UNDER-REPORTING AND UNDER-RECORDING OF HATE CRIMES AGAINST MUSLIM WOMEN IN ITALY

CINZIA BROCCOLO,[1] RŪTA GRIGALIŪNAITĖ,[2]
CLOÉ SAINT-NOM,[3] GUIDO SAVASTA[4]

[1] University of Palermo, Palermo, Italy
cinzia.broccolo@cesie.org
[2] School of Advanced Studies Sant' Anna – Pisa, Pisa, Italy
ruta.grigaliunaite@cesie.org
[3] University of Copenhagen, Copenhagen, Denmark
cloe.saintnom@cesie.org
[4] University CEU San Pablo, Madrid, Spain
guido.savasta@cesie.org

The chapter analyses the root causes of under-reporting (the low number of reports from victims and witnesses), which causes a lack of recognition of the discriminatory matrix of reported crimes and, therefore, under-recording (erroneous reporting and investigation – by law enforcement agencies) of hate crimes against Muslim women in Italy. A survey of practitioners and members of the Muslim community in Italy was conducted between May and September 2022. The findings reveal that multiple factors contribute to the low reporting rate and the flaws in recording episodes of hate speech and hate crimes of intolerance and hatred towards Muslim women. Lack of trust in the judiciary or the police and the significant "tendency" to not report a case of intolerance represent the main causes of under-reporting. This brings out a habituation of victims towards hate and discrimination.

Nezadostno prijavljanje in neevidentiranje zločinov iz sovraštva proti muslimankam v Italiji

Cinzia Broccolo,[1] Rūta Grigaliūnaitė,[2]
Cloé Saint-Nom,[3] Guido Savasta[4]

[1] Univerza v Palermu, Palermo, Italija
cinzia.broccolo@cesie.org
[2] Šola za napredne študije Sant' Anna – Pisa, Pisa, Italija
ruta.grigaliunaite@cesie.org
[3] Univerza v Köbenhavnu, Köbenhavn, Danska
cloe.saintnom@cesie.org
[4] Univerza CEU San Pablo, Madrid, Španija
guido.savasta@cesie.org

Poglavje analizira temeljne vzroke nezadostnega prijavljanja (nizko število prijav žrtev in prič), ki povzroča premajhno priznavanje diskriminacijske matrike prijavljenih kaznivih dejanj in s tem premajhno evidentiranje (napačno prijavljanje in preiskovanje organov kazenskega pregona) zločinov iz sovraštva proti muslimankam v Italiji. Anketa med praktiki in pripadniki muslimanske skupnosti v Italiji je bila izvedena med majem in septembrom leta 2022. Ugotovitve razkrivajo, da k nizki stopnji prijavljanja in pomanjkljivostim pri beleženju epizod sovražnega govora in zločinov iz sovraštva, nestrpnosti in sovraštva do muslimank prispeva več dejavnikov. Pomanjkanje zaupanja v sodstvo ali policijo ter izrazita »nagnjenost« k neprijavljanju primerov nestrpnosti sta glavna vzroka za nezadostnost prijavljanja ter hkrati vplivata na sprijaznjenost žrtev s sovraštvom in diskriminacijo.

1   Introduction

As of 2020, there was an estimated population of 2.96 million Muslims in Italy, accounting for 4.9% of the total population (Pew Research Centre, 2020a). They are the second-largest religious community in Italy, comprised of both people with Italian citizenship and third-country nationals (Pew Research Centre, 2020b). Due to specific identity traits, Muslims may be targeted and become victims of intolerance and racism, ranging from xenophobic slurs to harassment and physical aggression. In Italy, police officers recorded 1,160 racist and xenophobic hate crimes in 2021 (OSCE Office for Democratic Institutions and Human Rights, 2023). These crimes are motivated by bias against race, skin colour, language, religion, ethnicity and nationality of the victims. This situation raises significant concerns, not only in terms of individual security but also about broader societal implications. However, hate crimes tend to be under-reported and under-recorded (Redattore Sociale, 2018), paving the way to impunity and generating the so-called risk of escalation, which is the normalisation of hate against a certain group. This is exemplified by the "Hate Pyramid" scheme (developed by the Anti-Defamation League), according to which "the phenomena of 'low-intensity' intolerance, if not adequately countered, are likely to degenerate into progressively escalating episodes of violence, eventually leading to outright hate crimes and, finally, to the ultimate expression of hatred, which is genocide." (Ministry of the Interior, 2021)

"Structural injustices, inequalities, and emerging human rights challenges aggravate obstacles to achieving inclusive societies. Achieving Goal 16 by 2030 requires decisive action to address these problems and restore trust in institutions. Strengthening the capacity of these institutions is essential to ensure justice for all and facilitate peaceful transitions to sustainable development" (United Nations Development Programme, n.d.). Under Goal 16.3, promoting the rule of law both nationally and internationally and ensuring equitable access to justice for all can truly serve as a driver for a more just, equitable, and inclusive society.

