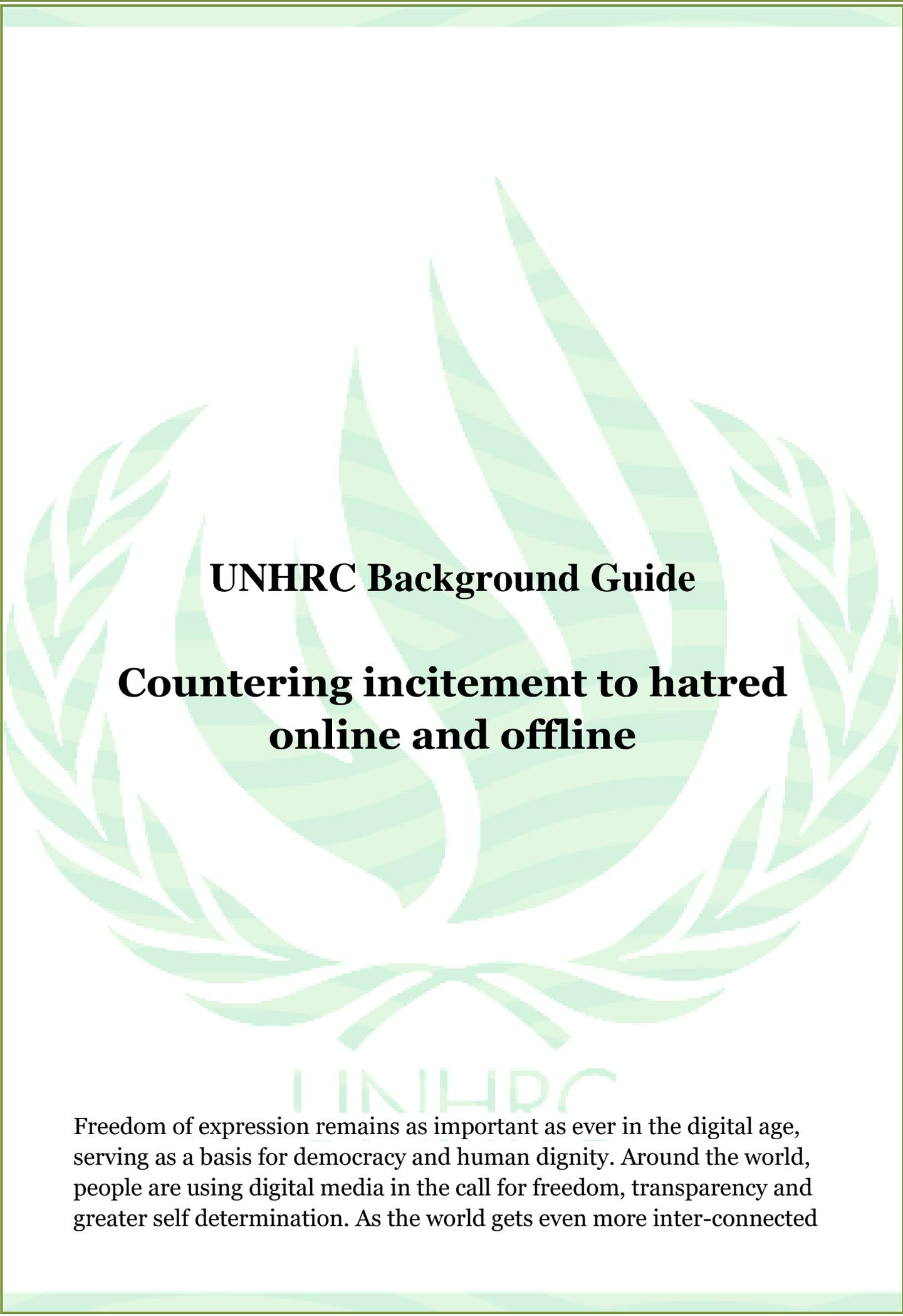




UNHRC

**Countering incitement to hatred
online and offline**



UNHRC Background Guide

Countering incitement to hatred online and offline

Freedom of expression remains as important as ever in the digital age, serving as a basis for democracy and human dignity. Around the world, people are using digital media in the call for freedom, transparency and greater self determination. As the world gets even more inter-connected

