



**HATE
CRIME**

Hate crime in Austria – Annual Report 2021

English Summary of Key points

Vienna, 2022

This English Summary is an abbreviated version of the German Annual Report "Hate Crime in Österreich. Jahresbericht 2021" which was published on 22 July 2022. Both reports and other related publications are available for download on the public website of the Austrian Federal Ministry of the Interior (BMI).

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Summary

Bias-motivated crimes or “hate crimes” are judicially criminal offences that are intentionally committed due to the actual or supposed belonging of a victim to a group that the perpetrator rejects (see Chapter 1). Bias-motivated crimes have stronger repercussions than other crimes do (waves of harm). In addition to the victim, these crimes affect all bearers of the same identity and possibly society as a whole. Thereby, victims of bias-motivated crimes have an increased feeling of insecurity and the willingness to report crimes to the police is often lower than for offences without prejudice motives.

Austria has sufficient legal foundations for the investigation and recognition of hate crime (see Chapter 2). However, in order to meet international standards fully, there was the following need for improvement: Creation of a victim-centred access through the comprehensive identification of prejudice motives and their systematic recognition, targeted education and training of the law enforcement authorities on prejudice crime and the provision of adequate and official data.

For this reason, the BMI worked on improving the systematic recognition of bias motives in criminal charges as part of the two-year EU-co-funded project with scientific support of the Institute for the Sociology of Law and Criminology (IRKS).

During the development phase, four study trips, 17 consultations with civil society organisations and 15 criminal and sociological field interviews were conducted. For training approximately 30,000 police officers nationwide, a comprehensive e-learning seminar was developed and face-to-face trainings were carried out by specially trained multipliers. For more details on this implementation process, please consult chapter 3 of the “Pilot Report – Hate Crime in Austria. English summary of Key points” (2021) that is available for download on the public website of the BMI.

On 1 November 2020, the “Motive” tab was activated in the police data processing system to recognise “bias motives by victim groups”. Since then, the data are transmitted to the judicial system via a specially created interface using “E-Justice”.

The nine categories of prejudice motives are age, disability, gender, skin colour, national/ethnic origin, religion, sexual orientation, social status and ideology/worldview. Bias indicators were formulated for the investigatory work of the police. These indicators are represented by the acronym “ERNST”.

The identification and recognition of bias motives has become an integral part of the work routine of the Austrian police since November 2020.

On 22 July 2022 the annual report 2021 "Hate Crime in Austria" was published by the BMI. As usual with official police criminal statistics, only completed crimes investigations have been included. The key results are:

- From 1 January to 31 December 2021 5,464 bias-motivated crimes were registered by the Police with 6,619 bias motives. Hate crimes can have several prejudice motives, therefore their number exceeds the total sum of prejudice-motivated crimes.
- Across Austria, 61.3 offences with 74.2 prejudice-motivations were documented per 100,000 inhabitants in 2021. That represents a significant increase in police recording compared to the pilot report on the first recording period (22 offences per 100,000 inhabitants from November 2020 to April 2021).
- In absolute numbers, prejudice-motivated crimes were recorded most in the regions Vienna, Upper Austria and Lower Austria. Relative to the resident population, however, prejudice motives were recorded most in Salzburg, Vienna and Upper Austria.
- The criminal clearance rate of 68.8 percent is well above the 2020 official criminal statistic average.
- In 2021, the nine prejudice motives were recorded in descending order as follows: Worldview (2,052), National/Ethnic Origin (1,874), Religion (750), Skin Colour (408), Sexual Orientation (376), Gender (354), Social Status (287), Age (266) and Disability (252).
- The motive "national/ethnic origin" dominated in Hate Crimes against life and limb, freedom, honour and public peace. In contrast, the most frequently documented motive "worldview" predominated in damage to property and violations of the (Anti-Nazi) Prohibition Act.
- Compared to the police crime statistics 2021, the recorded suspects in hate crimes were more often juvenile and male with Austrian citizenship. This fact was particularly noticeable in the case of antisemitic crimes. On the other hand, the proportion of foreign suspects was higher for antichristian and antimuslim crimes and for hate crimes against "gender".
- More than one third of antisemitically motivated "hate crimes" were committed online, especially incitement. In contrast, more than half of all antimuslim prejudice motives were registered in (semi-)public and private spaces. Hostility towards Christians was more frequently expressed in attacks on sacred sites, especially by damage to property.
- The crime scene "internet" was most common for offences against public peace, especially incitement to hatred, as well as for offences against the Prohibition Act.
- In the case of bias-related offences with the motives "worldview" "skin colour", "disability" and "religion", the suspects had mainly indirect contact with the victim groups concerned, as evidenced by predominant shares of offences against the Prohibition Act and incitement to hatred. In contrast, offences with the prejudice motives "national/ethnic origin", "sexual orientation", "gender", "social status" and "age" tended to be committed

in a directly confrontational manner, as evidenced by increased proportions of damage to property, bodily harm, dangerous threats and sexual assaults.

