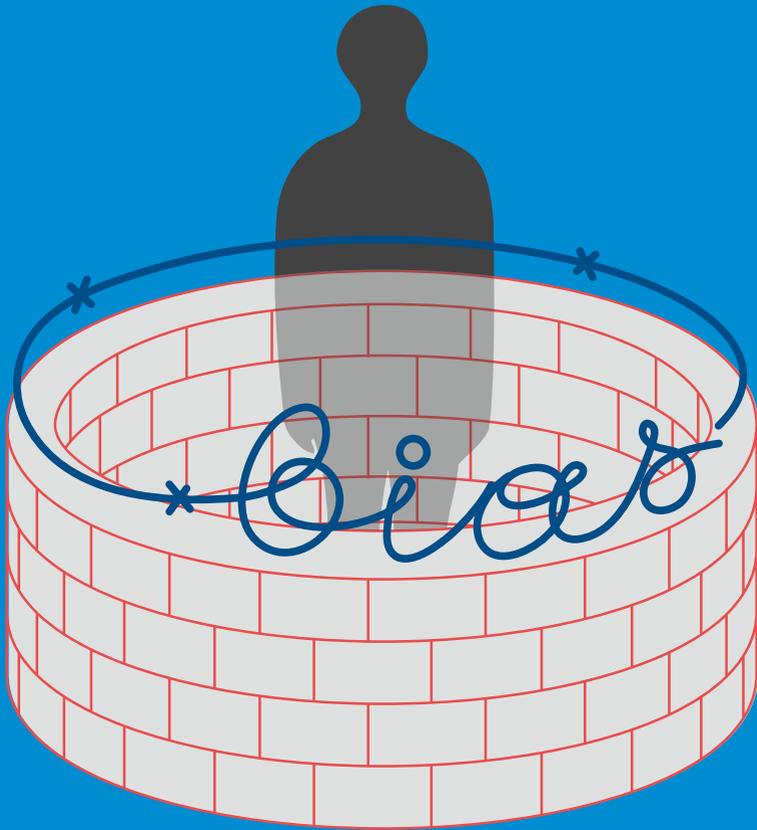


# Face to face with bias violence

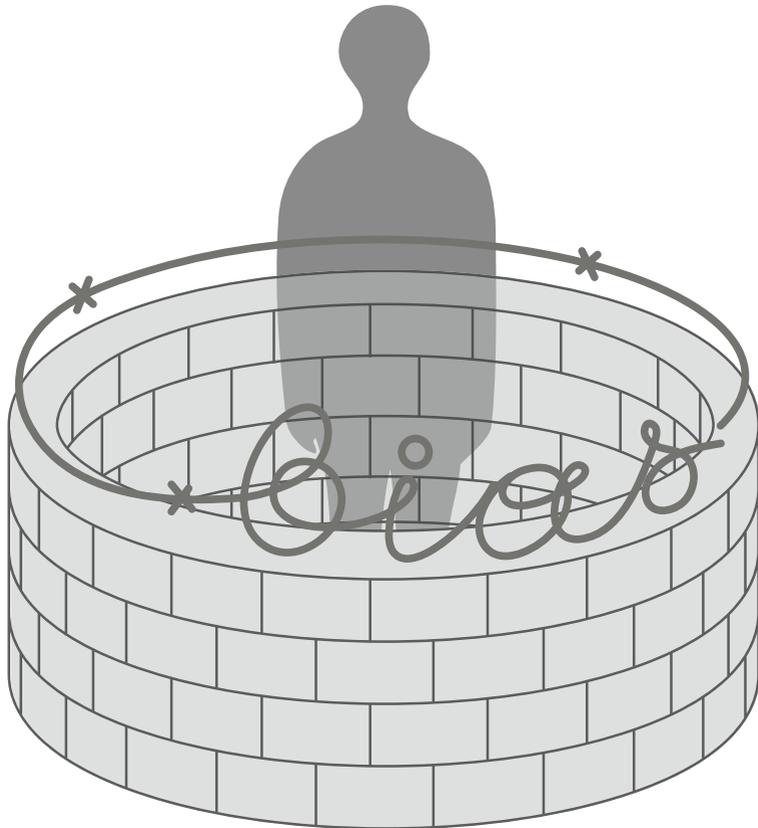
– guidelines for social workers





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# Introduction

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In this manual we would like to bring your attention to the problem of bias-motivated crime, its characteristics and forms, and how to support people who have experienced it by means of legislative and non-legislative action. Bias-motivated crimes are directed against people or their property because of their actual or imagined belonging to a particular group that the perpetrator hates or is prejudiced against. These attacks can be based on skin colour, nationality, ethnic origin, language, religion, gender, age, mental or physical disability, psychosexual orientation or other features shared by a particular group of people.

This publication is intended for social workers and everyone who works in minority communities and has contact with people exposed to bias-motivated crime due to various aspects that distinguish them from majority groups. Not all groups are legally protected in all the countries discussed in this publication. By comparing the situation in several Central and Eastern European countries, we wish to present these legal and social perspectives in a broader context, and to emphasise that particular legal provisions do not always address actual problems. Our aim in comparing the situation in various countries is to bring attention to the fact that bias-motivated crime is a social problem in each of these countries and in Europe as a whole.

As you are no doubt already aware, working with individuals from minority and disfavoured groups requires conscious use of language that strengthens self-esteem, is not stigmatising or prioritising, and does not remove agency from particular groups or individuals. For this reason, we also try to raise awareness about the language we use while talking about incidents and the people involved in them. Above all, we try to avoid using the word "victim", which has distinctly passive and pejorative connotations. Instead, we use descriptors that allow the reality of the situation to be depicted without depriving the injured person of the possibility to act and react. At the same time, when describing the law we use legal language that is not always deferential. In so doing, we show that individuals attacked because of their beliefs, colour or religion were not always passive and, like every attacked person, fought for their rights and security. By illustrating such situations we try not to stigmatise those attacked, but to show their reactions of disagreement, resistance and agency. By describing the world with words we shape the way it looks. When language does not take away power from individuals, it de facto gives them agency and strengthens their readiness to react to bias-motivated crimes.

This manual has been written by members of social organisations from Bosnia and Herzegovina, the Czech Republic, Poland, Serbia and Slovakia who support people exposed to bias-motivated crimes. Its contents are a result of our meetings, thoughts and shared experiences.

We hope that it will be useful in your work, that it will help you identify bias-motivated crime, react to it appropriately and support those who have been injured by it. Bias-motivated crime is a social problem that concerns all of us, our security and the harmonious life in local communities.

This publication has been published within the project "Discovering efficient tools for protecting victims of hate crime" (JUST/2013/JPEN/AG/4563) funded by the Criminal Justice Programme of the European Union, and the project "Hate crime prevention in CEE and Western Balkan countries" (Grant No. 81410046) funded by the International Visegrad Funds.

# Glossary

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## **Bias violence:**

Violence motivated by the assailant's prejudice against a group represented by the specific assaulted person. The violence in this case can take on various forms, from verbal assaults to psychological pressure, attacks on property or physical violence. The term is used by organisations and authors who wish to emphasise the justification for this violence – the assailant's bias. We prefer the use of this term in this publication.

## **Hate violence:**

Although this term is often used as a synonym for bias violence, the fact that it often evokes the need for an intensive hateful relationship between the assailant and the assaulted person is a certain pitfall. Hate attacks can in fact take a non-physical yet long-term form. The term is used primarily by international and intergovernmental organisations (OSCE/ODIHR).

## **Extremism:**

A term used to designate ideologies or activities that are at odds with the prevailing norms of society, especially with the protection of fundamental rights and freedoms and with the democratic foundations of the legal state. The basic problem with the term is the fact that it is often used to fight against less conventional albeit still legal activities; the term is also imprecise and lacks concrete content. The term is used by the state and police in some Central and Eastern European countries to designate what is actually bias and hate violence.

## **People threatened by or exposed to violence:**

People who for some reason can be attacked or face the threat of such an attack. The term emphasises the fact that people affected by violence are above all human beings and not passive subjects of attacks (victims) or parties to a criminal proceeding (injured parties). We prefer the use of this term in this publication.

## **Injured party:**

A legal term that is usually used in the context of a criminal proceeding to designate the party who has suffered damage to health or property or other non-material loss. The injured party is an active party to the criminal proceeding. We prefer the term in this publication in the context of criminal proceedings.

**Victim:**

The term primarily designates the target of illegal activity and implies passivity and the individual's link to the violent actions. The term can be specifically used in the legal context of the Directive or the Act on Crime Victims. Some authors, especially those from abroad, are attempting to replace the term with a more active and powerful term (survivor), but that term is not used extensively in Central and Eastern European languages. In this publication we keep the use of "victim" to a minimum, primarily in legal contexts.

# WHAT IS BIAS VIOLENCE?

---

Violence motivated by an assailant's prejudice regarding an assaulted person's ethnicity, faith or lack thereof, health status, nationality, membership in a social group or subculture, political opinions, sexual identification or orientation, skin colour or any similar prejudice is called **hate violence and/or bias violence**.