than ever before, there have been a number of incidents in different parts of the world that have brought renewed attention to the issue of incitement to hatred. International law not only allows, but actually requires States to ban certain speech on the basis that it undermines the right of others to equality or to freedom from discrimination, and occasionally also on the basis that this is necessary to protect public order. The issue of what speech should be prohibited on the basis that it incites others to hatred is a matter of great dispute and argumentation globally. This problem is compounded by the fact that “hate speech” is not always manifested in a clear language of hatred but, instead, is seen in statements that could be perceived differently by different audiences or could even appear rational or normal at first glance. It should, however, be underlined that many of the world’s conflicts in past decades have also – to varying degrees – contained a component of incitement to national, racial or religious hatred.

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Hate Crime

A hate crime (also known as a bias-motivated crime or bias crime) is a prejudice-motivated crime, usually violent, which occurs when a perpetrator targets a victim because of his or her membership (or perceived membership) in a certain social

group or race. A hate crime is motivated by racial, religious, gender, sexual orientation, or other prejudice.

Hate crimes are violent manifestations of intolerance and have a deep impact on not only the immediate victim but the group with which that victim identifies him or herself. They affect community cohesion and social stability. A vigorous response is, therefore, important both for individual and communal security.

Two Elements of Hate Crime

Hate crimes always comprise two elements: a criminal offence committed with a bias motive. The first element of a hate crime is that an act is committed that constitutes an offence under ordinary criminal law. This criminal act is referred to in this guide as the “base offence”. Because there are small variations in legal provisions from country to country, there are some divergences in the kind of conduct that amounts to a crime; but in general most countries criminalize the same type of violent acts. Hate crimes always require a base offence to have occurred. If there is no base offence, there is no hate crime.

The second element of a hate crime is that the criminal act is committed with a particular motive, referred to in this guide as “bias”. It is this element of bias motive that differentiates hate crimes from ordinary crimes. This means that the perpetrator intentionally chose the target of the crime because of some protected characteristic.

- The target may be one or more people, or it may be a property associated with a group that shares a particular characteristic.
- A protected characteristic is a characteristic shared by a group, such as “race”, language, religion, ethnicity, nationality, or any other similar common factor.

A Hypothetical Example

What does a hate crime look like?

A school is set on fire. Police initially decide it is a simple arson. However, the school is attended predominantly by Roma children, and investigations reveal that there have been previous incidents of graffiti on the school with anti-Roma slogans such as “Roma get out”. The perpetrators are caught and admit they were responsible for the fire and the graffiti. They say they were motivated by a desire to “cleanse” their area of “aliens”. The base offence is arson. But the bias motivation, on the grounds of “race” or ethnicity, makes this a hate crime.

Decoding Hatred and Incitement

Hate speech lies in a complex nexus with freedom of expression, individual, group and minority rights, as well as concepts of dignity, liberty, and equality. Its definition is often contested. In national and international legislation, hate speech refers to expressions that advocate incitement to harm (particularly, discrimination, hostility or violence) based upon the target’s being identified with a certain social or demographic group. It may include, but is not limited to, speech that advocates,

threatens, or encourages violent acts. For some, however, the concept extends also to expressions that foster a climate of prejudice and intolerance on the assumption that this may fuel targeted discrimination, hostility and, violent attacks.

The words “hatred” and “hostility” are almost always used interchangeably, and there is no common understanding of how they might be distinguished in legal terms. And one often finds these concepts defined with reference to one another. There is also no universally-accepted interpretation of a set of activities that might be covered by the notion of “incitement.” There is a general perception that we are referring to a call for concrete action, especially to a limited type of action, such as violence, for example. But there is no assumption that the statement should be grammatically constructed as a call to act.

Features of Hate Crime

Hate crimes differ from ordinary crimes not only because of the motivation of the offender, but also because of the impact on the victim. The perpetrator selects the victim because of his or her membership of a group; this suggests that one member of such a group is interchangeable with any other. Unlike victims of many other criminal acts, hate crime victims are selected on the basis of what they represent rather than who they are. The message that is conveyed is intended to reach not just the immediate victim but also the larger community of which that victim is a member. Thus, they are sometimes described as symbolic crimes.