- The category "public space" was counted most frequently for the bias motive "national/ethnic origin". Hate crimes because of "social status" and "sexual orientation" were also predominantly committed in public. The crime scene "private space" occurred most often with the prejudice motives "disability" and "gender".
- One third of the hate crimes for "skin colour", one quarter for "world view" and one quarter for "disability" were documented as online crimes, which speaks for less direct contact of the suspects with these victim groups.

1. Definition of hate crime

As part of the project for the systematic recognition of bias motives in criminal charges, a monitoring definition was developed that is based on the internationally established definition of ODIHR¹ (Hate Crime = criminal offence + bias motivation). This definition has been both adapted to the domestic legal situation and directly with the Federal Ministry of Justice:

Bias-motivated crimes, also known as hate crimes, are judicially criminal offenses that are intentionally committed due to the actual or supposed belonging of a victim or the object of the crime to a group that the perpetrators reject. They may be directed against life and limb, other people's property, honour or other legal interests. The key for hate crimes is that the victim or the object of the crime was selected, because from the perpetrator's point of view they represent a group against which they harbour derogatory prejudices or which they consider to be "undeservedly preferred".

Indications for recognising hate crimes arise from a comprehensive assessment of all the circumstances of the crime. Therefore, the attitudes of the perpetrators as well as the perspectives of victims and witnesses must be given special consideration.² Consequently, the phenomenon of "hate crime" must be understood much more broadly than that of "politically motivated" or "extremist" criminality, since the mostly discriminatory incidents in everyday life cannot be attributed to any "ideological" motivations³.

1 The Office for Democratic Institutions and Human Rights (English abbreviation: ODIHR) is an institution of the Organisation for Security and Cooperation in Europe (OSCE).

2 The selection of a victim for the mere purpose of committing a crime is by itself not a prejudice, especially when it comes to sexual or financial motives in individual cases.

3 This is proven by numerous studies, upon which the relevant international legal situation is based (see Chapter 2). Hate crime is much more common than extremism because it largely overlaps with "discrimination", which, however, is not always (judicially) punishable. Initial evaluations of the new police recognition of bias motivations also confirm this approach.

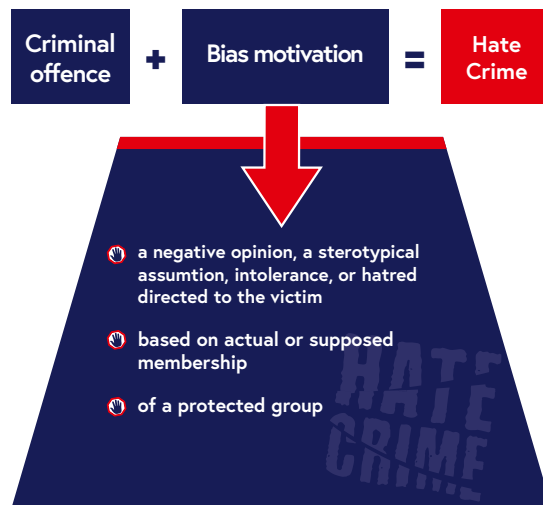


Figure 1: Monitoring-Definition of Hate Crime.

The groups rejected crime are defined by characteristics of identity (gender, ethnic/national origin, sexual orientation, religion, world views/ideology), body (age, disability, skin colour) or social status (e.g. homelessness)⁴ and are particularly protected under criminal law – especially by listing them in the offence of Hate speech (s 283 of the Criminal Code). However, the victim may also belong to several groups (“Intersectionality”), so that they may be even more affected (see Figure 2).

The act often sends an intimidating message of hatred to all those who have the same characteristics, so that they are also known as “message crimes”. Not only relatives, friends or neighbours could be affected, but also people who do not even know the victim but find out about the crime from the media, for example. Prejudice-motivated crimes trigger waves of harm.

4 The social position typically relates to marginalised segments of the population that have no lobby to represent their interests. It is essential that the negatively valued group affiliation is supposed by the perpetrators, so that basically anyone may be affected by prejudice crime. Occupational groups or other characteristics that are relatively easy to change in personal terms – at least to the perception of third parties – are not recognised or prosecuted by criminal law according to other stipulations (e.g. police officers).

