



Information from the
Holy See National Point of Contact on Hate Crimes
regarding the collection of data on
Hate Crimes against Christians
in the OSCE region in the year 2019

Data collection process

The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) every year collect and publish data on hate crimes/incidents occurred in the 57 OSCE participating States the year before. The ODIHR hate crime reporting is available at <http://hatecrime.osce.org>.

The OSCE participating States are requested every year to report to the ODIHR statistics on hate crime occurred on their territory. The Holy See is the only OSCE participating State that may report to the ODIHR data on hate crimes – motivated by bias against Christians – occurred in other OSCE participating States.

Data sent by every nunciature to the Secretariat of State will be gathered by the Holy See National Point of Contact on Hate Crimes and submitted to the ODIHR for inclusion in the yearly report.

Urgency of receiving a report from every Pontifical Representative

The more data the Holy See is able to provide for every State, the better the reality will be reflected in the annual hate crime reporting by the ODIHR.

Though often not recognized as such, hate crimes motivated by bias against Christians occur each year in every State of the OSCE region, even where Christians are in the majority. In recent years the number of cases has grown.

By reporting these cases as accurate as possible, they will be taken into account in the preparation of the report on hate crimes published yearly by the ODIHR.

Relevance

Data collected and made available by the ODIHR indicate that anti-Christian hate crimes mainly target places of worship, cemeteries and other religious properties (about 70% of anti-Christian hate crimes are committed against properties).

Since in several jurisdictions crimes against property are considered less serious than those against persons, there is both the risk of under-reporting and reluctance to record, investigate and prosecute such crimes. Moreover, less attention is usually given to hate crimes committed against majority communities (like Christians are in many OSCE participating States).

Therefore, hate crimes against Christians are likely more numerous than those indicated in the annual reporting of the ODIHR (based on data reported by the OSCE participating States) and this leads to a discrepancy in the data collected by the ODIHR. For these reasons it is important for the Holy See to receive information about every State.

What is a Hate Crime?

The ODIHR uses the following definition: “*Hate crime = criminal act + bias motivation*”. Hate crimes always comprise of two elements: a *criminal offence* committed with a *bias motivation*.

- The first element of a hate crime is that an act of violence is committed that constitutes an offence under criminal law (such as assault, property damage, murder). Hate crimes

always require a base offence to have occurred. If there is no base offence, there is no hate crime. In any case, hate speech and acts of discrimination (although considered criminal offences according to the national legislation) are not registered by the ODIHR as hate crime.

- The second element of a hate crime is that the perpetrator selects the target (people or objects) because of some protected characteristic (e.g. race, language, religion, etc) or, while committing a crime, expresses hostility towards a protected characteristic of the targeted person or property.

More details on the hate crime concept may be found in the ODIHR guide *Prosecuting Hate Crimes: A Practical Guide*, available in several languages at the following link:

<https://www.osce.org/odihr/prosecutorsguide>

What factors are important when reporting a case of hate crime?

The following elements should ideally be provided – where available – in order for a hate crime to be registered as such by the ODIHR.

- *Victim(s)* – Anyone can be a victim of a hate crime. Hate crimes can also target property associated with a group that shares a protected characteristic (the vast majority of anti-Christian hate crimes is committed against properties). The Holy See reports exclusively on crimes against Christians. Please note that this does not involve crimes committed by one group of Christians to other Christians.
- *Perpetrator(s)* – Information on suspected perpetrators (including their age, ethnicity and relationship to victim), if known, can be important indicators in determining whether the incident was a hate crime. It is not necessary that the perpetrator is known in order to assess whether a crime was motivated by bias.
- *Type of crime* – This information can be used to analyse patterns of crime. The ODIHR reports on the following crime types: homicide; physical assault; attacks against places of worship; desecration of graves; damage to property; theft/robbery; arson; vandalism; threats/threatening behaviour (verbal assault, insults, incitement of hate). Other crimes can also be included and described.
- *Brief description of the incident with bias indicators* – Bias indicators can be used to help identify hate crimes. Briefly describing the incident in connection with objective criteria of bias indicators can provide the factual basis for appropriate advocacy and/or recording of information. (See below for a description of potential bias indicators).
- *Date, time and location of the incident* – Understanding when and where an incident took place is essential in analysing the frequency and patterns of incidents and can be bias indicators when determining if the incident is a hate crime. Only those hate crimes that occurred in the calendar year 2019 will be included in the hate crime report 2019.
- *Response of local authorities* – Data recorded on whether a crime has been reported to the police or not can offer a good indication on the prevalence of underreporting. In cases where acts have been reported to the police, it is important to record the response of law enforcement as this may give a good indication of how police tackle the issue and the victim's perception of the police. This includes whether the case is being actively investigated, prosecuted and sentenced. If known, it is also important

to note the legal code provisions under which the incident was recorded and investigated. Moreover, noting the responses of authorities can give an understanding of how hate crimes are addressed and any good practices in responding to them. These may include statements by public officials, press releases and/or meeting with representatives of the targeted community.

- *Source of information* – When information is taken from media reports, it is important to assess the reliability of the source and cross check the information as much as possible. Where a Civil Society Organization (CSO) is the source, please mention the CSO by name (in order to avoid double counting of incidents which may have been reported to the ODIHR directly by that CSO).

How to tell if a crime is motivated by bias? – Bias indicators

In order to assess whether a crime was motivated by bias, the ODIHR uses bias indicators. They provide criteria by which to evaluate the probable motive, but do not necessarily prove that an offender's actions were motivated by bias. Below is a non-exhaustive list of bias indicators:

- *Comments, Written Statements, Gestures, and Graffiti* – Did the suspect make comments, written statements, or gestures regarding the victim's background? Were drawings, markings, symbols, or graffiti left at the scene of the incident? If the target was property, was it religiously significant such as a church or a cemetery?
- In case of attacks against property the significance of a particular structure or location to communities that face discrimination can be an indicator. Additional example might be that the property targeted has religious or other symbolic importance for a particular community or is a centre of community life – such as a school, social club or shop – for a particular group.
- *Previous Bias Crimes/Incidents* – Have there been previously been similar incidents in the same area? Who were the victims? Has the victim previously received harassing mail or phone calls or been the victim of verbal abuse based on his/her affiliation or membership of a targeted group? Was the victim in or near an area or place commonly associated with or frequented by a particular group (e.g., a community centre, or a mosque, church or other place of worship).
- *Organized Hate Groups* – Were objects or items left at the scene that suggests the crime was the work of paramilitary or extreme nationalist organization? Is there evidence of such a group being active in the neighbourhood (e.g. paraphernalia, posters, graffiti or leaflets?). It is important to underline that in many cases hate crimes are committed by individuals nor connected to any organized group, even with no previous history of criminal behaviour.
- *Victim/Witness Perception* – Does the victim or witnesses perceive that the incident was motivated by bias?
- *Religious Differences* – Do the suspect and victim differ in terms of their religious origin? Is there a history of animosity between the victim's group and the suspect's group? Is the victim a member of a group which is overwhelmingly outnumbered by members of another group in the area where the incident occurred? Was the victim engaged in activities promoting his/her group at the time of the incident? Did the incident occur on a date of particular significance (e.g. a religious holiday?)