

# TOOLKIT FOR EMPOWERING VICTIMS OF HATE CRIME WITH ANTI-GYPSYIST MOTIVE

This document was developed by Skåne Stadsmission, as part of the project **TAG-ARM – Tackling Anti-Gypsyism against Roma Migrants in Malmö** (Sweden, 2019-2020). The project was co-financed by the European Union (EU), Rights, Equality and Citizenship Programme (2014-2020). It is our hope that this toolkit will be used by like-minded organisations working towards similar causes. For this reason, the document is available in four languages: English, Swedish, Romania and Romani.



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## INTRODUCTION

This document was developed by Skåne Stadsmisison, a non-governmental organisation working against social exclusion in the south of Sweden. It has a history of working directly with the most marginalised groups in society, offering, among others, services, counselling, shelter, and most basically a warm and welcoming safe space in the many centres it operates.

The objective of this toolkit is to help empower EU-citizens of Roma ethnicity who make a living on the streets of Malmö, with both the knowledge and tools necessary so they can themselves tackle and document hate-motivated attacks. Another important objective is to encourage and motivate the group to report hate crimes to the police. The toolkit is addressed to practitioners working towards these causes. The target group of the actions, methods and tools proposed in the toolkit generally have a low level of education and very seldom speak the language of the country where they earn their living (in our case, Sweden) or English. The workshop was designed to meet their needs of protection and redress.

The actions described in this toolkit were designed to be carried out together with the Democracy and Hate Crime department of the police in the Southern Region of Sweden. There are several reasons behind involving the police. Firstly, we hope that bringing together the target group with the police and the fact that the target groups sees the involvement of the police in their problems, can build those bridges necessary to overcome the deeply rooted and historically grounded mistrust in the police and other state authorities. In this context we find it necessary to create opportunities for the (potential) victims to express their views. Secondly, it is our hope that the reporting of hate crime as well as the acquirement of evidence will improve if the police explain the routines and challenges involved in their work with crime investigation, including what is important to think about when reporting a hate crime, in order to increase the chances for the crime to be prosecuted.

We hope that this toolkit will be used by organisations working to combat racism and hate crime. The document is thus structured in two distinct parts to facilitate readability. General information and methods, tested during the project, are described and can be used as presented. In addition, examples from the project context are provided in boxes. These can be adapted according to the needs and contexts of other organisations and target groups.

Three methods were used in our project to empower the target group by informing them of their rights and about legislation regarding hate crime. These were: workshops, periodic information meetings with the larger group and individual meetings. In addition to sensitising the group, the project team also offered assistance to victims, documented hate crimes using our own forms, helped victims report hate crimes to the police and monitored the subsequent legal process. This document describes exclusively the format and tools utilised at the workshops. An annex containing a checklist for a good police report is also provided.

## WORKSHOP FORMAT

The workshop format was designed taking into consideration the generally low education level and socio-economic status of the target group. We found that the format most effective in attracting a large number of participants and maintaining a high level of focus during the workshops was two short and interactive sessions, across two days. The workshops were organised at the social centre Crossroads, a help facility frequented by the target group, where they feel safe and trust the staff. Most of the visitors to the centre leave before 10 am for their income generating activities. For this reason, the workshop sessions were held before 10 am, were one to one and a half hours long, and held on consecutive days when possible.

# WORKSHOP 1: ABOUT HATE CRIMES

## DAY 1 – THEORETICAL PART

### 1. WHAT IS HATE CRIME?

- ➔ Check the legislation in your country and use that definition.
- ➔ The Swedish definition: Hate crime is a unifying concept for various crimes committed with the same motive. Hate crime means that someone attacks or insults a person or a group of people due to their perceived race, skin colour, ethnic background, religion or belief, sexual orientation or identity. The victim does not need to have the have the respective characteristics, it is enough that the perpetrator believes this or considers the person to represent a particular group, for the crime to be considered a hate crime.
- ➔ European Union Agency for Fundamental Rights (FRA): "Violence and offences motivated by racism, xenophobia, religious intolerance, or by bias against a person's disability, sexual orientation or gender identity are all examples of hate crime. These crimes can affect anyone in society. But whoever the victim is, such offences harm not only the individual targeted but also strike at the heart of EU commitments to democracy and the fundamental rights of equality and non-discrimination." (<https://fra.europa.eu/en/theme/hate-crime>)