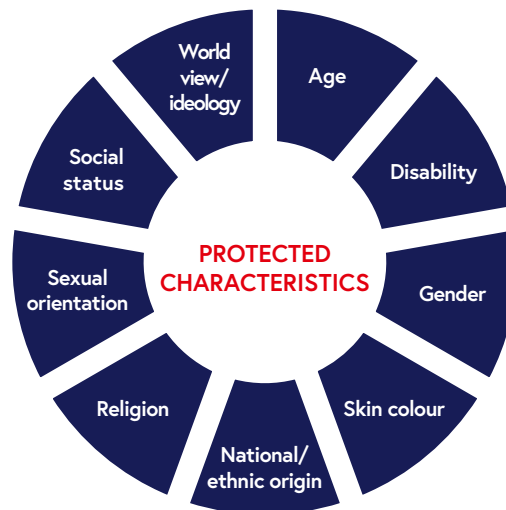


Figure 2: Victim groups – Protected Characteristics.

Based on this definition, police officers have been trained since August 2020 to recognise bias-motivated crimes and to record them in police data processing systems.⁵

2. Criminal law foundations

In addition to relevant fundamental, substantive and procedural law provisions in Austria, binding international and European law sources are applicable for the unbiased identification, sanctioning and statistical recognition of prejudice motives and for victim support.

The international legal framework comprises in particular the EU Council Framework Decision 2008/913/JHA on the criminal law fight against certain forms of racism and xenophobia, the prohibition of discrimination in the EU Charter of Fundamental Rights, the OSCE Ministerial Council Decision 9/09, and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on minimum standards for the rights, support and protection of victims of crime and the relevant case law of the European Court of Human Rights (ECHR) which has been applicable since 2003.⁶

Hate crimes in Austria, in addition to specific offences such as hate speech and those in the (Anti-Nazi) Prohibition Act, are generally recognised by aggravating circumstances as of sect. 33 para. 1 (5) of the Criminal Code. The most important relevant provisions in the

⁵ The training programme of the Federal Ministry of Justice has also adopted this definition as of mid-2021.

⁶ This refers to the case of *Menson et al. vs. UK* (47.916/99; 6.5.2003). The case *Nachova et al. vs. Bulgaria* (43.577/98; 6.7.2005; Grand Chamber), established a broad and detailed judiciary line to this day.

Criminal Code (StGB) and in the Code of Criminal Procedure (StPO) have been successively developed and recently adapted:

- **Incitement (Sect. 283 Criminal Code)**

Hate speech is committed by anyone who incites violence in public or in front of many people or who calls for hatred against one of the protected groups, whose list was expanded in 2015 precisely because of the international obligations mentioned above (see Chapter 1). This also applies, if these groups or one of their members are pejoratively insulted and/or disparaged in public. The Hate-on-the-Internet-Control Act (HiNBG) 2021 introduced improved protection so that these offences may be prosecuted officially,⁷ if the additional requirements are met.⁸

- **Aggravating circumstances (sect. 33 para. 1, pt. 5 Criminal Code)**

In addition to hate speech and the Prohibition Act, this provision is central to prejudice crime, since it is applicable to any deliberate crime. When determining the sentence, racist, xenophobic or other particularly reprehensible motives can be weighted as aggravating. The term “particularly reprehensible” means that bias motivations targeted against one of the groups protected by sect. 283 Criminal Code or one of their members are particularly recognised. But this list is not formulated exhaustively.

- **Criminal offences against honour**

The core area of the phenomenon of “bias crime” includes especially Defamation (sect. 111 Criminal Code) and Slander (sect. 115 Criminal Code). A Slander is committed if someone insults, mocks, abuses or threatens to abuse someone in public or in front of at least three people. Honour crimes are generally offences subject to private charges, but here these cases become officially pursued as prosecutable offences if primarily motivated by the affiliation of the victim with a group (sect. 283 para. 1 Criminal Code) and the if victim authorises the police to prosecute (sect. 117 para. 3 Criminal Code, sect. 92 Code of Criminal Procedure).

- **Victims in need of special protection (s 66a Code of Criminal Procedure)**

In 2016, the legal definition of “victim” was expanded (sect. 65 Code of Criminal Procedure, StPO). The procedural rights (sect. 66 Code of Criminal Procedure) were also extended at that time and the obligatory examination of the need for special protection was introduced. Accordingly, certain victims are considered automatically in “need of special protection”.

7 Quote from s 283 para. 1, pt. 1 Criminal Code: “Groups of people defined by a church, religious community or others, according to the existing or missing criteria of race, skin colour, language, religion or belief, nationality, descent or national or ethnic origin, gender, disability, age or sexual orientation, or against a member of any such group.”

