

Using data for combatting discrimination, hate speech and hate crimes

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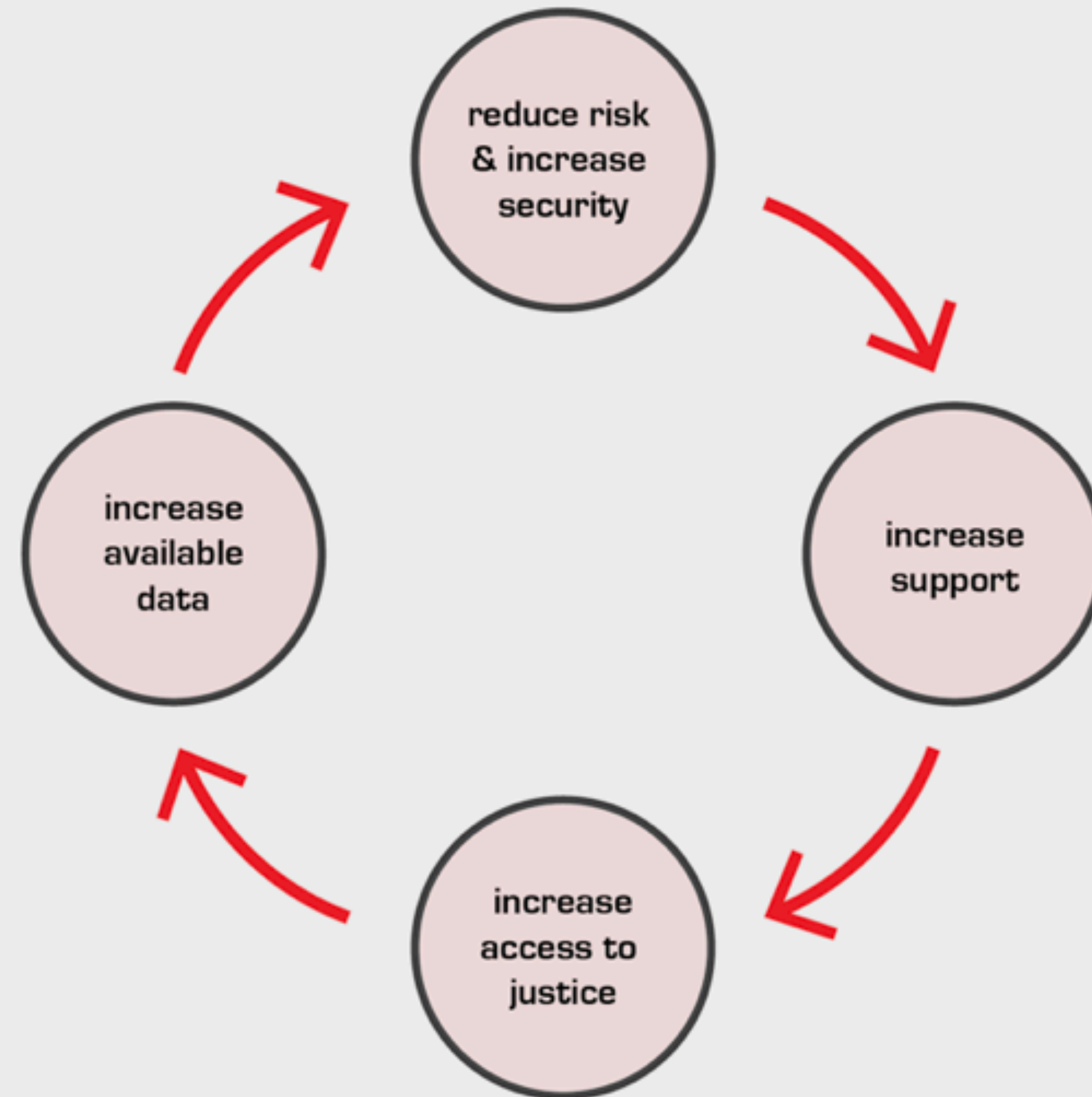


What do we want the data to tell us?