#### EXEMPLES OF HATE CRIME FROM MALMÖ

- ➔ Many people who beg in various places have been threatened, frightened, insulted, spat at, attacked, robbed and/or beaten.
- ➔ A woman was spat at and kicked outside the shop where she usually begs.
- ➔ Another woman was robbed of her begged money and then spat at and insulted.
- ➔ Several persons have had their belongings, such as clothing and sleeping bags, cut with a sharp knife.
- ➔ Many women and even men testify about being offered money for sexual services.
- ➔ Many of the victims express a strong fear of being seriously or permanently maimed as they see that the levels of violence increase.
- ➔ Questions: Did any of these, or similar, experiences happen to you? How many of the workshop participants have experienced hate crime?

### 2. WHAT SHOULD A VICTIM DO?

- ➔ It is important that victims protect themselves if someone insults or tries to harm them.
- ➔ For example, they can get up (if begging in a sitting position) and loudly say: "Stop!" "Help" "Police!". They can also signal stop, with their whole hand, towards the aggressor, as in the illustration. In a public place this will draw the attention of those passing by both towards the situation and the perpetrator.
- ➔ It is recommended that potential victims are provided with a (laminated) information card, which can be showed to a passer-by or witness in connection with a hate crime.



Hey! This person may have been subjected to hate crime and needs your help.  
The person does not speak Swedish.

If the situation is serious, call the police 112 or 114 14

You are also welcome to contact us and describe what has happened or what you have witnessed. We work at Skåne Stadsmission with a project documenting hate crime.

You reach us at **0763-17 50 62**

Read more on [skanestadsmission.se/hatbrott](https://skanestadsmission.se/hatbrott)



This project is financed by the European Union Rights, Equality and Citizenship Program (2014-2020)



If someone threatens you, offends you, spits on you, hits you, throws something on you, or destroys your property because you are Roma, you beg or collect bottles or cans, then this may be a HATE CRIME.

Is it urgent? Call **112** and, say **HELP** (it's free of charge).

It's not urgent? Call **0763-17 50 62** (leave a message if we do not respond).

Show this card to a passer-by you think will help.

The card should contain, on one side, information for potential victims, in the language spoken by them, and on the other side, information for passers-by or witnesses, in the language of the country. The card should clearly indicate, to potential passers-by or witnesses, that the person showing them the card may have been subjected to hate crime and needs help; the person reading should be asked to call the police if necessary. For potential victims, the card should contain the phone numbers of the police and of other actors who can provide support (in our case, the project staff). The card used in our project is provided below, as an example:

- ➔ Victims should try to document the incident as well as they can, with a mobile phone if possible; pictures and video or audio recordings help the police to identify the perpetrator and are important evidence in an investigation.
- ➔ Victims should contact the project team and tell us what happened.
- ➔ Call 112 if they are in danger and say:
  - ➔ " Help!"
  - ➔ The city or locality where they are situated.
  - ➔ The place where they are (for example, the name of the shop or street).

### **3. HOW CAN THE PROJECT STAFF HELP?**

- ➔ they can go to the place where the victim is located and provide support during or after the attack.
- ➔ They can offer counselling, help document the crime and report it to the police. If necessary, they can help the victim get medical assistance.
- ➔ Victims are advised to contact the project staff. When calling outside of working hours, victims are asked to leave a message. The project staff should call back as soon possible. In special situations, exceptions from the regular working hours can be made.
- ➔ Documentation of hate crimes is one of the project's main focuses. We want to document all such crimes, even if the victim does not want to report it to the police. The victim can remain anonymous in our documentation, but their name is necessary if reporting to the police.
- ➔ If the victim decides to report the hate crime to the police, s/he can receive help throughout the process from filing a police report to the court trial, including translating the verdict and claiming damages.