8 Judgements of the Supreme Court (OGH) since 2015 are summarised in the pilot report of the IRKS.

In addition, according to sect. 66a para. 1 Code of Criminal Procedure, all victims have the right to the earliest possible assessment of their need for special protection by the police according to the criteria of age, physical or mental health, nature, severity and specific circumstances of the offense. In an internal decree of the Ministry of Justice victims of “hate crime” are specifically mentioned as a possible example. This status is associated with special procedural rights in accordance with sect. 66a para. 2 Code of Criminal Procedure.⁹

- **Process support (§ 66b Code of Criminal Procedure)**

The HiNBG also extended the possibility of psychosocial and legal process support, if a “personal consternation” was determined by means of an individual case assessment. Victims notably of incitement, defamation committed online or insults are also entitled to claims if it is “necessary to safeguard their procedural rights” (para. 1).¹⁰

3. Police recorded Hate crimes in 2021

This annual report presents for the first time the data collected by the police on bias-motivated crimes in the regular period from January to December 2021. These data are part of the police crime statistics (PKS) so that only crimes are included when police investigation work has already been completed. The decisive factor is the date of transmission of the final report by the responsible officer(s) to the public prosecutor’s office. The date of transmission does not coincide with the time of the crime or the time of the report. Therefore, crimes with a suspected motive of prejudice that are still under investigations cannot be taken into account in the present statistics.

The basic characteristics of the PKS also apply to this data presented: As statistics on reports, they are not a complete and objective “barometer” of the public security situation. Its content depends largely on the reporting behaviour of the population, but also on the investigation and documentation practice of the police. In addition, statements cannot be made about the further outcome of the criminal proceedings.

The following section sums up the results based on regional distribution, prejudice motives and their characteristics, suspects and crime scenes.

⁹ Introductory decree of the Federal Ministry of Justice dated 30/5/2016 on the Amendment to Criminal Procedure Law I 2016 (BMJ-S578.029/0006-IV 3/2016). On this occasion, the judiciary is not bound by the assessment of the police.

¹⁰ Commentary to the Government Bill 481, Supplement (s) to the stenographic minutes of the National Council 27. Legislative period 26; See also the decree of the Federal Ministry of Justice dated 24 December 2020 on the criminal and media law regulations of the federal law, on taking action to combat hate on the Internet (Hate-on-the-Internet-Control Act - HiNBG).

3.1. Overview and regional distribution

In the period from January to December 2021, the police in Austria recorded 5,464 bias-motivated crimes in Austria. Several prejudice motives can be assigned to hate crimes, therefore the number of documented prejudice motives is at least equal to or greater than the total sum of criminal acts with a prejudice motive. A total of 6,619 bias motivations were documented during the recording period. Prejudice motives always refer to the offence as a whole and more than one suspect per offence can be documented, so that the bias motives recorded cannot be clearly assigned to the individual offence participants.

Table 1 breaks down bias motives and offences according to federal provinces and also contains the shares of merely attempted as well as solved offences. In addition, figures on the suspects and victims are given. In case of "violent crimes" victims are only partially recorded and only certain offences of the Penal Code are listed for reasons of evaluation, notably offenses against life and limb, freedom, robbery and sexual crimes. These statements also apply to the following tables and figures. Accordingly, the highest absolute numbers of bias-motivated crimes were recorded in Vienna, Upper Austria and Lower Austria.

	Bias motives	Criminal offences	Proportion of attempts	Clearance rate	Suspects	Violent offences	Victims of violent offences
Burgenland	98	82	2	80,5%	90	22	31
Carinthia	375	302	5	79,8%	284	96	108
Lower Austria	939	809	38	70,7%	691	211	267
Upper Austria	1.268	1.006	23	77,5%	880	243	301
Salzburg	586	486	35	74,9%	426	166	192
Styria	781	622	44	70,4%	539	157	181
Tyrol	566	465	17	69,2%	384	137	163
Vorarlberg	297	241	8	75,1%	225	87	114
Vienna	1.709	1.451	125	54,7%	949	629	734
Total	6.619	5.464	297	68,8%	4.468	1.748	2.091

Table 1: Bias motives registered by the police and related offences (with proportion of attempts and clearance rate), suspects (natural persons), bias-motivated violent offences and related victims (natural persons and legal entities); by federal province; January to December 2021.