## VIOLENCE + PREJUDICE = BIAS/HATE VIOLENCE

In some cases, the concept of **prejudicial violence** is also used to signify hate violence. In some Central and Eastern European countries, the term **extremist violence** is also used to denote hate violence. These concepts are very misleading, however, as they imply that violence motivated by hatred and prejudice is perpetrated only by extremists or in an extreme way (brutally and in an extreme fashion, but only rarely). Neither of these concepts is correct.

Hate violence takes these forms:

- ☛ Verbal violence
- ☛ Harassment, intimidation and pressure
- ☛ Psychological violence
- ☛ Sexual violence
- ☛ Physical violence
- ☛ Cyberbullying
- ☛ Terrorist attacks

Some forms of hate violence are also felonies. Whether a certain kind of behaviour is considered a **felony** depends on the national laws (see the chapter on the Laws in the Visegrad Countries and Western Balkans Region).

Milder verbal displays of animosity and intolerance are called hate speech. We can encounter **hate speech** in the form of hoaxes, in speech on social networks, in the media (including online media) and in political debate. Some forms of hate speech are prohibited by national law or even by European law.

## VERBAL ASSAULTS

### Forms:

These are assaults against a group or individuals that occur online or in person, by telephone or in writing. Verbal hate violence can also take the form of books, pages on Facebook, songs or speeches at demonstrations. Verbal assaults frequently accompany physical attacks. In such cases, they are

evidence of the motivation for the physical assault. The aim of verbal assaults is to discredit the community, culture, customs or language of the person targeted, thereby humiliating that person. Often the content of verbal assaults is either completely untrue or only somewhat true.

### **Perception by the survivors:**

For survivors, verbal assaults, especially of frequent repetition or long duration, are often perceived as very serious and are experienced just as intensively as physical assaults. Some groups of people at risk of hate violence are subjected to verbal assaults so frequently that they consider them insoluble. This does not mean that they are not harmed by them. Such people are very sensitive to those who belittle the seriousness of such verbal assaults or even call them normal.

### **Example:**

An article runs in a local newspaper with the headline "Romani bums strike again". In it, the reporter describes alleged problems with a Romani family and denounces them as thieves and hooligans, but the charges are untrue and the police confirm that the "information" is a lie. The reporter asserts that all Roma are the same and that they are troublemakers, thieves and parasites. "They have no right to live among us and should be separated from us by barbed wire," she says at the end of the article.

### **Recommendation for the advisor:**

Assure people who have encountered verbal violence that this behaviour is unacceptable. Listen to the survivors and determine what the verbal assault meant to them. Do not minimise individual attacks. In cases that involve repetition or are very serious, inform the survivors that they have the right to protection: They can either file a civil lawsuit or a criminal report. Help the survivors find professional assistance. You can also support the survivors by recording and saving evidence and information about the verbal assaults (e.g. the e-mails, letters, photographs, SMS messages containing the speech).

## **HARASSMENT, INTIMIDATION AND PRESSURE**

### **Forms:**

Harassment is behaviour that disproportionately imposes limits on persons threatened by hate violence. It can involve repeated "jokes" or references to a survivor's ethnicity, faith, sexuality, social status or state of health, emphasising the survivor's difference or the difference of the group the survivor represents. Sometimes harassment arises in the more diffuse form of a demonstration, a media product, a public address, etc. We find intimidation and pressure in the

form of attacks perpetrated online, in person or by telephone. The aim is to force the survivor to acquiesce, whether by doing something or refraining from doing something. Pressure may also be generated through apparently legitimate demands made on the survivor that are, however, applied in a discriminatory fashion and actually aim to bully the survivor. A frequent goal of pressure is to force the victim to leave the environment in which the perpetrator is acting (by changing schools, moving or resigning from work).

### **Example:**

A gay couple with two young children moves into an apartment building. Several other families with children of the same age live there. All of the children in the building play with similar toys and are all just as noisy. After several days, a message is posted on the building's bulletin board: "Fags, if you're going to be noisy, you should leave". This pressure continues to escalate. The other children don't want to play with the gay couple's children, because they "might get infected with pervert disease". Some of the neighbours constantly reproach them. The hateful messages escalate and become more frequent. The couple begin to fear for their children and forbid them to play outside. Ultimately the pressure is so enormous that the family moves away.

### **Recommendations for advisors:**

Tell the survivors that these assaults are not their fault. They may feel guilty, especially in cases where their difference is the reason why their loved ones (their children, their parents, their partner) are being attacked. Support the survivor in addressing the situation by asking the perpetrators to atone for the harm they have caused. Look for opportunities to confront the bullying. If the situation is mild, offer the survivor assistance in communicating with their assailants (whether by telephone, in person or in writing) or in communicating with other people who might help deal with the situation (e.g. an employer, landlord or teacher). Make it possible for the survivors to vent their own feelings of aggression, fear and frustration. If the situation is serious, create a security plan together with the survivor and recommend filing a criminal report. It is important that the survivor preserve all evidence and information about how the attack was perpetrated (e-mails, photographs, SMS messages, vandalised property, etc.)

## **PSYCHOLOGICAL VIOLENCE**

### **Forms:**

Psychological violence can take the form of curses, insults, ridicule or similar kinds of bullying. Psychological violence can be perpetrated not only by a survivor's colleagues, neighbours or schoolmates, but also by various institutions or service providers. Psychological violence is frequently underestimated

by those who witness it and by members of the helping professions. Protracted psychological violence can result in a loss of self-confidence and in serious psychological and psychosomatic problems. Psychological violence usually escalates and can result in physical attacks.

### **Example:**

A new doctor, originally from Iran, starts working at a hospital. Unlike most of his colleagues, he has two professional degrees and is learning Czech by going to night school. Sometimes he does not understand the patients or the staff when they speak in local dialect or when they speak quickly. His colleagues do not accept him. When they talk about him among themselves, they call him the "the Arab" or "the darkie". Whenever an error happens in the workplace, everyone blames the new doctor. His colleagues several times suggest that he should leave and that no one would miss him if he did. The longer the situation lasts, the more frequently the doctor actually does make mistakes. He is afraid that if he resigns his visa will be revoked. He faces danger if he returns to Iran.

### **Recommendation for advisors:**

Pay attention to psychological violence, as its manifestations may be very subtle. If it lasts a long time, the survivor may consider it normal. Find out how long the violence has lasted and how the survivor is experiencing it. Support the survivor's self-confidence and focus on finding his or her strengths. Provide the survivor with assistance in dealing with the assailants. In more serious cases, you can recommend legal or psychological aid.

## **SEXUAL VIOLENCE**

### **Forms:**

Hate violence can occur in the form of sexual assault or harassment. This is most common when sexual minorities are subjected to sexual attacks because of their orientation. Some assaults are motivated by the perpetrator's attempt to "convince" the survivor that he or she is actually heterosexual. Sexual attacks also occur when a survivor comes out as not heterosexual. The perpetrators are frequently persons close to the survivor, such as colleagues, former partners or parents. Sexual violence motivated by prejudice can also happen during war, when the mass rape of women of certain ethnic, national or religious groups may occur (as in the former Yugoslavia or Rwanda). Sexual violence is generally underreported, and sexual violence motivated by homophobia may never be reported.

### **Example:**

A woman tells her husband she is leaving him because she has a girlfriend. The husband is surprised by the entire situation, feels cheated and humiliated, and verbally assaults his wife. The next day he apologises to her and invites her out to dinner. He accompanies her home, where he attempts to rape her "so she will understand what she'll be missing."

### **Recommendation for advisors:**

Assure the survivor that he or she can confide in you and emphasise that as a social worker you have an obligation to preserve confidentiality. Be prepared for the fact that trust will be established only gradually. Do not ask questions unrelated to the client's situation. You may be the first person in whom the survivor is confiding his or her situation. Be open to the information the survivor communicates. Create a safe environment and give the survivor time. If it is possible in your organisation, let the survivor choose whether to work with a female or male employee. Do not assume that a woman who has been assaulted would rather work with another woman.

## **CYBERBULLYING**

### **Forms:**

The essence of prejudicial cyberbullying is the abuse of a computer network to intimidate or persecute people at risk of hate violence. These assaults occur through social networking sites, e.g. in the form of creating a hateful "fan page" or by online bullying, in particular through the ask.fm network. Cyberbullying can also take the form of identity theft and misuse of e-mail addresses or passwords. Online attacks exploit Internet users' apparent anonymity, certain loopholes in the US justice system and the unwillingness of police forces to go after assailants who "only" commit crimes verbally. The most popular social network, Facebook, also takes a very lax approach to prejudicial cyberbullying.

### **Example:**

The perpetrator exploits the personal data of a human rights activist by creating a social networking page in the activist's name calling for the extermination of disabled children and posts the survivor's name and telephone number. The survivor's friends and colleagues begin calling the survivor to ask if he is serious about the social networking page. The survivor considers the entire situation greatly harmful to his personal and professional life, but it takes the administrators of the social network several weeks to remove the page and they refuse to give the perpetrator's identity to the survivor.