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#### **WHAT IS THE ROLE OF THE DEMOCRACY AND HATE CRIME DEPARTMENT WITHIN THE SWEDISH POLICE?**

The objective of the department is to combat hate crime and protect basic rights and liberties. The department investigates hate crime and increases knowledge about hate crime internally within the police authority as well as externally.

Examples of hate crime:

##### **CRIMES WHERE THE MOTIVE IS**

Race: if the perpetrator commits a crime against you because s/he considers that you look different due to your skin colour or other characteristics.

Ethnic or national origin: when the perpetrator commits a crime against you because s/he thinks that you come from another country or you belong to a specific ethnic group.

Belief or religion: when the perpetrator commits a crime against you because s/he believes that you have a certain religion such as Islam, Christianity or Judaism.

Sexual orientation: when the perpetrator commits a crime against you because s/he thinks that you like someone of the same sex as you.

Transsexual identity: when the perpetrator commits a crime against you because you are transsexual.

**HATE SPEECH:** when a perpetrator spreads hate or expressions of disrespect against a certain group of people based on their race, origin, belief, sexual orientation, or transsexual identity or expression.

**UNLAWFUL DISCRIMINATION:** when a business or public authority does not treat everyone the same it can be a case of discrimination. A business can, for example, be a grocery store or a restaurant. A public authority can, for example, be the police, health authorities or the migration board.

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## **4. WHAT HAPPENS AFTER THE POLICE REPORT IS FILED?**

Polisen utreder händelsen genom att inleda en förundersökning. När polisen är klar med sin utredning ska åklagaren fatta beslut om åtal ska väckas, det vill säga om händelsen ska gå vidare till domstol. Om det inträffade får en rättslig prövning har man som brottsoffer rätt till målsägandebiträde, det vill säga en jurist som hjälper en vid förhandlingen i rätten. Målsägandebiträdet utses av domstolen och kostar inget. Är det ett allvarligt brott kan målsägandebiträdet utses tidigare och vara med dig redan på polisförhör. Om det behövs ska rätten ordna tolk till förhandlingen. Målsägandebiträdet ska även hjälpa dig att yrka skadestånd från den som utsatt dig för brottet. När domen kommer får man också veta om man har rätt till skadestånd.

When the police have finalized the investigation, it is the prosecutor who decides whether the case will go to court. Victims have the right to a lawyer to help them during the court process. The lawyer is appointed by the court and is free of cost. If the crime is serious the lawyer should be appointed already during the police investigation. Victims also have the right to an interpreter if they need one. The lawyer should also help claiming damages. When the sentence is announced, this also includes information about any damages to be paid, if relevant.

## **DAY 2 – PRACTICAL PART**

### **5. REPETITION THROUGH ROLE-PLAY**

We think that it is easiest to both illustrate and memorize important information we went through, during day 1, through role-play. The role-play can be formed in various ways but we found it useful to simulate real life situations, in order to show how one should act when subjected to a hate crime and to equip victims with useful tools.

We suggest the following two scenarios we find important to focus on:

- The victim of a hate attack tries to call 112 but s/he does not speak the language of the country where s/he is located (Swedish in our case) or English. In this exercise, the victim's role will be played by one of the project members. The police operator's role will be played by one of the police staff participating in the workshop. In this case, the Roma migrants will be spectators.
- The victim of a hate crime files a police report without knowing exactly what details are important to provide. In this exercise, the roles will be exactly as in reality, and everyone will play their own role. The participating police person will ask common questions and the victim's role will be played by one of the Roma migrants. If possible, the exercise should be repeated with one more victim. To evaluate the accumulated knowledge, and if time and the situation allows, roles can also be reversed. In this case the police person plays the victim and the Roma migrant plays the police.

