

Combating Hate Crimes and Bias-Motivated Incidents



The OSCE Mission to Bosnia and Herzegovina (Mission) monitors and reports on hate crimes and bias-motivated incidents, advocates for the effective application of relevant legal provisions, raises awareness amongst institutions and the public, and builds the capacity of domestic institutions to prevent such crimes and process resulting cases.

What is a hate crime?

According to the OSCE Office for Democratic Institutions and Human Rights (OSCE ODIHR), a hate crime is a crime that is motivated by intolerance towards a specific group. To qualify as a hate crime, a criminal act must meet two criteria:

1) the act itself must be a crime under the criminal code, and

2) the crime must have been committed with a bias motivation.

Bias motivation exists when the perpetrator chose the target of the crime on the basis of real or perceived protected characteristics. A protected characteristic is a fundamental characteristic that is shared by a group, such as race, religion, ethnicity, language or sexual orientation. A hate crime does not require that

the perpetrator feels hate; rather, it only requires that the crime was committed out of a bias motivation. While hate crimes commonly take the form of property damage, assault or murder, if both of the aforementioned criteria are met, any crime can be considered a hate crime.

By contrast, a bias-motivated incident is an act of hostility motivated by bias that does not necessarily reach the threshold of a criminal offence or is an act the criminal nature of which is yet to be determined.

crime + bias motivation =
HATE CRIME

Why is it important to respond to hate crimes?

Hate crimes send powerful messages of intolerance to both the targeted victim and the wider group sharing the protected characteristic to which they belong. This may further trigger a sense of insecurity and distrust within the community. As individual hate crimes can drive potential conflict or escalate tensions, responding to them requires targeted and expedient action.

When a suspected hate crime occurs, meaningful responses by local authorities reassure communities that appropriate action is being taken and that the impact of the incident is

understood. In particular, the effective and timely processing of hate crimes by the justice sector reinforces this message that such crimes will not be tolerated.

Hate crimes in Bosnia and Herzegovina

Hate crimes in Bosnia and Herzegovina (BiH) often target:

- The three largest ethnic groups in BiH when they represent a demographic minority, such as in often isolated and vulnerable 'returnee' communities. Hate crimes against these communities, targeting people and property, communicate a sense of intolerance, creating fear and tension and reviving traumas of crimes and conflict of the 1990s war in BiH.
- Religious leaders and religious and sacred objects, such as churches, mosques, synagogues and graveyards, as symbols of identity and belonging for specific communities.
- Members of sexual minorities, who are extremely vulnerable to hate crimes, which frequently occur in public places.
- Ethnic minorities, such as Roma and Jews, targeted due to entrenched intolerance, prejudice and marginalization.
- Women, who remain at risk of hate crimes driven by gender inequality and bias.

While hate crimes occur in every society, their impact is especially problematic in societies recovering from violent conflict. In light of this, the Mission works closely

with the police, judiciary, local government, civil society organizations and other international organizations in BiH to ensure the prevention of and effective institutional responses to hate crimes as well as appropriate and proportional reactions, including public condemnation.

Legislative framework

In 2010, critical amendments to provisions of the respective criminal codes of Republika Srpska (RS) and Brčko District BiH (BD BiH) related to hate crimes were adopted, with BD BiH adopting additional amendments in 2024. In 2013, 2017 and 2025, the RS further amended the relevant provisions of the RS Criminal Code, while amendments to the Criminal Code of the Federation of BiH were adopted in 2016 and 2025. In the respective jurisdictions, these amendments strengthened the legal basis for the investigation and processing of such crimes by specifically recognizing the bias motivation. This includes defining of hate crime and introducing several aggravated forms of certain criminal acts, such as murder, rape and causing grievous bodily injury, when committed with a bias motivation. Finally, per these amendments, bias motivation should be taken into account as an aggravating circumstance in sentencing decisions when the crime was not prosecuted in the aggravated form.

The role of the Mission

Responding to hate crimes effectively requires a commitment by law enforcement and the judiciary and the appropriate legal

framework. The Mission has, in co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the National Point of Contact on Combating Hate Crimes within the BiH Ministry of Security, supported the process of strengthening legislation and continues to assist authorities in its implementation.

More broadly, the Mission assistance to domestic authorities and civil society includes:

- Monitoring and reporting on bias-motivated incidents and hate crimes across BiH, as well as on the responses by local authorities and civil society to such acts. The Mission's monthly Hate Monitor helps to fill the gap left by a lack of official data collection or analysis.
- Advocating for legal reform, including facilitating discussions in the legal community, to strengthen provisions on hate crimes and promote their effective implementation.
- Building the institutional capacities of law enforcement agencies and the judiciary, noting the Mission has regularly organized capacity-building activities for law enforcement, prosecutors and judges since 2014.
- Raising the public and authorities' awareness about hate crimes and appropriate responses to them, including hosting local events and activities to provide forums for discussion.
- Advocating for the establishment of an official system of data collection on

bias-motivated incidents and hate crimes in BiH to fill the current information gap and inform relevant policy decisions and official actions.

- Promoting the engagement of civil society in tackling hate crimes.
- Working to improve understanding of both the scope and drivers of the underreporting bias-motivated incidents and hate crimes, including conducting a hate crimes underreporting survey.

Relevant Mission publications

- [Understanding Hate Crimes: A Handbook for Bosnia and Herzegovina](#)
- [Hate Monitor](#)
- [Tackling Hate Crimes Report](#)
- [Hate Crimes and Bias-Motivated Incidents in BiH. 2015 monitoring findings](#)
- [Hate Crimes Legal Commentary](#)
- [Report Hate Crimes Leaflet](#)
- [Hate Crime Underreporting Survey 2023 | OSCE](#)
- [Bosnia and Herzegovina | HCRW](#)

For more information, scan the QR code.



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