Organization for Security and Co-operation in Europe
Mission to Bosnia and Herzegovina

BIAS MOTIVATED INSULTS, ABUSE, AND HARASSMENT IN BOSNIA AND HERZEGOVINA: RECOMMENDATIONS FOR LAW AND POLICY

Findings from the 2023 Hate Crime Underreporting Survey for Bosnia and Herzegovine[1]



Everyday frictions

Many people have been directly insulted, abused, harassed, or bothered in some other way by a stranger or another person in public at some point in their lives. Interpersonal street friction between people going about their daily lives is common. It encompasses a wide range of behaviour, from bad manners to verbal assaults and, in the worst-case scenario, physical violence. If there are no threats of violence or actual physical violence, much of the behaviour will be considered borderline or outside the scope of criminal law. Incidents of such interpersonal behaviour that involve some bias motivation are commonly referred to as 'low level' hate incidents. Nonetheless, documenting and understanding the behaviour and its impact on victims can provide useful information for interventions against hate crime.

The *2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina* identified interpersonal insults and abuse in public places as a major concern. However, many victims do not report incidents to authorities due to various reasons. As a result, in order to obtain a systematic account of the potential problem, the survey asked respondents a series of questions about their experiences with the type of behaviour of concern—interpersonal insults, direct verbal assaults, offensive gestures, or harassment such as pestering or other intimidating behaviour—in public places in the previous year. For those who had experienced such behaviour, the survey went on to ask about the locations of the incidents, the perpetrators, any perceived bias motivations, the potential impact of the incidents on the respondents, and whether the incidents were reported to the police or other authorities.[2] This fact sheet presents key findings and recommendations for criminal justice and other authorities based on the survey findings.

"Hate crime" is defined by the OSCE Office for Democratic Institutions and Human Rights (ODIHR)[3] as "criminal acts motivated by bias or prejudice towards particular groups of people." Hate crimes consist of two elements: a criminal offence and a bias motivation. A hate crime occurs when a perpetrator intentionally targets an individual or property based on one or more identity traits and expresses hostility toward these identity traits during the crime. This definition is consistent with the hate crime definitions in Bosnia and Herzegovina's criminal laws.

The 2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina sampled 2,438 respondents aged 15 and older from 18 municipalities/cities with consistently high numbers of potential hate crimes recorded by the OSCE Mission to Bosnia and Herzegovina hate crimes database. A nonprobability sampling design was used with quotas based on respondents' ethnoreligious identity, gender, and age.

This type of survey design is commonly used in market and opinion research as it is resource and cost efficient. Self-completion interviews were conducted via an online panel and direct recruitment by interviewers from July to October 2023. The non-probability sampling makes it impossible to estimate the likely accuracy of the survey findings since such estimates are based on statistical principles associated with probability, or random, sampling.

Nevertheless, given the level of accuracy often produced in practice by surveys of this type, it is possible to consider the survey results as strongly indicative of the experience of the general population in the selected municipalities/cities.

1 The 2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina was carried out between July and October 2023, as the first survey that aimed to systematically capture the experience of potential hate crime victimization in BiH. The survey was funded by the Norwegian Ministry of Foreign Affairs as part of the Cooperation Agreement with the OSCE regarding 2022-2024 extra-budgetary contributions and commissioned by the OSCE Mission to Bosnia and Herzegovina. The European Union Agency for Fundamental Rights provided support in reviewing the survey questionnaire.

2 The questions explicitly excluded threats of violence which respondents were asked about elsewhere in the survey interview.

3 "What is a hate crime?" https://hatecrime.osce.org

Key findings

Respondents' experience of interpersonal insults, direct verbal assaults, offensive gestures, or harassment

- **Just over one in eight (13 per cent) of the survey respondents indicated that in the previous 12 months, in a public place, they had been directly insulted, or verbally assaulted, called names, had offensive gestures made to them, or were pestered or intimidated in any way in person.**

This was higher than the proportion (10 per cent) of respondents who experienced online abuse in the previous 12 months—having been directly sent an insulting message, or alternatively had insulting comments posted about them online, or both.

- **Over half of the respondents who had been insulted, or verbally assaulted, called names, had offensive gestures made to them, or were pestered or intimidated in any way in person, noted that it had happened more than once in the previous 12 months—occurring twice for nearly a quarter of respondents (23 per cent) and three times or more for a third (34 per cent).**

Demographic risk factors

- **Identical proportions of females and males in the survey noted that they had been on the receiving end of incidents at least once in the previous 12 months.**
- **When age is considered, there is a clear association between incidents and younger age for both females and males, with a slightly stronger association for younger females than for younger males.**

Nevertheless, the results show that no section of the population is unaffected when age and gender are considered.