After these two exercises, short conclusions should be drawn and an evaluation with the participants should be carried out.

### **6.WHY DO WE WANT TO DRAW ATTENTION TO HATE CRIME AND IMPROVE REPORTING?**

- For the self-esteem of the victims, their integrity and human dignity.
- In order to change the way Roma migrants from other EU-countries are treated.
- To show that hate crimes are addressed by the legal system and that subjecting someone to harm, injury or offence, which constitutes hate crime, does not go unpunished.
- To show other EU-countries that this project can be replicated..

## 7. THE ALTERNATIVE METHOD

### OR COMPLEMENTARY EXERCISE FOR THE PRACTICAL PART IN WORKSHOP 1

#### CASE DISCUSSIONS

- Participants are divided into groups. The number of groups will depend on the number of participants and/or facilitators available (we had three groups).
- Each group should preferably have two facilitators whose roles would be to moderate the discussions and take notes. It is recommended that one facilitator should be from the project staff and the other one a representative from the police.
- Each group is given a case to be discussed for 20 minutes.
- After the discussion, the groups come together and report their conclusions.

#### EXAMPLES OF CASES FOR GROUP DISCUSSION FROM OUR PROJECT

(the examples are real – the names of the victims were changed)

##### CASE NO. 1 – DELIA

(A TYPICAL HARASSMENT CASE)

Delia was begging in front of a grocery store. A man would come to her about twice a week and after making sure that no one was watching spat at her. Several times, the man spat in her face, at the same time, making obscene remarks.

##### QUESTIONS:

- Is this a hate crime?
- How can it be proved that it is a hate crime?
- Is there any evidence that can be used? Witnesses?
- Should a police complaint be filed?

##### CONCLUSIONS:

- ◆ The group concluded that the case was a hate crime and discussed how this could be proved. However, the discussion ended with the conclusion that the decisive element in establishing whether the case was a hate crime or not is missing. Nothing in the description of the case indicates racism or antiziganism in the discourse of the offender. Unless it can be proved during the investigation that the offender's motive was prejudice/bias towards the victim, based on her skin colour or ethnicity, the crime will be registered only as harassment.
- ◆ The facilitator from the police informed that in such a case the victim should go a police station immediately after the crime has taken place. In this case the police would have the possibility to take a saliva sample for DNA testing.
- ◆ Also, the facilitator from the police was shocked to see how many participants had experienced systematically being spat at and encouraged everyone to report such incidents to the police.

##### CASE NO. 2 – ALEXANDRA

(SEXUAL HARASSMENT)

Alexandra was begging in front of a shop. A man in his 40s was standing nearby, looking as if he was waiting for someone. After a while, the man took a banknote from his pocket and showed it to Alexandra, signalling that she should come closer. She thought that the man wanted to give her the money and went towards him. The man then pointed towards the public toilet nearby, towards the money and through signs showed her his intention to have sex with her. When she understood his intentions, Alexandra got scared, ran away, and told him to leave her alone. The man followed her making obscene signs.

**QUESTIONS:**

- ➔ What should Alexandra do in such a situation?
- ➔ Is this a hate crime?

**CONCLUSIONS:**

- ◆ The decisive element in establishing whether the case is a hate crime or not is missing in the description of the case. Unless it can be proved during the investigation that the offender's motive was prejudice/bias towards the victim based on her skin colour or ethnicity, the crime will be registered only as sexual harassment.
- ◆ Buying sex is a crime in Sweden.
- ◆ Some of the women in the group considered that this sort of behaviour is not a problem, if the man tries to buy sex from them only once and does not insist after being refused.
- ◆ However, the conclusion of the group, after the intervention of the facilitator from the police, was that it would be good to report such cases even in cases when the person only tries once, if the victim feels offended and/or afraid.
- ◆ The importance of securing evidence was also discussed (witnesses, photographs, or recordings), as well as noting the time and place of the incident and being able to describe the aggressor as detailed as possible.

