate crimes and promote improved community policing, the Department of Justice must provide clarity on the role of local law enforcement in responding to emergency calls and other police interactions and issue clear guidance stating that local law enforcement will not enforce federal immigration law. As the lead federal law enforcement agency, the Department of Justice should ensure that Department of Homeland Security officials understand how inappropriate demands on local law enforcement to become involved in federal immigration enforcement make it harder for local officials to do

their job. In addition, the Department of Justice should convene regular meetings in local communities, bringing together a number of community stakeholders, including local law enforcement and community organizations, to address community tensions and build relationships. In the past, U.S. attorneys have very effectively been the convening authority for such meetings. Of course, these meetings can only be effective if communities feel safe engaging with government.

The second point of underreporting occurs between law enforcement and the national entity responsible for collecting hate crime data.

The data submitted to ODIHR relies on classification by law enforcement officials at the first point of contact. If those responsible for the first contact with a victim are insufficiently trained and do not record a bias motivation, the incident will not be included in the data submitted to ODIHR. Thus, participating States have also recognized the need to, and committed to, train law enforcement.⁷⁸

Given the potential for underreporting, victimization survey data and CSO data can provide an important supplement to official data. Using this data, participating States can better assess why hate crimes are not always counted in official data and develop appropriate responses.

Recommendations: All participating States should:

- Use victimization survey data and CSO data to assess underreporting by victims and law enforcement.
- Assess participation in national reporting mechanisms at the local level and build local capacity to ensure quality participation in national data collection mechanisms.

- Work with NGOs, community groups, and experts to understand root causes of underreporting.
- Develop strategies to encourage reporting and build trust in law enforcement.
- Train officers on how to counter their own implicit biases, recruit a diverse police force, and develop strategies to counter institutional racism in law enforcement.⁷⁹
- Train all officers to identify potential hate crimes early on in investigations. When these cases are identified, ensure they may be transferred to authorities with specialized experience.

Securing Justice for All Victims: Collecting Prosecution and Sentencing Data

Prosecution and sentencing data can be used to assess the effectiveness of hate crime policies and responses. This data should track the progression of cases, including cases referred for prosecution, cases charged or dropped by prosecutors, successful prosecutions, and sentences imposed. These data can also indicate law enforcement's ability and willingness to investigate hate crimes and submit admissible evidence for prosecution; prosecutors' ability and willingness to bring hate crime charges; and the judiciary's ability to provide an adequate remedy. Thus, prosecution and sentencing data is most useful when analyzed in conjunction with arrest data.⁸⁰

While the ODIHR form captures only offenses prosecuted and sentenced, participating State data collection mechanisms should also capture and disaggregate by bias motivation and crime type: offenses referred by law enforcement for prosecution; cases brought or dropped by prosecutors; successful prosecutions; and the final disposition of the case.⁸¹ This data can be instrumental to policy makers.

24 participating States submitted prosecution and/or sentencing data in addition to police data. These participating States are: Armenia, Bulgaria, Croatia, Czech Republic, France, Georgia, Greece, Hungary, Iceland, Kazakhstan, Latvia, Liechtenstein, Lithuania, Moldova, Poland, Romania, Russian Federation, Serbia, Slovakia, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom.

The remaining 12 participating States of the 36 that submitted data did not include prosecution and/or sentencing data in addition to police data. This includes: Andorra, Austria, Canada, Denmark, Estonia, Finland, Germany, Italy, Macedonia, Netherlands, Spain, and the United States.

Recommendations:

The participating States that did not submit prosecution and sentencing data should:

- Identify a responsible entity to expand data collection mechanisms to include prosecution and sentencing data (i.e., it may be difficult for police to collect this data, so expanding to collect prosecution data will likely require involving other components of the justice system).
- Establish a system of reporting on cases prosecuted and sentenced between all prosecutorial and judicial authorities and the entity responsible for compiling the data. Ensure these authorities have appropriate resources and technical capacity to report.

All participating States should:

- Ensure that disaggregated prosecution and sentencing data is available to the public.
- Train prosecutors to effectively prosecute hate crimes. ODIHR's Prosecutors and Hate Crimes Training (PAHCT) Programme can serve as a resource.⁸²

- Compare prosecution data to arrest data to identify weak spots in the process of investigating and prosecuting hate crimes.
- Facilitate opportunities for experts within the entities that compile data to brief policymakers on the implications of their findings, to ensure this data drives policy and resource allocation. Use the data to identify which bias motivations tend to be under-prosecuted and which localities have lower prosecution rates.
- Communicate this data to affected communities. Given the community-wide impact of hate crimes, communities have an interest in being informed on the progression of hate crime prosecutions.
- Establish a task force or working group responsible for studying hate crime trends and issuing policy recommendations.