No country can fully answer these questions

- Prevalence: how many?
- Targets: who are the most affected?
- Trends: is it going up or down? differences across groups or locations?
- Impact: what is the harm that we are talking about and who is most affected?
- Evaluation: how well are we doing? How many cases, successful outcomes?
Prevention?

How do we want to use the data?



FACING
FACTS

Overview

What is hate crime, hate speech and discrimination?

Why is collecting this data important?

How can it be done?



definitions

Hate speech

ECRI GPR 15: 'entails the use of one or more particular forms of expression - namely the advocacy, promotion or incitement or the denigration, hatred or vilification of a person or groups of persons, as well as any harassment, insult, negative stereotyping, stigmatisation or threat of such person or persons and any justification of all these forms of expression'



Hate crime

A criminal act committed with a bias motive (OSCE 2009)

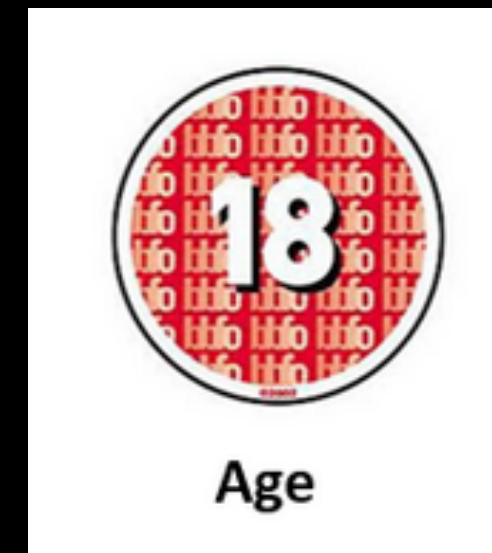
'crime': any crime in the criminal code

'Bias': Preconceived negative opinions, stereotypical assumptions, intolerance or hatred directed to a particular group that shares a common characteristic