### **Recommendation for advisors:**

Support survivors in ensuring their online security. Help them safeguard their e-mail accounts or social networking profiles. Provide them with basic tips for safe online communication, such as never sharing their passwords with anyone, never posting their passwords anywhere visible, never sending personal information or photographs to strangers, and never posting details of future meetings through an online social network. Take the survivor's side if they consider the assault serious and work with their subjective feelings. Cybercrime frequently involves young people for whom social networking is a natural space in which to communicate and live. Do not question the survivor's choice of communication method. Support young people to think more about their safety.

## **PROPERTY DESTRUCTION**

### **Forms:**

We also encounter bias violence in the form of assaults on the property of an at-risk community. Such targets can be the makeshift dwellings of homeless people, markets operated by members of a certain ethnicity, mosques, immigrant hostels, and synagogues. Assaults on property are taken very seriously by the at-risk community, as they affect places which had been perceived as safe prior to the incident. As a consequence of an assault on their property, survivors may lose their housing or income. Sometimes police underestimate assaults on property and do not perceive them to be hate attacks.

### **Example:**

A Syrian family opens a small bistro near the train station. The entire family works there and it is their only source of income. People like to go there for lunch or snacks. About three months after it opens, someone vandalises it overnight. A week later, someone writes "Arabs go home" on the façade. The next day, the owners find their entryway covered in red fluid. A group called "Islam out of Europe" claims responsibility.

### **Recommendation for advisors:**

Don't underestimate assaults on property. Ask the survivors what their perception is of the attack on their home, shop or other property. If graffiti or lettering shows up in the property in a language you cannot read, ask the survivors what it means. The survivors may be economically harmed, so help them make an insurance claim or seek compensation for damages from the perpetrators. Support the survivors in repairing their property, but first document the damage. If the survivors lose their housing, help them find new housing.

## PHYSICAL VIOLENCE

### Forms:

Beatings and physical assaults with baseball bats, firearms or knives can be motivated by hatred. The survivors may suffer physical injury and psychological trauma. As a consequence of physical injury the survivors may lose their job, either permanently or temporarily. Some assaults are so serious they end in death or disfigurement. Hate attacks are typically perpetrated in a brutal, grievous manner.

### Example:

A group of neo-Nazis has been eyeing a homeless encampment. They assault one of the homeless people and beat him up. The attack lasts dozens of minutes. The man is severely injured, with both arms and both legs broken. He is bleeding and has internal injuries. The assailants tie him to a fence in a remote location, where he succumbs to his injuries. Police apprehend the perpetrators, who say during their interrogation that they want to rid the world of homeless people.

### Recommendation for advisors:

Together with the survivor, establish what the priorities will be for your collaboration. First it will be important to stabilise the survivor's state of health. Preserve all of the medical documentation for an eventual criminal proceedings, for monetary aid applications or for dealings with the insurance company.

Even if a survivor has not apparently suffered any serious injuries, it is always a good idea to contact a doctor and ask him to examine the survivor, not only from the medical point of view, but also the legal one. A doctor's report may help the police establish whether the incident actually occurred and its consequences for the survivor. An important legal factor, which often has a decisive impact on whether the police qualify the assault as a criminal offence, is the length of time for which the survivor is officially declared unfit for work. If a longer period of treatment is required for the survivor's recovery (e.g. seven days in some CEE countries), the assault may be qualified as a crime.

Focus on the survivor's psychological state, as he or she may develop post-traumatic stress disorder. Determine whether the survivor can afford treatment. If the survivor loses his or her job as a consequence of this crime, support the survivor in finding new employment or in negotiating a severance package. Survivors are entitled to compensation for the harm caused to their health.

# BIAS VIOLENCE INDICATORS

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The ability to recognise bias violence is one of the basic skills of social workers who work with people at risk of such violence. Social workers in counselling centres for victims and organisations working with and for endangered minorities may encounter bias violence, as may the staffs of community and parent centres, drop-in clubs, organisations for the elderly, social workers and workers employed by the state, by local authorities, by health facilities, etc. These social workers should be open to the possibility that they may encounter victims of bias violence among their clients and should seek to acquire such knowledge and skills as to enable them to identify bias violence and to have an open discussion with their clients about it.

There are **several indicators** based on which bias violence can be identified. There are certain signs that are often present in situations of bias incidents. Social workers should pay attention to situations where one or more indicators appear in their client's story. Indicators are not absolute, though. We cannot say that if the situation of a social worker's client demonstrates this or that indicator it always is a bias incident. Indicators serve more as a guide to the fact that such an incident may occur. Social workers should not overlook the various manifestations that usually accompany bias violence, but should reflect the incident in their social work and provide or arrange adequate support for people subjected and vulnerable to bias violence, especially upon repeated or cumulative occurrences of the incident.

## Indicators

- ☛ Person subjected to bias violence
- ☛ Attacker
- ☛ How the attack is carried out
- ☛ Time and place of the crime
- ☛ Absence of any other motive

## PERSONS SUBJECTED TO BIAS VIOLENCE

### Persons are convinced they have been subjected to bias violence:

The client believes he or she has been targeted by the attacker because of his or her skin colour, nationality, religion, sexual orientation, disability, age, subculture, etc. People subjected to an attack often best know the attacker's motive, are usually direct witnesses to the attack, heard what was said by the attacker during the assault, know what occurred during the assault, what preceded it and what followed it. Also, as members of groups that encounter bias violence, they are often more attuned to subtle expressions of prejudice than social workers

who belong to the majority population. Do not question the survivor's claim regarding the motive of the attack until bias has been completely eliminated.

### **Difference between the attacker and the assaulted person:**

Another important indicator that a particular case might be a bias attack is a difference in the skin colour, nationality, ethnicity, faith, sexual orientation/identity, health status, age or membership in a subculture between the attacker and the assaulted person. Obviously not every incident between people of different groups is necessarily a bias incident. If your client has been verbally or physically assaulted by someone different from them and does not have any other explanation besides that otherness, inform the client that he or she could have been the target of a bias attack.

### **The assaulted person belongs to a minority associated with the location of the attack:**

People who are visually distinct from the people around them due to their skin colour, manner of dress or wearing of religious and cultural symbols may be the target of attacks in public spaces. The aim of the bias attackers is often to "cleanse" a space of persons of a particular skin colour, religion, customs or beliefs, and to do this they use intimidating attacks on representatives of these minorities. Social workers may also encounter situations where their clients become targets of intimidation, oppression or direct violence after moving to a new place predominantly inhabited by the majority population. If your clients belong to a minority in a certain locality, it is highly likely that they will meet with some degree of intolerance and hostility because of their otherness.

### **Important representatives of the community are attacked:**

Survivors of bias violence are often people who represent their community and are perceived by the attackers as important for the community. For the same reason, people from mainstream society and civic activists intervening in support of people threatened by bias violence can also be attacked. By attacking these people, the perpetrators want to put pressure on the entire community, to intimidate its members and to bring about certain actions (moving away, not going out of doors, behaviour changes). If leaders in your client's community have been attacked, try to talk with your client about the incident. They may be experiencing fear and concern about their safety or may have personally experienced a similar incident.

## **ATTACKERS**

### **What the attacker says and does:**

An indicator of bias violence may be what the attacker says before, during and after the incident. If they express hatred, stereotypes and disdain for an at-risk

group or are in possession of items (books, records, video games) that contain such opinions, it is possible to infer a motivation for the assault from these signals. It may be obvious from publicly available information and social networking sites that the attacker has biased or hateful opinions about certain at-risk groups.

### **Past:**

Previous attacks carried out by the same person could testify to their possible motivation in the attack that you are now addressing with your client. Attributing past conduct to a perpetrator's present motivations is always difficult. You should not commit the same bias against the alleged perpetrator that your client may now be facing because of his or her own past. Nevertheless, it is necessary to critically see the attacker's past as one of the possible indicators of a possible bias motivation. It has been proven that people who attend hate demonstrations and actively contribute to biased discussions, or who are members of a hate movement, do commit hate crimes.

### **Membership in movements or organisations that suppress human rights:**

The hate movement may have a formal structure (political parties, civic associations) or they may be a disorganised grouping. It is estimated that around 20 % of perpetrators of bias crimes are supporters of one or another hate movement. Other attackers come from the general population. Through lectures, printed materials, videos and other materials, hate or extreme-right movements develop prejudices in their members and encourage them to engage in verbal or even physical assaults against people from minority groups, civic activists and organisations protecting human rights. In some jurisdictions, participation in a hate movement is a crime. Parties, movements and associations can be punished under criminal law as independent legal organisations.

### **The survivor and the attacker don't know each other:**

Most bias violence is committed by people who assault someone they do not know. This captures the essence of bias crimes: The attackers are assaulting merely the representatives of groups against whom they have a certain bias. They don't care whether they are attacking this or that particular person: the essential thing is that the person display the group characteristics (skin colour, creed, sexual orientation, health, political beliefs, membership in a subculture, etc.) The only exception is homophobic attacks, where the attacker is typically someone close to the survivor and is reacting to the survivor coming out.

## HOW THE CRIME IS CARRIED OUT

### Verbal expressions:

The motive for the attack can be inferred from curses, insults and other verbal expressions that accompany the attack on the person or property. Prejudice and hostility can also be expressed in written texts or in the form of symbols and characters. Some hate groups use meaningful abbreviations, acronyms or numeric symbols.