Numbers Don't Speak for Themselves: Examples of Hate Crimes and Incidents in 2017

One common pitfall of studying aggregate hate crimes trends is that observers can sometimes lose sight of the heartbreaking, inhumane, and deeply personal nature of such incidents. Detailed below are select stories of individuals and communities affected by bias-motivated incidents and potential hate crimes in 2017. These figures post-date the 2016 ODIHR data analyzed in this report, but they help illustrate how dramatically the challenge of hate crimes persisted in 2017 and that participating States have their work cut out for them in the years ahead.⁸³

In January a 64-year old man attacked a Muslim woman wearing a hijab in a supermarket in Leinefelde, **Germany**. The man told the pregnant woman, who had left Yemen seven years ago, to “go home,” and then rammed his grocery cart into her. A court relied on Germany’s hate crime penalty enhancement⁸⁴ to sentence him to six

months in jail and ordered him to pay the woman one thousand Euros in compensation.⁸⁵

In January a group of four people in Chicago, Illinois in the **United States**, kidnapped and tortured an 18-year-old teenager who has schizophrenia and attention deficit hyperactivity disorder. The accused perpetrators live-streamed the crime on Facebook. The mentally disabled victim was cut by a knife and forced to drink toilet water, as the accused perpetrators yelled, “F--- Donald Trump” and “F--- white people” as the victim crouched in a corner.⁸⁶

In the first quarter of 2017, perpetrators made at least 167 bomb threats against at least 120 Jewish communal institutions in the United States and Canada. Targets included Jewish community centers, 18 Jewish day schools, and five Anti-Defamation League offices.⁸⁷ In December 2017, one perpetrator was sentenced to 60 months in prison, while another was indicted by the U.S. Department of Justice in February 2018.⁸⁸

In February a man shot two Indian immigrants at a restaurant in the state of Kansas, **United States**. Among other derogatory statements, the assailant is reported to have said “Get out of my country!” He was thrown out of the restaurant, but came back and fired at the two men, killing one of the victims and wounding the other, along with a 24-year-old man who tried to apprehend the fleeing gunman.⁸⁹

In February an unknown person threw a canister of tear gas into the “Super Super” night club in **Croatia** during an LGBT community event. Two people were injured while trying to leave the club.⁹⁰

In March a 14-year-old student left his state school in Berlin, **Germany**, due to escalating verbal and physical abuse that incurred after he revealed he was Jewish. The abuse went on for nearly four months as classmates attacked, nearly

strangled, and threatened the child with a realistic-looking toy gun.⁹¹

In April a man shouted curses in Arabic to passersby in Bologna, **Italy**. When police came to confront him, he took out a knife and threatened “You are Jews, I will kill you all.” The man injured two policemen while being taken into custody.⁹²

In May attackers kicked and punched a 16-year-old Jewish chaplain’s daughter in Stoneyfields Park in Edgware, **United Kingdom**. The attackers said, “Hitler should have killed all you Jews when he had the chance...you should have all been gassed” before throwing a basketball at her face and then kicking and punching her.⁹³

In June a man verbally abused and physically threatened another man at a polling station in Hackney, **United Kingdom**, shouting “F**ing Jews, kill all the Jews, what are you doing here?” He later returned holding a crowbar.⁹⁴

In August a motorist assaulted a Jewish man wearing a Star of David pendant in Cannes, **France**. The attacker failed to stop his car when the victim tried to cross a road with his wife and baby. The attacker then reportedly got out of the car with a knife, advanced toward the victim, and shouted, “kill the Jew.”⁹⁵

In September a 17-year-old transgender teenager was found dead in Missouri, **United States**.⁹⁶ The victim was stabbed multiple times and her eyes were gouged out. Three suspects were arrested and charged with first-degree murder but are not facing hate crime charges. Several prominent LGBT rights groups, including Lambda Legal and Human Rights Campaign, have expressed concern over inadequate consideration of a bias motivation in the investigation.⁹⁷