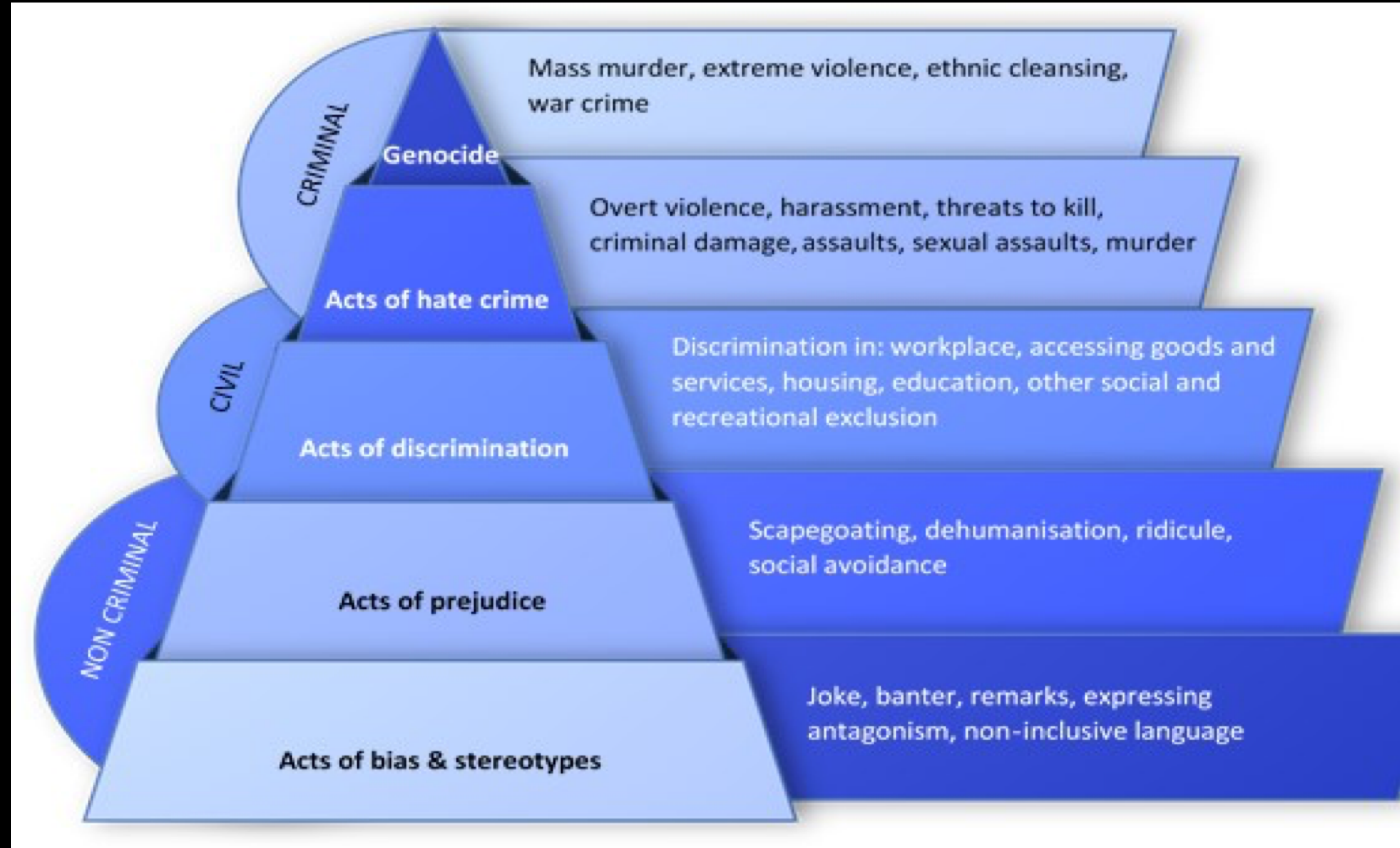
Protected characteristics

"race", colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender identity and sexual orientation'



Different - but connected - harms

- severe impact on individuals
- escalate into more serious harms against victims and communities
- have a broader impact on society



Why is data important?

**National authorities have
committed to record and
collect data**





European Commission against Racism and Intolerance

Legal standards

Policy/political standards

Reporting obligations and scrutiny

International framework

- OSCE MC Decision 2009
- ECRI General Policy Recommendations
 - 2,7,11,15
- CERD Policy Recommendations

- Article 4 ICERD
- Article 20 (2) ICPR
- Article 14 ECHR and case law **'unmask bias motive'**
- EU Framework Decision on Racism and Xenophobia
- EU Directives

- CERD (iCERD)
- Human Rights Council (ICPR)
- ECRI country visits
- Hatecrime.osce.org



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME



How can it be done? Challenges and opportunities

Six principles of data collection

- Principle one: a victim focus
- Principle two: a comprehensive approach
- Principle three: international alignment
- Principle four: transparency
- Principle five: evidence based
- Principle six: commitment to cooperation

Policy and technical frameworks that allow the sharing of data





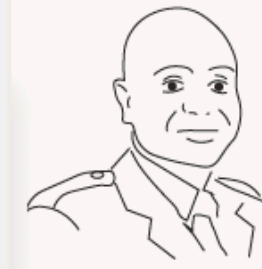
“This is the fifth time it has happened, I must report it but... will I be believed?”



“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?