Improving access to justice for marginalised communities through a participatory, multi-level and multi-agency approach involving public institutions, civil society organisations, legal practitioners and community representatives is presented as a potential solution to under-reporting and under-recording. This approach aligns with United Nations Sustainable Development Goal 16 (hereinafter SDG 16) –

Promote peaceful and inclusive societies for sustainable development, ensure access to justice for all, and build effective, accountable, and inclusive institutions at all levels. The key lies in institutional changes that promote greater access to justice for all and policy dialogue interventions to enable knowledge exchange, cross-sectoral collaboration, and sharing of resources and expertise to overcome barriers and build a more inclusive and equitable society (United Nations Development Programme, n.d.).

On the one hand, victims may decide not to report cases and file formal complaint with public authorities for various reasons that will be addressed later in this chapter. On the other hand, law enforcement officials might not recognize the discriminatory nature of the crime and thus inaccurately record the case as an "ordinary offence". These issues cause significant social problems and hinder national and European efforts to counter hatred and bias-motivated crimes.

The obligations set out in the so-called EU Victims Directive clearly state that "Individual assessments should consider the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime. They should also consider the type or nature and the circumstances of the crime, such as whether it is a hate crime, a bias crime, or a crime committed with a discriminatory motive" (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JH, 2012). Moreover, racist and xenophobic offences, as envisaged in the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008), shall not remain unpunished, and each EU Member State "shall take the necessary measures" to prosecute such crimes. Furthermore, failing to combat discrimination and intolerance hinders and poses serious barriers to the integration of Muslim migrants and refugees who have arrived in Europe, including Italy, "with all the potentially harmful consequences" (European Agency for Fundamental Rights–FRA, 2017).

In this context, our chapter will offer an analysis of the goals achieved through the TRUST project, which explored the state of the art of under-recording and under-reporting phenomena in an Italian sample (TRUST, n.d.). By analysing the results of the project, we will shed light on an increasingly frequent and, at the same time, hidden problem. Furthermore, we will delve into the systemic barriers and sociocultural factors that contribute to under-recording and under-reporting while highlighting best practices and innovative approaches highlighted by TRUST to improve data collection and reporting mechanisms. By synthesising the work done and findings that have emerged from different perspectives on the Italian territory through the direct involvement of key stakeholders, our chapter aims to provide actionable recommendations and strategic directions for policymakers, practitioners, and researchers. Through this effort, we intend to contribute to the existing literature by advancing the discourse on under-reporting and under-reporting, ultimately promoting a more inclusive and equitable society in which all voices are heard and considered.

2   Anti-Muslin Sentiment

Twenty years after 9/11, Islamophobia is still used as a "political tool" to gain political consensus among U.S. citizens (Alfonseca, 2021). The waves of refugees, mainly originating from Muslim countries, and the terrorist attacks in Europe, such as the bombing in Madrid in 2004 and London in 2005 "are often catalysts for anti-Muslim sentiments" (OSCE Office for Democratic Institutions and Human Rights, 2023) and are linked to prejudiced opposition (Borell, 2015). According to the EU-MIDIS II report, Muslims, accounting for 4% of the EU's total population, "face high levels of discrimination because of their ethnic or immigrant background – including skin colour, ethnic origin or immigrant background, and religion or religious belief" (European Union Agency for Fundamental Rights–FRA, 2017). Several surveys at both national and international levels (Borell, 2015; European Monitoring Center on Racism and Discrimination, 2006) show that Muslims in Europe are discriminated against in various contexts, such as employment, education and housing. At the same time, some European countries have introduced specific measures and limitations on the practice of Islam (Awan & Zempi, 2016). Additionally, hatred and violence against this specific ethnic group have reached "epidemic proportions." As stated by Ahmed Shaheed, UN Special Rapporteur on freedom of religion or belief, special attention should be also given to the

72

THE UN SUSTAINABLE DEVELOPMENT GOALS AND PROVISION OF SECURITY, RESPONSES
TO CRIME AND SECURITY THREATS, AND FAIR CRIMINAL JUSTICE SYSTEMS

intersectional aspects of this widespread phenomenon (United Nations Human
Rights Office of the High Commissioner, 2021).