In November an Afghan family’s home in **Greece** was attacked following a dispute over whether an 11-year old boy could carry a Greek flag during the national holiday school parade. The attackers

threw rocks and beer bottles into the apartment window and left a note in the child’s room saying, “get out.” The right-wing group Crypteia, suspected to be a violent offshoot of the Golden Dawn, claimed responsibility, saying, “We will fight until the last refugee leaves [Greece]. And to that end, we will use force and violence, mercilessly.”⁹⁸

In November a man threw an ‘acid’-like fluid at LGBTQ activists in Moscow, **Russia**. The six victims were leaving the Fourth LGBTIQ+ Family Conference, an event that was not open to the public. No arrest has been made.⁹⁹

In December eight synagogues across four cities in **Canada** received letters threatening that “Jewry must perish” and showing a swastika inside a bleeding Star of David.¹⁰⁰

In December a synagogue in the city of Gothenburg, **Sweden** was firebombed by more than a dozen men, while Jewish youth were gathered inside. Molotov cocktails were also discovered having been thrown at a Jewish cemetery chapel during the same week in the Swedish city of Malmö.¹⁰¹

Conclusion and Summary Recommendations

As the illustrative examples above show, hate crimes continue to take a toll on individuals, communities, and entire nations. The OSCE expects to release 2017 hate crime data supplied by its participating States in November 2018. In the intervening period, all OSCE participating States should:

- Assess their data collection mechanisms against the key recommendations laid out by ODIHR in their 2014 manual, *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*.¹⁰²
- Take advantage of the training and technical support offered by ODIHR to enhance data

collection mechanisms and better equip law enforcement, prosecutors, and the judiciary.

- Train local law enforcement agencies on hate crime and data collection mechanisms, including on identifying the bias motivations covered by their mechanism.
- Use victimizations survey data and CSO data to assess underreporting by victims and law enforcement.
- Work with NGOs, community groups, and experts to understand the root causes of underreporting.
- Facilitate opportunities for experts within the entities that compile data to brief policymakers on the implications of their findings, to ensure this data drives policy and resource allocation.
- Expand data collection mechanisms to include prosecution and sentencing data, or other relevant data points, such as gender.