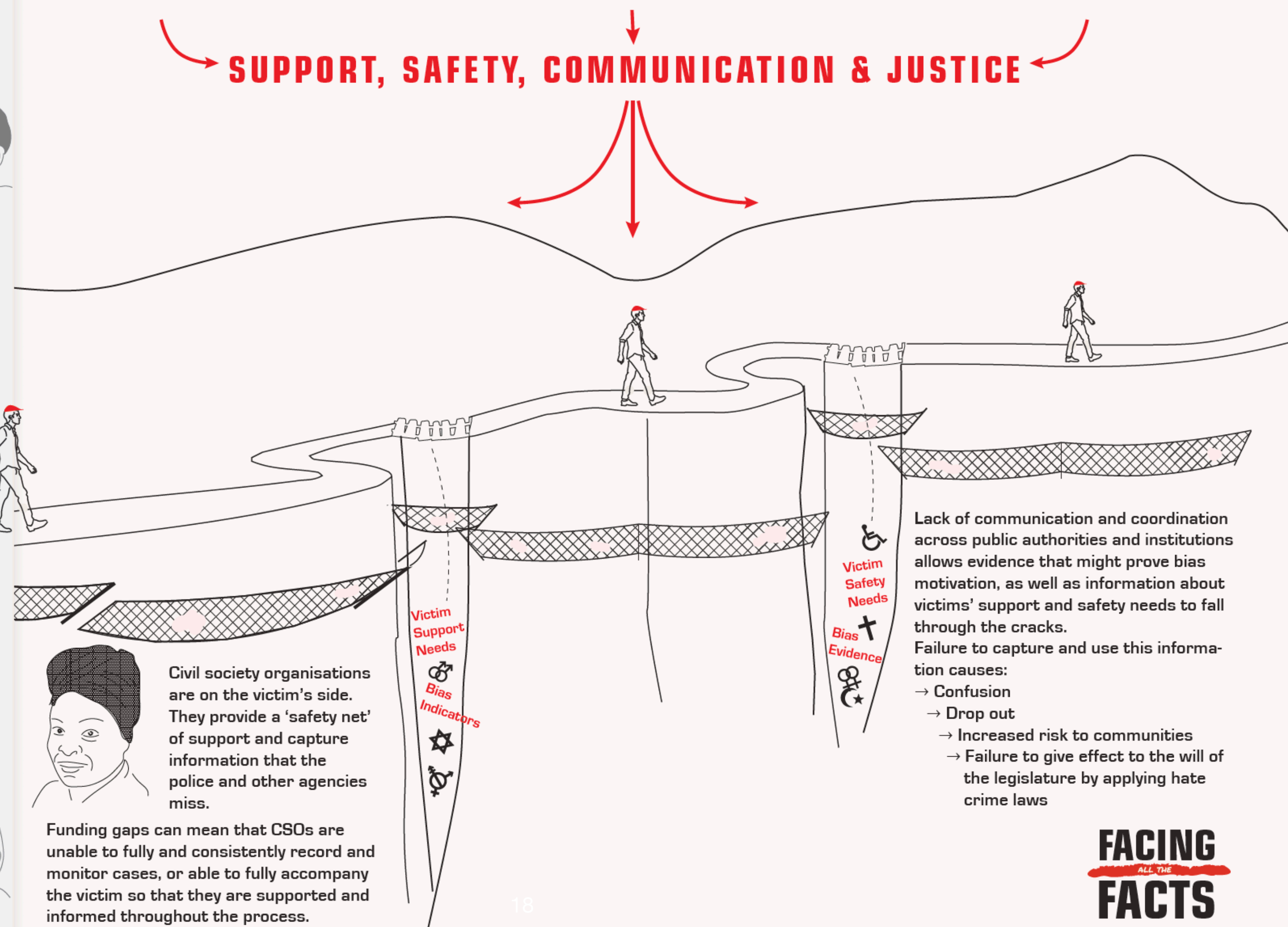


SENTENCING

'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

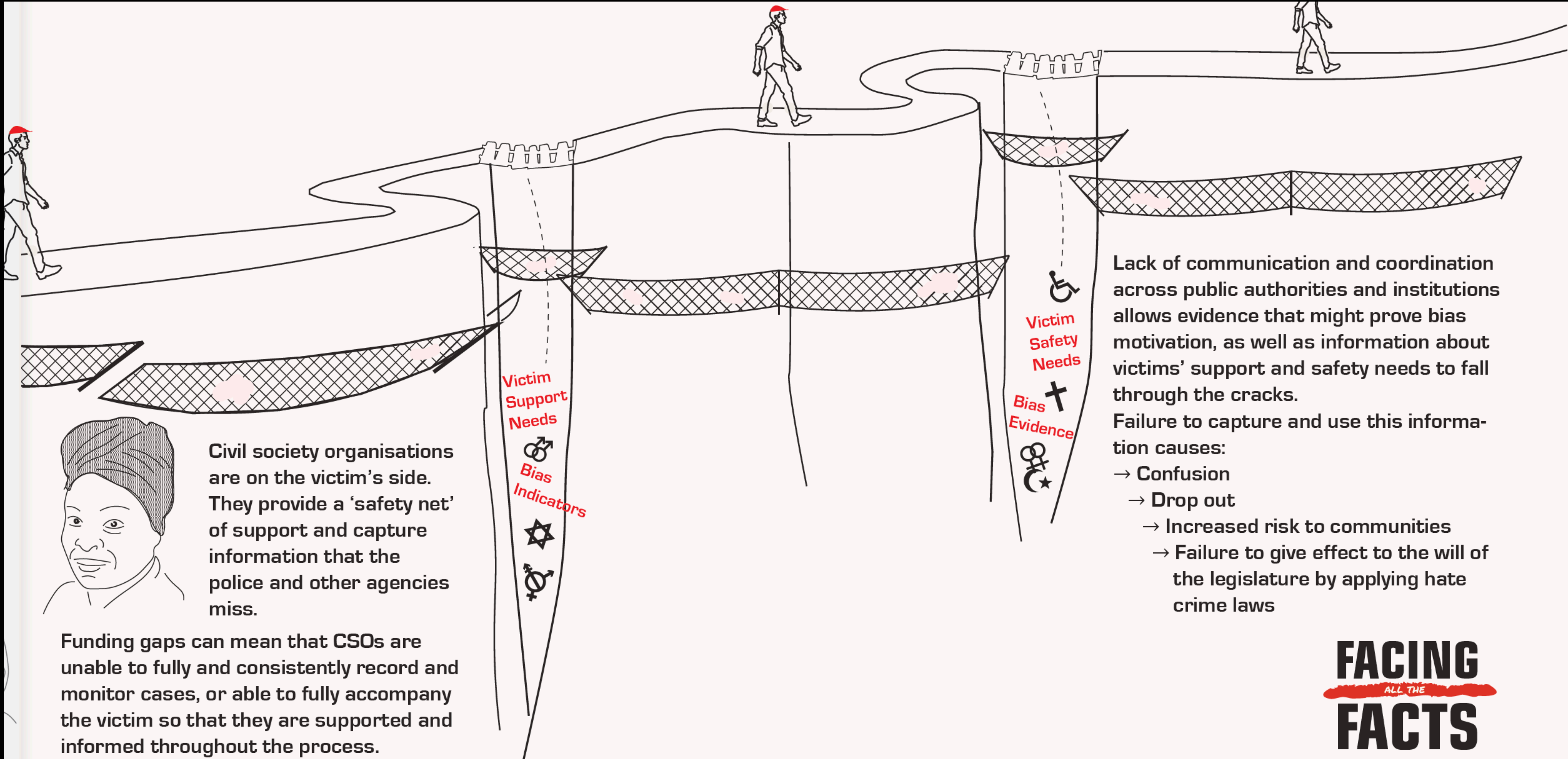


Civil society organisations are on the victim's side. They provide a 'safety net' of support and capture information that the police and other agencies miss.

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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Relationships are key

- working in a 'system'
- different leaders and collaboration:
 - Hate crime: criminal justice
 - Discrimination: Equality bodies
 - Hate speech: criminal justice, audio visual/ electoral authorities, etc.
- change agents: reaching across institutional and community divides
- critical friendships with NGOs