The term intersectionality was coined by Kimberlé Crenshaw in 1989. It describes
how interconnected systems of power affect those who are most marginalised in
society. Intersectionality opposes analytical systems that treat each axis of oppression
in isolation. For example, being a woman, an immigrant, and a Muslim corresponds
to three discriminatory variables that together create a more complex form of
discrimination to address (Crenshaw, 1989).

Heated debates over Islamic values and their perceived incompatibility with Western
customs or "our way of life" are a persistent issue in Italy. In 2016, 61% of Italians
believed that " Muslims do not wish to participate in the broader society," while
geopolitical events and shocking terrorist attacks have highlighted the negative
attitude toward Muslims existing in some segments of the Italian society (69% in
2016) (Wike et al., 2016). Intersectional hate speech is an emerging trend, and
Muslim women, especially those wearing a hijab in public spaces, have often been
victims of racist attacks, including slurs or xenophobic expressions and, to a lesser
extent, of physical violence (i.e., attempting to strip off their hijab). These negative
attitudes and views in Italy are also tied to political affiliation and ideology; those
supporting populist or right-wing parties are more likely to have an unfavourable
opinion of Muslims (Wike et al., 2019).

The escalation of hate speech against Muslims is most pronounced when directed at
women, precisely because of intersectionality. Muslim women are more vulnerable
to intimidation, violence, and harassment (Awan & Zempi, 2016), rooted in
prejudice and stereotypes, often in public settings. Regardless of nationality, Muslim
women are subject to these forms of discrimination, both in real life and online via
social networking sites such as Facebook, Twitter, Bebo, and MySpace (Awan &
Zempi, 2016). Such language and these actions, often justified by the perpetrators,
reinforce perceived superiority based on gender, religion, ethnicity, or cultural
affiliations. Beyond ideological differences, the mistreatment of Muslim women
reflects anthropological biases that view them as vulnerable because of their gender
and threatening because of their religious identity. These distorted narratives are
perpetuated by political figures, institutions, and the media, shaping societal attitudes
and contributing to the normalisation of hate crimes (Panighel, 2021).

However, hate crime victims often do not file a complaint with public authorities or report the incident. In 2021, the European Agency for Fundamental Rights–FRA registered "concerning rates of non-reported bias-motivated violence and harassment against ethnic minorities". As the incidents of Islamophobia in Europe demonstrate, the level of hostility and enmity towards this community is high (Bayrakli & Hafez, 2016; Borell, 2015). Hence, Muslims represent one of the most vulnerable ethnic groups affected by bias-motivated crimes.

This is particularly true for episodes of racism and violence targeting the Muslim community, especially Muslim women. Muslim women are more likely to be targeted by hate speech and hate crimes than men and thus suffer from multi-layered discrimination due to their gender, ethnic origins, and religion (Awan & Zempi, 2020). In this context, being a woman, an immigrant, and a Muslim can constitute a major cause of discrimination in Italy (Dessi, 2016). According to the Map of Intolerance created in 2021 by Vox-Diritti in collaboration with several Italian Universities, Islamophobia has escalated to worrying levels, and stereotypes and social stigma have been reinforced and widely spread online. An online survey carried out on Twitter revealed that racist slurs and xenophobic expressions, such as "terrorists" or "jihadists", are widely used to define members of the Muslim community in Italy. Additionally, a study conducted in 2019 by the Italian sociologist Fabrizio Ciocca revealed that 60% of Italian Muslims felt discriminated against or experienced stereotypes and violence.