Hate crimes are designed to intimidate the victim and the victim’s community on the basis of their personal characteristics. Such crimes send a message to the victim that they are not welcome; they have the effect of denying the victim’s right to full participation in society. They also send a message to members of the community sharing the characteristic that they also do not belong, and could equally be a target. Hate crimes, therefore, can damage the fabric of society and fragment communities.

Hate Speech Online

The proliferation of hate speech online, observed by the UN Human Rights Council Special Rapporteur on Minority Issues (HRC, 2015), poses a new set of challenges. While statistics offering a global overview of the phenomenon are not available, both social networking platforms and organizations created to combat hate speech have recognized that hateful messages disseminated online are increasingly common and have elicited unprecedented attention to develop adequate responses.

According to HateBase, a web-based application that collects instances of hate speech online worldwide, the majority of cases of hate speech target individuals

based on ethnicity and nationality, but incitements to hatred focusing on religion and class have also been on the rise.

Hate speech online is situated at the intersection of multiple tensions: it is the expression of conflicts between different groups within and across societies; it is a vivid example of how technologies with a transformative potential such as the Internet bring with them both opportunities and challenges; and it implies complex balancing between fundamental rights and principles, including freedom of expression and the defence of human dignity.

Challenges of Countering Hate Speech Online

The internet poses serious challenges to any attempts to regulate content, particularly while respecting freedom of expression. Unlike traditional media, it is often very difficult to establish the identity of authors of the content available online. Material which originates in one country is copied, edited, and shared across national borders, and can be hosted in different countries, subject to different legislation. It is impossible to apply the same tools and methods used to regulate traditional media.

There are the complexities that governments and courts may face, for example when trying to enforce a law against a social networking platform headquartered in a different country. Therefore, while hate speech online is not intrinsically different from similar expressions found offline, there are peculiar challenges unique to online content and its regulation. Those challenges related to its permanence, itinerancy, anonymity and cross-jurisdictional character are among the most complex to address.

Andre Oboler, the CEO of the Online Hate Prevention Institute, has noted, “The longer the content stays available, the more damage it can inflict on the victims and empower the perpetrators. If you remove the content at an early stage you can limit the exposure. This is just like cleaning litter, it doesn’t stop people from littering but if you do not take care of the problem it just piles up and further exacerbates.” Hate speech online can be itinerant. Even when content is removed, it may find expression elsewhere, possibly on the same platform under a different name or on different online spaces. If a website is shut down, it can quickly reopen using a web-hosting service with less stringent regulations or via the reallocation to a country with laws imposing higher threshold for hate speech. The itinerant nature of hate speech also means that poorly formulated thoughts that would not have found public expression and support in the past may now land on spaces where they can be visible to large audiences.

Anonymity can also present a challenge to dealing with hate speech online. The internet facilitates anonymous and pseudonymous discourse, which can just as easily accelerate destructive behaviour as it can fuel public discourse. Drew Boyd, Director of Operations at The Sentinel Project, has stated, “the Internet grants individuals the

ability to say horrific things because they think they will not be discovered. This is what makes online hate speech so unique, because people feel much more comfortable speaking hate as opposed to real life when they have to deal with the consequences of what they say”

Some governments and social media platforms have sought to enforce real name policies. At the same time, such measures have been deeply contested as they hit at the right to privacy and its intersection with free expression. In addition, the majority of online trolling and hate speech attacks come from pseudonymous accounts, which are not necessarily anonymous to everyone. Genuinely anonymous online communications are rare, as they require the user to employ highly technical measures to ensure that he or she cannot be easily identifiable.

Unlike the dissemination of hate speech through conventional channels, hate speech dissemination online often involves multiple actors, whether knowingly or not. When perpetrators make use of an online social platform to disseminate their hateful message they do not only hurt their victims, but may also violate terms of service in that platform and at times even state law, depending on their location.

The victims, on their part, may feel helpless in the face of online harassment, not knowing to whom they should turn to for help. In the types of responses mapped throughout the study, it appears that collective action, usually undertaken by nongovernmental organizations and lobby groups, has been an effective modus operandi to raise awareness and encourage different stakeholders to take action.

Legal context

Article 19 of UDHR

The right to freedom of expression is guaranteed in Article 19 of the Universal Declaration of Human Rights. While the Universal Declaration of Human Rights (“UDHR”), as a UN General Assembly Resolution, is not strictly binding on States, many of its provisions are regarded as having acquired legal force as customary international law since its adoption in 1948.

