# Defining and identifying hate motives: bias indicators for the Australian context

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CRIS

Centre for Resilient and Inclusive Societies

This report was researched and written on unceded Country.
We pay our respect to Elders past, present and future,
and acknowledge Aboriginal and Torres Strait Islander
communities' ongoing struggles for empowerment, healing and
self-determination.

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# Contents

# Introduction

Bias indicators – that is, facts, circumstances, or patterns that suggest that an act was motivated in whole or in part by bias – can be a useful tool for stakeholders working on tackling hate crimes. Government and non-government agencies can use them to improve and standardise data collection around hate crimes, which can have a cascade of positive effects. For example, they can help to demonstrate in court the prejudice-motivation of a crime – and we know that this is often hard in Australia, because the legislation has a very high threshold of proving hateful motivation. They can also improve the precision of measurements of the prevalence of hate crimes in communities, which is necessary for planning appropriate mitigation policies and programmes and for assessing their impact. Bias indicators can also be useful for non-government organisations to make sure that their data collection and research is reliable, consistent and a powerful tool for advocacy and education.

We acknowledge that bias indicators can be misused: for example, our lists are not to be read as exhaustive, and users should take them as examples only. Also, incidents can present bias indicators from multiple lists, and coders should not stop at trying to code the incident as targeting one identity only. Importantly, our bias indicators lists should not be used by practitioners to make an assessment of whether an incident is bias motivated or not. The absence of bias indicators does not mean that an incident is not hate motivated – if a victim or a witness perceives that there was a prejudice-motivation. At the same time, the presence of a bias indicator does not necessarily demonstrate that an incident is bias motivated (as the term 'indicator' implies). Ultimately, a judge will make this decision. In the Australian context, we are proposing that bias indicators should be used to support data collection, and to make sure that all potentially useful evidence is collected when an incident is reported.

This report is structured in two parts: in Part 1, we introduce and discuss the concept of bias indicators, including their uses, benefits, and risks. In Part 2, we present a general list of bias indicators (which might be used to code a hate motivated incident), followed by discrete lists of bias indicators for specific target identities. We also present a separate list for online bias indicators, which might apply to one or more target identities. We are keen to engage with government and non-government agencies that plan to use bias indicators and find this report useful. We welcome opportunities to share additional insights from our research on how to use the list, and to provide ad hoc training. Please do not hesitate to get in touch with us via CRIS or by emailing the authors of this report.

*Trigger warning: this report discusses multiple forms of trauma, hate, and discrimination, including physical violence, racism, and homophobia.*

# Part 1: Understanding bias indicators

## 1. What are bias indicators?

The Office for Democratic Institutions and Human Rights defines bias indicators as "objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances suggest that the offender's actions were motivated, in whole or in part, by any form of bias" (Office for Democratic Institutions and Human Rights 2014). Bias indicators can be identified by looking at different aspects of an incident, including:

> What is said during, before or after the incident (e.g., whether the offender yelled a racial slur while attacking the victim, or used racist language in court roceedings);

> The nature of the incident itself (e.g., whether it involves denigrating or dehumanising the target, for example putting bacon in the coffee of a Muslim or a Jewish person).

> The context of the incident (e.g., when a Jewish person was assaulted outside a Synagogue during a Jewish festival).

> The perpetrator's background (e.g., if they have a history of similar incidents or if they are affiliated with hate groups on social media).

> The identity and characteristics of the target (e.g., when the target was wearing a visible religious garment).

> The existence of a pattern of victimisation or a 'hate relationship' (e.g., when a person living with a disability is repeatedly harassed and abused over time) (Macdonald et al., 2021).

One incident can present multiple bias indicators which, taken together, can provide strong evidence about the hateful motivation of an act. For example, an Islamophobic hate incident could be identified as such if the victim was visibly identifiable as Muslim (such as a woman wearing a hijab), if the perpetrator engaged in religious desecration, and the event took place on an important Islamic date.

## 2. Who uses bias indicators and why?

Bias indicators are used to assist in recording an incident with a potentially hate-motivated status (European Agency for Fundamental Rights 2018; OSCE Office for Democratic Institutions and Human Rights 2019; Office for Democratic Institutions and Human Rights 2014). Therefore, bias indicators are primarily used by agencies receiving reports of hate crimes, hate speech and hate incidents (such as law enforcement agencies, human rights organisations, community organisations, e-Safety commissions).

In the Australian context, there are a long list of potential users of bias indicators who collect reports of criminal and non-criminal incidents taking place online and offline. They include (but are not limited to):

> State and federal law enforcement agencies (who might receive a report from a victim or witness, or they might independently investigate a crime);

> Government agencies and commissions such as e-Safety commission and human rights commissions (who collect reports of incidents of discrimination and abuse in various contexts: for example, at work, at school);

> Local governments and local social services (who are directly connected with potential targets of hatred and might develop a relationship of trust with them);

> Non-government community organisations (who might aim specifically to collect hate incidents data, such as the Islamophobia Register Australia or the Asian Australian Alliance, or might collect hate incidents data amongst other projects, such as the Executive Council of Australian Jewry);

For all these organisations, bias indicators can be very important because they can help them to:

1. Standardise the process to identify and record potential hate crimes;

2. Assist in the training of law enforcement personnel in relation to hate crimes;

3. Record important evidence that can be used by prosecutors and other public officials in the criminal justice system;

4. Advocate for changes in policy, policing, and support services;

5. Publish public reports on trends in victimisation faced by a particular community or group;

6. Track instances of hate crime targeted toward a specific group or community;

7. Create databases of hate crime incidents.

Usually, law enforcement agencies collect incidents that are criminal in nature, and human rights commissions collect also incidents that are not criminal in nature and are regulated by civil law. However, often people who report incidents, particularly when first seeking help, do not have a clear understanding of what meets the criminal threshold. Therefore, it is important that all agencies collect data in the most comprehensive and feasible way possible, and are able to refer the reporting party to the most suitable agency (or, ideally, to liaise directly with that agency). We find the model adopted in the UK, where law enforcement agencies collect reports of hate incidents both above and below the criminal threshold, very useful to obtain a full picture of hatred in society – instead of capturing only criminal incidents (for a discussion of the data collection model adopted in the UK, please refer to Giannasi (2014)).

## 2.1. What are the benefits of improving data collection in Australia?

Importantly, the use of agreed bias indicators would make data collection more consistent within and across different agencies. This would benefit many areas of tackling hate work, including:

1. Contributing to **better victim support in the criminal justice system**. Better data collection would support the work of prosecutors in demonstrating the hate motivation of a crime, and would help judges understand the prejudice-motivated context to make the best decision about a case.

2. Developing **valid and reliable measurement tools to measure hate behaviours.** These would assist government and non-government organisations in understanding the real magnitude and trends of hate in a jurisdiction, and to assess the impact of programs and policies to build comparative and cumulative research on the topic.

3. Developing **cross-jurisdictional legal standards for defining the hate element in criminal acts** and identifying the groups warranting protection. This would support the treatment of victims of hate equally across Australia and beyond.

4. **Raising awareness** about hateful attitudes amongst key communities, and amongst various professional groups including police officers, social workers, government officials, as well as the public. Data can be utilised as a tool to bring about societal change, reduce victimisation and understand the causes of victimisation.

5. **Developing effective policing and policies** (including prosecutorial policies and judicial guidance) on hate crime, hate speech, and hate incidents,

to simplify navigating the system of reporting hate, receiving support and the criminal justice system for victims of hate.

There has been much discussion about the need to develop a national hate crime database in Australia, and CRIS has contributed to this discussion by organising public events with key stakeholders and producing research to highlight this important gap. The adoption of standardised bias indicators by multisectoral stakeholders would be an important step towards the creation of a national hate crime database, because it would contribute to the standardisation of data collection and the potential to compare data collected by different agencies.

# 3. Methodology: how did we create bias indicators for the Australian context?

To create bias indicators relevant for the Australian context, we first compiled and analysed existing lists in use in Europe where bias indicators are prevalent and accepted (European Agency for Fundamental Rights 2018; OSCE Office for Democratic Institutions and Human Rights 2019). In order to tailor these lists for the Australian context, we consulted with local experts including academics and practitioners working in law enforcement agencies, government and non-government organisations and community organisations. The aim of the consultations was to make sure that the list would be practical and relevant to practitioners working in the fields of hate crime and hate speech.