Endnotes

- ¹ Human Rights First, *Hate Crimes and Human Rights* (June 2010), <https://www.humanrightsfirst.org/wp-content/uploads/pdf/Hate-Crimes-Human-Rights-web.pdf>.
- ² Lizzie Dearden, "Hand grenade thrown at refugee shelter in Germany in latest attack on asylum seekers in wake of Cologne assaults," *The Independent*, January 29, 2016, <http://www.independent.co.uk/news/world/europe/hand-grenade-thrown-at-refugee-shelter-in-germany-in-latest-attack-on-asylum-seekers-in-wake-of-a6842221.html>.
- ³ "'10 attacks a day' against refugees, shelters in 2016," *Al Jazeera*, February 26, 2017, <http://www.aljazeera.com/news/2017/02/attacks-day-refugees-shelters-2016-170226170920171.html>.
- ⁴ Mari Brighe, "Miss. Nurse Dee Whigham Becomes 16th Trans Person Murdered in 2016," *Advocate*, July 26, 2016, <https://www.advocate.com/transgender/2016/7/26/mississippi-nurse-dee-whigham-becomes-16th-trans-person-murdered-2016>.
- ⁵ Human Rights Campaign, "Violence against the Transgender Community," <https://www.hrc.org/resources/violence-against-the-transgender-community-in-2016>.
- ⁶ "French Teen Charged in Machete Attack on Jewish Teacher," *Times of Israel*, January 14, 2016, <https://www.timesofisrael.com/french-teen-charged-over-attack-on-jewish-teacher/>; "Man Charged with Attempted Murder for Stabbing Strasbourg Jew," *Times of Israel*, August 20, 2016, <https://www.timesofisrael.com/man-charged-with-attempted-murder-for-stabbing-strasbourg-jew/>
- ⁷ ODIHR, "ODIHR Publishes 2016 Hate Crime Data," <http://hatecrime.osce.org/2016-data>.
- ⁸ ODIHR, "What do we Know," <http://hatecrime.osce.org/what-do-we-know>.
- ⁹ *Id.*
- ¹⁰ Anti-Defamation League & Human Rights First, *Scorecard on Hate Crime Response in the OSCE Region* (November 30, 2016), <https://www.humanrightsfirst.org/resource/scorecard-hate-crime-response-osce-region-0>.
- ¹¹ Office for Democratic Institutions and Human Rights (ODIHR), *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide* [hereinafter ODIHR, *Hate Crime Data-Collection: A Practical Guide*] (2014), www.osce.org/odihr/datacollectionguide?download=true.
- ¹² OSCE, "What is the Human Dimension?," <http://www.osce.org/odihr/what-is-the-human-dimension>.
- ¹³ OSCE, "Tolerance and Non-discrimination," <http://www.osce.org/odihr/tolerance-and-non-discrimination>.
- ¹⁴ OSCE, "Our Mandate," <http://hatecrime.osce.org/what-do-we-know/our-mandate>.
- ¹⁵ Anti-Defamation League, *Hate Crime Laws – The ADL Approach* (2012) p. 5, <https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/Hate-Crimes-Law-The-ADL-Approach.pdf>.
- ¹⁶ ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 11.
- ¹⁷ *Id.*
- ¹⁸ Ken Schwencke, "Why America Fails at Gathering Hate Crime Statistics," *ProPublica*, December 4, 2017, <https://www.propublica.org/article/why-america-fails-at-gathering-hate-crime-statistics>.
- ¹⁹ Dana Milbank, "Anti-Semitism is no longer an undertone of Trump's campaign. It's the melody," *Washington Post*, November 7, 2016, https://www.washingtonpost.com/opinions/anti-semitism-is-no-longer-an-undertone-of-trumps-campaign-its-the-melody/2016/11/07/b1ad6e22-a50a-11e6-8042-f4d111c862d1_story.html
- ²⁰ Jenna Johnson & Abigail Hauslohner, "'I Think Islam Hates Us': A Timeline of Trump's Comments About Islam and Muslims," *Washington Post*, May 20, 2017, https://www.washingtonpost.com/news/post-politics/wp/2017/05/20/i-think-islam-hates-us-a-timeline-of-trumps-comments-about-islam-and-muslims/?utm_term=.cd2db47fed4f.
- ²¹ Janell Ross, "From Mexican Rapists to Bad Hombres, the Trump Campaign in Two Moments," *Washington Post*, October 20, 2016, https://www.washingtonpost.com/news/the-fix/wp/2016/10/20/from-mexican-rapists-to-bad-hombres-the-trump-campaign-in-two-moments/?utm_term=.fa24399dc0c2.
- ²² Patrick Butler, "Politicians fuelled rise in hate crimes after Brexit vote, says UN body," *Guardian*, August 26, 2016, [https://www.theguardian.com/politics/2016/aug/26/politicians-rise-hate-crimes-brexit-vote-un-committee; Zack Beauchamp, "Brexit isn't about economics. It's about xenophobia," *Vox*, June 24, 2016, <https://www.vox.com/2016/6/23/12005814/brexit-eu-referendum-immigrants>; Anealla Safdar, "Brexit: UKIP's 'unethical' anti-immigration poster," *Al Jazeera*, June 28, 2016, <http://www.aljazeera.com/indepth/features/2016/06/brexit-anti-immigration-ukip-poster-raises-questions-160621112722799.html>.](https://www.theguardian.com/politics/2016/aug/26/politicians-rise-hate-crimes-brexit-vote-un-committee; Zack Beauchamp, 'Brexit isn't about economics. It's about xenophobia,' Vox, June 24, 2016, https://www.vox.com/2016/6/23/12005814/brexit-eu-referendum-immigrants; Anealla Safdar, 'Brexit: UKIP's 'unethical' anti-immigration poster,' Al Jazeera, June 28, 2016, http://www.aljazeera.com/indepth/features/2016/06/brexit-anti-immigration-ukip-poster-raises-questions-160621112722799.html)
- ²³ Pablo Gorondi, "A Look at Hungary's Referendum on EU Refugee Quotas," *AP*, September 29, 2016, <https://apnews.com/9370782d357a493cb402eecea3de6b39/look-hungarys-referendum-eu-refugee-quotas>; Lydia Gall, "Hungary's War on Refugees," Human Rights Watch, September 16, 2016, <https://www.hrw.org/news/2016/09/16/hungarys-war-refugees>.
- ²⁴ Alison Smale, "Far-Right Overtakes Angela Merkel's Bloc in her Home State," *New York Times*, September 3, 2016, <https://www.nytimes.com/2016/09/05/world/europe/angela-merkel-germany-mecklenburg-vorpommern-elections-refugees.html>.
- ²⁵ *BBC*, "German Election: How Right-Wing is Nationalist AfD?," October 13, 2017, <http://www.bbc.com/news/world-europe-37274201>.
- ²⁶ Federal Bureau of Investigation, *Hate Crime Statistics, 2016*, November 13, 2017, <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>; Federal Bureau of Investigation, *Hate Crime Statistics, 2015*, November 14, 2016, https://ucr.fbi.gov/hate-crime/2015/topic-pages/incidentsandoffenses_final.
- ²⁷ Aoife O'Neill, *Hate Crime, England and Wales, 2016/17*, Home Office, October 17, 2017, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652136/hate-crime-1617-hosb1717.pdf.
- ²⁸ *Id.*
- ²⁹ Freedom of Information requests by the Independent revealed that hate crimes increased 23 percent in the 11 months following the Brexit vote. This data covered 32 police forces in England and Wales that responded to the requests. May Bulman, "Brexit Vote Sees Highest Spike in Religious and Racial Hate Crimes Ever Recorded," *The Independent*, July 7, 2017, <http://www.independent.co.uk/news/uk/home-news/racist-hate-crimes-surge-to-record-high-after-brexit-vote-new-figures-reveal-a7829551.html>. For more information on anecdotal reports, see Harriet Agerholm, "Brexit: Wave of Hate Crime and Racial Abuse Reported