On top of that, descendants of migrants, including Muslim young people, face twofold discrimination: on the one hand, they feel discriminated by the state, which does not recognize them as full-fledged citizens, and on the other hand, they face racist attacks from those who do not accept them for their identity traits such as skin colour, ethnicity and religion. Often, second-generation immigrants, especially young people born and raised in Italy, struggle to be accepted and recognised as Italian citizens, facing enormous obstacles and hardships in defining their own identity. Perceiving themselves as second-class citizens or undesired guests, they may curb any form of active citizenship or political participation. Additionally, young Muslims may be encouraged from reporting cases of intolerance and hatred. As stated by the European Agency for Fundamental Rights–FRA (2017, p. 10): "*EU Member States […] correctly expect immigrants to comply with the host societies' legislation and values while rarely promoting their meaningful participation, especially that of youth, in the society*

*in which they live". […] All EU Member States should consider providing more favourable
conditions for citizenship acquisition and naturalisation for descendants of immigrants who were
born and/or educated in the country […]. This would foster their sense of belonging, building on
their strong attachment to the countries they live in and their high levels of trust in their democratic
institutions".*

3   Under-Reporting and Under-Recording of Hate Crimes

The phenomenon of under-reporting represents the tendency of the victims and
witnesses of hate crimes not to report them (Chrico et al., 2020). Despite the above-
mentioned figures, hate crimes and episodes of racism remain highly under-reported
by "vulnerable categories". According to a European survey conducted in 2021 by
the European Agency for Fundamental Rights, "only 12% of Muslim respondents
who felt discriminated against because of their ethnic or immigrant background in
the five years before the survey reported the most recent incident or filed a complaint
with an authority" (European Agency for Fundamental Rights–FRA, 2021). The lack
of hate crime recording may lead to the normalisation of hate against certain
categories, in this case, a religious minority, and to a higher risk of escalation towards
more serious criminal acts, such as extremist violence against people and their
properties. Across the EU, the most relevant and well-known reasons behind this
issue are a lack of trust in the public authorities (e.g., police officers, judicial system)
and fear of further victimisation (OSCE Office for Democratic Institutions and
Human Rights, 2023).

The issue of under-recording occurs when members of law enforcement agencies
(LEAs) do not identify the bias indicators or the discriminatory nature of the crime
and thus "do not record it or investigate it as such" (Chirico et al., 2020, p. 5). This
is mainly due to a lack of training concerning this phenomenon, which leads to the
LEAs' inability to recognise the anti-Muslim bias in a specific crime. As a result,
victims' needs remain invisible when the specific nature of the crime is undetected
by public authorities, granting impunity to those spreading and promoting anti-
Muslim hatred, both online and offline.

When we talk of hate crimes, we refer to criminal offences committed or motivated
by bias or prejudice against a group of people, or even those perceived to be part of
such a group, characterised by specific identity traits, such as religion, ethnicity, and

language. However, in Italy, a legal definition of hate crime and hate speech is still missing, and we rely on EU directives or international documents to categorize and interpret such phenomena. Furthermore, there is no law in Italy setting clear boundaries on which conduct, or actions should be considered as an episode of hate speech or hate crime.

By the principle of legal certainty, to avoid and mitigate an extensive interpretation of the norms, whose application is also dependant on the discretion of judicial bodies and law enforcement agencies (LEAs), the legislators, namely the members of the Italian Parliament, should adopt an unambiguous definition of the crimes to be prosecuted and sanctioned. In summary, the interpretation of the cases to be punished must occur within the Parliament and not in the Courts (Garante per la protezione dei dati personali, 2022). However, the Reale-Mancino laws and their provisions (Penal Code, 2018) do provide a legal framework to fight racism but do not address these specific crimes or offer a clear definition of the felonies. Thus, the norms need to be updated and adapted to new circumstances to curb hate speech and hate crimes.

Furthermore, no guidelines or practical tools have been provided to instruct and support police officers in identifying and recording hate crimes (OSCE Office for Democratic Institutions and Human Rights, n.d.). Difficulties in recording hate crimes are also evident from the extremely low number of judicial proceedings related to hate crimes held between 2016 and 2021: specifically, 300 cases (Ministry of Justice, 2022). Additionally, 80% of these cases were archived, highlighting the inefficiency of articles 604 bis (Propaganda and incitement to commit crimes of discrimination based on ethnicity, national origin, and religion) and 604 ter (Civil Protection Code, 2018) in combating hate discourse, both online and offline.

The Observatory for Security against Acts of Discrimination (OSCAD), an interagency operational body within the Public Security Department – Central Directorate of Criminal Police, was established in September 2010 to enhance the prevention and countering of discriminatory offences. OSCAD aims to create a bridge between hate crime victims and law enforcement agencies (LEAs) by facilitating the reporting process, monitoring emerging trends raising awareness, and training police officers on these matters. Additionally, anyone who is a victim or

witness of a hate crime may inform and report a discriminatory episode to OSCAD (Ministry of the Interior, n.d.).