3.2. Prejudice motives, forms and offence areas

Table 2 provides a breakdown of documented bias motives, offences, attempts, clearance rate, suspects and victims by sections of the Criminal Code and ancillary laws ("offence areas"), reflecting the protected legal interests violated by Hate Crimes. The clearance rate of hate crimes in 2021 was 68.8 percent, which was significantly higher than the clearance rate of total crime in Austria (police crime statistics 2021: 55.3 percent). In absolute numbers, prejudice-motivated offences against property of others (1,521 offences with 1,686 bias motives) and offences against "ancillary criminal laws" (1,460 with 1,856 bias motives), which mainly include violations of the (Anti-Nazi) Prohibition Act, lead the field. This is followed by offences against freedom (845 offences with 996 bias motives), against life and limb (840 offences with 969 bias motives) and against public peace (353 offences with 570 bias motives). Most offence areas were dominated by one offence. The main areas were for offences against life and limb "bodily harm" (81.7 percent), for offences against liberty "dangerous threat" (66.5 percent), for offences against honour "insult" (83.3 percent), for offences against property "damage to property" (69.9 percent) and for offences against religious peace "disparagement of religious teachings" (77.7 percent). Offences against public peace were mostly incitement to hatred (88.2 percent), and in the case of offences against ancillary criminal laws, the catch-all offence of National Socialist re-activation was mostly fulfilled (§ 3g Prohibition Act: 85.8 percent).

Criminal Code sections	Bias motives	Criminal offences	Proportion of attempts	Clearance rate	Suspects	Violent offences	Victims of violent offences
I - Life and limb offences	969	840	139	78,8%	855	789	882
III - Freedom offences	996	845	28	85,8%	799	837	1.079
IV - Honour offences	251	208	0	88,9%	206	-	-
V - Private sphere offences	11	10	0	50,0%	5	-	-
VI - Property offences	1.686	1.521	112	33,2%	687	38	43
VII - Environment offences	8	7	1	100,0%	8	-	-
VIII - Religious peace offences	18	17	0	47,1%	8	-	-
X - Sexual integrity/self-determination offences	186	141	9	80,1%	127	84	87
XII - Reliability of certificates offences	29	29	0	79,3%	36	-	-
XIV - Treason/state attack offences	6	5	1	60,0%	4	-	-

Criminal Code sections	Bias motives	Criminal offences	Proportion of attempts	Clearance rate	Suspects	Violent offences	Victims of violent offences
XV - State authority attack offences	1	1	0	100,0%	2	-	-
XX - Public peace offences	570	353	1	91,2%	348	-	-
XXI - Administration of justice offences	27	23	0	82,6%	31	-	-
XXII - Official duties/Corruption offences	5	4	1	75,0%	6	-	-
Ancillary criminal law offences	1.856	1.460	5	80,6%	1.346	-	-
Total	6.619	5.464	297	68,8%	4.468	1.748	2.091

Table 2: Bias motives registered by the police as well as related offences (with proportion of attempts and clearance rate), suspects (natural persons), bias-motivated violent offences and related victims (legal and natural persons); by sections of the Criminal Code; January to December 2021.

Table 3¹¹ breaks down the prejudice motives according to the nine categories as used in the police flagging system. Ranked in descending order according to the absolute number of bias motives recorded these are worldview, national/ethnic origin, religion, skin colour, sexual orientation, gender, social status, age and disability. Furthermore, within six categories, various forms of motives are listed in descending order by absolute number: "worldview" ("political parties", "Western democracies", "others"), "religion" ("Christians", "Jews", "Muslims", "others"), "sexual orientation" ("bisexual", "heterosexual", "homosexual"), "Gender" ("Divers / Inter", "Woman", "Man", "Other"), "Social status" ("Homeless", "Other") and "Disability" ("Physical / Sensory impairment" and "Mental / Cognitive impairment"). In the case of the selection "Other", the police must specify the characteristic in a free text field.

Although the correct numbers of clearance rates, suspects, violent crime offences and victims of violent crime can be evaluated within the rows for each category or characteristic, adding up the values of the individual categories or forms does not yield the total number of the respective unit. This is due to the possibility of assigning more than one bias motive category to a crime. That is why these totals are not given - contrary to Tables 1 and 2.

Categories/forms	Bias motives	Clearance rate	Suspects	Violent offences	Victims of violent offences
Worldviews/ideology	2.052	61,0%	1.485	225	294
Prohibition Act offenses	917	59,7%	676	135	180

11 The numbering is not consistent with the extended German version "Annual Report 2022 - Hate crime in Austria" ("Hate Crime in Österreich- Jahresbericht 2021") that is available on the official BMI website.