Practically, we first tried to adapt the European lists to the Australian context based on our knowledge and previous experience. We then invited a range of stakeholders from government and non-government organisations to a practitioners' workshop, held on 14 July 2022. We had participants from law enforcement, community and a range of government organisations, including human rights commissions, state government departments and the e-Safety commission. During the workshop, we facilitated a session where we presented the lists and engaged

participants in focused table discussions. These were facilitated by a member of our team, followed by a room discussion for each set of indicators (e.g., hate based on perceived religious or racial identity, disability, anti-LGBTIQA+ hate and misogyny). One of the many suggestions emerging from the workshop was to create a shorter, more accessible general list of bias indicators, which could be used in conjunction with identity-specific lists.

Following the workshop, participants were sent two lists of bias indicators for their feedback, categorised as *general* and *specific* bias indicators. Some workshop participants were able to provide further feedback on these either as a written document, or through a second discussion with the research team. This feedback was then incorporated into the final version of the bias indicators list.

## 3.1. Defining some of the key terms used in this report

There is limited international consensus for how to define behaviours motivated by hate or containing a hate element, which include three key terms that we will use in this report: hate crime, hate incidents and hate speech.

### Hate crime

A hate crime is any criminal behaviour motivated by prejudice against targets defined by their perceived identity. This definition is consistent with most definitions adopted globally (Vergani et al. 2022). We acknowledge that, in Australia, some government agencies adopt different terms. For example, Victoria Police refers to prejudice-motivated crime, and New South Wales police to bias crime. We have mapped the definitional diversity in the Australian context in a previous report published by CRIS (Vergani & Link 2020).

### Hate incidents

A hate incident is any malicious behaviour motivated by prejudice against an out-group that falls below the threshold of criminality.

### Hate speech

Hate speech includes verbal and non-verbal manifestations of hatred, such as gestures,

words or symbols like cross-burnings, bestial depictions of members of minoritised groups, hate symbols, to name only a few examples. Some of these behaviours might be regulated by criminal law in certain jurisdictions (thus overlapping with the definition of hate crime), by civil law, or not regulated at all (thus overlapping with the definition of hate incidents).

Importantly, the definitions provided above cover a long list of group-specific terms that are used in local contexts, for example racist, antisemitic, Islamophobic, Sinophobic, xenophobic, homophobic, transphobic, misogynistic, ableist, ageist (etc.) incidents or crimes.

# 4. Guide to use and interpret our bias indicators

Before we present our lists of bias indicators, it is important to take several issues into consideration. These are:

1. Intersectionality;

2. The importance of context in interpreting bias indicators;

3. Ethical and other considerations about the risks of adopting bias indicators.

**Please read these sections carefully before reading (and using) our lists of bias indicators.**

## 4.1. Intersectionality

In the following sections, we will present both general and specific bias indicators. General bias indicators are meant to generically apply to any hate crime, which might target any community or identity. Specific bias indicators are group-specific and provide concrete examples that practitioners can use to identify hate crimes motivated by hatred toward specific communities or identities, for example, anti-Muslim or anti-Jewish hate.

Although we present our specific bias indicators grouped around discrete identities (e.g., religious identities, racial identities,

gender identities, sexual orientation, disability), we do not want to imply that:

1. These are the only communities that are targeted by hate in Australia (or elsewhere), or;

2. An incident can only be motivated by bias towards one identity.

It is very important to clarify that our lists of community specific bias indicators are *examples*, and the lists should be used as a *guide* to assess hate crimes against all identities and communities that are targeted by hatred.

Importantly, many of the identities described in our lists may overlap in the perceptions of perpetrators and the wider public. For example, anti-Hindu and anti-Asian hate, anti-Muslim and anti-Arab hate, anti-Black and anti-Indigenous hate, may often overlap in real incidents. Often, people are mistakenly *perceived* to belong to a certain group, and therefore they are targeted by haters. For example, Sikh men wearing a turban are often targeted by Islamophobic perpetrators who believe them to be Muslim. It is important to remember that hate perpetrators attack on the basis of perceived identities, and they often wrongly conflate target identities (e.g., many Islamophobic haters believe that "Arabs are all Muslims", which is of course, factually incorrect. Similar examples include the conflation of 'Asian' and 'Chinese' identities in the context of COVID-19 fuelled hate).

Moreover, it is very much possible for one incident to be coded using multiple bias indicators. For example, in a case where a victim is Black, Muslim, and female, the perpetrator's perception of her is necessarily intersectional, so it is highly likely that multiple biases will be at play (Perry 2014). In this case, this could be because she is easily identified as a black Muslim woman, and hence an incident targeting her may be motivated by more than one kind of bias.

When determining if a crime is bias-motivated, the intersection of the different identities of the victim should be considered. Although the lists presented within this report are based on (singular) identity-specific circumstances, this is for simplicity of navigation. Different lists may apply to one incident, as in the example

above, and the lists are intended to be used in combination and dialogue with each other.

## 4.2. The importance of context in interpreting bias indicators

In many instances, bias indicators are visible during or immediately after the incident. Our research indicates that this is most likely to happen with hate crimes against certain perceived identities such as racial or religious minoritised groups, when the offender is unknown to the target. An example can be the case of a group of offenders assaulting an identifiable Muslim person wearing religious garment in the street (e.g., a Muslim woman wearing a hijab). In these cases, the offenders often refer to the victims' religion during the incident using slurs or threatening language.

In cases of hate crime motivated by a hateful ideology (e.g., white supremacism), the biased intent of the offender may also be found in the wider context surrounding an incident (before and/or after the incident itself). For example, the offenders' social media activity might denote a belief in certain hateful ideologies, for instance, promoting content from far-right or white-supremacist organisations.

In many hate crimes there is a lack of evidence. In these cases, there are no clear-cut and explicit bias indicators. When a victim or witness perceive that a crime was motivated by bias, but there is no other evidence, we propose that it is important to take into consideration contextual elements such as:

› Where perpetrators are in a position of duty to care (e.g., police, health workers). For ordinary citizens in a 'neutral' situation, there is moral obligation to simply avoid harming others. Those in a duty of care situation, are held to a higher moral standard to not only pose no harm, but are obligated to actively care for others. Thus, causing harm in duty of care situations is a stronger transgression of the perpetrator's obligations and responsibilities. An example can be a nurse sexually harassing and assaulting patients living with a disability.

» *This can become difficult in cases that are very clear abuses of power, but not so clearly 'hateful' on the basis of a group identity. This means that other bias indicators also need to be carefully considered.*

› If there was an unusual level of violence/brutality or sexual violence associated with an attack. The attack may be deemed hateful especially if the violence concentrated on areas of the body that are particularly relevant to the target identity. (e.g., for hate incidents targeting gender, sex, or sexuality—sexualised/gendered areas of the body).

› The victim or the victim's organisation recently received threats or other forms of intimidation (e.g., online hate, phone calls).

› The incident occurred in an environment where the victim was particularly outnumbered as a member of their identity group. For instance, a person of colour in a largely white neighbourhood, an older person in a younger workplace, an LGBTIQA+ person in a straight bar.

» *This can also be extended to the idea that some environments may be more historically and normatively white, heteronormative, Judeo-Christian, masculine, than others, by virtue of their cultural history, in addition to their present demographics.*

› The victim particularly isolated, weak, or vulnerable in some way.

› The perpetrator was part of a group; particularly where group members may share a group identity.

» Where group members were condoning and encouraging the main offender(s), filming an assault on their mobile phones, etc.

› The perpetrator demonstrates sympathy for conspiracy-type beliefs and ideologies and/or combative

worldviews (e.g., in the court proceeding or on social media). For instance, suggesting that racism is a hoax, denying historical events (such as the history and genocidal treatment of Indigenous and Torres Strait Islander people, Australian colonialism, the Holocaust, etc.), viewing women as 'out to get' men, or believing in anti-men, anti-white type agendas, the "homosexual agenda", etc.

By themselves, some of these elements might not be enough to substantiate a bias motivation in court. However, if presented in conjunction with other elements and accompanied with testimonies, they might provide important evidence that warrants collection by government and non-government agencies collecting hate crime reports.