The UDHR does not specifically provide for prohibitions on certain forms of expression.

Article 7, however, provides for protection against discrimination, and also against “incitement to discrimination.”

Article 19 of ICCPR

The International Covenant on Civil and Political Rights (“ICCPR”), adopted by the UN General Assembly in 1976, gives legal force to many of the rights contained in the UDHR.

Article 19 of the ICCPR protects freedom of opinion and expression. Like Article 19 of the UDHR, it guarantees freedom to seek and receive information. Article 19(3) sets out the test for assessing the legitimacy of restrictions on freedom of expression.

- First, the interference must be in accordance with the law.
- Second, the legally sanctioned restriction must protect or promote an aim deemed legitimate (respect for the rights and reputation of others, and protection of national security, public order, public health or morals).
- Third, the restriction must be necessary for the protection or promotion of a legitimate aim.

Article 20(2) of the ICCPR

Article 20(2) of the ICCPR sets limitations on freedom of expression and requires States to “prohibit” certain forms of speech which are intended to sow hatred, namely “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Article 20(2) does not require States to prohibit all negative statements towards national groups, races and religions. However, States should be obliged to ban any speech that constitutes incitement to discrimination, hostility or violence.

Article 4(a) of ICERD

Article 4(a) of the ICERD requires States to “condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in [the UDHR] and the rights expressly set forth in Article 5 of [the ICERD].” Article 4(a) of the ICERD requires States to “declare [as] an offence punishable by law” a set of four expressive conducts:

- All dissemination of ideas based on racial superiority or hatred; Incitement to racial discrimination;
- All acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;
- Any assistance with racist activities, including the financing of them.

Further, Article 5(viii) of the ICERD guarantees that a States party must guarantee the right of everyone to freedom of opinion and expression in relation to all conduct described above – except incitement to acts of racially motivated violence, where the right to freedom of expression

All of the three regional human rights treaties – the European Convention on Human Rights(ECHR), the American Convention on Human Rights(ACHR) and the African Charter on Human and Peoples’ Rights- guarantee the right to freedom of expression, respectively at Article 10, Article 9, and Article 13. These guarantees are largely similar to those found in the ICCPR.

United States

The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249, was enacted as Division E of the National Defense Authorization Act for Fiscal Year 2010. Section 249 of Title 18 provides funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes.

Denmark

Article 266(b) of the Danish Criminal Code criminalizes "expressing and spreading racial hatred", making it an offense to use threatening, vilifying, or insulting language intended for the general public or a wide circle of persons.

France

France's principal piece of hate speech legislation is the Press Law of 1881, in which Section 24 criminalizes incitement to racial discrimination, hatred, or violence on the basis of one's origin or membership (or non-membership) in an ethnic, national, racial, or religious group. A criminal code provision likewise makes it an offense to engage in similar conduct via private communication. Such laws have been deployed against individuals across a broad swath of society.

Germany

Volksverhetzung, in English "incitement of the masses", "instigation of the people", is a concept in German criminal law that refers to incitement to hatred against segments of the population and refers to calls for violent or arbitrary measures against them, including assaults against the human dignity of others by insulting, maliciously maligning, or defaming segments of the population.

Public displays of Nazi and Communist symbols are banned in Germany, and Holocaust denial is punishable by up to five years in prison.

United Kingdom

Sec. 18(1) of the Public Order Act of 1986 (POA) states that "a person who uses threatening, abusive, or insulting words or behaviour, or displays any written material which is threatening, abusive, or insulting, is guilty of an offence if: a) he intends to thereby stir up racial hatred, or; b) having regard to all the circumstances racial hatred is likely to be stirred up thereby." Among the panoply of other British hate speech laws is Section 5 of the POA, which makes it a crime to use or display threatening, abusive, or insulting words "within the hearing or sight of a person likely to be caused harassment, alarm, or distress thereby."

The Racial and Religious Hatred Act 2006 amended the Public Order Act 1986 by adding Part 3A. That Part says, "A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred."

Under the Malicious Communications Act 1988, it is an offence to send communications or other articles with intent to cause distress or anxiety. This covers all forms of communications such as email, faxes and telephone calls.