### Symbolism:

Bias attacks often incorporate a symbolic element. The attacker chooses to attack a representative of a group of people against whom he is prejudiced. The attacker may not know the person whom he attacks. Symbolism can be projected into the manner of the attack. This may include using a noose (a symbol of lynching) or arson (a symbol of the absolute destruction of a particular group of people). Sometimes the survivor's body or property at the scene of the crime is marked with symbols typical of a particular hate movement.

### Brutality:

Some hate attacks are perpetrated with great violence and intensity. The victim's body may be bruised by repeated blows or mutilated, or the victim may be physically humiliated in another way. This kind of hate attack indicates the strong emotional involvement of the perpetrators in the attack.

### Prolonged violence:

There are also hate attacks with no obvious manifestations of brutality and hate. This may be long-term violence in the form of mental coercion, humiliation, insults and intimidation. The survivors often see such prolonged attacks as just as serious as or even more serious than a single physical attack or assault on property.

### Significant event prior to the attack:

The attack may be preceded by a significant event. There are various kinds of significant events. A purely personal trigger for a homophobic attack is the coming out of the attacked person. However, the attack may be preceded by a feeling of danger created by the media or social networks (e.g. the current fear of refugees) or a particular incident in a particular location. Social workers who work with people at risk of bias violence may focus on identifying what preceded the specific attack.

### Stereotyping pretexts and double standards:

Some bias attacks are disguised as a harsh – albeit not biased – reaction to the prior conduct of the attacked person. You may find that some of your clients are

threatened or harassed for reasons that are overlooked by other groups of people or the majority population. Larger families can become targets due to the noise caused by their children. Eating habits that fall outside the norm can become an issue. At-risk people can be deprived of freedom of religion or experience direct interference in this regard. People with dark skin may be subject to unjustified stop and search practices by the police. LGBT people may be accused of paedophilia and of spreading sexually transmitted diseases. Persons threatened by bias violence perceive this double standard very sensitively.

## **TIME AND PLACE OF THE CRIME**

### **Night-time:**

It has been shown that bias attacks occur most often between 10:00 p.m. and 6:00 a.m. Attackers take advantage of the smaller number of witnesses, the quiet of night and the fact that their targets are sleeping, visibility is reduced, etc. Some attackers (but not most) also perpetrate violence under the influence of alcohol consumed at this time.

### **Time significant for the at-risk person:**

Bias attacks can occur at a time that is significant for the affected communities and that the aggressor uses to effectively or symbolically attack the greatest number of people. Typically these are gatherings, holidays and special events.

### **Time significant for the attacker:**

Some hate movements are related to certain important dates (the birth or death of their leaders, the anniversary of an important event). The bias attack may also occur immediately after demonstrations, cultural and sports events and lectures. People at risk of bias violence often arrange their lives and security around the public activities of hate movements.

### **Place significant for the at-risk person:**

The attack occurs near a site of importance for the at-risk persons (mosque, synagogue, market, community centre) or directly inhabited by the at-risk persons (hostels for foreigners, a house inhabited by Roma, homeless shelters).

### **Repeated assaults:**

A similar assault or assaults against people of the same skin colour, nationality, ethnic origin, sexual orientation, religion, subcultural affiliation or political conviction takes place repeatedly at the same place or at the same time. The same modus operandi can be traced in the way the assaults are committed.

## **ABSENCE OF OTHER MOTIVE**

### **Random attacks:**

Bias attacks need not be accompanied by explicit manifestations of intolerance or prejudice. Identifying such cases is very difficult. Bias attacks occur seemingly without reason. If you exclude all other motives on the part of the aggressor (e.g. robbery, sexual assault, etc.) you are left only with assault and the otherness of the assaulted person. In such cases, it can be reasonably assumed that it is a bias attack. The police and other criminal justice authorities often overlook such seemingly random attacks. The challenge for social workers is thus to provide support to assaulted persons and recognition that the assault was committed on the grounds of prejudice.

### **Attacks for fun:**

In social work, you may come across attacks that were perpetrated "for no reason" or "just for fun". If the attacker chooses a person who is disadvantaged, for example, by their social status (homeless people), marginalisation, ignorance of the language or unfamiliarity with the legal system, or who is in some other way compromised in their ability to defend their rights, then it may be bias violence. Indeed, aggressors often choose these people because they assume they will be unable to defend themselves and that institutions and organisations will be unwilling to determine what happened or believe the survivor's story.

# SPECIFICS OF FIELD SOCIAL WORK WITH PERSONS AT RISK OF BIAS VIOLENCE

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Field social work is a work method that focuses on direct contact with people or communities at risk of or exposed to bias violence. The aim of social work is to ensure that at-risk or assaulted people have enough information and enough support to improve their access to justice and support, to gain important skills for coping with bias incidents and to prevent the deterioration of their living standards, the deterioration of their mental and physical health, and their social exclusion.

Field social work addresses the **problem of underreported bias violence**. The reasons for underreported bias violence include fear of reprisals by the attacker, lack of information on the part of at-risk persons about their rights, communication barriers (language, cultural barriers), unfamiliarity with the national legal system, distrust of the criminal justice system, police or courts, previous bad experience with reporting a crime, and in some communities at risk of hate violence problems with residence status. In relation to underreported bias violence, social work focuses on the empowerment of at-risk groups through confidence, knowledge and skills.

Gaining the **trust** of at-risk people and communities is a key goal that field social workers (FSW) try to achieve. Trust is built up gradually, especially at the level of informal contacts between social workers and the community. Organisations working with people at risk of hate violence have different ways of gaining the trust of vulnerable groups. Most of them are visible and seriously committed to the **public obligation** of the organisation to work for the benefit of at-risk communities.

Field social work in communities at risk of bias violence can be divided into three parts: preparation for entry into the field, fieldwork itself and evaluation work in the field. We will focus on the specifics of social work in the context of bias violence.

## PREPARING TO ENTER THE FIELD

The aim of preparing for entry into the field is the identification of places, communities and times for the implementation of social work, the method of communication with the target group, and the creation of a field plan, including security.

Activities take place in accordance with the focus of the organisation carrying out the field social work. Some organisations focus only on one particular group endangered by bias violence, while other organisations wish to provide their

services to all potentially at-risk groups. The level of funding of the organisation also has a significant influence on social work in terms of whether, how and in what area it will occur.

The preparation of entry into the field should also include the gathering of **specific information** about the community at risk of hate violence. To gather information, it is appropriate to involve persons who belong to the community, interpreters and socio-cultural mediators. Field social workers (FSW) can focus on gathering information on potential cultural barriers that might impede entry among the at-risk groups.

During the preparation phase, FSW can track down **suitable places** for the implementation of social work. This can be a community centre, religious centre, church, mosque or synagogue, workplace, market, hostel, public canteen or other public place where people at risk of bias violence congregate.

Along with a suitable space, an **appropriate time** is selected. The performance of social work should not hinder people in their normal activities (work, meals and leisure activities) and should not be perceived as intrusive (approaching people directly in a place of worship). The right moment to contact groups is when they are waiting somewhere and are not engaged in any activity that the FSW might disrupt.

It is also suitable to use **important people in the community** to enter a community at risk of bias violence. These can be formal and informal leaders, religious leaders and others. Some communities are accessible through informal groups (e.g. women's groups). First contact can be performed at selected managed meetings (lectures, joint dinners, discussions supported by documentary films). The FSW may encounter various communication and cultural differences or conflicting interests among persons within the groups.

In some organisations, the field social work is carried out by a pair of FSWs – a worker for work with at-risk groups. These staffers have a mission to facilitate access to such communities. They speak the target group's language and are aware of its cultural and social characteristics, while simultaneously speaking the organisation's language and knowing what its activities are. The FSW should be aware of the possible risks of a conflict of interest if the worker for work with at-risk groups comes directly from the specific vulnerable location where the field work is taking place.

The FSW will prepare a **security plan** as part of the preparations for entry into the field. This should include an evaluation of threats the FSW may encounter in the field and potential solutions. The FSW never goes into the field alone. We recommend that before and after work in the field the FSW should inform colleagues that the fieldwork has commenced. The security plan also takes into account potential

language and cultural barriers. In the context of bias violence, the FSW must keep in mind that people at risk of such violence may react very sensitively to the FSW's connection to the public authorities or to certain donors whose logos appear on informational materials that the FSW brings along into the field.

Before entering the field, the FSW should prepare various **informational materials** and consider the appropriate form and use of language. Practice has shown that it is a good idea to create specific leaflets for various groups of people, rather than a general text about bias violence. The target group might not understand the term "bias violence", in which case you can replace it with more specific terms (attacks based on race, skin colour, Islamophobia). Posters or other carriers (lighters, pens, mirrors), that may enjoy a longer life in the field are also suitable as informational materials.

## WORK IN THE FIELD

The essence of fieldwork is to give people at risk of bias violence sufficient information and support to know how to **identify** that they have become a target of such violence, **to know** that such violence is **inconsistent with democratic principles and the rule of law**, and to have enough information to **be able to decide** how best to handle the situation.

The FSW enters the field with **clear information** about what organisation he or she is coming from and its goals. At-risk people can be very alert to outsiders entering their area or locality. They may not know the limits of social work. The FSW must realise that he or she may be perceived as a representative of the state or as a police collaborator. If you work with the police (e.g. in the form of training), tell this to the people you speak with in the field.