As of 31 December 2021, over 38.600 law enforcement officers were trained, directly or indirectly, by OSCAD (Ministry of the Interior, n.d.). However, in 2017, the personnel of the State Police and Carabinieri amounted respectively to 94.715 and 109.793 units, respectively. The national training programme delivered by OSCAD aims to generate a cascade effect, reaching territorial offices and local personnel deployed across Italy (Censimenti Permanenti Istituzioni Pubbliche, 2020). In this regard, it is extremely challenging to train and sensitize every single officer on these matters, and such training activities seem to be limited to certain officials with specific ranks and roles. Consequently, not all police officers may be aware of or able to identify bias indicators, recognize the discriminatory nature of the crime, and provide an adequate response when Muslim women decide to file a complaint and report an episode of hate speech or hate crime.

At present, due to structural and normative barriers, it is impossible to identify the specific bias motivating and triggering criminal conduct. Furthermore, official data collected by OSCAD and forwarded to the Organisation for Security and Co-operation in Europe (OSCE) do not provide a reliable statistical overview of the phenomenon (Ministry of the Interior, 2021). Lastly, as highlighted by the OSCE Office for Democratic Institutions and Human Rights "since 2018, Italy has not reported data to ODIHR on hate crimes recorded by the prosecution and judiciary" (OSCE Office for Democratic Institutions and Human Rights, 2023).

4   Methodology

The assessment of the Italian situation concerning hate speech and hate crimes against Muslim women was conducted through a series of semi-structured interviews and focus groups. These engagements involved public officials, representatives from civil society organisations (CSOs), and community leaders identified through the mapping activity undertaken in the initial phase of the TRUST project (TRUST, n.d.). TRUST, which stands for Tackling Under-Reporting and Under-Recording of Hate Speech and Hate Crimes Against Muslim Women, is two-year project co-funded by the CERV programme (CERV-2021-EQUAL) and implemented by an Italian Partnership including the Public Prosecutor's Office at the Ordinary Court

of Trento, Ce.S.I. – Centre For International Studies, CESIE ETS, L'Albero Della Vita Onlus, ActionAid International Italia Onlus, A Buon Diritto Onlus, COREIS Italian Islamic Religious Community, Carabinieri/Ministry Of Defense, led by Agenfor International. The project studies the vulnerability of a group that is particularly affected by episodes of intolerance, racism and xenophobia in Italy, and, according to available studies, tends to under-report episodes of discrimination or hate crimes (OSCE Office for Democratic Institutions and Human Rights, 2023).

To meet the objectives set by the TRUST Partnership, researchers primarily focused on the following questions: How can we facilitate the reporting and recording of hate speech or hate crime cases and support victims, with a special focus on Muslim women in Italy? Which factors deter women from reporting xenophobic and racist attacks against them or members of their own community? The TRUST project engaged frontline practitioners, members of relevant public authorities, law enforcement agencies (LEAs), and representatives of Muslim communities across Italy to address these questions and identify potential solutions. These interviews were conducted not only in Palermo, Milano, and Trento – where the project was implemented – but also in Rome and Torino, involving civil society organisations dedicated to social inclusion and fighting discrimination. Additionally, representatives from the Carabinieri, serving as LEAs, participated in the interviews, along with public institution officials such as social assistance and integration officers. This comprehensive approach ensured a diverse and holistic perspective in understanding the challenges faced by Muslim women and devising effective strategies to address them.

From May to September of 2022, CESIE and A Buon Diritto Onlus conducted 40 online interviews, each lasting one hour. These interviews aimed to assess the current level of cooperation between CSOs, Muslim organisations, and public authorities in managing online and offline hatred. Stakeholders were carefully selected based on their interest in the project and geographical area, representing government departments, regional authorities, municipalities, non-governmental organisations (NGOs)/civil society organisations, professional groups (e.g., scholars and researchers addressing these topics), media influencers involved in promoting the fight against discrimination and hate crimes against Muslim women, as well as Muslim communities and Muslim women. Additionally, during the same period, project partners conducted 20 interviews with Muslim women to explore their

perceptions of threats and experiences of discrimination in their daily lives, as well as to assess the assistance offered by Italian institutions and associations. All interviews were recorded with the consent of the respondents.