Section 127 of the Communications Act 2003 makes it an offence to send a message by means of a public electronic communications network which is grossly offensive, or of an indecent, obscene or menacing character

The Terrorism Act 2006 criminalises 'encouragement of terrorism' which includes making statements that glorify terrorist acts, punishable by up to seven years imprisonment.

Netherlands

Together, Articles 137(c) and 137(d) of the Dutch Criminal Code operate to prohibit making public intentional insults, as well as engaging in verbal, written, or illustrated incitement to hatred, on account of one's race, religion, sexual orientation, or personal convictions.

European Union

The Council of Europe's Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. The Protocol has not yet been ratified by even half the members of the Council of Europe: as a result, although it has come into force, it still cannot be considered a source of international law. However, the approach that it suggests might offer a way forward: in many cases, the Protocol leaves to the discretion of states how broadly or narrowly to interpret the boundaries used to determine the criminalization of statements. The Protocol provides that states may

criminalize the spread – in this case through a computer system – of any “racist and xenophobic material” that in one form or another incites violence, discrimination or hatred based on race and other characteristics. It also indicates that states may not criminalize any public incitement to discrimination which does not involve incitement to violence or hate speech.

Illegal Hate speech is defined in EU law as the public incitement to violence or hatred on the basis of certain characteristics, including race, colour, religion, descent and national or ethnic origin. While the Framework Decision on combatting racism and xenophobia covers only racist and xenophobic speech, the majority of Member States have extended their national laws to other grounds such as sexual orientation, gender identity and disability.

Hate speech is also tackled at EU level by the Audiovisual Media Services Directive (AVMSD) which requires national authorities in every EU country to ensure that audiovisual media services do not contain incitement to hatred.

Regulations by Private Companies Concerning Hate Speech

Internet intermediaries have developed disparate definitions of hate speech and guidelines to regulate it. Some companies do not use the term hate speech, but have a descriptive list of terms related to it.

Yahoo

Yahoo!’s terms of service prohibit the posting of “content that is unlawful, harmful, threatening, abusive, harassing, tortuous, defamatory, vulgar, obscene, libellous, invasive of another’s privacy, hateful, or racially, ethnically or otherwise objectionable”.

Twitter

Twitter does not mention explicitly a prohibition of hate speech, but alerts its users that they “may be exposed to Content that might be offensive, harmful, inaccurate or otherwise inappropriate, or in some cases, postings that have been mislabelled or are otherwise deceptive”. As its terms of service continue, “Under no circumstances will Twitter be liable in any way for any Content, including, but not limited to, any errors or omissions in any Content, or any loss or damage of any kind incurred as a result of the use of any Content posted, emailed, transmitted or otherwise made available via the Services or broadcast elsewhere.” This is complemented by Twitter’s Rules, a set of conditions for users that contain content limitations such as “You may not publish or post direct, specific threats of violence against others”.

YouTube

YouTube’s terms of service, for example, seek to balance freedom of expression and limitations to some forms of content. As they read, “We encourage free speech and

defend everyone's right to express unpopular points of view. But we do not permit hate speech: speech which attacks or demeans a group based on race or ethnic origin, religion, disability gender, age, veteran status and sexual orientation/ gender identity." This definition is thus wider than the ICCPR's call for limitation only of speech that constitutes intentional advocacy of hatred that incites discrimination, hostility or violence. It is an example of how private companies can be more restrictive than international law, and even some regional or national laws on hate speech.

Facebook

Facebook's terms forbid content that is harmful, threatening or which has potential to stir hatred and incite violence. In its community standards, Facebook elaborates that "Facebook removes hate speech, which includes content that directly attacks people based on their: race, ethnicity, national origin, religious affiliation, sexual orientation, sex, gender or gender identity, or serious disabilities or diseases".

It further states that "We allow humour, satire or social commentary related to these topics, and we believe that when people use their authentic identity, they are more responsible when they share this kind of commentary. For that reason, we ask that Page owners associate their name and Facebook Profile with any content that is insensitive, even if that content does not violate our policies. As always, we urge people to be conscious of their audience when sharing this type of content".

Microsoft

Microsoft has specific rules concerning hate speech for a variety of its applications. Its policy for mobile phones prohibits applications that "contain any content that advocates discrimination, hatred, or violence based on considerations of race, ethnicity, national origin, language, gender, age, disability, religion, sexual orientation, status as a veteran, or membership in any other social group."

