

PROPOSED WAYS TO USE THE EXPERIENTIAL METHOD

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Based on the findings on the best way to use the experiential method.

According to the findings, experiential methods may be used in order to contribute to two separate aspects of the training process. The first aspect concerns the awareness and sensitization of participants on the subject of hate crime, and the second aspect concerns the enhancement of their technical legal skills on the subject.

Because of their different focus, these aspects require different approaches. However all experiential approaches should take the following into account:

1. The participants must be notified beforehand of the experiential aspects of training, in order to avoid the element of surprise that might result in reluctance or even unwillingness to fully participate.
2. The training environment should encourage active and comfortable participation. An example of an issue that may inhibit participation is the relationship of seniority among participants. For example, junior participants may be reluctant to share their opinion or to criticize colleagues who hold more senior positions. Therefore, when conducting group work, a certain amount of homogeneity within each group of participants should be encouraged. Another idea/practice is the participants as far as they attend the seminar not to use the polite form and call each other with only their first name.
3. All types of experiential training should be of a high level and conducted by experts, in order to appeal to the participants and keep them engaged.

Taking in consideration of the different "environment" and special needs in each country the module must be adapted to

- a) the needs of each country
- b) the needs of the audience we have
- c) the qualification and virtues of our speakers /moderators



A. Awareness/Sensitization tools:

The tools whose main goal is to sensitize and familiarize participants tend to have a more person-centered character. In terms of experiential learning, the focus should be sensitization on diversity per se and on personal stories, experiences and problems faced by victims of hate crime. Broad social theory topics such as discrimination and hate will be dealt with elsewhere within the course.

Crossing the line:

<https://www.trainingforchange.org/tools/walking-across-room>

Privileges against rights:

<https://www.trainingforchange.org/tools/power-shuffle>

Diversity interviews:

<https://www.trainingforchange.org/tools/diversity-interviews>

Diversity activities:

http://mep.berkeley.edu/sites/default/files/PSU_Diversity_activities.pdf

Blue eyes/ brown eyes:

<http://study.com/academy/lesson/group-prejudice-jane-elliotts-brown-eyes-vs-blue-eyes-experiment.html>

Presumptions :

<http://thetrainingworld.com/cgi-bin/library/jump.cgi?ID=12431>

Dignity:

<http://thetrainingworld.com/cgi-bin/library/jump.cgi?ID=12426>

The words and “language” we use:

<http://thetrainingworld.com/cgi-bin/library/jump.cgi?ID=12433>

Multiculturalism:

<http://thetrainingworld.com/cgi-bin/library/jump.cgi?ID=12430>

Exercise on stereotypes

http://www.google.gr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCAQFjAA&url=http%3A%2F%2Fneraoc.ext.wvu.edu%2F%2Fdownload%2F130261&ei=hMN2VY7zDIH7sAH9zYFA&usq=AFQjCNH01o3ObYKHnDi_z2l58Sltr3BJiw&sig2=p1XBt7w4W-wir3qx7C2B0w&bvm=bv.95039771.d.bGg



Preparation: List the following groups of people on flip charts (one group per chart).

Accountants

Athletes

Lesbians

Farmers

Homemakers

Jews

People over 50

Roma

Professors

Obese people

30 and single

Politicians

Homeless people

In advance of participant arrival, distribute flipchart pages on the wall around the room. Tape up or cover the chart and leave a marker or two at each chart.

Distribute the group with members at each chart. Give them the following instructions:

1. On each flip chart you will reveal a group of people in our society
2. As quickly as you can, list all of the stereotypes you have heard for that group
3. If you run out of ready ideas, move to another flip chart and add any additional stereotypes you can think of.
4. “Ready, begin...”

If you see individuals standing and not writing, instruct everyone to move to another chart. If you see charts without an occupant, suggest someone go to that one...

When activity slows down, ask someone with a marker to position themselves one per chart until all are covered.



Ask the entire group for some reflections on how they feel seeing all of these stereotypes.

Have each individual at a chart put a plus sign (+) by items they consider to be positive and a minus sign (-) by items considered to be negative.

Have the individual at each chart to total positive and negative responses. In most cases, there will be more negative than positive listed. Go chart to chart and announce the positive and negative numbers – see if anyone has reaction. Why so many negative?