All interviews took place online. Additionally, on the 28th and 29th of June 2022, CESIE conducted two focus groups in Rome and Milan with members of LEAs, CSOs, and the Muslim community. These engagements provided valuable insights into the challenges and opportunities for collaboration in combating discrimination and hate crimes against Muslim women.

The semi-structured interview questions included a comprehensive exploration of how individuals, public bodies, or organisations deal with discrimination, particularly against the Muslim community, and the activities undertaken to prevent and counter it. They aimed to understand the degree of interaction with associations or representatives of the Muslim community and to identify any obstacles encountered in these interactions. Additionally, the questions sought to understand and address the prevalence of Islamophobia and discriminatory attitudes toward Muslim women, as well as the difficulties in reporting hate crimes and incitement incitement. Therefore, they attempted to assess the adequacy of legal instruments in combating racial, ethnic, and religious discrimination in Italy.

Another online focus group was conducted on September 14, 2022, to gather further insights and solicit feedback from stakeholders and frontline operators in several Italian cities. During this virtual meeting, special attention was paid to several critical issues. First, discussions focused on assessing the current level of cooperation among local stakeholders and identifying opportunities to strengthen collaboration. Additionally, participants delved into the specific challenges faced by Muslim women, emphasising the need to promote strong and reliable relationships between these individuals and local authorities. Attention was also drawn to identifying any gaps or deficiencies in the support provided to victims of hate speech and hate crimes. Through these extensive discussions, the focus group sought to generate actionable strategies to address these pressing issues in the Italian context.

5 Findings on Under-Reporting in Italy: Root Causes and Potential Solutions

The multidimensional analysis conducted by TRUST members through interviews and focus groups shed light on the root causes of under-reporting and identified effective strategies to tackle this issue.

5.1 Anti-Muslim Sentiment

Most respondents, including professionals and Muslim women interviewed, expressed serious concern about the rise of Islamophobia in Italy and the spread of toxic narratives targeting the Muslim community, both online and offline. Most of the Muslim women interviewed reported experiencing unequal treatment, especially those wearing a hijab, and agreed that Muslim women in Italy face a higher risk of being victims of hatred and intolerance. The interviews and subsequent statements revealed distinct recurring elements that describe the challenges faced by Muslim women in Italy:

"I was verbally and physically attacked, insulted on the street";
"A boy tried to cut my veil with scissors";
"When people talk assuming that I don't understand Italian";
"At the university, a professor didn't want me to pass the exam because I was wearing a veil";
"In HR interviews, the hijab was a problem".
(TRUST, n.d.)

Furthermore, nearly all women and girls interviewed by the TRUST partners agreed that Muslim women are at higher risk of being victims of racism and xenophobia due to their appearance and their gender. Discrimination manifests in various ways, both physically and digitally, presenting different challenges depending on how it is expressed. In many cases, various forms of discrimination lead to a sense of resignation or helplessness among victims, fostering a tendency to tolerate mistreatment due to familiarity or perceived futility in reporting incidents. This sentiment also extends to the public security institutions responsible for prosecuting such crimes, as indicated by a participant from the Muslim community during the Thematic Focus Group: *"The fear is not unwarranted and the crime cases are recurrent. However, it is disheartening that even when perpetrators are identified by name, justice remains elusive. Why do perpetrators often escape punishment?"* (TRUST, n.d.)

5.2   Root Causes

As emerged from the research, the absence of a legal definition of hate crime and hate speech adds a further layer of confusion and may also have negative repercussions on the investigations and prosecution of discriminatory offences by LEAs. Some respondents pointed out that the norms are too vague and not necessarily applicable in specific situations, often requiring interpretation rather than straightforward application. LEAs and relevant practitioners interviewed by TRUST researchers stressed this aspect and highlighted the role and sensitivity of judges in prosecuting cases of hate speech, emphasising the importance of considering and applying the existing legislation.

All respondents and the participants in the focus groups confirmed the concerning trend of under-reporting and provided interesting insights on that matter. Consistent with the European context, the analysis of the interviews revealed a general lack of trust in the Italian criminal justice system and in the effective prosecution of cases reported to local authorities.