Following EU Referendum," *The Independent*, June 26, 2016, <http://www.independent.co.uk/news/uk/home-news/brexit-eu-referendum-racial-racism-abuse-hate-crime-reported-latest-leave-immigration-a7104191.html>.

³⁰ Al Jazeera, "'10 attacks a day' against refugees, shelters in 2016," *Al Jazeera*, February 26, 2017, <http://www.aljazeera.com/news/2017/02/attacks-day-refugees-shelters-2016-170226170920171.html>.

³¹ Human Rights First, *Germany Conflicted: The Struggle between Xenophobia and Tolerance* (February 2017), <http://www.humanrightsfirst.org/sites/default/files/hrf-germany-conflicted-report.pdf> (citing Germany's Ministry of the Interior at http://www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Pressemitteilungen/2016/05/pmk-2015-straftaten-gegenasyunterkuenfte.pdf?__blob=publicationFile).

³² OSCE, Ministerial Council Decision No. 9/09, Combating Hate Crimes, MC.DEC/9/09 (December 2, 2009), p. 1, <http://www.osce.org/cio/40695?download=true>.

³³ *Id.*

³⁴ See generally ODIHR, *Hate Crime Data-Collection: A Practical Guide*.

³⁵ For more, see ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 11-26.

³⁶ For more on victimization survey data, see ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 33-40.

³⁷ *Id.* at 11.

³⁸ ODIHR, "What Is Hate Crime," <http://hatecrime.osce.org/what-hate-crime>.

³⁹ For instance, data for the UK may include criminal forms of hate speech. See OSCE ODIHR Hate Crime Reporting: United Kingdom, <http://hatecrime.osce.org/united-kingdom>.

⁴⁰ OSCE, "Our Methodology," <http://hatecrime.osce.org/what-do-we-know/our-methodology>.

⁴¹ ODIHR, Hate Crime Reporting: Belarus, <http://hatecrime.osce.org/belarus>.

⁴² ODIHR, Hate Crime Reporting: Bosnia and Herzegovina, <http://hatecrime.osce.org/bosnia-and-herzegovina>.

⁴³ ODIHR, Hate Crime Reporting: Norway, <http://hatecrime.osce.org/norway>.

⁴⁴ ODIHR, Hate Crime Reporting: Luxembourg, <http://hatecrime.osce.org/luxembourg>.

⁴⁵ ODIHR, Hate Crime Reporting: Montenegro <http://hatecrime.osce.org/montenegro>.

⁴⁶ ODIHR, Hate Crime Reporting: Malta, <http://hatecrime.osce.org/malta>.

⁴⁷ ODIHR, Hate Crime Reporting: Turkmenistan, <http://hatecrime.osce.org/turkmenistan>.

⁴⁸ See generally ODIHR, *Hate Crime Data-Collection: A Practical Guide*

⁴⁹ For more, see ODIHR's capacity-building efforts, <http://hatecrime.osce.org/odihrs-capacity-building-efforts>.

⁵⁰ Andorra affirmatively reported zero hate crimes, which it has done since 2009. ODIHR, Hate Crime Reporting: Andorra, <http://hatecrime.osce.org/andorra>.

⁵¹ Armenia reported zero hate crimes recorded by law enforcement and three prosecuted. The prosecution data was not disaggregated, which is why we have included it in this category. ODIHR, Hate Crime Reporting: Armenia, <http://hatecrime.osce.org/armenia>.