Have group sit down and go to next slide. Point out the problem with stereotypes – it almost always puts us in a negative perception of another person. You can change the label and the stereotype can usually still apply depending on whether the group is dominant class or not.

Other points for discussion:

Is anyone exempt from being stereotyped?

How does it feel to know people may be stereotyping you in these ways?

What impact does it have on a person if we perceive them according to these stereotypes?

Does anyone know of a person (other than yourself) in one of these groups who doesn't fit many of these stereotypes listed?

When we do, is our tendency to change our stereotype, or to say "they're the exception?" (e.g. "He's not your typical New Yorker.")

Do you think these stereotypes ever creep into your organization?

What would happen to teamwork in the organization if we viewed people this way?



Some interviewees suggested a list of documentaries and/or fiction films that may be handed to participants in advance, and which may serve as topics of discussion. A list of documentaries and/or fiction films that may be handed to participants in advance, and which may serve as topics of discussion

First-person accounts by victims themselves, their friends and families, and the workers who deal with hate victims. These accounts will be followed by Q&A sessions that focus on the victim's feelings and practical consequences in their life, and with the community repercussions of such events (see: <http://www.humanlibrary.gr/index.php/en/>)

A carefully constructed questionnaire which touches on personal aspects of the participants' own personal history. The answers provided in the questionnaire could remain private or be shared within a group context. An example of such a question would be whether a participant has a parent or family member who was a refugee or a migrant. The questionnaire will be compiled by experienced psychologists/social workers in order to ensure appropriateness and relevance

Interactive Drama: "Unlike traditional drama, interactive drama is a tool that promotes participation from the audience and fosters experiential learning. It has been used in higher education classrooms in a variety of disciplines and organizational training workshops in numerous fields such as business, law, health care, education, and social work. Interactive drama is a style of live theater wherein a scene is performed by trained actors and then stopped so the audience can interact. Interaction comes in a variety of forms including (a) attendants discussing the scene just witnessed, (b) attendants suggesting changes to the scene and then actors replaying it, and (c) attendants actually joining the scene as performers to try out alternative solutions." See: Experiential Learning through Interactive Drama: An Alternative to student role plays, page 835 <http://www18.georgetown.edu/data/people/bch6/publication-39529.pdf>



B. Experiential learning for the enhancement of practical legal skills:

For judges/prosecutors/lawyers

There is broad consensus about the educational value of workshops that analyze case studies, followed by debates where participants express their opinion on the arguments of the prosecution and the defense, as well as the decision of the court.

The case studies used should be adapted to the legal reality of each country. One way this has been suggested would be to use actual facts from ECHR cases and to try to predict the outcome within the national legal framework, and then compare it with the Strasbourg decision. This way the participants will familiarize themselves better with the reasoning of international bodies who have a broader scope than national courts.

Participants could work in small groups, taking turns as the defense, the prosecution and the bench, and then conduct a plenary session where they compare their experiences and the difficulties they faced in each position. It is particularly important to devote enough time so that all opinions, and most importantly dissenting ones, be heard and further discussed.

See for example the Simulated Mock Tribunals and Roleplay Programme from England and Wales <https://e-justice.europa.eu/fileDownload.do?id=d1e3f6ae-04fb-49b4-a4fa-efd7ea3ecfcf>

And the Close Monitoring of Communication Skills, through the use of Simulation Programme from France

<https://e-justice.europa.eu/fileDownload.do?id=99291953-87ba-4e30-9c0f-9903dbfde623>

A mystery-solving exercise with the use of clues from a hate crime scene. Examples of these are a police report, witness testimonies and other clues. The participants work in groups in order to solve the crime. (inspired by the Dress and the Law project hosted by gallery Atopos. For more details of the project: www.dressandthelaw.gr)



For policewomen/men

The above mentioned tools can be applied to policewomen/men focused on the investigation of hate crimes. For example :

Police complaint no1:

On the 10th of June around 10 o'clock at night I was with my partner and we were walking on the pavement of xxx street. A group of youths shouted racist abuse at me and call me a whore for dating a black man. I told them that I remember their faces and I will go to the police to denounce them. I had seen this group of youths in the park before but I do not know their name or where exactly they live.

A few days later, on the 15th of June around 4 in the afternoon I was walking alone carrying groceries from supermarket xxx to my house on xxx street. I had noticed two skinheads walking far behind me at some point on xxx street, but I was too busy carrying the groceries that after a few blocks I stopped paying attention to them. As I turned onto my street and approached my building entrance, I realized they were behind me. I was too afraid to turn, but they both stood closely behind me and one of them said in a menacing voice "now we know where you live".