When the FSW is in contact with the target group, he or she only acquires such information as is necessary to the work. These **data are confidential** and the FSW must not divulge them to others. The FSW must be open and transparent in relation to vulnerable people. Where national legislation dictates, the FSW has an obligation to report certain types of serious crimes learned about in the performance of this work and to inform in advance the people with whom they come into closer contact of that fact.

The **topic** of bias violence is a **difficult one**. As a rule, people exposed to hate violence at first talk about other issues; then they gradually find out whether they can trust the FSW, and only after prolonged contact do they confide their experience to the FSW. It is a good idea to provide information leaflets that people can study later so that they have the information at the next visit. If you find that the topic is a difficult one for the person with whom you are talking, proceed sensitively or try to end the conversation.

A specific feature of social work with people at risk of hate violence is the **language and cultural barrier**. If you come up against this barrier, try to be open to the communication that gets through. Be inquisitive and determine the true significance of the information that you receive. If you are surprised or alarmed by something, consciously work with this experience.

Changes have occurred in the language. Try to avoid words that deny people their humanity. If possible, choose to describe a person exposed to bias violence **using a term other than "victim"**. The term "victim" is often associated with inactivity, helplessness and dependency. We want people who are at risk of bias violence to be active participants in finding a solution and independence. Try to use the words that the person you are working with uses.

Every person's problems are **individual**. When making contact with someone, never tell them about your specific experiences with previous clients. If you need to communicate that you have experience in a given area, talk about yourself, not the people you have worked with.

**Be aware of your privileges and power**, and actively work with this in mind. Unlike most members of at-risk communities, you have access to information and education, you are generally not subject to long-term marginalisation and victimisation, you have no problem with a language barrier when dealing with the authorities, doctors or the police, you only face bias violence by virtue of the fact that you work for the benefit of at-risk groups. In a particular locality it is you who decides when to appear, whom to address and what information to provide.

Many people believe social work and counselling costs money, and as a result they might hesitate to turn to you for advice or support. Inform your clients in advance that **your services are free of charge**. If you arrange follow-up services for which clients will have to pay (e.g., a lawyer), advise them of the cost.

**Limits and rules for cooperation** are important for social work, specifically as regards the time and the actual scope of advice. Different organisations may have different guidelines with respect to whom, how and when to provide services and advice. For example, some organisations provide services only in the context of bias violence, others deal with discrimination, and others provide social counselling to a specific target group. Inform clients in advance of your limits in order to avoid conflicts, disappointment, and losing your reputation or the trust of the community.

Be prepared for the **stereotypes** that you may encounter among the people with whom you work in the field. Be clear in advance how you will respond to their prejudices. You might be the first person from the majority population to speak with them and this means you may become the target of their complaints, anger and aggression yourself. This, however, is not primarily aimed at you, but at the society that creates the conditions for the stereotyping, discrimination and marginalisation of your clients.

## IMPACTS OF BIAS VIOLENCE ON THE LIVES OF AT-RISK PEOPLE AND COMMUNITIES AND THE ROLE OF SOCIAL WORK

The consequences of bias violence directly affect the specific person (the survivor) subjected to this violence, the community of which he is a representative, and the whole society within whose borders the violence occurs. This threefold effect can be seen, on the one hand, in the laws of most European countries as regards hate violence (where penalties for such violence are increasing), but they should also be reflected in social work. The triple effect of hate violence is more visible in violent, protracted or brutal attacks motivated by hatred. Such attacks have the potential both to mobilise vulnerable communities, and to help change the approach of the state to prosecuting or understanding hate attacks. When working with survivors, social workers should always keep in mind that the incident can resonate in the wider community or, depending on its severity, throughout society as a whole.

The key skill of social workers, in addition to identifying that their clients have encountered bias violence, should be their knowledge of the impacts of this violence. These impacts can be of varying intensity, but are always complex. In the next chapter, we want to introduce social workers to the consequences of bias attacks and to discuss the role of the social worker in relation to these consequences.

### Dignity

Every act of bias violence is primarily an attack on the assaulted person's dignity. The fact that the assaulted person becomes a target because of personal characteristics that cannot be changed (skin colour, nationality, language, sexual identity) or that it is not fair to demand that they change (faith, political beliefs) affects their whole personality. People who have been assaulted experience acute humiliation during the attack, but often shame, fear, inferiority, aggression and a loss of self-confidence for a long time after the attack. The assaulted person may also mentally replay the words or feelings that accompanied the assault for a long time afterward. For some people, the consequences of an attack on their dignity may manifest in self-recrimination and self-loathing. The attack on the dignity of a person exposed to bias violence is often described by the assaulted person as more serious than the attack on their body, and they sometimes describe the experience in the same terms used by those subjected to sexual violence.

Survivors may start using various coping mechanisms. Some of them may suffer long-term damage to their self-confidence and self-esteem, and experience mental and somatic consequences. Some people may begin to **conceal their identity**, in particular their faith, health status, sexual orientation, nationality or social status. They may also begin to **shun the community** of which they are a member and sever ties that are especially important in the period after the attack. In cases of homopho-

bic violence, assaulted persons may start behaving in a **heterosexual manner** and start considering only heterosexuality as natural. Thus, contrary to their orientation, they may seek to establish sexual relations with heterosexuals, which can bring about additional difficulties and psychological problems. A common coping mechanism is the **normalisation of certain forms** of hate violence. Especially for those communities that are frequent targets of discrimination and marginalisation in a given location, less severe manifestations of bias violence become considered the norm. Normalisation of the attack is a psychological defence against the burden that admitting the impact of the attack would mean for the survivor.

### **Opportunity for social work**

Explain to the survivor that the attack **is not his or her fault**. The fact that the attacker chose somebody because of an aspect of his or her identity does not mean there is something wrong with the survivor or that aspect of his or her identity. Inform your clients that the attack on them is contrary to the principles of a democratic society. Emphasise that the communities in which they live have an ongoing commitment to diversity and that any attack against an individual because of his or her identity is unacceptable.

Tell your clients that you **perceive the attack** as an attack on their **dignity**. If the assaulted person mentions the attack on their dignity, do not say anything that makes it seem they are to blame for the attack. Pay attention, however, to changes in their habits or behaviour. Ask them how they feel and do not focus only on solving their practical problems (their health, dealing with the police, their accommodation).

Support the assaulted person in not **cutting off contact with the community** to which they belong. The community can provide them with natural and informal support in a difficult situation after the attack. Offer support in dealing with the community.

Discuss questions of **identity** with your clients. Find out what their identity means to them and be open to new information and different experiences. If they confide in you about their feelings of alienation and discrimination, do not objectify or downplay them, especially if you belong to the majority population.

### **Loss of sense of safety and loss of control**

Most assaulted people experience a loss of a sense of safety and control over their lives. People who have been attacked because of their differences may feel a heightened sense of otherness. Therefore, the restoration of the sense of safety and control over the lives of people exposed to bias violence may take longer than with victims of general crimes.

**Feeling safe** is a subjective perception of the extent of the threats that a specific person is exposed to in the outside world. It is shaped by various influences. An

important role in the perception of feeling safe is played by the personality, temperament, ability and skills to deal with stressful situations, sufficient information, previous experiences, rootedness in a community, anticipating the reactions of other people, etc. It is proven that the surrounding environment, the people with whom the assaulted person associates and the information that he or she receives influences his or her sense of safety. A sense of safety often does not correspond to the real threats in a particular environment.

For persons at risk of hate violence, a subjectively safe place can also be a place that others might not consider safe. A classic example is **socially excluded localities** (ghettos). If these places are nationally or ethnically homogenous, they can represent for people at risk an environment where they can be themselves, where they enjoy community support or where, subjectively, they do not feel fear. Bias violence thus creates another barrier to social inclusion by making socially excluded localities desirable in this respect.

The assaulted person's loss of control over their life already occurs during the attack itself. It is the aggressor who decides when, how and on whom the attack will be perpetrated, whether the attack will end and if the assaulted person will survive. Then the survivor experiences a second loss of control during the process of dealing with the attack. At this time they are exposed to many external influences that can cause **secondary harm** (i.e. secondary victimisation). All of the bodies and institutions that the survivor comes into contact with when clarifying the bias attack share in the formation of secondary harm. Survivors often cannot decide how to take care of their health. With few exceptions they cannot affect the initiation, conduct and outcome of the criminal proceedings. They cannot prevent the media from reporting on the attack. Social workers may also contribute to the feeling of loss of control by taking a wrongheaded approach.

The loss of the sense of safety in cases of bias violence is related to the **collective perception of hate incidents**. At-risk people know that if someone has been attacked because of their otherness as defined by a particular external feature (skin colour, disability, wearing of religious symbols, etc.) then they may also be at risk. Therefore, if bias violence is used in a certain place at a certain time or against a particular community, vulnerable people in other areas may also feel the threat of danger and uncertainty.

For those who have already been a target of bias violence before, the loss of the sense of safety is related to the knowledge that an **attack could be repeated at any time**, because the reason that led to the attack (the external characteristic) cannot be changed.