⁵² Criminal Code of the Republic of Kazakhstan, Art. 54, 99, 104, 106, 110, 187, 314 available at <http://www.legislationline.org/topics/country/21/topic/4/subtopic/79>.

⁵³ Criminal Code of Hungary, Section 216, available at <http://www.legislationline.org/documents/action/popup/id/15735>.

⁵⁴ Criminal Code of Italy, Law N° 205/1993 Sec. 3; Law N° 101/1989 Art. 2(5); Law N° 482/1999 Art. 18; & Law N° 654, Art. 3 available at <http://www.legislationline.org/documents/action/popup/id/19322>

⁵⁵ Poland Criminal Code available at <http://www.legislationline.org/documents/action/popup/id/15755>

⁵⁶ ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 14.

⁵⁷ Criminal Code of Croatia, Art. 87(21), available at <http://legislationline.org/documents/action/popup/id/21394>.

⁵⁸ Criminal Code of Serbia, Art. 54a & 317, available at <http://www.legislationline.org/documents/action/popup/id/18731>.

⁵⁹ Criminal Code of the Republic of Macedonia, No. 114/09, Art. 39(5) & 133(4), available at <http://www.legislationline.org/documents/action/popup/id/18559>.

⁶⁰ Criminal Code of Liechtenstein, Sec. 33, available at <http://legislationline.org/documents/action/popup/id/15744>.

⁶¹ Criminal Code of Bulgaria, Art. 115, 116(1), 131, 162, 163, & 165, available at <http://legislationline.org/documents/action/popup/id/15719>.

⁶² ODIHR, *Hate Crime Laws: A Practical Guide* (2009), <http://www.osce.org/odihr/36426?download=true>.

⁶³ For instance - the FBI has released a detailed manual complete with case studies to assist law enforcement in properly recording and reporting hate crime data. Criminal Justice Information Services Division, Uniform Crime Reporting Program, *Hate Crime Data Collection Guidelines and Training Manual*, February 2015, <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf>.

⁶⁴ For more on this issue, see Human Rights First, *Prioritizing U.S. Leadership on Hate Crime Through Improved Data Collection and Reporting* (March 2017),

<http://www.humanrightsfirst.org/sites/default/files/hrf-hate-crime-brief-2017.pdf>; ADL, *U.S. Cities with Zero or Did Not Report Hate Crimes*,

<https://www.adl.org/sites/default/files/documents/Final%20PDF%20FBI%20HCSA%202016%20Cities%20that%20DNR%20or%20Reported%20Zero.pdf>; & "ADL Calls for Action After New FBI Data Shows Rise in Hate Crimes," Nov 13, 2017, <https://www.adl.org/news/press-releases/adl-calls-for-action-after-new-fbi-data-shows-rise-in-hate-crimes>.

⁶⁵ Madeline Masucci and Lynn Langton, *Hate Crime Victimization, 2004-2015*, U.S. Department of Justice (June 2017)

<https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>.

⁶⁶ FBI Hate-Crime Statistics 2016, <https://ucr.fbi.gov/hate-crime/2016/topic-pages/jurisdiction>.

⁶⁷ ADL, *U.S. Cities with Zero or Did Not Report Hate Crimes*.

⁶⁸ For more on this, see Human Rights First, *Prioritizing U.S. Leadership on Hate Crime Through Improved Data Collection and Reporting*, March 2017,

<https://www.humanrightsfirst.org/resource/prioritizing-us-leadership-hate-crime-through-improved-data-collection-and-reporting>; Erika Asgeirsson, "The Story Behind the FBI's Hate Crime Data," *Human Rights First*, November 21, 2017, <https://www.humanrightsfirst.org/blog/story-behind-fbi-s-hate-crime-data>.

⁶⁹ European Union Agency for Fundamental Rights, *Discrimination and Hate Crime Against Jews in EU Member States: Experiences and Perceptions of Antisemitism* (November 2013), <http://fra.europa.eu/en/publication/2013/discrimination-and-hate-crime-against-jews-eu-member-states-experiences-and>. A similar survey is forthcoming in 2018.

⁷⁰ ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 9.