I am sure that they are not from the group of youths who harassed us the night before. They were older, taller, and looked like bodybuilders.

I was visibly upset and could not stop my hand from shaking enough to use my keys and open the door. A Pakistani man who owns a telephone shop right across from my building was standing across the street and saw what happened. He came and asked me if I needed help. I asked him if he knew who these people were and that I want to go to the police to denounce them. He said that he knows they are skinheads who live close by, but that he doesn't want to go to the police and give a statement, because he is afraid that if they find out then his shop will become a target.

Complainant:

A white woman in her mid 30s. She lives alone, in a working class neighborhood with a significant immigrant population. Her partner also lives in the neighborhood. Together they have founded a local anti-racist group called "solidarity action", and organize events such as film screenings and fund raisers for refugees and migrants.

The group has a blog where they post their actions and information about future events.



The neighborhood:

A local neo-Nazi gang is well known in the neighborhood. There are rumors that several migrants have been beaten up by unidentified groups of men, but none of them have reported it to the police.

Most members of the gang are local men, in their mid-20s and unemployed. One of them has a younger brother who is 16 years old.

There is a lot of racist graffiti on several walls in the neighborhood

clue no1: an anonymous post in a far-right internet forum titled "traitors":

"in neighborhood xxx this bitch and her nigger boyfriend give food and clothes to dirty foreigners who sleep in the park. Pretty soon the park will be full of them and its all because of her. We need to teach her a lesson"

clue no2: Anonymous commenters often write abusive racist comments on various posts of the "solidarity action" blog.

The group promptly removes these comments.

Police complaint no2: on June 20th around midnight I was in my bed when I heard a cracking sound coming from the living room. I went to see what happened. Someone had thrown eggs on my windows. The next morning we saw that someone had spray-painted racist slogans outside the entrance to my building. I believe they were the same people who threw the eggs, and I think that these intimidation incidents are related to the threats I received from the skinheads, against whom I have already filed a complaint.



Appendix for Greece

These links can be sent to the participants before the seminars and can be discussed during it. There are similar links for every country and can be used in the same or another way.

Kazakos' case in 90's

http://www.mjourney.com/news/News_from_Greece/817.Ratsistiko_AMOK.shtml

Sazand Lukman case:

<http://jailgoldendawn.com/2014/04/17/%CF%85%CF%80%CF%8C%CE%B8%CE%B5%CF%83%CE%B7-%CE%BB%CE%BF%CF%85%CE%BA%CE%BC%CE%AC%CE%BD-%CF%84%CE%BF-%CE%AD%CE%B3%CE%BA%CE%BB%CE%B7%CE%BC%CE%B1-%CE%AE%CF%84%CE%B1%CE%BD-%CF%81%CE%B1%CF%84%CF%83%CE%B9/>

Walid Taleb's case:

<http://www.unhcr.gr/1againstracism/tag/%CE%BF%CF%85%CE%B1%CE%BB%CE%AF%CE%BD%CF%84-%CF%84%CE%AC%CE%BB%CE%B5%CE%BC%CF%80/>

The racist neurologist:

<http://www.protothema.gr/greece/article/357826/thessaloniki-sunelifthi-giatros-opados-tou-hitler-kai-tis-hrusis-augis/>

Anti-Semitic Vandalisms:

<https://www.youtube.com/watch?v=kWvGe0gcS3Y&feature=youtu.be>

<http://www.tovima.gr/society/article/?aid=311338>

<http://www.efsyn.gr/arthro/eikones-apo-ti-vevilosi-toy-evraikoy-nekrotafeioy-tis-larissas>

Homophobic attack in Pankrati-Athens:

<http://www.lifo.gr/now/society/51653>

Violence against Roma people:

<http://www.amnesty.org.gr/%CF%83%CF%84%CE%B1%CE%BC%CE%B1%CF%84%CE%A E%CF%83%CF%84%CE%B5-%CF%84%CE%B1-%CE%B5%CE%B3%CE%BA%CE%BB%CE%AE%CE%BC%CE%B1%CF%84%CE%B1-%CE%BC%CE%AF%CF%83%CE%BF%CF%85%CF%82-%CF%83%CF%84%CE%B7%CE%BD-%CE%B5>