Our research suggests that an unrecognised hate element is most likely to be the case when hate crimes target people living with a disability, women, or gender diverse people, and when there is a relationship between the parties involved. Some of these cases have been defined as 'mate crimes' (Thomas 2011) or 'hate relationships' (Macdonald et al. 2021), and they elude many mainstream approaches used to identify a hate motivation.

## 4.3. Ethical and other considerations

There are important ethical considerations that readers and users of this report should keep in mind.

Firstly, it is important to highlight that bias indicators are not a tool that should be used to decide whether an incident is hate motivated or not. The absence of a bias indicator does not mean that an incident is not hate motivated. The presence of one or more bias indicators also does not mean that an incident is bias motivated. The presence of bias is a verdict that a judge will need to make in court, after an investigation. Bias indicators are a tool that should be used by the agencies receiving hate incident reports to collect all available evidence to support a claim that an incident was hate motivated. Hence, bias indicators are not only a tool for law enforcement to categorise incidents as

hate motivated, but are instead useful as an evidence-collecting tool.

Secondly, we do not suggest that all criticism directed toward the politics of different identity groups should automatically be considered a hate incident. It is outside the scope of this report to define the distinction between legitimate criticism and hateful speech. Importantly, we do not believe that it is the duty of the organisation receiving this report to make a decision as to whether an incident is hate motivated or a legitimate expression of free speech. We believe that the model adopted in the United Kingdom, where all incidents in which a witness or a victim believes the incident to be motivated by prejudice are recorded (Giannasi, 2014), would be beneficial in the Australian context.

Thirdly, this report has not been developed as a strict and comprehensive manual but rather as a dynamic document containing lists that are open to further development and discussion by its users. The lists are not exhaustive and should not be considered as such. As a dynamic document, the lists can be expanded upon at any time, especially with changes to social contexts and the transient nature of the online world. If a victim or a witness suggests that evidence of bias emerges from an indicator that is not listed in this report, it should be recorded. No evidence should be dismissed because it is not currently present in the lists that are presented in this report. This is of the utmost importance, considering that a failure to acknowledge or take seriously a victim's experiences can compound the marginalisation and disempowerment effects of the hate incident itself (Bryan and Trickett 2021). Conversely, recording and recognising victim reports of hate incidents can have powerful positive effects for victims and their communities.

Finally, the bias indicators list itself may provoke unwanted feelings from readers, both within the community and outside the community in each specific list. This list highlights some of the common insults and vitriol used against different communities, and hence should be read with caution.

# Part 2: Bias indicators lists

This section comprises two main parts: a general bias indicators list; and several group-specific bias indicators:

**Note on Intersectionality**

Generally, a hate incident is defined as an incident where there is reasonable cause to believe that the perpetrator was motivated (at least in part) by a hatred of some aspect of the victim's identity. Therefore, the following indicator lists refer to 'identity' or identity group as a central element of hate incidents.

'Identity' can be racial, cultural, religious, gender, or sexual; or, related to (dis)ability or age. Importantly, victims may often belong to **more than one** identity group— and perpetrators may target multiple, or "intersectional" aspects of their identities. Some examples can include, **but are not limited to**: gender and race, or religion-race-gender, or disability-gender-sexuality, and many more. This is important to keep in mind when searching for bias indicators.

# General bias indicators list

This general bias indicators list has been developed in response to feedback received from participants in our practitioner workshop. It was recommended that these be developed such that they may be used in conjunction with group-specific bias indicators. The general list can also be used as a quick-reference by users before consideration of group-specific bias indicators. As with the rest of the document, users of the general bias indicator lists should remain aware that these are not exhaustive scenarios or incidents.

## The victim(s)

› Was the victim identifiable, or likely to be perceived, as someone of a particular identity group? (Especially minority identities). Some examples may include, but are not limited to:

» Visibly identifiable? Appearance, clothing, etc.

» Audibly identifiable? Accent, speaking a language other than English, etc.

» Contextually identifiable? Eating/cooking food associated with a certain socio-cultural group, seen at a venue associated with a certain group, etc.

» Other?

› In incidents where the victim is known: Is it likely the perpetrator knew that the victim was of a particular identity?

› Was the victim in some way affiliated with a particular identity group or community?

› Was the victim a prominent figure known for their work with a particular identity group or community?

## The perpetrator(s)' actions

› Did the perpetrator refer to the victim's identity?

› Were slurs used to target the victim's identity? *Note that slurs/hate speech may target multiple aspects of identity.*

› Did the perpetrator(s) draw on stereotypes of the victim's identity group?

› Did the perpetrator(s) vilify or insult the victim's identity group?

› Did the perpetrator suggest that the victim does not belong in Australia, or in a specific place?

› Did the perpetrator deny services or opportunities to the victim?

› In religious incidents: Did the perpetrator engage in religious desecration?

› Did the perpetrator blame or scapegoat the victim's identity group for social/economic problems?

› Were hateful symbols or ideologies involved? *This can include **but is not limited to:** language or symbols from organisations which promote white supremacist, far-right, nationalist, misogynistic or 'incel' ideologies, or other organisations which promote hatred toward certain groups.*

› In a case of violence: did the violence involve racist symbols, chants, comments or pejoratives, etc.?

› In the case of property damage: did the property damage involve deployment of racist slurs?

› Did the perpetrator threaten the victim?

› Did the perpetrator use physical force or violence (including sexual violence)?

› Was there cruelty, humiliation, and degrading treatment, potentially related to the nature of the victim's identity? *E.g., In the case of victims targeted for gender or sexual identity, targeting sex organs with (sexual) violence; or, in the case of a victims with a disability, blindfolding someone who is profoundly deaf, destroying mobility aids of someone who has mobility assistance, etc.)*

## The context

› Did the incident occur at a time/place of significance to the victim's socio-cultural group or identity?

› Did the incident occur near an area or institution associated with (formally or informally) the victim's identity group or community?

› Did the incident occur at a time of significance to the victim's socio-cultural group or identity?

› Did the incident occur at a time when the victim's socio-cultural group had been featured in the media or public debate?

› Did the incident occur at a place/place of significance to Australia's national identity?

› Did the incident occur at a time/place of significance to the perpetrator's national, cultural, or religious identity?

› Did the incident happen in a place/time where previous events have occurred?

› Are there any indications that the incident was linked to a hateful organisation or ideology?

## The context: perpetrator background

> This is especially relevant for incidents which lack other bias indicators/evidence. This may be particularly the case for incidents which target people with disabilities, older people, and women, as these incidents may often occur in private.

› Was the perpetrator(s) in a position of trust/closeness to the victim?

› Were there other perpetrators are involved? *(Especially if they were condoning and encouraging the main offender(s); filming on their mobile phones etc.)*

› Was the perpetrator involved in previous incidents?

» E.g. financial or sexual exploitation; using or selling the victim's medication; taking over the victim's accommodation.

› Was there a pattern of opportunistic criminal offending? Was there systematic, regular targeting, either of the individual victim or of their family/friends, or of other people with similar identities?

› Do the incidents escalate in severity and frequency?

› Are there indications that the perpetrator sympathised with any hateful organisations or ideologies? (E.g., in statements, social media content, etc.)

› Does the perpetrator have a history of committing this type of offence?

› Does the perpetrator have an online presence that could be considered influential in their committal of the attack? For example, are they active in alt-right movements and online forums?

› Has the perpetrator expressed feelings of disdain for the particular group the victim is member of in an online forum? Or, related groups?

# Group-specific bias indicators lists

These group-specific bias indicators lists have been developed considering hate incidents that are prevalent within the Australian context. In this instance, these are not exhaustive lists of group-specific bias indicators, and nor are the communities mentioned.

Bias or hate-motivated crimes can occur in communities outside those listed below. In compiling these lists, we focused on communities in Australia which are most victimised. In the Australian context, this represents a range of bias or hate motivation, from religion, to race and ethnicity, gender, and sexuality. Religion, race, and ethnicity are pertinent to the Australian context of bias and hate motivated crime, where politicisation of immigrant and First Nations people is near constant. In finalising these lists, we sought feedback from a range of experts and practitioners in the field, as highlighted in the methodology section.