**CASE NO. 3 – ZOLTAN**

(POSSIBLE ABUSE OF POWER)

Zoltan was begging at a street intersection, among the cars stopped at the red light. A police car stopped, and two police officers came to him and tell him something in Swedish. He answered that he did not understand. The police officers started to search him and led him inside their car. They drove outside the city and stopped the car by what looked like a forest. They took him out of the car and gave him two punches and one kick.

**QUESTIONS:**

- ➔ Does the police have the right to take him outside of town?
- ➔ Does the police have the right to hit him?
- ➔ Is this is case of hate crime?

**CONCLUSIONS:**

- ◆ The group discussed the cases in which the police has the right to take someone and leave them outside of town. The police can apply this method if a person is considered to disturb the public order (begging in traffic is an example). The police must however first try to stop the offending behaviour using other methods.
- ◆ The group considered that it was problematic that people are left in places from where they have a very hard time returning, either because they cannot pay a bus ticket or because they do not understand the signs.
- ◆ It was clarified that the police have the right to use a force that is higher than that of the person with which they interact, but hey may not hit. For this reason, the case can be considered an abuse by the police.
- ◆ If it can be demonstrated that the motive behind the abuse was Zoltan's ethnicity, the case can also be considered a hate crime. This can also be demonstrated with statistic. If those subjected to this type of abuse from the police belong exclusively to a certain social category, this would demonstrate discrimination towards this social category. According to the Swedish law, discrimination is a form of hate crime.



# WORKSHOP 2: SECURING EVIDENCE

## DAY 1- USEFUL INFORMATION AND TOOLS

The objective of this workshop is to emphasise the importance of securing evidence in cases of hate crime, regardless of whether the motive is antigayism, xenophobia etc. We came to the conclusion that training through practical exercises is essential in order for the target group to understand and be able to quickly apply the most appropriate methods and tools.

### 1. PHOTOS; AUDIO AND VIDEO RECORDINGS

- Are important evidence in a potential police investigation and court trial.
- The first step is to check the recording capacities of the participants' mobile phones. For this reason, the participants are divided into groups based on the type of mobile phone they have - smartphones or older phones and based on the operating system of the phone - Android or iOS.
- All participants are given assistance in exploring the recording capacity of their phones in order to find the simplest and quickest methods.

### 2. ASSESSING RISKS AND ENSURING SAFETY

- It is crucial that the participants understand that their safety is most important and that they should not expose themselves to risks trying to secure evidence.
- Participants should be reminded of the emergency number - 112. Also, in the groups formed earlier, the participants with a smart phone should be assisted in installing the 112 - mobile application. The workshop facilitators should explain how and in what situations this application can be useful. In case of an emergency, the person can call the emergency number from within the application. The application will automatically send the person's location to the operator, if the phone's settings do not block this.

### 3. REGISTER IMPORTANT DETAILS ABOUT THE ABUSE

- It is crucial that the victim notes the exact place where the abuse took place. It is also recommended to search for surveillance cameras in the area as recordings from these cameras can be used as evidence.
- It is also important to note the exact date and time when the abuse took place.
- The victim should also note important details about the aggressor(s), such as: their appearance, any particular signs (tattoos, etc), what they wore, vehicle registration number, what they did and what they said.
- The best way to document these important details would be through an audio or video recording taken with their mobile phone immediately after the abuse. If this is not possible, the victim could instead write down the details or tell them to a person close to them.

### 4. WITNESSES

- If there were witnesses, it is important to ask them to leave their contact information, especially phone number. It could also be useful for the victim to give the witnesses their phone number and/or the phone number of the project team.
- The information card distributed to the target group could be used for this purpose, as the phone number of the project team is given on the card. Also, the card encourages witnesses/passers-by to contact the police, which could be an important factor determining the course of a future police investigation.