First and foremost, victims are oftentimes discouraged by rumours circulating within their own community and resigned to the idea of maintaining a "low profile" within Italian society as a strategy to cope with the racist episodes and daily cultural barriers These sentiments, expressed as "nothing will change" or "they won't believe you", were commonly quoted during interviews within the community. These phrases, repeated over time and by people, serve to deter potential victims from reporting hate crimes by formally filing a complaint with law enforcement.

Most of the respondents expressed profound discouragement about the prosecution of so-called haters or those insulting, inciting or promoting racist narratives against Muslims. Poor knowledge of the reporting procedure and the formal steps leading to the formal prosecution of the crime may also add a further layer of confusion and mistrust, generating concerns or doubts about the effective response of the relevant authorities. Within this framework, having an insecure legal status, namely, the lack of a valid residence permit, has a relevant impact on the victim's final decision to report the crime. The fear of being deported or expelled from the country could induce the victim to keep silent when confronted with a racist offence, avoiding further issues with public authorities.

Factors affecting reporting rates include a lack of awareness of available support services, which emerges as a significant barrier. Many women interviewed, particularly first-generation Muslim or migrant women, are often unaware of support services, hotlines, and public support centres that can help them report crimes or hate speech directed at their community or themselves. In contrast, second-generation Muslim women demonstrate greater familiarity with reporting procedures, tools and services for dealing with bias-motivated crimes or hate speech, especially online. Instances of racist slurs and comments aimed at Islam, or the Muslim community are prevalent on social media platforms, and young Muslim women interviewed by TRUST researchers express confidence in their understanding of the services and actions needed to report offenders online.

The extension of the phenomenon, especially online, has also led to peculiar forms of acceptance or resignation to anti-Muslim hatred spread on social media, and to a lesser extent in public spaces. "It happens all the time, so I got used to it" represents one of the most common responses provided by Muslim women during the survey. Some respondents even justified their aggressors or simply underestimated the discriminatory nature of the actions or "racist jokes" against them or their community. Linguistic barriers also represent a major cause of under-reporting. Cultural mediation is not always immediately available, and in some cases, the presence of a mediator at the police station, for example, may not be guaranteed at all.

5.3   Potential Solutions

Practitioners and representatives of CSOs participating in the survey highly recommended awareness-raising campaigns and outreach activities to sensitise, orient, and inform Muslim communities in Italy, especially the most vulnerable groups such as women and girls. The respondents argued that raising awareness about relevant support services and the existing helpdesks through tailored social media campaigns, including messages in Arabic, is crucial. However, despite such strategies having already been implemented at both national and local levels, respondents proposed that they need to be adapted and improved to reach a much larger audience, including those less social media savvy, to debunk stereotypes, and to inform people about the importance of reporting criminal conducts. In this regard, the role of the community, particularly the imam, emerged vividly during the

focus groups, and respondents stressed the need for a more effective and regular commitment of the Muslim community in addressing these issues.

Among the proposals presented by the respondents, it emerged that COREIS (Italian Islamic Religious Community based in Milan) and UCOII (Union of Islamic Communities and Organisations in Italy)—along with all other entities representing the different Muslim communities living and working in Italy- should create a united front against Islamophobia and also disseminate valuable information within their respective community about the existing services and tools to defend themselves from hatred and intolerance. Religious leaders and relevant community members are respected, share the same cultural background, and speak the same language as the people within their communities. Therefore, message conveyed through awareness-raising campaigns are more likely to reach their target and achieve their main objective if such individuals are involved and actively engaged in supporting potential victims of hate speech or hate crimes. Our respondents believed that creating a strong and effective collaboration between Muslim leaders, representatives of each community, and LEAs could lay the foundation for a solid communication campaign against Islamophobia and improve the victim-police officer relationship, thereby mitigating the mistrust and concerns circulating within the community in question. Additionally, Muslim women who are victims of hate speech or hate crimes may face prejudice and lack of sensitivity even when they decide to report episode of racism or the violence perpetrated against them or their properties.

According to a respondent from the second-generation Muslim community, Muslim women face enormous barriers both outside and within their own community. Instead of finding an emphatic environment, whether at the police station or at home, women may suffer revictimisation and social stigma for denouncing a xenophobic episode. Hence, patriarchy still represents a serious problem in some specific contexts, and the community or even the family may discourage the victim and prevent her from filing a complaint and reporting a racist offence. One participant in the third focus group pointed out that strict gender roles within some Muslim families may be, among other things, a serious obstacle to reporting hate speech or hate crimes. "*If she cannot even say stop! It's enough! within her own family, I highly doubt that she can file a complaint against those who insult her on the street or rip off her veil while she's walking*" one Muslim participant said. Additionally, the hijab is still perceived as

a symbol of submission and enslavement of a woman, whose agency and free choice in wearing the veil due to her religious belief is not considered.