Here we provide examples of indicators focusing on the characteristics of hate crimes and hate incidents against specific communities that appear in the literature. For example, we included more examples of contextual elements in lists related to people with disabilities, older people and women because the literature emphasises that hate incidents targeting these groups tend to occur in private, by known perpetrators, and are often lacking in explicit bias indicators.

Once more: **these lists are not exhaustive**. They are designed to offer examples of indicators that might (or might not) be found in hate incidents against specific groups. Our lists are adaptable, that is, often bias indicators in one list can be applied to other group-specific lists.

# 1. Religion specific bias indicators

Perceived religious differences between perpetrator(s) and victim(s) can be a bias indicator. In assessing this, consideration of the victim(s) visibility as a member of a certain religious group (such as a Muslim woman wearing a hijab, or Jewish man wearing the kippah) can act as religious identifiers.

> Note: The section on 'Racist and Xenophobic Hate Incidents' should also be considered, as Islamophobic hate incidents may often have racist and xenophobic attitudes.

## 1a. Islamophobic hate incidents

**The victim(s)**

› Was the victim visibly identifiable as Muslim (or perceived as such)?

  » E.g. Were they a woman wearing a hijab, niqab, or other form of head covering?

  » Was the victim a Muslim community leader, imam or a human rights defender dealing with the protection and safety of Muslims?

  » Was the victim perceived to be of 'Arab' ethnicity/race, that may have been conflated with being Muslim?

› Was the victim engaged in activities organised by the Islamic community, or an organisation that could be perceived as being linked to the Islamic community at the time of the incident?

**The perpetrator(s)' actions:**

› Did the perpetrator refer to Muslims or Islam?

› Did the perpetrator(s) attempt to vilify Muslim people:

  » By conflating them with terrorists?

  » By suggesting that Muslim men are abusive towards women?

  » By suggesting that Islam is violent/backwards/oppressive?

  » For misogynistic/Islamophobic crossover: by suggesting that Muslim women are ignorant/submissive etc.?

› Were anti-Muslim speech or symbols involved, such as references to:

  » 9/11: this is an anti-Muslim hate graffiti symbol which is used to associate Muslims with terrorism.

  » Crusade Cross: this symbol is also spray-painted in the form of graffiti during attacks on property owned by Muslim people, especially mosques.

  » Southern Cross, Australian flag, Eureka flag, and other symbols associated with far-right/nationalist/white supremacist ideologies.

› Did the perpetrator insult the victim(s)' God?

› Did the perpetrator engage in religious desecration?

» Desecrating a religiously important item, such as a copy of the Quran

» Was an object offensive to Muslims (e.g., pork) left at the scene?

› Mixed motives: were racial or xenophobic slurs used targeting "Arabs", people from the Middle East, refugees, or migrants? (See the racist and xenophobic hate incident section for more details):

» This can include anti-refugee or anti-migrant views in the Australian context, such as that refugees are "dole-bludgers", or trying to take advantage of Australian people or institutions in some way.

### The context

› Was the target a Mosque, Muslim cemetery or section of a cemetery, Islamic cultural centre, school/madrasa, monument to a Muslim personality?

› Did the incident take place during an Islamic religious holiday, Friday prayers or on the anniversary of some terrorist attack, in particular 9/11? Did the incident take place in the aftermath of an attack attributed to a Muslim perpetrator?

› Are there any indications that the incident was linked to a far-right organisation or ideology? (E.g., symbols, slogans).

### The context: perpetrator background

› Are there indications that the perpetrator sympathised with far-right organisations or ideologies? (E.g., social media content).

› Does the perpetrator have a history of violence towards Muslim people? For example, have they been involved in committing offences towards Muslim people in the past?

› Does the perpetrator have a history of hatred towards Muslim people? For example, have they expressed Islamophobic sentiments for a period of time?

› Has the perpetrator offered support in various forms including financial assistance to far-right organisations or political parties?

## 1b. Antisemitic hate incidents:

### The victim(s)

› Was the victim visibly identifiable as a Jewish person?

» Was the victim wearing garments associated with Judaism? E.g., a *kippah/ yarmulke*, jewellery with the Star of David, Hebrew writing, the Israeli flag, traditional Jewish Orthodox clothing?

» Was the victim in a group with other Jewish people (or people who might be perceived as such), at the time of the incident?

» Was the victim a prominent figure who was known for their Jewish identity?

› Was the victim engaged in activities organised by the Jewish community, or an organisation that could be perceived as being linked to Israel or the Jewish community at the time of the incident?

### The perpetrator(s)' actions

> Did the perpetrator refer to Jews, Israel, the Holocaust, and/or the Israeli-Palestinian conflict?

> Were antisemitic slurs or stereotypes involved? E.g. Suggesting that Jews are rich or greedy?

> Were symbols, such as the Star of David or Nazi-era symbols, such as the Swastika, left at the scene of the incident?

> Did the perpetrator insult the victim's God?

> Did the perpetrator engage in religious desecration?

>> Targeting an object of religious or cultural significance to Jews, such as a Menorah?

>> Was an object offensive to Jews (e.g., bacon) left at the scene?

> Were objects or symbols involved, that suggest the incident was connected to a neo-Nazi or another extremist nationalist or far-right organisation? (E.g., symbols, slogans)

> Did the offender use behaviour associated with membership in a hate organisation, such as using Nazi salutes, shouting Nazi slogans, or making statements that deny or trivialise the Holocaust?

### The context

> Did the incident occur around a time of religious significance, such as:

>> The eve of *Shabbat*, i.e., on Friday evening, when members of the Jewish community are on their way to prayer?

>> Religious holidays (*Yom Kippur, Rosh Hashana, Pesach,* etc.).

>> Holocaust Memorial Days, such as Yom Hashoah, 27 January, 19 April or 9 November.

>> The anniversary of a pogrom of local or national significance.

> Did the incident occur near a location associated with Jews? E.g., at a synagogue, Jewish school or community building, Israeli Embassy, or Jewish neighbourhood.

> Have there been other antisemitic incidents in the same area?

### The context: perpetrator background

> Are there any indications that the perpetrator sympathised with neo-Nazi, extremist nationalist or other far-right organisations or ideologies? (E.g., social media content).

> Does the perpetrator have a history of violence towards or legal offences committed against Jewish people?

> Does the perpetrator have a history of hatred towards Jewish people? For example, have they expressed antisemitic sentiments for a period of time?

> Has the perpetrator offered support in various forms including financial assistance to far-right organisations or political parties?

## 1c. Anti-Hindu hate incidents

### The victim(s)

› Was the victim visibly identifiable as a Hindu, or perceived as such?

  » Were they a man wearing traditional Hindu dress?

  » Was the victim a woman wearing a sari or other traditional dress?

  » Was the victim perceived to be of 'Indian' ethnicity OR a race that may have been conflated with being Hindu?

› Was the victim engaged in activities organised by the Hindu community, or an organisation that could be perceived as being linked to the Hindu community at the time of the incident?

### The perpetrator(s)' actions

› Did the perpetrator refer to Hindus or Indians (by stereotyping all Hindus as Indian)?

› Did the perpetrator(s) attempt to vilify Hindu people:

  » By suggesting Hinduism is 'backwards' or oppressive?

  » By suggesting that Hindu men are abusive towards women?

  » By displaying ephemera offensive to Hindus, including the harming of cows?

› Were anti-Hindu speech or symbols involved such as:

  » Using or enacting symbols that have historically been used to attack Hindus, such as killing cows?

› Did the perpetrator engage in religious desecration, such as desecrating Hindu iconography.

› Mixed-motives: were racial or xenophobic slurs used targeting 'Indians', people from the Indian sub-continent, refugees, immigrants or international students?

### The context

› Was the target a temple, Hindu cemetery, Hindu cultural centre or school?

› Did the incident take place during a Hindu religious holiday or festival or on the anniversary of a violent attack towards Hindus?

› Are there any indications that the incident was linked to a far-right extremist organisation or ideology?

### The context: perpetrator background

› Are there any indications that the perpetrator sympathised with far-right organisations or ideologies? (E.g., social media content).

› Are there any indications that the incident was linked to a far-right extremist organisation or ideology?

› Does the perpetrator have a history of violence towards or offences against Hindu people?

› Does the perpetrator have a history of hatred towards Hindu people?