The reason secondary harm forms in cases of bias attacks is due to the very essence of those attacks. Many representatives of organisations and institutions

with which survivors come into contact hold a wide range of prejudices and stereotypes against them. Medical facilities may not be ready to care for people who speak a different language, or for transgender people, or people with special needs. Minorities may be seen as untrustworthy witnesses by the police and courts. The media do not hesitate to use stereotypical language or depictions of the assaulted people. The worst harm that can be inflicted is when the motivation for the assault is challenged.

### **Opportunity for social work**

Appreciate your clients' courage in telling you about their assault and support them in regaining control over their lives. Gradually strengthen their skills together and let them make decisions about their lives. If the survivor decides not to report the assault to the police, try to find out why. If you encounter a barrier that can be overcome together, try to do it. However, you must always respect the decisions of people subjected to bias violence. A criminal proceedings may be a too-heavy burden for the survivor. Many choose to cope with the attack in another way, for example, by working together with you.

Reassure your clients that you **believe what they say**. If they believe that they have been the target of a bias attack, do not question their belief. If the motivation for the incident is challenged by someone else (doctors, police), then be on the side of your client. Although it may later be proven that the attack was not motivated by prejudice, do not turn away from your client – it is possible that he or she misjudged the attacker's motivation. Keep in mind that people are often long-term targets of bias violence committed by various perpetrators, and as such, they might evaluate a specific incident incorrectly.

Establish a clear plan with your clients. **Do not promise anything you cannot deliver**. Try to give them a clear timeframe within which to act. If the plan depends on external circumstances, inform your clients of this. Regularly update the plan.

In addition, try to create an environment in which survivors of assault can share their concerns and feelings. As social workers, you know that feelings are subjective. It is advisable to avoid comparing your client's case to other cases. If they tell you that they fear a specific attack, treat their concern seriously. Help them find out more information and **assess the extent of the actual threat**. Provide a space where at-risk people can express their fears.

You can help your clients build a **security plan**. This should include information about when, how and where they can turn in an emergency, what their rights are in relation to the authorities that look after their security (local and state police), and what the limits of necessary self-defence are. The safety plan also applies to information security online. Remind at-risk people about the risks of sharing their private information and photos on social networks.

## Medical and psychological effects and trauma

As a result of bias attacks the assaulted person can suffer a range of health problems. There may be a single injury or injuries requiring long-term treatment or causing permanent damage. The health consequences can lead to temporary or permanent job loss. Persons exposed to bias violence often have difficulty finding a new job after they recover and are among those who suffer discrimination in the labour market.

The assaulted person's mental health may also be affected. Psychological reactions occur in several stages. Immediately after the attack people are in shock, leading to changes of mood, aggression, crying or conspicuous silence, behavioural disturbances, guilt, avoidance of social contact, forgetfulness, insomnia, loss of appetite, chronic fatigue, etc. Some people develop long-term consequences. The survivor is unable to adapt to the new situation after the attack. They do not experience life with the same quality as before the attack. Long-term stress can develop into post-traumatic stress disorder. Some studies indicate that the disorder develops more frequently among the victims of bias violence. People at risk of bias violence may also have **different coping mechanisms** than the majority population. The fundamental problem then lies in the lack of professionals and experts able to provide adequate treatment for people who have been assaulted because of their differences.

Health and psychological consequences are also associated with **increased cost of treatment**. For some types of treatment, the survivor must bear the cost wholly or partly by themselves (e.g. psychotherapy). Moreover, some assaulted persons do not necessarily participate in the public health insurance system. Due to health problems, survivors can lose their job or other income.

### Opportunity for social work

Social workers can offer their clients help finding adequate health care or provide funds to pay for health care (various national funds, immediate assistance social benefits). You may also provide support in negotiating with employers to help prevent job loss.

Survivors may need assistance in the area of their mental health. Psychological problems still have a certain stigma attached to them. Social work should be focused on normalising the fact that in **complex situations** of this kind **it is natural** for survivors to seek professional help. Mental problems may be viewed in different ways in various cultures, so be sensitive with your clients. It may be difficult to provide treatment to people who do not speak the national language, in which case it is necessary to ensure a therapist who speaks the language or to arrange for interpretation. If the client agrees, you can also accompany them to the first appointment with a psychotherapist and explain the nature of hate violence. It is also possible that the survivor will not be satisfied with the therapeutic assistance. But do not give up! Untreated psychological problems can become chronic and lead to the survivor's isolation.

## Relationships and social ties

All violence has the potential to disrupt the family and other personal relationships of the people affected. The specificity of bias violence lies in the **relative inability to share** the experience with people who are not from the same group as the survivor. People exposed to prejudice and marginalisation over a long period of time may find it difficult to explain what they feel to those who may not have a similar experience.

Bias attacks can adversely **affect the survivor's relationships**. The survivor often becomes withdrawn, reacts sensitively to ordinary situations and rejects close contact. A caring partner may (even in good faith) unduly restrict the life of the survivor. The partner may also suffer various psychological problems linked to stress caused by the attack on their loved one. Together they may experience feelings of fear that the attack may at any time recur in the future.

Specific situations arise when the target of bias violence is a couple. The attack may cause an overall change in the assaulted peoples' relationship with each other. They may blame each other about who "caused" the attack, who defended or did not defend whom, and who acted how after the attack. Among interethnic couples, we often encounter self-blame on the part of the survivor whose personal characteristics (usually skin colour) led to the attack. The relationship can **fall apart** within a certain period after the attack.

The people around those at risk of bias violence often do not know how to react to the attack and how to support the survivor. It is difficult to speak about the attack and to return to normal relationships as a partner, colleague or neighbour. The assaulted person thus becomes **socially isolated**, confirming their feeling that they are unwanted and deepening their mental health problems.

### Opportunity for social work

The social relationships of your clients have been subjected to an endurance test. Some have crumbled. Allow them to share with you their problems, anger and stress, the fact that they are (or feel) abandoned. Once again, emphasise to the survivors' loved ones that they are not to blame for the attack on their loved one.

If you are dealing with a couple or a group of assaulted persons, try at an appropriate moment to propose an **individual consultation for each of them**. Everyone's needs after a bias attack are unique. Sometimes the group may be trying to act jointly or in accordance with the requirements of the most vulnerable or most dominant member. The interests of individuals can thus easily be overlooked. Propose an individual consultation sensitively as a normal part of counselling.

Sometimes we encounter caring partners who speak on behalf of the assaulted person. The reasons may be rational – there may be a language barrier or the partner may assume the social worker is ignorant of the assaulted person's environment or health condition. It is of course possible for the assaulted

person's partner to be involved in the situation, but always within reasonable limits. Partners should essentially **remain just that: partners**. They are not interpreters and do not have experience in social work. Partners often take responsibility for the survivor and thus take on a burden that they should not have to bear long-term. Appreciate the role of caring partners and try to define the limits of your cooperation with them.

## **Loss of employment or livelihood or failing at school**

The consequences of bias attacks can include the **risk of job loss** or failure of the assaulted person. Attacks can lead to long-term treatment and subsequent absence from work or school and may also have lasting consequences. In some cases, due to the deterioration in their health, the survivors will never be able to work again.

Some groups are threatened by hate violence, especially foreigners working in unfavourable labour conditions. They often do not have a classic employment contract, but work on the basis of another less favourable legal relationship (short-term or temporary contracts). Should they experience health problems, they often do not participate in the **social safety net systems** like conventional employees do and therefore remain completely destitute in such circumstances.

Students who stop going to school or fail exams as a result of bias violence can partially or completely lose the motivation to complete their education. A significant encroachment on their lives is also a **forced change of school**, which occurs in situations where they lose so much time that they are advised to repeat their education. This often leads to worsening prospects, which may have far-reaching consequences for the future life of the assaulted person.

## **Opportunity for social work**

In social work you can focus on improving the skills of your clients so that they can **keep their job or find a new one**. Some employers may support survivors during their recovery or shift them to other more suitable work. Support survivors in negotiations with their employer.

If employment or another legal relationship is terminated as a result of the long-term health condition of your client, find out and give your client information about whether **such conduct by the employer is in accordance with the law**. Support clients in their decision to defend themselves against improper conduct by the employer.

If your client loses his or her job and is facing a worsening financial situation, look for solutions together with him or her. Losing a job, particularly if it is perceived as unfair, is a big blow to the assaulted person's mental health and self-esteem. If your client encounters **discrimination** when seeking employment, then offer him or her solutions (usually legal ones).

Work with the motivation of students whose prospects have worsened or who were forced to leave school due to a bias attack. The school can arrange an individual study plan or certain alleviations in the student's evaluation. Support the survivor in talking with his or her classmates about what happened and in avoiding the stigmas associated with a lack of education. Ask your clients how they are doing in school and whether they have encountered any bullying after the attack.

## Financial implications and loss of housing

Assaulted persons are faced with certain financial costs in connection with the events that they have experienced, which can also lead to partial or complete loss of income (see above). Money is spent on medical treatment (medicines, trips to the doctor, psychotherapy), on repair or replacement of damaged items, on protection (defence and security equipment) or on relocation.