- **When considering ethnoreligious background, there is no statistically reliable evident difference (if the sample was a probability sample) in the experience of insults and abuse in the previous 12 months according to ethnoreligious identity - when controlling for age of respondents.**

Locations of incidents

- **A substantial proportion of incidents—approximately four in ten—occurred outdoors, such as in the street, square, parking lot, parks, and similar outdoor public places.**
- **Just over a fifth of incidents occurred in the workplace, or at school, college, or university.**
- **Under a fifth of incidents occurred at indoor public places—such as a café, restaurant, pub or club, shopping mall, indoor market, shop, or store.**

The survey findings also potentially indicate an association between perceived neighbourhood disorder—observable signs of a potential breakdown in social control and order—and the experience of insults or abuse in public settings. For example, the question "How much of a problem is vandalism, graffiti, and other deliberate damage to property or vehicles in your neighbourhood?" was posed to all respondents. "(We refer to "your neighbourhood" as the area that is five minutes' walk from your home)."

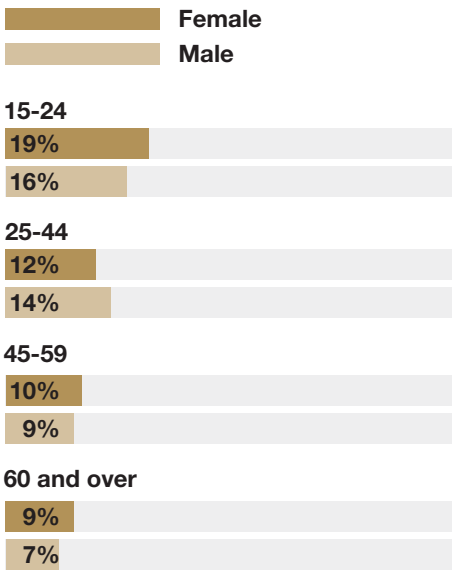
- **Respondents who reside in neighbourhoods where they perceive vandalism, graffiti, and other deliberate damage to property or vehicles to be a "very big problem" were three times more likely to experience insults or abuse at least once in the previous 12 months than respondents who perceived such neighbourhood disorder to be "not a problem at all".** Although some caution needs to be exercised in interpreting this finding as respondents were not asked whether incidents occurred in their neighbourhood or elsewhere.

Perpetrators

- **Respondents who had experienced insults or abuse in public places in the previous 12 months were asked about the perpetrators. The most common response was that strangers—persons they did not know—were involved.**

The use in this fact sheet of the terms 'potential crimes' and 'potential hate crimes' recognizes that from the survey data alone it is not possible to legally verify whether the incidents noted by respondents qualify as crimes according to the Criminal Codes in BiH. In practice, verification is ultimately provided by the courts. The same is the case for crime victimization surveys internationally. However, such surveys have long been used in some countries, such as Great Britain, Sweden, and the United States, to provide a more realistic account of crime victimization than captured by police recorded crime data.

Percentages of female and male respondents who experienced insults in person* in the last 12 months by age group



Number of survey respondents:
Female = 1,274, Male = 1,160

* Respondents who had been insulted, verbally assaulted, called names, had offensive gestures made to them, or were pestered or intimidated in any way in person.

Others mentioned that the perpetrator was a work colleague, a customer or client, or someone from school or college. Only a small proportion of respondents noted that the perpetrator was a member of an extremist group. Similarly small proportions noted a police officer or a public official as a perpetrator.

- **More than one perpetrator was involved in nearly half (46 per cent) of the incidents.**

Bias motivations

Survey respondents who noted that they had been on the receiving-end of incidents in a public place in the previous 12 months were asked if they perceived any bias motivations:

- **A majority (63 per cent) of the respondents who had been insulted, verbally assaulted, called names, had offensive gestures made to them, or had been pestered or intimidated in any way in person in the previous 12 months, perceived some form of bias-motivation behind the incident.**
- **Nearly half (45 per cent) of the respondents who had been insulted or abused in the previous 12 months and who perceived some bias motivation, noted that bias on the basis of their ethnic or religious background was involved.**

Perhaps not surprisingly given that respondents were asked about their experience of insults, verbal assaults, offensive gestures, and harassment, when they were asked why they believed ethnic or religious bias was involved, nearly three-quarters said that it was because of words used by the perpetrators. Nearly a quarter concluded that it was because of the perpetrator's own ethnic or religious background.