## 2: Race and xenophobia specific bias indicators

Ethnic differences between victim(s) and perpetrator(s) can also be bias indicators. The presence of xenophobic comments made by the perpetrator(s) before, during, and/or after the attack can be considered a bias indicator in the assessment of the indicator.

### 2a.  Hate incidents targeting Asian Australians, or anti-Asian hate

This includes people who are (or who are perceived to be) of East, Southeast, and South Asian heritage.

**The victim(s)**

> Was the victim of Asian appearance (or likely to be perceived as such)?

> Was the victim an international student?

> Did the victim have an accent, or were they speaking a language other than English?

> Was the victim dressed in a style associated with an Asian culture(s) (e.g., salwar kameez, sari, etc.)

>> Was the victim wearing religious garments that may be associated/conflated with certain Asian cultures? E.g., a Turban —where relevant, see section on Religion

> Was the victim a prominent figure (such as a sportsperson, artist or politician), who was known for their specific race, ethnicity, or national identity?

> Was the victim a prominent figure known for activist work in anti-racism, or other work in Asian communities?

**The perpetrator(s)' actions**

> Did the perpetrator refer to the victim's race or cultural background?

> Did the perpetrator use racist slurs? E.g., "ching chong", "China virus", "curry", etc.

> Did the perpetrator draw on negative stereotypes of Asian people? E.g., stereotypes with negative associations related to vocational occupations and dietary habits such as references to 'eating bats', corrupt governments, insinuating that all South Asian or 'Indian' people are scammers/work in call centres, or that Asian cultures are inferior or "backward".

> Intersectional crossover with gender/sexism/misogyny: Did the perpetrator draw on gendered, racialised stereotypes? E.g., that Asian women are submissive or weak; that Asian men are effeminate or unattractive, etc.

> Did the perpetrator engage in colourism and/or biologically-framed racism? I.e., Did they insinuate that people with darker skin are inferior to people with lighter skin?

> Did the perpetrator deny services (e.g., entry to venue) or opportunities (e.g., in the workplace) to the victim?

> Did the perpetrator use the victim/racial group as a scapegoat? E.g., attacks on Asian Australians blaming them for COVID-19, or for 'stealing the jobs' of other people in Australia.

› Were objects or symbols involved, that suggest the incident was connected to an extremist nationalist or far-right organisation? E.g., Southern Cross, Swastika, Eureka flag, Australian flag, etc.

› In cases of violence, did the violence use racist symbols, chants, comments or pejoratives, etc.? In the case of property damage, did the property damage involve the deployment of racist slurs?

### The context

› Did the incident occur around a time/event of significance to Asian cultural communities? E.g., Lunar New Year, Diwali, etc.

› Did the incident occur at a time when Asian communities and/or countries were featured negatively in the media? E.g., Blaming of China and "Asians" more broadly for COVID-19 in 2020, and of India/Indian people in 2021 with the Delta variant; political tensions between Australia and China; etc.

› Did the incident occur near an area or institution associated with Asian communities? E.g., Chinatown, a temple, an embassy, a suburb, or a restaurant.

### The context: perpetrator background

› Are there any indications the perpetrator sympathised with far-right or white supremacist ideologies or organisations? (e.g., social media content)

› Does the perpetrator have a history of violence towards Asian people?

› Does the perpetrator have a history of hatred towards Asian people?

## 2b. Hate incidents targeting African Australians, or anti-black hate

### The victim(s)

› Was the victim of African appearance (or likely to be perceived as such)?

› Did the victim have an accent, or were they speaking a language other than English?

› Was the victim dressed in a style associated with an African culture(s)?

   » If they were wearing religious garments (e.g., a hijab), also see section on Religion

› Was the victim a prominent figure (such as a sportsperson, artist or politician), known for their specific ethnicity, cultural background, or national identity?

› Was the victim a prominent figure known for activist work in anti-racism, the Black Lives Matter social movement, or their work in African communities?

### The perpetrator(s)' actions

› Did the perpetrator refer to the victim's race or cultural background?

› Did the perpetrator use racist slurs? E.g., "N*****", etc.

› Did the perpetrator draw on negative stereotypes of African people? E.g., suggesting that African cultures are inferior or 'backwards', referring to corrupt

governments, "African gangs", or suggesting people of African appearance are likely to be violent or criminal.

› Intersectional crossover with gender/sexism/misogyny: did the perpetrator draw on gendered, racialised stereotypes? E.g., that African women are sexually promiscuous and young mothers; that African men are violent and sexually predatory.

› Did the perpetrator engage in colourism and/or biologically-framed racism? I.e., did they infer that people with darker skin are inferior to people with lighter skin?

› Did the perpetrator deny services or opportunities to the victim? This may not constitute a hate incident by itself but can constitute part of one.

› Did the perpetrator use the victim/racial group as a scapegoat? E.g., attacks on African Australians blaming them for crime, or for depriving others in Australian of employment.

› Were objects or symbols involved, that suggest the incident was connected to an extremist nationalist or far-right organisation? E.g., the Southern Cross, Swastika, Australian flag, etc.

› In cases of violence, did the violence involve racist symbols, chants, comments or pejoratives, etc.? In cases of property damage, did the property damage involve the deployment of racist slurs?

### The context

› Did the incident occur around a time/event of significance to African cultural communities? Or a time of political significance for African and Black communities? E.g., the Black Lives Matter movement and associated protests.

› Did the incident occur at a time when African communities and/or countries were featuring negatively in the media? E.g., media panic about "African gangs", the Ebola virus, etc.

› Did the incident occur near an area or institution associated with African communities? E.g., suburbs with a significant African community presence, a church, or local area.

### The context: perpetrator background

› Are there indicators that the perpetrator sympathised with far-right organisations or ideologies (e.g., social media content)

› Are there indicators that the perpetrator has been involved with far-right organisations and ideologies?

› Does the perpetrator have a history of violence towards or offences against African and/or Black people?

› Does the perpetrator have a history of hatred towards African and/or Black people?

## 2c. Hate incidents targeting refugees and immigrants

**The victim(s)**

> Was the perpetrator aware of the victim's migrant/refugee background, or visa status?

> Were there any indicators that would lead the perpetrator to perceive the victim as a (recent) migrant or refugee?

>> Did they have an accent, or were they less proficient in English?

>> Were they speaking a language other than English?

> Was the victim a prominent figure known for their pro-immigration stance, or activist work in the areas of migration services or multicultural communities?

**The perpetrator(s)' actions**

> Did the perpetrator insult, mock, or dismiss the victim based on their accent/English language proficiency?

> Did the perpetrator suggest that the victim and/or migrants in general do not belong in Australia? E.g., "get out of my country" type remarks.

>> Or, that they don't belong in a specific context? E.g., workplace, school, entertainment venue, etc.

>> Did the perpetrator suggest they are not 'real Australians', or have not "earned" their right to live/work in Australia.

> Did the perpetrator draw on negative stereotypes of migrants or refugees? E.g.,

>> Accusing migrants of "stealing jobs", undeservedly receiving government payments, or generally abusing Australian "hospitality" and Australia more broadly.

>> Calling refugees and/or migrants "dole bludgers", "queue jumpers", "illegal", etc.

>> Suggesting they migrants under-educated or ignorant.

> Did the perpetrator deny services or opportunities to the victim? This may not constitute a hate incident by itself but can constitute part of one.

> Were objects or symbols involved, that suggest the incident was connected to an extremist nationalist or far-right organisation? E.g., Southern Cross, Swastika, Australian flag, etc.

> In case of violence, did the violence involve the use of xenophobic symbols, chants, comments or pejoratives, etc.?

**The context**

> Did the incident occur around a time/event of significance to Australian national identities? E.g., Australia Day, ANZAC Day, Intercultural/Multicultural festivals, etc.

> Did the incident occur around a time of political significance surrounding regular and irregular migration policies or similar?

> Was the target associated with accommodating or providing services for migrants/refugees/asylum seekers, such as a shelter?

> Did the incidents occur near an area associated with migrants and/or refugees, such as public housing? (There may also be classist elements to such attacks, but this may not be clearly demonstrable).

### The context: perpetrator background

> Are there indications that the perpetrator demonstrated sympathy with far-right organisations or ideologies? (e.g., social media content)

> Are there indications that the perpetrator associated with far-right organisations or ideologies?