Loss of income or restrictions on income are negatively reflected in the lives of survivors immediately after the attack. Many assaulted persons have **no savings** and, conversely, may be required to repay various loans and debts. Some people deal with their worsening financial situation by taking out further loans and gradually fall into a debt trap.

Bias violence can cause loss of housing. When the attack occurs at home or nearby, the assaulted person may want to move out. Sometimes they are even forced to move because their landlord learns of the attack and evicts them. If the survivor belongs to a group that generally experiences **discrimination in the housing market** (national minorities, foreigners), then their efforts to relocate either fail or they move to socially excluded localities.

### Opportunity for social work

Your clients will likely experience financial problems. You should be aware of this issue and should discuss it with them sensitively. If your clients have problems financing their needs, help them build a **financial plan**. Find out if they can earn extra income or reduce their expenses. Support the survivor in handling social welfare or other financial assistance.

Most of the costs that assaulted persons incur as a result of an attack may be claimed against the perpetrator in criminal or civil proceedings (depending on the jurisdiction). Call the survivor's attention to this and help them find adequate legal assistance.

Support the survivors so that they feel safe in their own home. You can work together with landlords. If there is no other way, offer to provide assistance to the assaulted person in finding adequate housing. Discuss the risks of residing in socially excluded localities.

## Unwanted attention

Some bias attacks attract the attention of the public and media. Insensitive publication of personal data and health data could lead to secondary victimisation. The assaulted person has only a **very limited influence** on whether and how their case will be reported. Some media may even harass the survivor or try to force them to make a statement. We have also encountered cases in which the assaulted person's story was completely altered by media.

Some survivors **believe** that **media attention will help clarify** their assault or evoke sympathy. Some people publish the story of their attack in an attempt to highlight a general or long-standing problem. Usually, however, they are disappointed by the result of media coverage.

The increasing availability of digital cameras and video cameras allows passers-by to document bias attacks. The footage can then be shared on social networks. Some media do not hesitate to steal private photos from the assaulted person's Facebook profile.

People subjected to bias violence are **very concerned** about how their case is **reported**. Most of them read the comments under articles about the incident published online and may come across very negative, stereotypical and offensive reactions. The opportunities for self-defence in these cases are very limited.

### Opportunity for social work

Try to discuss the **risks of media coverage** with your clients in advance. Find out if they want to publicize their case and under what conditions. Find out about the limits of media coverage of crime in your jurisdiction; some countries totally prohibit revealing the identity of survivors to the public.

In the event of **unsolicited media coverage**, consult with the assaulted person about how he or she wants to proceed. Some media respond well to the wishes of survivors not to disclose further details. Your clients can also consider taking legal action against the disclosure of personal and sensitive information.

Conversely, if your client wishes to use their story to raise awareness about an issue, try to achieve media coverage that will be sensitive. Offer the survivor assistance in dealing with the media. Recommend **an authorised story** or report. Tell them about the possibility of concealing their face or altering their voice.

Clients may also tell you that they feel offended by what they read about themselves **on social networks and in online discussions**. A successful defence against this might involve either talking with the responsible editor-in-chief or administrator of the online forum or in taking legal action for the protection of individuals. In the latter case, give the assaulted person support in finding appropriate legal assistance.

# HOW SOCIAL WORKERS CAN PROVIDE ASSISTANCE IN CRIMINAL PROCEEDINGS

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Initially, a social worker should ask about the bias incident indicators (see the chapter on Bias violence indicators) and determine whether the client **wants to file a criminal complaint** and what kind of **assistance** they seek. Social workers should focus on delivering an empathetic and confidential interview with the client.

## Consider these tips for talking with your clients:

- ☛ Active and **compassionate listening** (i.e. avoid interrupting the victim, but do nod in the affirmative, say "I see", etc.);
- ☛ **Paraphrasing** the client's words (i.e. summing up parts of the client's testimony to show that you understand what the client said, e.g. "If I understand it correctly, he kicked you in the right knee...");
- ☛ Accepting the **client's feelings** and trying to get into his or her frame of mind. As a result of shock, stress or inflicted wounds, clients often feel angry and/or tend to distinguish themselves verbally from the majority, etc. When that happens, the social worker should try to calm the client by showing compassion (e.g. "I gather you were pretty upset because of these threats: Such emotions are natural in this situation"). Try to avoid comparison with your own feelings (e.g. "I can imagine how difficult it is for you"). Everybody's feelings are individual – you might have not ever been in the clients' position.
- ☛ Asking open-ended questions that **stimulate the conversation** in order to let the client give a full account of the incident (i.e. do not ask "yes or no" questions).
- ☛ Accepting the client's version of the story and **acknowledging the bias motive** for what happened may help to achieve further trust.

The actions of the victim and the social worker immediately after the incident very much depend on the nature of the incident and its consequences. Given the situation at hand, the social worker should either take or avoid the following measures:

## Helping to collect evidence:

Evidence differs from incident to incident (for details, please see the "What is bias violence?" chapter). You may help your clients collect medical reports, document property damage, and save inciteful e-mails, recordings of phone calls or other messages.

### Helping to contact potential witnesses:

Regardless of how a particular bias crime took place, if there were any potential witnesses, the social fieldworker should always try to assist the client in contacting them. Most crucial in this respect is to record their contact data and have them confirm their willingness to testify before the police or a court. You should avoid calling witnesses to court if you are not sure about the nature of the statement they will give.

### Helping to identify the perpetrator:

If the victim managed to get a good look at the perpetrator, the social worker should help the client identify him. The social worker can ask the client not only about the perpetrator's basic identifying features (i.e. gender, approximate age, height, build, hair colour and style, facial hair, etc.), but also about special identifiers such as tattoos, jewellery or markings on clothing.

### Mentally supporting the victim and showing empathy:

An equally important role of social workers is to provide mental support and show empathy to the victim. One should bear in mind that many victims take a defensive stance towards social workers who are of the same ethnicity or nationality as the perpetrators, which may manifest itself in reduced trust. Cautiousness and distrust should be interpreted as natural displays of self-defence on the part of the victim who has been humiliated or otherwise harmed because of his or her ethnicity. Therefore, the social worker is encouraged to pay no mind to them and to continue to treat the client in a professional and compassionate manner.

## **BASIC FACTS ABOUT CRIMINAL PROCEDURE**

A criminal procedure may be either initiated by the police or based on the facts described in a **criminal complaint**. The complaint can be filed either in writing, orally or by making a recorded testimony before the law enforcement authorities. The **decision to launch a criminal prosecution** is up to the police, who assess whether the incident constitutes a violation of the law. If not, the complaint is rejected as unjustified. Less serious incidents may be referred to local administrative authorities to be dealt with as misdemeanours.

It is advisable to stick to the following **general rules** when filing a criminal complaint. The document should state the name, address and contact data of the person who is filing the complaint. The complaint can be **filed by anybody**, including a social worker. In that case, however, it should also identify the crime victim (i.e. name, address and contact information). The complaint **does not have to specify the exact crime**. That is the job of the law enforcement agencies. Present

as precise and as **detailed a description** of the incident as possible, i.e. when and where it took place, its circumstances, including publicly presented statements and a detailed description of the assailant(s).

**Special emphasis must be placed on potential motives for the crime.** The complaint should thoroughly describe everything that supports the suspicion that the perpetrator(s) attacked the victims because of their race, ethnicity, religion, sexual orientation or other personal characteristics typical of bias crimes in a respective jurisdiction. This may include an account of public statements or declarations made by the perpetrator(s) the mention of past incidents in which the perpetrator(s) demonstrated this kind of hatred for the victim. The complaint should also include a detailed description of the **consequences** of the incident (i.e. the type and extent of injuries and other damage inflicted). The statement should include as much evidence as possible, including photographs, names and contacts of potential witnesses, copies of medical reports, etc.

The perpetrator does not need to be fully identified in order to launch criminal prosecution. If the perpetrator can be identified at the time when the complaint is filed, the police may launch the criminal prosecution of an unknown perpetrator. If the police gather sufficient evidence that demonstrably indicates a suspect's involvement in the crime, they **will bring charges against a concrete perpetrator**. After a thorough investigation, including an interview of your client, the police will refer the case to the **state attorney**, who will submit an **indictment** to the court. The court decides, usually in a public hearing, about the guilt of the accused and imposes punishment.

## **Social fieldworker acting as the victim's proxy**

The victim's proxy is a person, who based on a written authorisation signed by the victim acquires the right not only to be present at any procedure that requires the victim's presence, but also to represent the victim independently. The proxy does not have to be a legal professional, as this does not concern advocacy. The only requirements are that the proxy must have legal capacity and must not act as another victim or witness in the case.

The proxy grants the social worker the right to be present at any legal procedure involving the victim or to act on behalf of the victim (e.g. accepting mail, proposing evidence, reading the case file, making copies of it, etc.). The mere presence of the social worker during questioning is a rather effective tool for protecting the client against being treated insensitively or disrespectfully.

During the inquiry, the proxy social worker can help clarify the police officer's questions if the client fails to understand them, can remind the client of important parts and aspects of his or her testimony, can correct the police officer if the proxy

feels that the victim is being asked misleading questions or is being otherwise incorrectly treated, can review the recorded testimony before the client signs it and can help to correct the official record if something is missing or misinterpreted.