The company has also rules regarding online gaming, which prohibit any communication that is indicative of "hate speech, controversial religious topics and sensitive current or historical events". This is another example of how private companies can be more restrictive than regional or international law on hate speech: "Controversial religious topics and sensitive current or historical events" are not necessarily prohibited in international law, nor are they automatically considered discriminatory. Nevertheless, in order to promote what they see as a safer online community, Microsoft has chosen to impose restrictive regulations on certain products that it offers. On the other hand, these terms of service may be more liberal than the legal limits in certain jurisdictions.

Code of Conduct

In 2016, the European Commission tried to deal with hateful online speech by agreeing a 'Code of conduct on countering illegal hate speech online' with four big players in speech platforms – Facebook, Microsoft, Twitter and YouTube. The code

of conduct's core duty is: 'Upon receipt of a valid removal notification, the IT companies to review such requests against their rules and community guidelines and where necessary national laws transposing the Framework Decision 2008/913/JHA' The IT companies agree primarily to review reported hate material against their own terms of service – and only 'where necessary' against the law. In other words, private companies are turned into enforcers of the law, but subject to certain conditions: first, only when breaches are reported to them; second, only when they are breaches as judged primarily against their private terms and not against the applicable law; third, without any commitment to remove hate speech, but only to review it; and fourth, this is all on a purely voluntary basis. The companies' terms are not uniform and are self-created.

Rabat Plan of Action

A milestone in the process has been that of the UN Office of the High Commissioner for Human Rights (OHCHR) organizing a series of consultative meetings. These led in 2012 to the formulation of the Rabat Plan of Action on the prohibition of 'national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.

The Rabat Plan of Action acknowledges that, despite the obligations for states that are ICCPR signatories, many legal frameworks do not contain legal prohibition of such advocacy. In addition, some laws that do so use terminology that is inconsistent with Article 20 of the ICCPR.

The Plan proposes a six-part threshold test to identify hate messages, considering context, speaker, intent, content, extent of the speech and likelihood the speech could incite actual harm. In this sense, there is not an assumption that all hateful expressions would cause or translate into actual harm. Instead what is proposed is a method to pinpoint those expressions most requiring attention.

Context: Context is of great importance when assessing whether particular statements are likely to incite to discrimination, hostility or violence against the target group and it may have a bearing directly on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated.

Speaker: The position or status of the speaker in the society should be considered, specifically the individual's or organisation's standing in the context of the audience to whom the speech is directed.

Intent: Article 20 of the ICCPR requires intent. Negligence and recklessness are not sufficient for an article 20 situation which requires "advocacy" and "incitement" rather than mere distribution or circulation. In this regard, it requires the activation

of a triangular relationship between the object and subject of the speech as well as the audience.

Content or form: The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as a focus on the form, style, nature of the arguments deployed in the speech at issue or in the balance struck between arguments deployed, etc.

Extent of the speech: This includes elements such as the reach of the speech, its public nature, magnitude and the size of its audience. Further elements are whether the speech is public, what the means of dissemination are, considering whether the speech was disseminated through one single leaflet or through broadcasting in the mainstream media or internet, what was the frequency, the amount and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work of art) was circulated in a restricted environment or widely accessible to the general public.

Likelihood, including imminence: Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for that speech to amount to a crime. Nevertheless some degree of risk of resulting harm must be identified. It means the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognising that such causation should be rather direct

Examples of Hate Crimes in History

- Stormfront is considered the first “hate website” (Meddaugh and Kay, 2009). Launched in March 1995 by a former Ku Klux Klan leader, it quickly became a popular space for discussing ideas related to Neo-Nazism, White nationalism and White separatism, first in the USA and then globally. The forum hosts ignominious views, including calls for a racial holy war and incitement to use violence to resist immigration and is considered a space for recruiting activists and possibly coordinating violent acts.
- In the Prosecutor v. RTLM radio the International Criminal Tribunal for Rwanda (ICTR) concludes that: "Much of the responsibility for the genocide in Rwanda can be blamed on the media. Many people have heard of Radio des Mille Collines, which began broadcasting a steady stream of racist, anti-Tutsi invective in September 1993." The criminal prosecution and conviction of the

RTLM journalists was immensely important. It establishes the principle of the accountability of journalists for the consequences of what they broadcast. Evidence also shows that the communication of stereotypes, false accusations or rumours – and not just direct calls to violence – can also trigger violence and harassment.