> Does the perpetrator have a history of violence towards refugees and/or asylum seekers? For example, have they been involved in committing offences towards Muslim people in the past?

> Does the perpetrator have a history of expressing hatred towards refugees and/or asylum seekers? For example, have they expressed these sentiments for a period of time?

## 3. Aboriginal and Torres Strait Islander peoples specific bias indicators

While this list may have some overlap with the previous section on racism and xenophobia, there are also significant differences and nuances, due to the distinct historical, socio-cultural, socio-geographic, and political positioning of Aboriginal and Torres Strait Islander peoples in Australia. In crimes perpetrated against Aboriginal and Torres Strait Islander peoples, it is important to consider the Australian context of settler-colonialism and discrimination towards Aboriginal and Torres Strait Islander peoples. In particular, the ongoing legacy of racist policies, and stereotypes of First Nations peoples can discourage victims from voicing their concerns, and ultimately, incidents of hate-related crimes may go unreported by the victim(s). Contextual understanding of the Australian landscape, vis-à-vis poverty, increased criminalisation, and racism towards First Nations peoples might contribute to the identification of a hate motive: the existence of stereotypes and prejudice against First Nations can range from association of Aboriginal and Torres Strait Islander peoples with increased criminality, to bias based on perceived Aboriginality (such as being light-skinned, and hence "not Aboriginal or Torres Strait Islander"). It is important that agencies receiving reports from First Nations peoples should be aware of their own prejudices.

### The victim(s)

› Was the victim visible as an Aboriginal or Torres Strait Islander person (in the eyes of the perpetrator)?

  » Was the victim wearing garments associated with Aboriginal and Torres Strait Islander peoples, and/or activism supporting Aboriginal and Torres Strait Islander communities? E.g., the Aboriginal flag.

  » Was the victim in a group with other Aboriginal or Torres Strait Islander peoples and their communities (or people who might be perceived as such)?

  » Was the victim a prominent figure (such as a sportsperson, artist or politician), who was known for their Aboriginal or Torres Strait Islander identity?

› Was the victim a prominent figure known for activist work in support of Aboriginal and Torres Strait Islanders? (The victim may not be Aboriginal or Torres Strait Islander themselves).

### The perpetrator(s) actions

› Did the perpetrator(s) stereotype the victim and/or other Aboriginal and Torres Strait Islander people at large, by describing them as homogeneous and/or inferior?

  » Did the perpetrator use racial slurs? E.g., "N*****", "Abo", "darkie", "boong", "coon", etc.

  » Did the perpetrator stereotype or vilify Aboriginal or Torres Strait Islander people?

  » Did the perpetrator engage in colourism and/or biologically-framed racism? I.e., did they suggest or state that people with darker skin are in some way inferior to people with lighter skin? (This can occur within, as well as across, ethnic groups). Conversely, did the perpetrator dismiss the victims' Aboriginality based on their skin colour?

› Did the perpetrator engage with negative stereotypes about Aboriginal and Torres Strait Islander culture and community, and its place in Australian society?

» Did the perpetrator mock or dismiss Aboriginal and Torres Strait Islander culture? E.g., mocking/mimicking accents or traditional dances, and devaluing cultural history and/or traditions generally.

» Did the perpetrator employ negative stereotypes about Aboriginal and Torres Strait Islander people? For example, associating Aboriginal and Torres Strait Islander identities with:

- Alcoholism
- Violence and domestic violence
- Poverty
- Under-education or ignorance
- 'Dole-bludging', dishonesty, and "draining" or taking advantage of 'the system'
- Fun-spoiling and complaining (e.g., dismissing their historical and ongoing oppression, suggesting they should just "get over" it).
- Unemployment or laziness

» Did the perpetrator refer to stereotypes about Aboriginal and Torres Strait Islander families? E.g.,

- References to the Stolen Generations
- References to family violence, bad or absent parents, etc.

» Intersectional crossover with gender/sexism/misogyny: did the perpetrator draw on gendered, racialised stereotypes or slurs? E.g., that Aboriginal and Torres Strait Islander women are sexually promiscuous, single mothers, etc.; that men are abusive, bad role models, etc.

› Did the perpetrator suggest that the victim not belong, or is not entitled to the same rights as others in a specific context? E.g., workplace, school, entertainment venue, etc.

› Did the perpetrator suggest that the victim has not "earned" certain positions or rights? E.g., access to government assistance payments, scholarships, and affirmative action processes.

› Did the perpetrator deny services (e.g., entry to a venue) or opportunities (e.g., in the workplace) to the victim?

› Were objects or symbols involved, that suggest the incident was connected to an extremist nationalist or far-right organisation? E.g., Southern Cross, Australian flag, etc.

### The context

› Did the incident occur around Australia Day, or another time/event of significance to (white) Australian national identity, and/or Aboriginal and Torres Strait Islander identity?

› Did the incident occur near an area or institution identified with Aboriginal and Torres Strait Islanders, especially with activism around Aboriginal and Torres Strait Islander justice/rights/causes?

### The context: perpetrator background

› Are there any indications the perpetrator sympathised with far-right, nationalist, or white supremacist ideologies or organisations? (E.g., social media content).

› Are there indications that the perpetrator was associated with far-right organisations or ideologies?

› Does the perpetrator have a history of violence towards Aboriginal and Torres Strait Islander people? For example, have they been involved in committing offences towards Aboriginal and Torres Strait Islander people in the past?

› Does the perpetrator have a history of hatred towards Aboriginal and Torres Straight Islander people? For example, have they expressed these sentiments for a period of time?

# 4: Sexual and gender identity specific bias indicators

Differences in sex and gender identity between perpetrator(s) and victim(s) can be a bias indicator. As with other bias indicators, victim(s) who are easily identifiable as a member of a certain group may be more likely to be targeted by perpetrator(s). This can include members of the LGBTIQA+ community displaying rainbow flags (either by wearing them, or displaying them as decoration), or attendance at festivals or nightclubs. In addition, LGBTIQA+ allies could be victim(s) for displaying visible support of the community in similar ways.

## 4a. Hate incidents targeting sexual identity/orientation

This group includes people who identify as, or are perceived as lesbian, gay, bisexual, pansexual, asexual, or another sexuality that is not heterosexual or straight. It may also include queer identities or LGBTIQA* identities more broadly — this identification does not necessarily but may overlap with a non-binary gender identity category as well.

**The victim(s)**

› Was the victim dressed or otherwise presenting a non-heteronormative fashion at the time of the incident? Or was their connection to the LGBTIQA+ community visible?

  » E.g., Was the victim with a same sex partner at the time of the event? Were they showing behaviours affection such as holding hands or kissing?

  » Were they wearing pride or other LGBTIQA+ badges/ribbons/clothing?

› Was the victim engaged in activities promoting LGBTIQA+/rights/services/issues at the time of the incident? Is the victim a public figure who is known as being LGBTIQA+ or for advocating LGBTIQA+ rights?

**The perpetrator(s)' actions**

› Did the perpetrator refer to the perceived sexual orientation of the victim? (This can include non-verbal references like hand gestures).

› Did the perpetrator use homophobic language or terminology such as "faggot", "poofter", "dyke", etc.?

› Did the perpetrator try to vilify the victim and/or LGBTIQA+ people in general? E.g.:

  » Calling them sexual predators or paedophiles.

  » General insults that indicate victims are somehow morally wrong or "unnatural".

  » Accusing LGBTIQA+ people of having an 'agenda'? (e.g., "homosexual agenda" to turn everyone, especially children, into homosexuals).

› Suggesting they aren't a "real" man or woman.

› Did the perpetrator suggest that the victim and/or LGBTIQA+ people in general, do not belong, or are not entitled to the same rights as other people? This can be in general, or in a specific context, e.g., workplace, school, community social event, etc.

› Did the perpetrator deny services (e.g., entry to a venue) or opportunities (e.g., in the workplace) to the victim? This may not constitute a hate incident by itself but can constitute part of one.

› For couples and families especially: did the perpetrator suggest that the victim(s) and/or LGBTIQA + people in general, are not worthy of the same rights as other couples and families? E.g., marriage, being treated as a couple, legal rights.

› For misogynistic/lesbophobic incidents against lesbian, bisexual or queer women especially:

  » Did the (male) perpetrator dismiss their sexual identity e.g., suggest lesbianism isn't a "real" sexuality?