- ⁷¹ The Leadership Conference, "Post-Charlottesville Hate Crimes Summit Coalition Recommendations to the Department of Justice," September 15, 2017, <https://civilrights.org/post-charlottesville-hate-crime-summit-coalition-recommendations-department-justice/>.
- ⁷² OSCE, Ministerial Council Decision No. 9/09, Combating Hate Crimes, MC.DEC/9/09 (December 2, 2009), ¶ 1, <http://www.osce.org/cio/40695?download=true>.
- ⁷³ EU Agency for Fundamental Rights, *Ensuring Justice for Hate Crime Victims: Professional Perspectives* (April 2016) <http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>.
- ⁷⁴ "Can Diverse Police Departments Ease Community Tension?," *PBS*, August 22, 2016, <https://www.pbs.org/newshour/nation/can-diverse-police-departments-ease-community-tension>.
- ⁷⁵ For more on racial disparities in the criminal justice system, see The Sentencing Project, <http://www.sentencingproject.org/issues/racial-disparity/>.
- ⁷⁶ For more on racial disparities and police violence, see Mapping Police Violence, <https://mappingpoliceviolence.org/>.
- ⁷⁷ Matthew Desmond, Andrew V. Papachristos, & David S. Kirk, "Police Violence and Citizen Crime Reporting in the Black Community," *American Sociological Review*, vol. 81(5) (2016), p. 857-76, https://scholar.harvard.edu/files/mdesmond/files/american_sociological_review-2016-desmond-857-76.pdf.
- ⁷⁸ OSCE, Ministerial Council Decision No. 4/13, Combating Hate Crimes, MC.DEC/4/13 (December 6, 2013), <http://www.osce.org/mc/109340?download=true>.
- ⁷⁹ For strategies to counter institutional racism in law enforcement to address police violence, see Campaign Zero, <https://www.joincampaignzero.org/solutions/>.
- ⁸⁰ For more on prosecution and sentencing data, see ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 27-32.
- ⁸¹ ODIHR, *Hate Crime Data-Collection: A Practical Guide*, p. 28.
- ⁸² OSCE, *Prosecutors and Hate Crimes Training (PAHCT) Programme Description*, September 29, 2014, <http://www.osce.org/odihr/pahct>.
- ⁸³ These examples are derived from news coverage, which does not necessarily include all relevant information required to determine whether the incident meets the legal definition of a hate crime. Some of these examples have resulted in formal hate crime charges. In others, the incident has been charged as a crime, but not as a hate crime, or the investigation is ongoing. Nonetheless, these examples are illustrative of the experience of victims, and the challenges law enforcement face in investigating potential hate crimes.
- ⁸⁴ Criminal Code of Germany, Sec. 46, available at <http://legislationline.org/topics/country/28/topic/4/subtopic/79>.
- ⁸⁵ "Muslimische Frau wegen Kopftuchs attackiert: 64-jähriger Eichsfelder verurteilt," Thüringer Allgemeine, 10 Nov 2017, <http://eichsfeld.thueringer-allgemeine.de/web/eichsfeld/startseite/detail/-/specific/Muslimische-Frau-wegen-Kopftuchs-attackiert-64-jaehriger-Eichsfelder-verurteilt-820397628>.
- ⁸⁶ Steve Schmaderke, "4 charged in attack on disabled teen live on Facebook plead not guilty," *Chicago Tribune*, February 10, 2017, <http://www.chicagotribune.com/news/local/breaking/ct-facebook-live-attack-court-met-0211-20170210-story.html>.
- ⁸⁷ Anti-Defamation League, "Bomb Threats to Jewish Institutions in 2017," March 15, 2017, updated on March 21, 2017, <https://www.adl.org/news/article/bomb-threats-to-jewish-institutions-in-2017>.
- ⁸⁸ U.S. Attorney's Office, Southern District of New York, "Juan Thompson Sentenced In Manhattan Federal Court To 60 Months In Prison For Cyberstalking And Making Hoax Bomb Threats To JCCs And Other Victim Organizations," December 20, 2017, <https://www.justice.gov/usao-sdny/pr/juan-thompson-sentenced-manhattan-federal-court-60-months-prison-cyberstalking-and>; U.S. Department of Justice, "U.S./Israeli Man Indicted for Hate Crime and Threats to Jewish Community Centers, Israeli Embassy, Anti-Defamation League, Conveying False Information, and Cyberstalking," February 28, 2018, <https://www.justice.gov/opa/pr/usisraeli-man-indicted-hate-crime-and-threats-jewish-community-centers-israeli-embassy-anti>.
