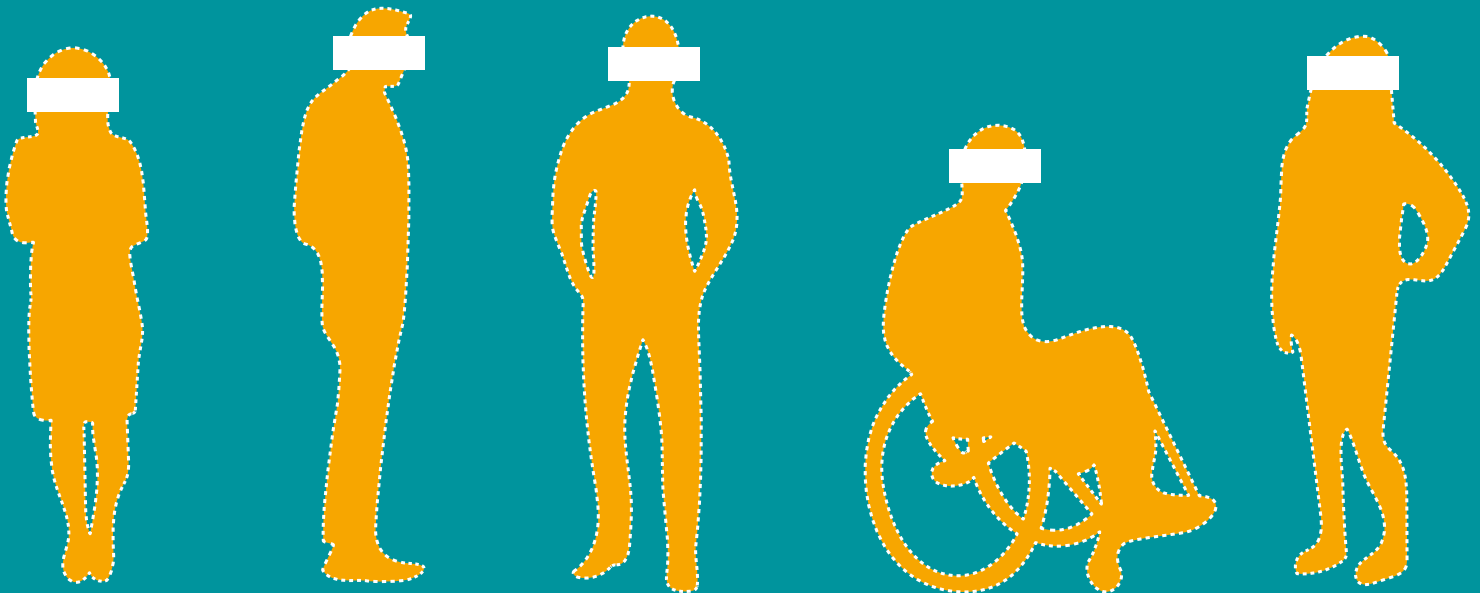


Anti-Indigenous Hate Crimes



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Intolerance and discrimination, including harmful discourse and stereotyping, have affected Indigenous communities for centuries, including those living in the OSCE region. Too often, this intolerance can manifest as anti-Indigenous hate crimes. Targeting Indigenous peoples from diverse groups, these crimes can take a range of forms, from graffiti to racially motivated violence. Hate crime has a significant, long-lasting impact on victims, perpetuates inequality and undermines security and social cohesion. Anti-Indigenous hate crimes send a message of exclusion to Indigenous victims and their communities and to society as a whole. The existence of such crimes also underscores wider trends of intolerance towards marginalized, minority and other vulnerable groups and communities. As with other forms of intolerance and discrimination, addressing anti-Indigenous hate crimes requires coordinated and sustained action from all stakeholders. This factsheet highlights the impact of anti-Indigenous hate crime and provides guidance on identifying, reporting, and countering such crimes.

What Is Hate Crime?

**Criminal Offence
+ Bias Motivation
= Hate Crime**

- Hate crimes comprise two elements: a criminal offence and a bias motivation.
- Firstly, in order to be a hate crime, a base offence must have taken place; the committed act must constitute an offence under criminal law. If there is no underlying crime, there is no hate crime.
- Secondly, the perpetrator must have committed the criminal act with a particular bias motive or motives (such as a bias against a victim's disability, religion or belief, ethnicity, colour and/or gender). The presence of a bias motive is what differentiates hate crimes from other crimes.
- A hate crime has taken place when a perpetrator has intentionally targeted an individual or property because of one or more protected characteristics (a fundamental or core characteristic that is shared by a group), or has expressed hostility towards a victim's protected characteristic(s) during the crime.

What are Anti-Indigenous Hate Crimes?