  » Did the perpetrator suggest that sexual intercourse with a man will 'sort out' (i.e., heterosexualise) lesbian, bisexual or queer women?

› Did the perpetrator threaten the victim?

› Did the perpetrator use physical force or violence (including sexual violence)?

### The context

› Did the incident happen at a time of significance for the LGBTIQA+ community?

  » E.g., Pride festival, marriage equality laws being passed, opening of a new LGBTIQA+ bar for the first time in a city?

› Did the incident happen near a significant location for the LGBTIQA+ community?

  » E.g., at an LGBTIQA+ premises/bar/centre, or a place that is known as a meeting place for LGBTIQA+ people. This can include specific locations known for romantic or sexual encounters as well as more general suburbs with high support for LGBTIQA+ communities.

› Did the incident occur at a familiar location or on the anniversary of a previous noteworthy event? Does the perpetrator have a history of committing similar acts?

› Did the incident occur in a strongly heterosexist context? (Heteronormativity or patriarchy are closely interwoven and might be at play in these incidents). E.g., At a male sports club, a 'straight' bar/nightclub, a traditionally 'masculine' or male-dominated workplace, etc.

### The context: perpetrator background

› Are there indications that the perpetrator sympathised with far-right organisations, anti-LGBTIQA+ organisations, or ideologies?

› Has the perpetrator been associated with far-right or anti-LGBTIQA+ organisations or ideologies?

› Does the perpetrator have a history of violence towards LGBTIQA+ people? For example, have they been involved in committing offences against LGBTIQA+ people in the past?

› Does the perpetrator have a history of hatred towards LGBTIQA+ people? For example, have they expressed homophobic sentiments for a period of time?

## 4b. Hate Incidents targeting gender identity

This group can include people who identify as, or who are perceived as, transgender, non-binary, genderfluid, genderqueer, or intersex, and can involve transphobia and other types of prejudice. It may also include queer identities or LGBTIQA* identities more broadly—importantly, this identification may overlap with a sexual identity category as well.

### The victim(s)

› Was the victim visible to the perpetrator as someone with a diverse gender identity? Or was their connection to the LGBTIQA+ community visible?

  » E.g., Was the victim dressed in a way that might be perceived as non-binary, non-traditional or non-conforming?

  » Were they wearing pride or other LGBTIQA+ badges/ribbons/clothing?

› Was the victim engaged in activities promoting LGBTIQA+/rights/services/issues at the time of the incident? Is the victim a public figure known for being LGBTIQA+ or advocating for LGBTIQA+ rights?

### The perpetrator(s)' actions

› Did the perpetrator refer to gender?

  » Did the perpetrator use slurs relating to gender identity? (E.g., "tranny")

*For incidents targeting transgender, non-binary, genderfluid, and genderqueer people especially:*

› Did the perpetrator try to dismiss/invalidate/mock the victim's gender identity?

  » Denying their humanity, or suggesting their gender identity is not "real", etc.

› Did the perpetrator intentionally misrecognise the victim's gender identity? E.g., deadnaming them (using their birth name), using incorrect pronouns?

› Did the perpetrator express transphobic views, or endorse negative stereotypes about transgender people?

  » Excluding transgender people from equal access to public spaces and fearmongering about their potential to undermine gender equality.

  » Associating transgender people with sexual predators or paedophiles.

  » Insinuating that transgender people are morally wrong or "unnatural".

› Did the perpetrator threaten the victim?

› Did the perpetrator use physical force or violence (including sexual violence)?

### The context

› Did the offence happen in a context of gender segregation, or access to gender specific facilities? E.g., public toilets.

› Is there any indication the perpetrator was part of an organisation, network or community (especially social media) with hateful views regarding gender? E.g., TERF (trans-exclusionary radical feminist) communities.

> Did the incident occur in a particularly straight/male/hostile environment? E.g., a male sports group, a non-queer bar/nightclub, a traditionally 'masculine' or male-dominated workplace, etc.

### The context: perpetrator background

> Are there indications that the perpetrator sympathised with far-right organisations, anti-LGBTIQA+ organisations, or ideologies?

> Has the perpetrator been involved with far-right or anti-LGBTIQA+ organisations or ideologies?

> Does the perpetrator have a history of violence towards LGBTIQA+ people? For example, have they been involved in committing offences towards LGBTIQA+ people in the past?

> Does the perpetrator have a history of hatred towards LGBTIQA+ people? For example, have they expressed Islamophobic sentiments for a period of time?

> Was the perpetrator involved in previous incidents of a similar nature?

> Is there any indication the perpetrator was part of an organisation, network or community (especially social media) with hateful views or belief systems related to gender?

# 5: People with disabilities and older people specific bias indicators

Where ability status is concerned, users should take into consideration the role of in/visibility in the incident. It is noted not all disabilities are visible, but the perpetrator may be aware of the ability status status of the victim(s) regardless of its visibility. Likewise, bias may be present in denying the disability of a person based on in/visibility of this characteristic. Visibility of victim(s) should be considered by users in these incidents. In the case of older people, there is often an inherent visibility associated with the victim(s), making them particularly susceptible to hate motivated behaviours.

## 5a. Hate incidents targeting people with disabilities

This group includes people who have, or who are perceived to have, physical, intellectual, or psychological/psychiatric conditions or disabilities.

### The victim(s)

› Was the victim likely to be perceived (by the perpetrator) as a person with a disability?

  » E.g., if the victim's disability was physically visible to an unknown perpetrator, or if the perpetrator was known (acquaintance, friend, carer) and therefore aware of the disability.

› Was the victim a member of any additional minoritised group(s)? (e.g., cultural background, sexuality, gender identity, transgender status, ability status, Aboriginal or Torres Strait Islander background). If yes, check for other relevant bias indicator lists.

### The perpetrator(s)' actions

› Did the perpetrator refer to the victim's disability?

› Did the perpetrator stereotype the victim, portray them as 'Other', or endorse homogenising descriptions of people with different disabilities?

› Did the perpetrator employ negative stereotypes about people with disabilities? E.g., suggesting that they are:

  » "Creepy" (in a sexually predatory and/or paedophilic way).

  » "Gross", or other terms invoking disgust.

  » Incapable, unskilled, or unintelligent e.g., in general, or in the workplace.

  » Inferior, or worth less than people without a disability.

› Did the perpetrator insult or mock the victim based on their disability? E.g., mocking their manner of talking, moving, etc.

› Did the perpetrator suggest that the victim and/or people with disabilities more broadly, do not belong, or are not entitled to the same rights as others in society?

  » Or, did they do so in a specific context? E.g., workplace, school, entertainment venue.

› Did the perpetrator suggest that the victim and/or people with disabilities more broadly, have not "earned" their rights? E.g., to government assistance payments or pensions.

› Did the perpetrator deny services or opportunities (in the workplace) to the victim? (This may not constitute a hate incident by itself, but can constitute part of one).

› Was there cruelty, humiliation, and degrading treatment, potentially related to the nature of the disability? E.g., blindfolding someone who is profoundly deaf, destroying mobility aids etc.

› Did the perpetrator use physical force or violence (including sexual violence)?

### The context

› Was the perpetrator(s) in a position of trust or closeness relative to the victim? e.g., "friends", carers, acquaintances, or neighbours.

› Were there other perpetrators are involved? E.g., condoning and encouraging the main offender(s); filming the incident their mobile phones etc.

› Did a series of incidents escalate in severity and frequency?

### The context: perpetrator background

› Was the perpetrator involved in previous incidents?

 » E.g., financial or sexual exploitation; using or selling the victim's medication; taking over the victim's accommodation.

› Was there a pattern of opportunistic abuse or offending? Was there systematic, regular targeting, either of the individual victim or of their family/friends, or of other people with disabilities?

## 5b. Hate incidents targeting older people

While ageism can also be used against younger people, literature suggests  that most 'hate incidents' related to age would be against older people. However, this hypothesis should be kept in mind and reconsidered if appropriate.

### The victim(s)

› Was the victim an older person? (Did the victim perceive them as such?).

› Was the victim a member of other minoritised groups? (e.g., related to ethnic background, sexuality, gender identity, gender status, disability, Aboriginal or Torres Strait Islander background). If yes, check for intersectional crossover.