- ⁸⁹ John Eligon, Alan Blinder and Nida Najar, "Hate Crime Is Feared as 2 Indian Engineers Are Shot in Kansas," *New York Times*, February 24, 2017, <https://www.nytimes.com/2017/02/24/world/asia/kansas-attack-possible-hate-crime-srinivas-kuchibhotla.html>; Audra D.S. Burch, "He Became a Hate Crime Victim. She Became a Widow," *New York Times*, July 8, 2017, <https://www.nytimes.com/2017/07/08/us/he-became-a-hate-crime-victim-she-became-a-widow.html>.
- ⁹⁰ Erin Rook, "Croatian LGBTQ community calls on government to condemn attack on gay party," *LGBTQ Nation*, February 12, 2017, <https://www.lgbtqnation.com/2017/02/croatian-lgbtq-community-calls-government-condemn-attack-gay-party/>; Justin McDonnell, "LGBTIQ party attacked with teargas at Zagreb's Super Super club," *Time Out*, Feb 12, 2017, <https://www.timeout.com/croatia/blog/lgbtq-party-attacked-with-teargas-at-zagrebs-super-super-club-021217>.
- ⁹¹ Toby Axelrod, "Classmates turn from friends to attackers after boy reveals he is Jewish," *JC*, March 24, 2017, <https://www.thejc.com/news/world/classmates-at-berlin-school-turn-from-friends-to-attackers-after-boy-reveals-he-is-jewish-1.434990>.
- ⁹² "A person assaulted the policemen, saying 'You are Jews, I will kill you,'" *The Coordination Forum for Countering Antisemitism*, April 4, 2017, <http://antisemitism.org.il/article/113770/person-assaulted-policemen-saying-you-are-jews-i-will-kill-you>.
- ⁹³ "Jewish chaplain's daughter 'punched and kicked' in anti-Semitic attack," *Jewish News Online*, June 5, 2017, <http://jewishnews.timesofisrael.com/jewish-chaplains-daughter-punched-and-kicked-in-anti-semitic-attack/>.
- ⁹⁴ "Man held over anti-Semitic abuse at polling station: 'F*****g Jews, kill all the Jews,'" *Jewish News Online*, June 9, 2017, <http://jewishnews.timesofisrael.com/man-held-anti-semitic-abuse-at-polling-station-fq-jews-kill-all-the-jews>.
- ⁹⁵ "Knife-wielding motorist in France suspected of threatening to 'kill the Jew,'" *Times of Israel*, August 15, 2017, <https://www.timesofisrael.com/knife-wielding-motorist-in-france-suspected-of-threatening-to-kill-the-jew/>.
- ⁹⁶ Trudy Ring, "Trans Teen Brutally Murdered in Missouri; Four Charged," *Advocate*, September 26, 2017, <https://www.advocate.com/crime/2017/9/26/trans-teen-brutally-murdered-missouri-four-charged>.
- ⁹⁷ Dakin Andone, Deanna Hackney, "Prosecutor: No hate crime charges in murder of mutilated transgender teen," *CNN*, October 1, 2017, <http://www.cnn.com/2017/09/30/us/transgender-teen-murdered-not-hate-crime-trnd/index.html>.
- ⁹⁸ Anthee Carassava, "Greek 'neo-Nazi' vigilante group attacks child migrant," *The Times*, November 8, 2017, <https://www.thetimes.co.uk/article/greek-vigilante-group-attacks-child-migrant-9j98q2cjl>; "Afghan refugee family's home attacked over Greek flag dispute," *Daily Sabah*, November 3, 2017, <https://www.dailysabah.com/europe/2017/11/03/afghan-refugee-family-home-attacked-over-greek-flag-dispute>.
- ⁹⁹ Power, "Six Injured After Man Throws 'Acid' at LGBTI Activists in Moscow," *GayStarNews*, November 14, 2017, <https://www.gaystarnews.com/article/man-throws-acid-lgbti-activists-moscow-sending-two-hospital/#gs.t1DyMsM>.
- ¹⁰⁰ "Two Montreal synagogues among 8 in Canada to get hate mail," *Montreal Gazette*, December 19, 2017, <http://montrealgazette.com/news/local-news/montreal-police-probe-hate-messages-to-two-local-synagogues>.
- ¹⁰¹ "Second Jewish Building in Sweden Attacked with Firebombs," *Times of Israel*, December 11, 2017, <https://www.timesofisrael.com/second-jewish-building-in-sweden-attacked-in-attempted-firebombing/>.

¹⁰² ODIHR, *Hate Crime Data-Collection: A Practical Guide*.