ODIHR KEY OBSERVATIONS (pre-2020)

Findings on the information available to ODIHR on hate crimes in a particular State in relation to OSCE commitments are presented as *Key Observations*. For current year, 13 key observations strictly linked to OSCE participating States' commitments in the area of collecting and reporting data have been identified, although the Office's mandate is broader and key observations could cover other areas as well. The observations are organized hierarchically – from fundamental to more superficial gaps in data collection and reporting.

	KEY OBSERVATION	COMMITMENT	SITUATION DESCRIPTION
1	**ODIHR observes that the participating State XXX has not nominated a national point of contact on hate crimes.**	"[To] **nominate**, if they have not yet done so, a **national point of contact** on hate crimes to periodically report to the ODIHR reliable information and statistics on hate crimes" (MC Decision No. 9/09).	The participating State in question has not appointed a national point of contact (NPC).
2	**ODIHR observes that the participating State XXX has not periodically reported reliable information and statistics on hate crimes to ODIHR.**	"[T]o **periodically report to the ODIHR reliable information and statistics on hate crimes**" (MC Decision No. 9/09); "[to] **collect**, maintain and make public, **reliable data and statistics in sufficient detail on hate crimes**" (MC Decision No. 9/09).	The participating State in question has not reported any information to ODIHR for two years or more.
3	**ODIHR observes that the participating State XXX does not collect data and statistics on hate crimes.**	"[To] **collect**, maintain and make public, **reliable data and statistics in sufficient detail on hate crimes** and violent manifestations of intolerance" (MC Decision No. 9/09).	The participating State in question reports that no hate crime data are being collected.
4	**ODIHR observes that the participating State XXX has not reported reliable statistics on hate crimes to ODIHR.**	"[To] **collect**, maintain and make public, **reliable data and statistics in sufficient detail on hate crimes**" (MC Decision No. 9/09); "**to periodically report to the ODIHR reliable information and statistics on hate crimes**" (MC Decision No. 9/09).	The participating State in question fails to provide ODIHR with statistics and data on hate crime for two years or more, while nevertheless providing other information (including reports, case information, updates on developments, etc.).
5	**ODIHR observes that the participating State XXX has not periodically reported to ODIHR the numbers of hate crimes recorded by police.**	"[To] **collect**, maintain and make public, **reliable data and statistics in sufficient detail on hate crimes** and violent manifestations of intolerance, **including the numbers of cases reported to law enforcement**, the numbers prosecuted and the sentences imposed." (MC Decision No. 9/09).	The participating State in question fails to report police figures for two years or more, while nevertheless reporting prosecution and/or sentencing data.

6	**ODIHR observes – in the context of the disparity between reported official and IGO/NGO information – that reliable data can only be collected through mechanisms that capture all cases reported to law enforcement, and that the victims should be encouraged to report hate crimes.**	"[To] **collect**, maintain and make public, **reliable data and statistics** in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed." (MC Decision No. 9/09); "[to] take appropriate measures to **encourage victims to report hate crimes**" (MC Decision No. 9/09); "making use of **all reliable information available**" (MC Decision No. 12/04).	The participating State in question collects and reports hate crime data to ODIHR, but IGO/NGO reports suggest that the prevalence of hate crime is much higher than captured by official figures.
7	**ODIHR observes that the law enforcement agencies of the participating State XXX have not recorded the bias motivations of hate crimes.**	"[To] promptly investigate hate crimes and **ensure that the motives of those convicted of hate crimes are acknowledged**" (MC Decision No. 9/09); "law enforcement agencies and personnel to **identify, collect data**, investigate and prosecute hate crimes **against Roma and Sinti**" (MC Decision No. 4/13); "[To] **collect and maintain reliable information and statistics about anti-Semitic crimes / hate crimes motivated by racism, xenophobia and related discrimination and intolerance**" (Annex to MC Decision No. 12/04).	Police do not record the bias motivation of the offence.
8	**ODIHR observes that the participating State XXX has not reported on cases of hate crimes separately from cases of hate speech and/or discrimination.**	"Acknowledging that hate crimes are **criminal offences** committed **with a bias motive**" (MC Decision No.9/09).	The participating State in question does not separate data on hate crime, hate speech and discrimination.
9	**ODIHR observes that the participating State XXX has not reported to ODIHR the numbers of prosecuted hate crime cases and/or information on sentenced hate crime cases.**	"[To] **collect**, maintain and make public, **reliable data and statistics in sufficient detail on hate crimes** and violent manifestations of intolerance, **including** the numbers of cases reported to law enforcement, **the numbers prosecuted** and **the sentences imposed**." (MC Decision No. 9/09).	The participating State in question has failed to report prosecution and/or sentencing figures for two years or more, while nevertheless reporting police data.

10	**ODIHR observes that the participating State XXX has not reported hate crime data disaggregated by bias motivation to ODIHR.**	"[To] **collect and maintain reliable information and statistics about anti-Semitic crimes / hate crimes motivated by racism, xenophobia and related discrimination and intolerance**, (…), **report such information periodically to OSCE ODIHR**" (Annex to MC Decision No. 12/04); "law enforcement agencies and personnel to **identify, collect data**, investigate and prosecute hate crimes **against Roma and Sinti**" (MC Decision No. 4/13); "[to] promptly investigate hate crimes and **ensure that the motives of those convicted of hate crimes are acknowledged**" (MC Decision No. 9/09); "**to periodically report to the ODIHR reliable information and statistics on hate crimes**" (MC Decision No. 9/09).	The participating State in question has not provided hate crime data disaggregated by bias motivation, despite reporting that the police record bias motivations.
11	**ODIHR observes that the participating State XXX has not made public reliable data and statistics on hate crimes.**	"[To] collect, maintain and **make public**, **reliable data** and statistics in sufficient detail **on hate crimes**" (MC Decision No. 9/09).	The participating State in question reports that it does not specifically publish data on hate crimes.
12	**ODIHR observes that the participating State XXX has not made public hate crime data disaggregated by bias motivation.**	"[To] collect**,** maintain and **make public**, **reliable data and statistics in sufficient detail on hate crimes**" (MC Decision No. 9/09).	The participating State in question does not publish data according to bias motivation.
13	**ODIHR observes that the participating State XXX could benefit from encouraging victims to report hate crimes and could consider increasing co-operation with civil society in that respect.**	"[To] take appropriate measures to **encourage victims to report hate crimes, recognizing that under-reporting** of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating **the contribution of civil society** to combat hate crimes" (MC Decision No. 9/09)	The participating State in question does not measure unreported crimes and efforts to co-operate with civil society and/or to encourage further hate crime reporting have not been recorded.