Anti-Indigenous hate crimes are **criminal offences motivated by the bias of racism against Indigenous peoples**, as well as people and groups associated with Indigenous peoples, due to their actual or perceived 'race', ethnicity, religion or belief, language or other status. Such hate crimes can target people who identify as Indigenous and those who do not, but who are perceived as such. The prejudice manifests itself either in the selection of the target (such as an Indigenous community) or in anti-Indigenous racist hostility expressed during the crime.

Anti-Indigenous hate crimes may also target people or property because of their association, professional affiliation, activism or engagement in addressing anti-Indigenous racism or Indigenous-related issues, such as access to housing and land rights claims, among others.

Anti-Indigenous hate crimes can take many different forms. Victims may be targeted for wearing traditional dress,



Simon Moya-Smith and Rae Fancher, participants of ODIHR's Expert Meeting on Addressing Hate Crime against Indigenous Peoples, Vienna, 31 August 2022. Photo: OSCE/Micky Kroell.



A Sami protest in Oslo, Norway, 4 March 2023. Shutterstock/Toril Bakke.

speaking an Indigenous language, or living in an area known to be inhabited by Indigenous peoples, or practising an Indigenous religious tradition. They may also be selected on the basis of multiple identity traits, such as their gender, religion or belief. Women, men and others experience anti-Indigenous hate crime in different ways, highlighting the need to take a comprehensive, multi-dimensional approach to addressing hate crime.

Since 2002, OSCE participating States have committed to addressing racism, xenophobia, discrimination and intolerance, and to preventing and responding to hate crimes as part of the OSCE's comprehensive concept of security. OSCE States have also recognized that people belonging to Indigenous populations may experience specific difficulties in exercising their rights, and affirmed that OSCE commitments apply fully to such people.¹

How to Identify Anti-Indigenous Hate Crimes

There are a number of indicators that can help to identify anti-Indigenous racist bias in a potential hate crime. These 'bias indicators' can prompt law enforcement authorities to investigate a crime as an anti-Indigenous hate crime and trigger specialized hate crime victim protection and support mechanisms.

Examples of questions to help identify anti-Indigenous hate crimes are:

- Do the victims or witnesses perceive the incident to have been motivated by anti-Indigenous racism?

- Were there comments, written statements, gestures or graffiti that indicate bias? This can include the use of anti-Indigenous racist insults, tropes, stereotypes and prejudices.
- Was the targeted property a place of professional, legal, cultural or religious significance, such as an Indigenous settlement, a shrine and/or other places frequented by people from Indigenous communities?
- Has the property been targeted previously in an anti-Indigenous hate incident or crime?
- Was the victim visibly identifiable as belonging to an Indigenous community? Was the victim engaged in activities promoting the rights or needs of an Indigenous community at the time of the incident?
- Is the suspect a member of a different ethnic group to that of the victim?
- Does the suspect belong to a hate group? These could include different far-right groups or groups advocating or otherwise promoting anti-Indigenous racism.
- Did the incident occur following, or amid political campaigns blaming Indigenous peoples for various societal or economic issues or accusing them of having "special privileges"? For example, Indigenous peoples may be targeted for their activism, for preserving their way of life and against extractive or other industries.
- Did the incident occur at an important time for Indigenous peoples, such as when seasonal rituals are practised or during hunting periods that may affect Indigenous peoples and their property?
- Was the victim in or near an area or institution identified with Indigenous peoples (e.g., an Indigenous settlement) when the incident occurred?
- Was the victim a prominent figure (e.g., a politician, artist or activist) who was known or assumed to be of Indigenous descent?
- Is there any other clear motive? The lack of other motives is also a reason to consider a bias motivation.

Anti-Indigenous hate crimes should be monitored and recorded as a separate category or sub-category of crimes, depending on the country context. Where a crime is committed with multiple bias motives, each of these biases must be recorded and addressed during investigation and prosecution. Data on anti-Indigenous hate crimes should be collected and disaggregated by gender to improve understanding of the effect of such crimes, and to identify appropriate measures to counter them. When investigating and addressing anti-Indigenous hate crimes, it is important to consider the possible multiple identities of the victim (such

as religion, belief or gender) that may have been targeted. This can have significant ramifications for victims and how they experience a hate crime and, in turn, for the support they need.

Reporting, Preventing and Responding to Anti-Indigenous Hate Crimes

Like all hate crimes, anti-Indigenous hate crimes are under-reported by the victims and under-recorded by the authorities. There are numerous reasons for this: victims may lack trust in the authorities owing to historical grievances or past experiences, or may fear further victimization by police officers. Indigenous peoples may also not be explicitly mentioned in hate crime legislation and policy, and police officers may not have been sufficiently trained to identify and record anti-Indigenous hate crimes. This makes it difficult to obtain an accurate picture of the problem, to develop adequate legal remedies against such crimes, and to deliver appropriate support and protection to victims.