› Was the victim visibly vulnerable in some way? E.g., Were they physically frail, did they have a disability, were they isolated?

### The perpetrator(s)' actions

› Did the perpetrator refer to the victim's age?

› Did the perpetrator stereotype, Other, or homogenise older people?

› Did the perpetrator employ negative stereotypes about older people? E.g., suggesting that older people are:

 » "Creepy" (in a sexually predatory and/or paedophilic way).

 » "Gross", or other terms invoking disgust.

» Incapable, unskilled, or unintelligent e.g., in the workplace.

» Physically inferior, e.g., deaf.

» Worth less than younger people.

> Did the perpetrator insult or mock the victim based on their age? E.g.. mocking their way of talking, moving, etc.

» There may be intersectional crossovers here, for instance with sexism, racism and xenophobia, e.g., an older woman with an accent.

> Did the perpetrator suggest that the victim and/or older people more broadly, do not belong, or are not entitled to the same rights as others in society?

» Or in a specific context? E.g., workplace, school, venue.

> Did the perpetrator suggest that the victim and/or older people more broadly, have not "earned" their rights? E.g., to government assistance payments/pensions.

> Did the perpetrator use the victim or older generations as a scapegoat? E.g., for socioeconomic conditions suffered by younger generations.

> Did the perpetrator deny workplace services or opportunities to the victim?

> Was there cruelty, humiliation, degrading treatment?

> Did the perpetrator use physical force or violence (including sexual violence)?

### The context

> Were the perpetrator(s) in a position of trust or closeness to the perpetrator? E.g., "friends", carers, acquaintances, or neighbours.

> Were there other perpetrators are involved? E.g., condoning and encouraging the main offender(s); filming on their mobile phones, etc.

> Has a series of incidents escalated in severity and frequency?

### The context: perpetrator background

> Was the perpetrator involved in previous incidents?

» E.g., financial or sexual exploitation; using or selling the victim's medication; taking over the victim's accommodation.

> Was there a pattern of opportunistic abuse or offending? Was there systematic, regular targeting, either of the individual victim or of their family/friends?

# 6: Women specific bias indicators

Hate incidents against women may include misogynistic or sexist verbal abuse in the street or at home, but also significantly sexual violence, including harassment and assault. It may also include family or partner violence (which can include emotional, physical, or financial violence).

## The victim:

› Was the victim identifiable as a woman?

› Check for other relevant identities that might relate to other bias indicator lists

## The perpetrator(s)' actions

› Did the perpetrator express negative views and/or stereotypes about women?

› Did the perpetrator express hostile and gendered ideological views? These could be misogynistic, sexist, patriarchal, anti-feminist, and/or "incel"-related.

» Did they disparage feminists?

» Did they suggest that men are superior to women in some way?

» Did they comment on the role/place/position of women? This may be in society or in the household.

» Did they suggest that men are physically entitled to women in some way? (Sex, housework/labour).

» Did they objectify women?

## Context

› Was there a pattern of opportunistic abuse or offending? Was there systematic, regular targeting, either of the individual victim or of other women/girls?

› Did the incident occur in a heteronormative and/or patriarchal context? E.g., A male sports group, a bar/nightclub, a traditionally 'masculine' or male-dominated workplace, etc.

› For transphobic incidents especially: did the offence happen in a context of gender segregation? e.g., public toilets.

› Was the perpetrator a man? This is relevant because:

» Male subjects are generally associated with power in patriarchal societies, particularly in cases of sexualised or gendered abuse or assault.

» Men may be more susceptible than other genders to holding misogynistic views—particularly in Australia. Most perpetrators of violence against women are male, which is reflected clearly in gendered violence and domestic violence statistics.

» It is still possible for women and people not identifying as men to hold misogynistic views, particularly if they are live in a patriarchal and/or misogynistic culture (e.g., in a workplace).

› Was the perpetrator in a particular position of power over the victim? E.g., a boss, supervisor, carer, partner on whose income the victim may be dependent.

### The context: perpetrator background

› Is there any indication the perpetrator was part of an organisation, network or community (esp. social media) with hateful or strong views about gender?

» Misogynistic views, gender role ideologies, anti-feminist communities.

» "Incel" groups.

› Was the perpetrator involved in previous incidents of a similar nature?

# 7. Online Hate specific bias indicators

The bias indicator lists have been finalised incorporating feedback from experts and practitioners working in the field of online human rights. They highlighted the need to make bias indicators useful for online hate speech, such that they may be drawn upon in reporting processes of social media apps and websites. It is important to notice that – at the time of writing this report – the approaches to collecting incidents reports in digital platforms vary substantially. For example, some online dating apps, such as Grindr, do not provide the option for victims of hate speech who use the platform to provide detailed information about hateful incidents. This is despite the fact that Grindr's hate speech policy states that hate speech and symbols, and discriminatory or bigoted statements are not allowed.

By comparison, Facebook/Meta have more options for victims to provide detail about hate incidents pertaining to perceived race and ethnicity, nationality, religious affiliation, social caste, sexual orientation, sex or gender identity, disability and disease, or other identity attributes. Gathering this information is important for gaining understanding of reasons as to why a person may be reporting a comment, post, or interaction they found to be harmful or offensive. Through the introduction of more specific measurements for online hate speech indicators, we may also gain greater insight into the frequency and conditions in which communities or groups are being targeted.

### The victim(s)

> Did the victim(s) have an online presence as a member of a particular group?

>> E.g., was the victim an activist, and/or did they engage with online forums for their activism?

>> Was the victim a community leader or human rights defender addressing the safety of a targeted group?

>> Was the victim visibly identifiable from their online profile as a member of a particular cultural or religious group, such as one of the groups listed in the group-specific bias indicators lists?

> Did the victim engage in online events organised by a targeted group, or an organisation that could be perceived as having links to a victimised group? E.g., did the victim attend an online anti-racism forum or participate as a panellist in an online forum?

> Victims of online hate can be an organisation, a group or an individual.

### The perpetrator(s)' actions:

> Did the perpetrator refer to the ethnic, religious, or gender identity of the victim(s)?

> Did the perpetrator attempt to vilify the victim:

>> By making suggestions based on erroneous stereotype? E.g., by suggesting that homosexual men are child abusers.

>> By using racial or ethnic slurs?

> Did the perpetrator use online behaviour associated with membership in a hate organisation?

> Was the perpetrator a member, or former member, of a hate organisation?

>> If so, does the organisation have an online platform, or use online fora to disseminate hate-based information among its members?

> Did the perpetrator publish hate material such as:

- » A video foregrounding their disdain for another person or group of people.
- » A blog post using language associated with membership in a hate organisation.
- » A hateful or abusive social media post (Twitter, Facebook, Instagram, or other).
- › Did the perpetrator use imagery or symbols associated with hate organisations or groups?
  - » E.g., the Swastika, Southern Cross, Eureka flag, 'OK' hand symbol, QAnon imagery, Pepe the Frog, or Black Sun symbol?

### The context

- › Did the incident occur at a time of significance, such as:
  - » During a religious holiday or day of significance.
  - » During the anniversary of a mass killing event or terrorist attack, such as the Christchurch mass shooting in 2019, or on Holocaust Memorial Days, Australia Day, or Black Lives Matter anniversaries.
- › Did the incident occur at a time when the victim's community was featured negatively in the broadcast media?
- › Did the incident occur in the comments section in an online forum relating to discussion of the victims' community group? This might include:
  - » In the comments section of a news article (either on shared social media, or through the platform's own comments section).
  - » In the comments section of a YouTube video.
  - » In any other forum where commentary is permitted by members of the public.
- › Did the incident occur on a website associated with or used by hate organisations?
  - » E.g., on 8Kun or 4Chan.
  - » The 'dark web' of servers hosting political violence, and illicit and politically and commercially sensitive material inaccessible via the 'surface web'.
  - » 'Alt-tech' social media platforms, such as Gab or Parler.
- › Did the incident occur at a time of political significance in other countries?

### The context: perpetrator background

- › Are there indications that the perpetrator sympathised with far-right organisations or ideologies? (E.g., social media content).
- › Are there indications that the perpetrator was associated with far-right or extremist organisations or ideologies?
- › Does the perpetrator have a history of being involved in offline hate incidents?

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