η Yannis Antetokubo case (how he “gained” the Greek Nationality)

<http://el.wikipedia.org/wiki/%CE%93%CE%B9%CE%AC%CE%BD%CE%BD%CE%B7%CF%>



[82_%CE%91%CE%BD%CF%84%CE%B5%CF%84%CE%BF%CE%BA%CE%BF%CF%8D%CE%BD%CE%BC%CF%80%CE%BF](#)

Reports on Greece:

<http://www.unhcr.gr/1againstracism/etisia-ekthesi-2014/>

http://www.amnesty.org.gr/wp-content/uploads/2014/04/2014-0403-A-law-into-themselves_report.pdf

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

An article in Greek:

https://www.academia.edu/3633214/Racially_motivated_crimes_in_Greece_in_the_age_of_austerity_from_victimization_to_the_onslaught_of_democracy_in_Greek

The Israeli Community in the city of Ioannina

<http://folders.skai.gr/main/theme?locale=el&id=33>

The Greek Migrants in USA

<http://www.rwf.gr/288/%CE%B5%CE%BA%CF%80%CE%BF%CE%BC%CF%80%CE%AD%CF%82/%CE%B5%CE%BB%CE%BB%CE%AC%CE%B4%CE%B1/%CE%B2%CF%81%CF%89%CE%BC%CE%BF%CE%AD%CE%BB%CE%BB%CE%B7%CE%BD%CE%B5%CF%82-%CE%BC%CE%AD%CF%81%CE%BF%CF%82-1%CE%BF/>



Appendix on the History of Hate Crimes

Long before the emergence of hate or bias crime as a legal concept, there have been many instances throughout history, where crimes were committed because of some real or perceived group identity of victims. Obvious examples include the witch hunts of medieval Europe, pogroms against Jews, the lynchings of African Americans in the Southern United States and of course the persecution and extermination of Jews and other minorities by the Nazis.

The history of hate crime laws is intrinsically linked with the fight against discrimination. For the United States, anti-discrimination history begins with the American Civil War of 1861-1865. After the end of the war, the 13th Amendment to the US Constitution abolished slavery¹, and Congress passed the first laws against discrimination towards African Americans. For example the Enforcement Act of 1871 (Third Act) also known as Civil Rights Act of 1871, aimed at protecting the suffrage rights of African Americans from attacks by the Ku Klux Klan².

The terms hate crime and bias crime have been in use since the latter part of the 20th century³, but the date of passage of the first hate crime statute in the US is debatable. This is because some of the state civil rights statutes passed in the 1960s and 1970s could be regarded as hate crime laws, and also because there are numerous definitions of the concept of hate crime⁴. What is certain is that since the 1980s, most western countries have debated the issue, passed some sort of relevant law, and created hate-crime jurisprudence⁵.

In the United States, the first Federal Statute on Hate Crime was the 'Hate Crime Statistics Act'⁶ of 1990 which required the US Department of Justice to collect and publish statistics of hate crime. The 1990 Act addressed crimes of prejudice related to race, religion, sexual orientation or ethnicity⁷. The next Federal statute on hate crime was the 1994 Hate Crimes Sentencing Enhancement Act which sanctioned greater sentences for hate crimes⁸. These Acts have both been modified by the most recent piece of legislation, the 'Matthew Sheppard and James Byrne Jr Hate Crimes Prevention Act'⁹ of 2009. This Act expands federal protection to cases of gender, sexual

¹ Amendment XIII Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation

² <http://finduslaw.com/civil-rights-act-1866-civil-rights-act-1871-cra-42-us-code-21-1981-1981a-1983-1988>

³ Michael Shively, Study of Literature and Legislation on Hate Crime in America, June 2005 accessible at <https://www.ncjrs.gov/pdffiles1/nij/grants/210300.pdf> p. 2

⁴ Shively n. 3 above, p. i

⁵ Terry A. Maroney, The struggle against Hate Crime: Movement at a Crossroads, NYU Law Review Vol. 73 May 1998 564, p. 568

⁶ Pub. L. No 101-275, 104 Stat. 140 (1990) codified at 28 U.S.C.A. §534

⁷ Daniel Aisaka and Rachel Clune, Hate Crime Regulation and Challenges, 14 Geo. J. Gender & L. 469 2013 p. 471

⁸ Aisaka and Clune, see n.7 above

⁹ 18 U.S.C. § 249



orientation and disability hate crimes. Most importantly, it provides federal assistance for the state prosecution of hate crimes¹⁰. Today, many states have statutes that protect victims of hate crime that go beyond the federal threshold of protection¹¹.