Categories/forms	Bias motives	Clearance rate	Suspects	Violent offences	Victims of violent offences
Western Democracies (without Prohibition Act)	692	70,4%	567	42	51
Parties	443	49,0%	242	48	63
National/Ethnic origin	1.874	80,1%	1.793	750	927
Religion	750	66,3%	576	236	288
Muslims	283	77,0%	241	158	190
Jews	269	69,9%	226	23	25
Christians	156	40,4%	78	40	48
Others	42	66,7%	31	15	25
Skin colour	408	85,3%	420	112	131
Sexual orientation	376	61,4%	304	199	224
Homosexuals	299	57,9%	246	149	167
Heterosexuals	39	74,4%	29	23	27
Bisexuals	38	76,3%	29	27	30
Gender	354	79,9%	320	263	296
Woman	275	84,7%	253	223	253
Various/Inter	39	64,1%	35	22	23
Others	26	73,1%	23	17	19
Man	14	42,9%	9	1	1
Social status	287	84,0%	274	85	107
Other	261	85,8%	255	72	94
Homeless	26	65,4%	19	13	13
Age	266	53,0%	178	75	106
Disability	252	79,0%	231	100	105
Physical impairment/ Sensory impairment	166	75,3%	141	56	59
Mental/Cognitive impairment	86	86,0%	90	44	46
Total	6.619				

Table 3: Bias motives registered by the police, clearance rates, suspects (natural persons), bias-motivated violent offences and associated victims (natural persons and legal entities); ranked by absolute number of bias motives (categories and forms); January to December 2021.

In the most frequent category "worldview", a wide variety of victim groups have been recorded under the largest expression "Andere" (other), most of whom were affected by right-wing extremism in this context. If the "hate message" is directed against the values laid down in the constitution or if it is a rejection of state institutions, then these crimes are covered

by the expression "Western democracies". One fifth concerns here political "parties", which are often damaged by targeted vandalism (election posters, graffiti on party premises, etc.). In the third most frequent category "religion" antimuslim and antisemitic prejudice motives each account for a good third and one fifth of the documented prejudice motives concerned churches and their believers. Homophobic motives dominate "sexual orientation" in fifth place, misogyny dominates "gender" in sixth place, and "social status" in seventh place affects a wide variety of victim groups in addition to homeless people, such as their status symbols. Finally, the second and fourth most frequent bias motives "national / ethnic origin" and "skin colour" were regularly documented by the police officers in combination with the category "worldview". This can be seen in Table 4, which lists the five most frequent overlaps. This "intersectionality" of victims dominated in the context of nationalism, racism, xenophobia and religious hostility. A total of 842 offences with more than one prejudice motive were registered, 15.4 per cent of 5,464 offences.

Combination of bias motives	Criminal offences
Skin colour & National/Ethnic origin	148
National/Ethnic origin & Worldviews	132
National/Ethnic origin & Religion	129
Religion & Worldviews	71
Skin colour, National/Ethnic origin & Religion	37
Total (Offences with several bias motivations)	842

Table 4: Crimes registered by the police with multiple bias motives; ranked by five most frequent combinations and total; January to December 2021.

According to Figure 3¹², depending on the bias motive, the proportions of offences against ancillary criminal laws, public peace or property of others differed considerably from the proportions of "confrontational" offences against life and limb, freedom, honour or sexual integrity and self-determination. In the case of the motive "worldview" offences against the Prohibition Act accounted for the most, namely half of all registered bias-motivated offences. On the other hand, in the case of "national / ethical origin" offences against life and limb and against freedom were far more heavily weighted than property offences or re-enactments. A strongly increased proportion of offences against public peace, especially incitement to hatred, was found above all for the bias motivations "skin colour", "disability" and "religion". On the other hand, the bias motive "gender" was strongly dominated by offences against freedom. In the case of "sexual orientation", a good two thirds were confrontational offences,

12 The numbering is not consistent with the extended German version "Annual Report 2022 - Hate crime in Austria" ("Hate Crime in Österreich- Jahresbericht 2021") that is available on the official BMI website.

which mostly manifested themselves as damage to property, bodily harm and dangerous threats or coercion.

Thus, in the case of bias-related offences with the motives "worldview", "skin colour", "disability" and "religion" the suspects largely had indirect contact with the victim groups concerned. In contrast, offences with the bias motivations "national / ethnic origin", "sexual orientation", "gender", "social status" and "age" tended to be committed directly in a confrontational manner.