## DAY 2 – PRACTICAL EXERCISES

### 5. ROLEPLAY

- The project staff will play three roles: 1) the victim, 2) the aggressor and 3) the witness.
- The “victim” will have to show step by step how they document the abuse (either while it is happening or, if this is not possible, immediately afterwards).
- The “victim” must also present how they would approach a potential witness if they do not speak Swedish or English.
- The same role play used at workshop 1 can be used to describe how the victim calls 112 from the mobile application and must communicate with the operator.

### 6. CONTEST

The participants are divided into the same groups as before, based on their mobile phones. Even those who own an older phone, without filming possibilities, should be encouraged to participate with audio recordings.

- A one to two minute/s act of verbal aggression will be played by the project team. The participants must record this scene, as well as they can.
- The photographs, and video and audio recordings should then be analysed by a jury. Winner(s) will be chosen based on how well they succeeded to capture relevant details about the abuse and the aggressor.
- It is recommended that the jury be formed of representatives from the police.
- Prize(s) will be given to the winner(s).

## ANNEX - CHECKLIST POLICE REPORT

This checklist has been developed as part of a project co-funded by the European Union and implemented by Skåne Stadsmission in collaboration with Civil Rights Defenders. The objective of the project is to tackle hate crime and hate speech against migrant EU-citizens of Roma ethnicity in the city of Malmö, Sweden.

### SCOPE

The checklist is intended to serve as a tool when reporting hate crime and hate speech to the police. It is available in four different languages: English, Swedish, Romanian and Romani. It is our hope that it will be used by victims as well as a variety of actors working to support victims of hate crime and hate speech across the EU, regardless if the motive is skin colour, ethnicity, religion, gender, sexuality, etc.

When reporting any crime to the police, it is crucial to provide all necessary information. This is particularly important when it comes to hate crime and hate speech for two reasons. The first reason is in order to increase the chances that the police report will be followed by an investigation, as hate crimes are not prioritised in many member states. The second is in order to ensure that the crime is recorded as motivated by bias, which in practice means that the front desk police officer flags the crime as a “hate crime” in the crime register. A report from 2018 from the European Union Agency for Fundamental Rights, titled “Hate crime recording and data collection practice”, showed that flagging and recording hate crime is a problem in most member states.

## **CHECKLIST FOR A GOOD COMPLAINT**

*If possible, consult the national legislation on hate crime and hate speech before filing the report in order to familiarise yourself with the motives that are included in the member state where the crime took place. The definitions vary across the EU members.*

*If possible, consult the national legislation in order to be able to suggest to the police officer what type of crime you were subjected to (for example: harassment, threats, verbal abuse, sexual abuse, physical assault, damage to property, discrimination).*

- Describe the incident in as much detail as possible.
- Provide your contact details to the police.
- Clearly indicate to the police officer recording the complaint that you think what happened to you was a hate crime or hate speech.
- Describe in detail why you think it was a hate crime or hate speech. Indicate why you think the crime was motivated by bias against you for belonging to a particular group and clearly specify what type of bias (skin colour, race, ethnicity, nationality, religion, sexuality, social status or wealth, disability, etc). What did the perpetrator say to you?
- Explain how you felt during and after the crime.
- Indicate the exact date and time when the crime took place.
- Indicate the exact place where the crime took place.
- Indicate whether the crime resulted in any damage and give a detailed description.
- Describe the perpetrator(s) in as much detail as possible (how many, gender, age, height, body size, hair colour and length, skin colour, beard, clothing, language they spoke, particular signs such as tattoos, scars and/or birthmarks). Indicate whether the perpetrator(s) are known to you or not.
- Was/Were the perpetrator(s) a private person(s) or employee(s) on duty when committing the crime?
- If relevant, describe the vehicle(s): manufacturer, colour, model, registration number. Did the crime happen while the perpetrator(s) drove? In which direction did they drive?
- Did anyone witness the crime? Provide as much information about witnesses as possible: name, contact information, appearance), whether you know them.
- Make sure you receive a receipt of the complaint including a complaint registration number.