Examples of Anti-Indigenous Hate Crimes

- Two young Sámi people were violently assaulted on a bus for speaking the Sámi language.
- "Go Back to the Reservation" and a swastika were painted on the car of a Native American sports team.
- A transgender Navajo youth was physically assaulted and left to die by a white man who later bragged about the attack using anti-Indigenous and transphobic slurs. The perpetrator was charged with murder.
- Following a Supreme Court decision granting a Sámi group control of fishing and small-game hunting in its territory, the local Sámi reindeer-herding association and its members received threats. Approximately ten reindeer carcasses were found in the area within a week.
- During the COVID-19 pandemic, Indigenous inhabitants of a small town were threatened when a white man posted a Facebook call to "shoot to kill" any Indigenous people in sight, alleging they were infected with the coronavirus.

¹ CSCE Helsinki Document, [The Challenges of Change, Decision No. 6/92](#), The Human Dimension, Ch. VI, Helsinki, 10 July 1992.

Effective access to justice remains a critical challenge for victims, and one that OSCE participating States need to address through robust structural changes to the ways in which law enforcement and the judiciary address hate crime. Governments have a central role to play in ensuring access to justice, from the moment a victim reports a hate crime, to the individual assessment of victims' needs by police officers and the provision of protection and support for each victim. Failure to investigate hate crimes effectively – including anti-Indigenous hate crimes – has a detrimental effect on victims and wider society.

Many civil society groups working to promote tolerance and non-discrimination have recognized the importance of hate crime monitoring,

including as an advocacy tool, and are developing their monitoring capacities through outreach and online reporting.

To be effective, police responses and government policies to counter anti-Indigenous hate crimes must be evidence-based and draw on official hate crime data, as well as on reports from civil society, including Indigenous communities themselves, and international organizations. Increased public awareness of hate crime, hate crime recording by states, targeted capacity-building on identifying hate crime and using bias indicators, measures to encourage reporting by victims, and civil society monitoring and reporting will all help reveal the nature, prevalence and extent of the problem, enabling policymakers to identify appropriate and effective responses.

What Can You Do?

A number of organizations can assist victims of hate crimes. Equality bodies, national human rights institutions, ombudsperson institutions addressing intolerance and discrimination, and civil society organizations all play a central role in countering hate crimes. They serve as vital links between victims, communities and local authorities. You can contact the organizations listed below, your local support association, national human rights institutions and equality bodies to find out more about anti-Indigenous hate crimes:

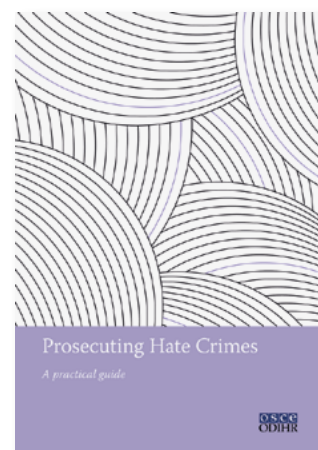
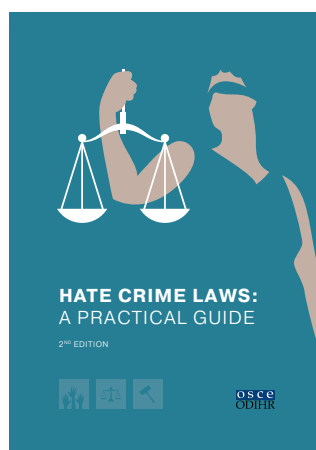
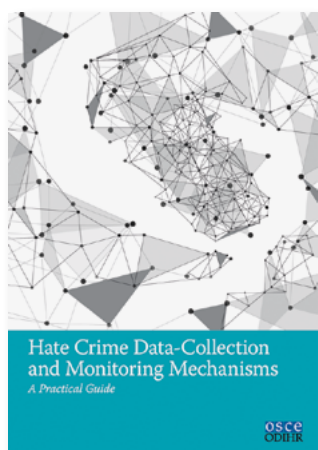
- Amnesty International chapter in your country
- Saami Council/Sámiráđđi: saamicouncil.net
- Canadian Anti-Hate Network: antihate.ca
- Canadian Race Relations Foundation: crrf-fcrr.ca

- Raven Trust: raventrust.com
- Anti-Discrimination Center Memorial: adcmemorial.org
- Native American Rights Fund: narf.org
- Indian Law Resource Center: indianlaw.org

ODIHR Guides on Hate Crime

ODIHR has compiled good practices on addressing hate crime from OSCE participating States and has shared them across several publications. All are available at: osce.org/odihr/guides-related-to-hate-crime

ODIHR has been collecting and publishing data on hate crime since 2006. Find out more about hate crimes and how civil society organizations can report incidents to ODIHR by visiting our dedicated Hate Crime Reporting Website: hatecrime.osce.org



More information:

For detailed information about ODIHR's hate crime initiatives and to view its full range of resources and publications, please visit:

www.osce.org/odihr/tolerance

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