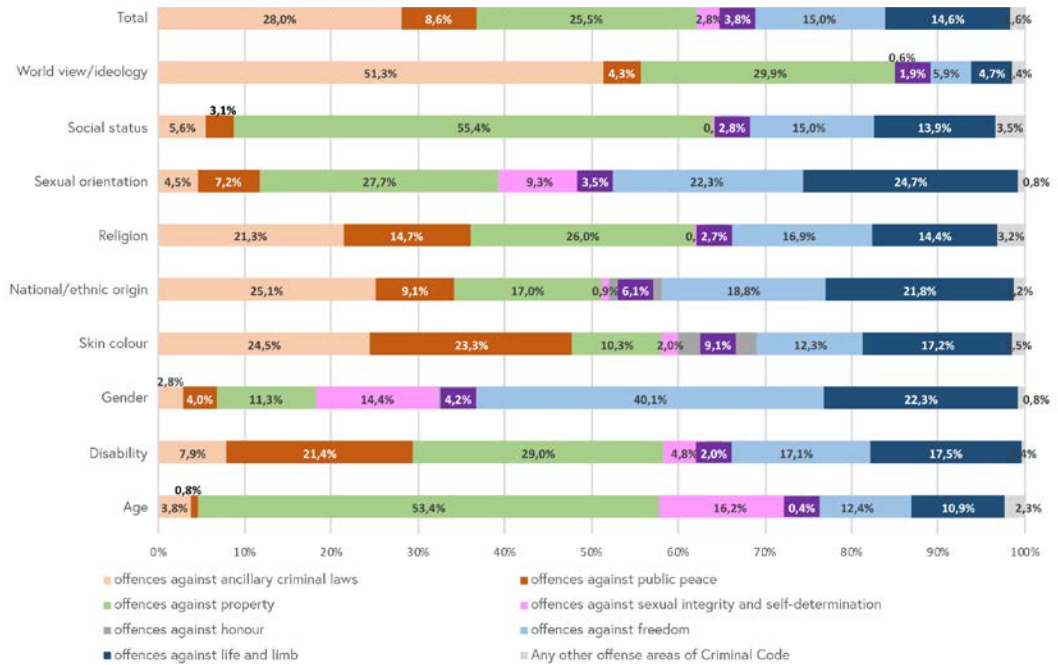


Figure 3: Distribution of "offence areas" in police-registered hate crimes; by categories of prejudice motives; ranked reverse alphabetically; January to December 2021.

3.3. Crime Scenes

In the police crime statistics, numerous crime scenes are recorded for offences. In Figure 4, the locations of the recorded prejudice motives, which were summarized in the pilot report of July 2021 to the 7 location categories "public space", "semi-public space", "private space", "sacred place", "institution", "internet" and "other location", were retained, expanded and their proportions related here to the sections of the Criminal Code as well as to criminal secondary laws.

In the case of offences against life and limb as well as against property of others, the public crime scenes dominated - in relative and absolute terms (54.6 percent - 529 prejudice motives and 52.3 percent - 882 prejudice motives, respectively). This was also particularly clear in the

case of offences against freedom, if the semi-public places are added (38.9 percent - 388 prejudice motives). The accumulation of property offences, especially damage to sacred sites, i.e. monuments, cemeteries, churches, synagogues or mosques, was emphasized here. The crime scene "internet" was mostly counted in offences against public peace, especially incitement to hatred (66.7 percent - 380 prejudice motives), or in offences against the Prohibition Act (43.8 percent - 812 prejudice motives).

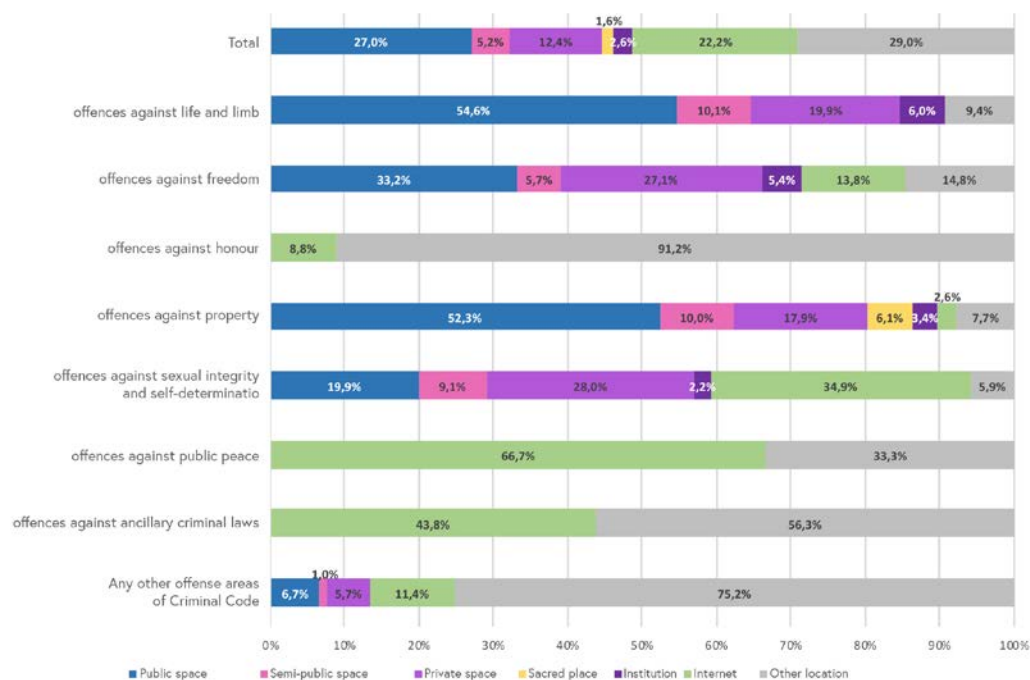


Figure 4: Crime scenes of police-registered prejudice motives in percent; by "offence areas"; ranked by "public space"; January to December 2021.