Among European countries the situation is far more diverse. The history of each country has influenced greatly its institutional perception of hate crime. For example, Germany appears much more concerned with anti-Semitism and far-right radicalism in connection with its WW2 legacy, whereas the UK focuses on the racial aspects of discrimination because of its imperialist past and immigration from former colonies¹².

At the European level, a coordinated response to hate crimes is a lot more recent and fragmented when compared to the US. For example, the term ‘hate crime’ was first officially used by the Organisation for Security and Cooperation in Europe (OSCE) only in 2003¹³. However, early efforts to combat intolerance and hate at the European level date back to the 1990s. In 1993, the Council of Europe established the European Commission against Racism and Intolerance (ECRI); an independent body that monitors Council of Europe Member States’ efforts to ‘combat violence, discrimination and prejudice faced by persons or groups of persons on grounds of race, color, language, religion, nationality and national or ethnic origin’¹⁴. The EU in turn, has attempted to harmonize national legislation relating to hate crimes, through the EU Framework Decision of 2008 ‘on combating certain forms and expressions of racism and xenophobia by means of criminal law’¹⁵. At the same time, the European Court of Human Rights, has established case law which emphasizes the obligation of Contracting Parties to promptly and adequately investigate possible racist motivations behind a crime, stating that to not do so ‘would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights’¹⁶.

Across Europe, there is consensus among some aspects of hate crimes and significant divergence among others. For example it is widely accepted that hate crimes have a powerful symbolic nature, because they target not only the victim but whole communities, and aim to transmit to them the message that their real or perceived differences will not be tolerated. They are thus a way to reemphasize the ‘outsider status’ of minority groups¹⁷.

¹⁰ Aisaka and Clune, see n.7 above, p. 472

¹¹ for a more detailed view of State legislation see: Congressional Research Service, State Statutes Governing Hate Crime, September 28 2010, available at <https://www.fas.org/sgp/crs/misc/RL33099.pdf>

¹² Jo Goodey, Racist Crime in the European Union: Historical Legacies, Knowledge Gaps, and Policy Development in: Hate Crime, Papers from the 2006 and 2007 Stockholm Criminology Symposium, Helsinki 2008 p.17

¹³ ODIHR [Office for Democratic Institutions and Human Rights] (2010) *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report for 2009*

¹⁴ see Goodey n.12 above, p. 18

¹⁵ Framework Decision [2008/913/JHA](#), OJ L 328 of 6.12.2008

¹⁶ *Nachova v. Bulgaria*, Application No 43577/98 & 43579/98, Grand Chamber Decision of 6 July 2005, §160

¹⁷ Perry B (2009) The sociology of hate: Theoretical approaches. In: Levin B (ed.) *Hate Crimes Volume 1: Understanding and Defining Hate Crime*. Westport, CT: Praeger, 55–76



However, European nations differ greatly in their conceptions and definitions of hate crime. There are two main schools of thought which are adopted by various European lawmakers, and they concern the threshold of animosity felt by the perpetrator. Some countries insist on a crime motivated by 'hate', where others are satisfied with proof of less powerful feelings such as bias or prejudice¹⁸.

There are also vast differences in Member States' efforts to keep records for racist crime and the dedication of necessary resources for combating it. A telling example is the following statistic from the Fundamental Rights Agency of the EU: 'In any twelve month period, the criminal justice system in England and Wales collects and processes more reports of racist crime than the other twenty-six EU Member States combined'¹⁹. This of course does not indicate the relative prevalence of racist crime in the UK compared to the rest of the EU, but merely the systematic under-reporting of such crimes in other Member States²⁰.

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¹⁸ Jon Garland and Neil Chakraborti, Divided by a common concept? Assessing the implications of different conceptualisations of hate crime in the European Union, *European Journal of Criminology* 9(1) 38–51, p. 42

¹⁹ FRA (2007a). Report on Racism and Xenophobia in the Member States of the EU. Vienna: FRA, pp.114-133

²⁰ see Goodey, n. 12 above, p.20