- **A substantial minority of female respondents (44 per cent) who had experienced insults or abuse in a public place in the previous 12 months believed it happened partly or completely because they are female.**
- **Among the respondents, female and male, with a disability, longstanding illness, or health problem who had experienced insults or abuse at least once in the previous 12 months, 16 per cent believed that bias motivation on account of their condition was involved.**

Post victimization psychological impact

All respondents who had experienced insults, verbal assaults, offensive gestures, pestering behaviour, or intimidation in the last 12 months were asked questions about the psychological impact they felt following victimization.

- **Over half (54 per cent) of the respondents who had experienced incidents said that they found them to be either 'moderately' or 'severely' distressing.**

The survey also showed an evident association between perceived bias motivation and the degree of distress felt:

- **Respondents who perceived bias motivation behind the incident were more likely to have found it 'severely distressing', and less likely to be 'not distressing at all', than those respondents who perceived the incident not to be bias motivated.**

This finding is consistent with the international evidence that hate crime victimization can inflict greater post-victimization emotional impact compared with otherwise identical crimes without the bias motivation.

Reporting incidents to the police

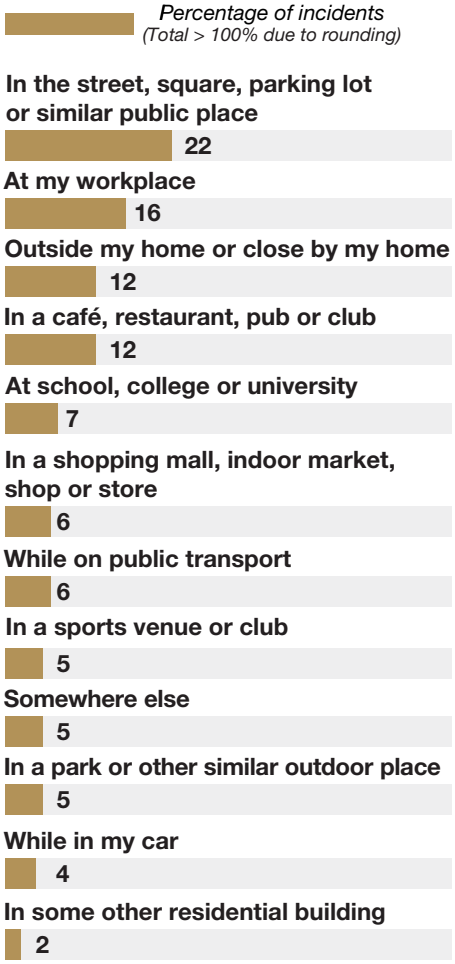
- **Only a small minority of respondents indicated that they or somebody else made a complaint to the police about the incidents they experienced involving insults or abuse in public places in the previous 12 months.**

Complaints were more likely to be made for incidents perceived to be bias motivated - 19 per cent compared with 8 per cent for incidents not perceived to be bias motivated.

- **Fifty-five of the 316 respondents who had experienced insults or abuse in public places in the previous 12 months reported the incident to other authorities.**

Among them, 12 incidents were reported to someone in the organization/institution where it happened (at school, college, work, or service provider), 11 incidents were reported to the media, 10 to the Ombudsperson, nine to an NGO, civil society or community organization, seven incidents were reported at a hospital or other medical service, and four incidents were reported to a victim support organization.

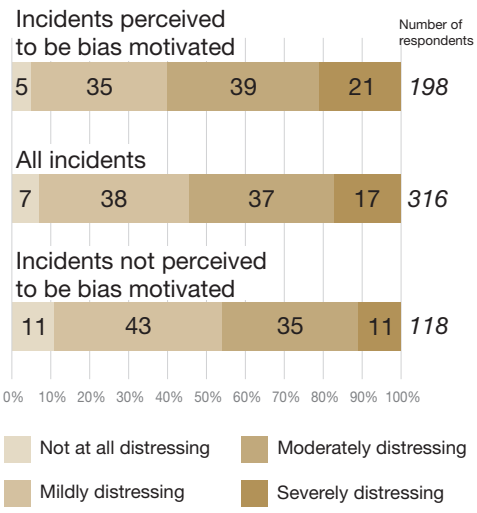
Locations of incidents of insults in person *



Total number of respondents insulted in the previous 12 months = 316

* Respondents who had been insulted, verbally assaulted, called names, had offensive gestures made to them, or were pestered or intimidated in any way in person.