- Kenya found itself caught in a conundrum of politically motivated ethnic tension and hate speech ahead of the 2007 polls. The outcome was widespread violence that left an estimated 1 300 people killed, thousands injured and around 600 000 people displaced. This was the worst spate of electoral-related violence in Kenya's political history and it was only after intervention from the international community that peace and normalcy could return, following a politically-mediated peace settlement. For the first time in Kenya's history, those alleged to have orchestrated the violence were indicted at the Hague-based International Criminal Court (ICC) for crimes against humanity, among others.
- During the United States presidential election, Donald Trump proposed building a wall on the southern border with Mexico to stop illegal immigrants and a temporary ban on all Muslims entering the country, a proposal he later scaled back. In the days after the November 2016 election, an increase in racist slogans and hateful messages was reported, especially in schools. The Southern Poverty Law Center found 867 cases of hateful harassment or intimidation in the 10 days after the Nov. 8 election. According to a statistical report released by the Federal Bureau of Investigation in 2016, thousands of hate crimes -- 6,121 -- were reported to the FBI in 2016. That's up from 5,850 reported hate crime incidents in 2015. After coming under criticism for not speaking out, Trump responded by saying he was "so saddened" to hear about vitriol hurled by some of his supporters against minorities. "If it helps, I will say this, and I will say right to the cameras: Stop it."
- US Attorney General Loretta Lynch said FBI statistics for 2015 showed a 67% increase in hate crimes against Muslim Americans. Hate crimes against Jewish people, African Americans and LGBT individuals also increased. Overall, reported hate crimes spiked 6%, but the number could be higher because many incidents go unreported. Bias crimes against Muslims and lesbian, gay, bisexual and transgender people accounted for much of the growth in hate crimes that were reported.

Ramifications of Hate Crime

Effect of Hate Crime on the Victim

By targeting a person's identity, hate crimes cause greater harm than ordinary crimes. The immediate victim may experience greater psychological injury and increased feelings of vulnerability because he or she is unable to change the characteristic that made him or her a victim. Hate crimes have a significantly deeper psychological impact on their victims, leading to feelings of depression and anxiety. The effect of a hate crime on an individual can be quite drastic. Due to the fact that the crime is committed because of their identity (race, ethnicity, national origin, religion, sexual orientation, or disability), an individual may experience an array of additional emotional distress. This additional emotional distress is on top of the already severe emotional response an individual experiences from a crime.

A person who has experienced a hate crime may undergo:

- Betrayal
- Deep personal hurt
- Feelings of powerlessness, vulnerability, anger and sadness
- Fear for personal and family's safety
- Changes in lifestyle

Often, victims of hate crimes experience physiological distress including post-traumatic stress disorder and depression. In addition, victims of a hate crime may experience a greater sense of anger as compared to other victims of crime. For example, victims of a hate crime may exhibit effects of both hate crimes as well as another crime, such as rape or sexual assault.

Impact on the Community

The community that shares the characteristic of the victim may also be frightened and intimidated. Other members of the targeted group can feel not only at risk of future attack, they may experience the attack as if they were themselves the victim. These effects can be multiplied where a community has historically been victims of discrimination. Social acceptance of discrimination against particular groups is an important factor in causing hate crimes to increase. Hence, although hate crimes can be committed against member of the majority population, it is the most marginalized communities who are disproportionately victims of hate crimes. Thus, in relation to such groups there is a particularly strong symbolic value to adopting and enforcing strong hate crime laws.

Threat to Security

Hate crimes present potentially serious security and public order problems. Hate crimes affect a far wider circle of people than ordinary crime, and have the potential to cause social division and civil unrest. By creating or emphasizing existing social tensions, these crimes can have the effect of causing division between the victim group and society at large. Hate crimes can exacerbate existing intergroup tensions, and play a part in interethnic or social unrest. In internal conflicts, widespread hate crimes usually accompany the escalation phase. In situations where relations

between ethnic, national or religious groups are already sensitive, hate crimes can have an explosive impact.



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