## **SELECTED RIGHTS OF THE VICTIM DURING CRIMINAL PROSECUTION**

Once a criminal prosecution is launched, the crime victim becomes viewed as the aggrieved party and enjoys all the rights guaranteed by the Code of Criminal Procedure (which may differ by jurisdiction). The most basic rights include the following:

### **The right to information**

The victim has the right to be instructed about everything that concerns him or her, including remedies and applicable time limits (e.g. if the victim aims to challenge an issued decision). The list of these rights is written in rather "legal" language and the victim may not be emotionally and mentally prepared or qualified intellectually or in terms of language to understand this text. This presents a great opportunity for social workers to explain to their clients the actual meaning of their rights or to recommend them an organisation they can turn to with a request for an interpretation of these rights or to contact such an organisation themselves. Information on organisations that provide legal, psychological and social assistance to crime victims should be given to the victim by the police. The right to information also includes the **right to access the criminal investigation file** and to make copies of all documents in the file. If the perpetrator was taken into custody and has been **released or has escaped**, the victim has the **right to be informed** of that fact immediately, but law enforcement agencies must be notified in advance of the victim's wish to be informed about the release or escape of the perpetrator from custody.

### **The right to be active throughout the investigation and to testify**

This right includes the right **to give testimony**. While the aggrieved party may be repeatedly questioned during subsequent stages of the investigation, all of those testimonies are always compared to the original one. Therefore, it is extremely important that the victim be as precise as possible, try not to omit any details and be free of any stress or pressure when first giving testimony. However, this does not prevent the witness from elaborating on that original testimony at any later stage.

The aggrieved party has the right to **produce evidence**. This may include interviews with witnesses, suspects or persons otherwise connected to the incident, expert opinions, medical reports, photos, e-mails and the like, as well as inspection of the scene of the incident, etc. Social workers may help collect and secure evidence as well as establish contact with the official investigator.

The key right of people affected by bias violence is to **demand investigation of the perpetrator's motives**. The police are not bound by the aggrieved party's suggestions to secure any evidence or to perform any other action. Nevertheless, the aggrieved party has the right to demand the police be as thorough as possible in investigating the potential motive for the incident.

The victim has the right to **testify in court**. As witnesses they are given the opportunity to freely describe the situation, the perpetrator's behaviour, their own feelings and any other important aspects of the crime. People may have difficulties remembering details later on, so you may advise your clients to bring notes about the incident to court. The court is entitled to observe those notes. All witnesses are obliged to answer the court's questions and the questions of the defence. **Questions** not related to the cause or that are misleading or **degrading are not permitted**. Victims or their proxies may object to those questions.

## Right to protection

Social workers should be knowledgeable about victims' rights related to their protection and the protection of their personal data present in a criminal file. In some CEE jurisdictions, victims may avoid contact with offenders during the court hearing. They may also ask the police to protect their data, such as their home address, phone number, work place address and/or other personal and non-related details, and to hold them aside from the criminal case file.

## The right to claim damages

In most CEE jurisdictions the aggrieved party may **seek** monetary **compensation** for the damages caused by the crime. Victims of bias crimes may demand compensation not only for damage their health, but also for damage caused to their dignity and personality. The victim is obliged to prove the extent of the claim and its relationship to the perpetrator's actions.

Social workers may assist their clients with preparing and submitting a claim for damages. They should be knowledgeable about the deadline by which the claim must be submitted to the law enforcement agencies. It is advisable to work with a lawyer when drafting the proposal. In some jurisdictions, the victim may ask the court to assign a pro bono (free of charge) lawyer. The court decides on the damages and imposes an obligation on the perpetrator as a part of the judgment to compensate the damages. If damages are not awarded, the victim may appeal the decision.

Once a specific perpetrator has been officially indicted, the aggrieved party may ask the relevant authorities to impound the property of the suspect/accused for the purpose of eventually indemnifying the damage caused to the victim.

## **The right to defence against conduct of the police or decisions issued by the police, the prosecution and the court**

The aggrieved party (and his or her proxy) has the right to file legal remedies against decisions issued by the police, the prosecution or the court. Even social field-workers who do not act in the capacity of proxy can help their clients by instructing them as to their basic rights and explaining to them what they can insist the police do. They can also be instrumental in translating police documents into plain language or reminding their clients of time limits for exercising certain rights (e.g. demanding indemnification or lodging a complaint).

# AUTHORS OF THE PUBLICATION AND PARTNERS OF THE PROJECT

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## **IN IUSTITIA, O. P. S.**

In IUSTITIA was established as a legal organisation that is the first of its kind in the Czech Republic dealing specifically with hate violence in all its dimensions. It raises public awareness about the topic of hate violence and encourages professional discourse and political debate about it. The organisation consistently promotes the principles of democracy and the rule of law, including the equality of all human beings in dignity and rights. For the benefit of its clients – the victims of hate violence – it applies the law in judicial and other legal protection. In IUSTITIA educates professionals and the general public in the issue of hate violence. Experts from In IUSTITIA provide analyses for international agencies and together with other Czech NGOs fights against racism, xenophobia and other forms of intolerance.

**Website:** [www.in-ius.cz](http://www.in-ius.cz)

## **Provided services:**

- ☛ Social counselling and legal information
- ☛ Legal representation, support during the process of criminal or administrative proceedings
- ☛ Submission of motions, complaints, appeals, etc.

## **Target group:**

- ☛ People at risk of hate violence
- ☛ Survivors of hate violence, i.e. people who have been attacked for who they are or how they look
- ☛ Loved ones and the social circle of survivors and those at risk of hate violence (family members, partners, friends, representatives of institutions, co-workers, etc.)
- ☛ Witnesses of hate crimes
- ☛ Especially vulnerable victims

In IUSTITIA co-authored this publication.

## PEOPLE AGAINST RACISM (PAR)

People Against Racism (PAR) is a leading national NGO countering and preventing racism, xenophobia, extremism and other related forms of intolerance in Slovakia since 2001.

PAR has developed and implemented numerous nationwide public awareness raising and advocacy campaigns as well as activities addressing racism, discrimination, prejudice and hate crimes targeting Roma and other vulnerable groups.

PAR and its staff are regarded as experts in the subject of racism, xenophobia and extremism, and as such provide trainings and lectures and implement campaigns for various target groups, including law enforcement, prosecutors, educators, students and policymakers.

**Website:** [www.rasizmus.sk](http://www.rasizmus.sk)

### Current activities of PAR include:

- ☛ Monitoring of cyber-hate and hate speech in Slovakia
- ☛ Providing free legal aid to victims of racism and racist attacks or any form of discrimination
- ☛ Educational activities for students and teachers on the topics of racism, extremism and discrimination
- ☛ Providing comments and input to various analytical and public policy oriented materials dealing with Roma, extremism, discrimination and similar subjects

People Against Racism co-authored this publication.

## NOMADA ASSOCIATION FOR MULTICULTURAL SOCIETY INTEGRATION

Nomada supports human rights, their promotion and protection. Its work is addressed to foreigners, ethnic and religious minorities, local communities and authorities. It aims to continuously diagnose the situation of foreign nationals in the city of Wrocław, supporting them and taking anti-discrimination measures where necessary. Its actions include research, watchdog and advocacy activities, intervention and legal support. It organises training courses and workshops, debates, conferences and meetings, and publishes reports and statements.

Since June 2010 Nomada has been carrying out the "Sukurs against bias-motivated crime" project. It has published a report entitled "Masz problem? Przemoc motywowana nienawiścią we Wrocławiu" (in English: Do you have a

problem? Hate-motivated crime in Wrocław). It independently monitors racist incidents, provides advocacy and counselling and, above all, supports individuals affected by bias-motivated crimes. **Website:** [www.sukurs.nomada.info.pl](http://www.sukurs.nomada.info.pl)

Since 2012 it has been running educational activities for children and adolescents from the Romanian Roma community, as well as acting as their family assistants. **Website:** [www.roma.nomada.info.pl](http://www.roma.nomada.info.pl)

### **Activities:**

- ☛ Nomada conducts educational activities in anti-discrimination and human rights.
- ☛ Nomada is a member of the National Coalition Against Bias-Motivated Crimes and the Wrocław Welcomes Refugees Coalition.

Nomada co-authored this publication.

## **IAN – INTERNATIONAL AID NETWORK**

International Aid Network (IAN) is a Serbian civil society organisation established in 1997, as a response to the wars in the former Yugoslavia. IAN's vision is to heal the South Eastern Europe region from the consequences of war and political violence so the region can become a civil society where human rights and the well-being of all are respected. The network supports survivors of human rights violations and other marginalised and vulnerable groups in developing their own potential for achieving a decent life. IAN is active in the field of prevention of stigma and discrimination against marginalised populations through various campaigns and education initiatives.

## **VIVE ŽENE**

Vive Žene is an NGO established in 1994 that works on the treatment and rehabilitation of victims of war trauma and domestic violence. Its activities are being carried out on three levels: individual, community and society. The ultimate aim is to prevent discrimination against victims of torture and violence. Vive Žene has adopted an integrated, multidisciplinary approach in working with beneficiaries and provides them with social, psychosocial, medical and legal assistance.

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