Distress felt following insults, verbal assaults, offensive gestures, or harassment



Recommendations

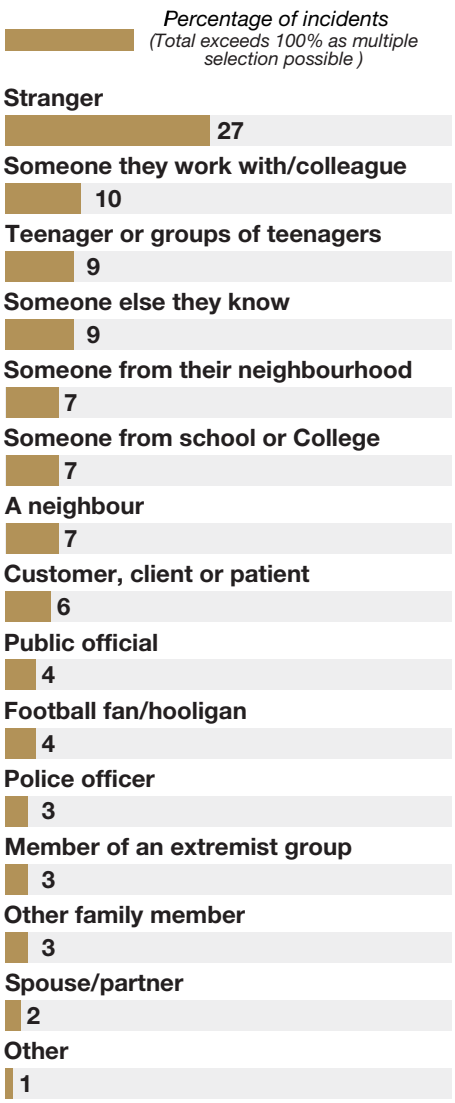
Interpersonal insults, verbal assaults, offensive gestures, and harassing or intimidating behaviour are all examples of incivility in public places that many people encounter at some point in their lives. Bias motivation is sometimes used. Such behaviour was cited as a particular concern in the needs assessment meetings for the *2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina*.

Of all the potential bias motivated incidents recorded on the hate crimes database of the OSCE Mission to Bosnia and Herzegovina from May 2013 to November 2022, 17 per cent involved a verbal assault of some form. To date, however, without systematic empirical evidence, it has been difficult to determine how widespread the phenomenon really is in Bosnia and Herzegovina. The *2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina* therefore uniquely sheds light on this problem. Out of the survey sample of 2,438 respondents drawn from the general population, 316 respondents (or 13 per cent of all the survey respondents), noted that they had been insulted, verbally assaulted, called names, had offensive gestures made to them, or been pestered or intimidated in some way in person in a public place at least once in the previous 12 months. Among them, a majority noted that they had experienced incidents more than once. Furthermore, a majority of the respondents who had been insulted or abused in some way believed that some form of bias motivation was involved in the incidents they experienced.

According to the 2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina, insults, verbal assaults, offensive gestures, harassing behaviour, or intimidation in public places, often motivated by bias, are a significant social problem. Much of the behaviour may fall outside the scope of criminal law. However, some of the insulting behaviour would most likely fall under the purview of various criminal code provisions in Bosnia and Herzegovina, which address 'harsh' and 'rude' insults and 'brutal' abuse, as well as serious threats to physical safety, under the category of 'violent behaviour' or 'endangering security'.[4]

- **Public relations and media campaigns should therefore be conducted to raise awareness about what types of insulting and abusive interpersonal behaviour in public places are liable to be criminal acts, how the public can report them, and what assistance and support is available for victims.**
- **Police and other criminal justice authorities need to convey a clear message that they will take seriously reported potential crimes involving interpersonal insults and abuse.**
- **Once reported, the perceived bias motivation of offenders should be taken into account in the investigation of incidents and where appropriate incidents should be prosecuted as hate crimes.**

Perpetrators of insults, verbal assaults, offensive gestures, and harassment in public places



Total number of respondents insulted or verbally assaulted in the previous 12 months = 316

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4 Criminal Code of Republika Srpska, Articles 385 and 150; Criminal Code of the Federation of Bosnia and Herzegovina, Articles 362 and 183; Criminal Code of the District of Brčko District of Bosnia and Herzegovina, Articles 356 and 180.