Figure 5¹³ shows the recorded crime scenes according to prejudice motives in percent. The category "public space" was most frequently counted for the prejudice motive "national/ethnic origin" (572 prejudice motives). In contrast, the prejudice motives "social status" (53 percent) and "sexual orientation" (42.3 percent) had the highest percentage.

The crime location "private space" occurred most frequently with the prejudice motives "disability" (23.8 percent) and "gender" (23.7 percent).

The prejudice motives "skin colour" (33.1 percent), "disability" (26.6 percent) and "worldview" (25.5 percent) were recorded more frequently as online offences, which again speaks for less direct contact of the suspects with these victim groups.

13 The numbering is not consistent with the extended German version "Annual Report 2022 - Hate crime in Austria" ("Hate Crime in Österreich- Jahresbericht 2021") that is available on the official BMI website.

Finally, reference is made to the additional evaluation of the prejudice motive "religion", to the three manifestations "Christians", "Jews" and "Muslims", as already in the pilot report. Antimuslim motives were documented far more frequently in the (semi-)public sphere (33.2 percent) and private sphere (20.1 percent) than for the prejudice motive "religion" as a whole. However, in the case of antisemitic motives the high proportion of online offences (36.1 percent) stands out, as in the case of "skin colour" above. This is most likely due to incitement and antisemitic or racist "memes" that were exchanged on social media platforms or in group chats via messenger services.

For antichristian motivations sacred sites are the main target, especially for damage to property (39.1 percent).

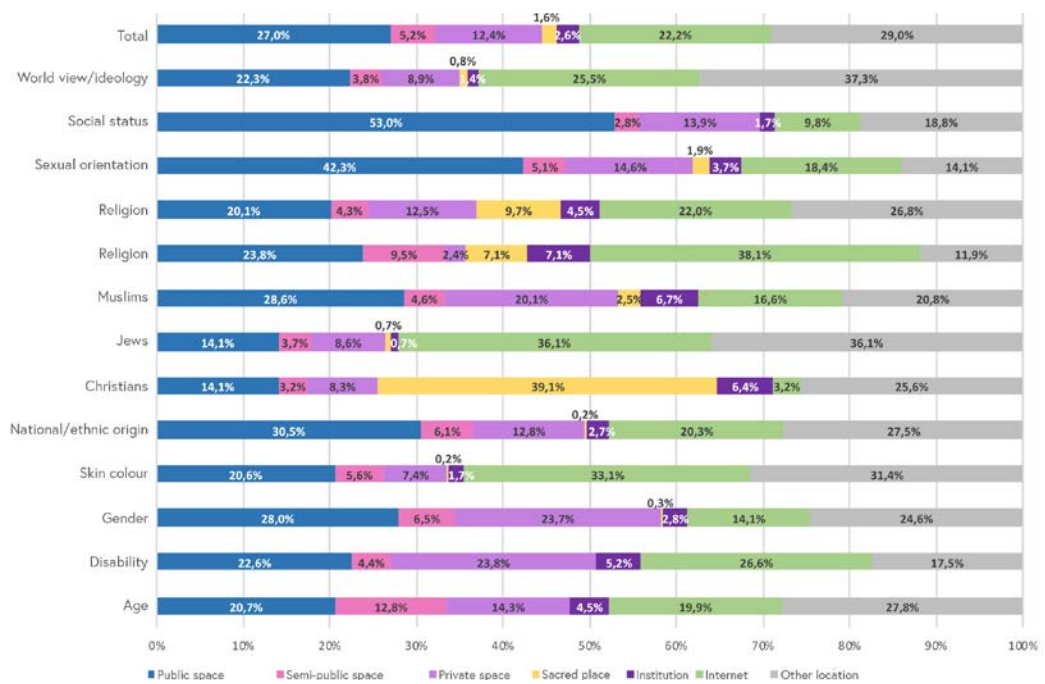


Figure 5: Crime scenes of prejudice motives registered by the police in percent; according to their characteristics; ranked by "public space"; January to December 2021.