Negative experiences with LEAs, even if there were a few, have a multiplier effect and quickly spread throughout the Muslim community, generating a detrimental impact on the relationship between victims and law enforcement authorities. As mentioned by some respondents, police officers and public authorities who are more likely to interact with Muslims should receive adequate training and acquire basic competencies in Islamic doctrine to avoid misinterpretations or the spreading of "false myths" about Islam.

Lastly, participants in the focus groups provided remarks about the causal link between the legal status of the potential victim and the attachment to the country.

Considering the above, the lack of trust in the legal system and law enforcement in the country, the real or perceived level of racial discrimination, and feelings of belonging to the country where Muslim youth live are deeply intertwined. Respondents emphasised that those who feel discriminated against and unwelcome within the country may also perceive that their homeland rarely relies on public support services or LEAs to denounce a hate crime, which, in turn, may lead to lower levels of active citizenship.

5.4   Development of Action Plan

During the interviews and the focus groups, members of CSOs, LEAs, and the Muslim community expressed their availability and enthusiasm for creating more fruitful collaborations with all entities working on this matter. Establishing a national or local network of relevant actors committed to tackling Islamophobia would facilitate the recording of hate speech cases and hate crimes. Within this framework, data collection and monitoring activities are also crucial to gain a deep understanding of the phenomenon and identify the most suitable measures to fight against it.

Between October and December 2022, four workshops took place in Milan as part of the European project TRUST, aimed at addressing hate crimes and discrimination in Italy. The workshops brought together diverse stakeholders, including civil society organisations, Muslim communities, law enforcement agencies (LEAs), and public

authorities. Participants shared their experiences to overcome prejudices and stereotypes that hinder dialogue and perpetuate discrimination, aiming to promote cooperation and trust among different actors. Civil society and public institutions played a mediation role, particularly focusing on Muslim communities and law enforcement.

The main limitations identified by the respondents include victims' habituation of crimes and hate speech, which leads to under-reporting and under-recording. This is compounded by a lack of collective knowledge about hate incidents and distrust of institutions, especially the police. Additionally, there is a lack of structured support networks for Muslim communities and women affected by hate and discrimination. Participants expressed commitment to creating such networks to prevent hate crimes and raise awareness. Prevention efforts were discussed among the respondents at the primary, administrative, and judicial levels. Primary prevention through education is perceived to be the key, but it must be complemented with reporting and alternative measures to break the cycle of impunity.

To address these challenges and propose concrete actions, participants collaborated to draft an Action Plan applicable in several Italian cities, piloting it in Palermo, Milano and Trento. Proposals for the Action Plan included improving stakeholder training and awareness, promoting greater collaboration between the public and private sectors through formal agreements, and implementing preventive measures to effectively combat hate speech (TRUST, n.d.).

Consequently, the Workshop for the co-design of the Action Plan, organised by the TRUST Consortium and held in Milan, marked a significant step forward. Building on the outcomes of previous meetings held between October and December 2022, which included Participatory Action workshops, representatives from public authorities, Muslim communities, and civil society organised collaborated to outline the objectives of the Action Plan. The workshop saw active participation from institutional representatives such as the National Police, Arma dei Carabinieri, and local municipalities including Comune di Rovereto, alongside civil society representatives from organised like Articolo 3 – Observatory on Discrimination, Associazione Eva, and ISPI – Italian Institute for International Political Studies, in collaboration with Milan, Palermo, and Trento as focal cities for implementing the Action Plan, designed activities to strengthen collaboration between local

authorities, Muslim communities, and civil society organisations. The aim is to facilitate the reporting and recording of discrimination and hate crimes against Muslim women. Key components of the plan include co-responsibility agreements between these entities and the establishment of a database of professionals within the Muslim community. Technical working groups, comprising representatives from local authorities, the Islamic Religious Community (COREIS), and CSOs, will oversee the implementation of the Action Plan in each city, ensuring gender balance and long-term project success through training events, awareness campaigns, and sustainable actions (TRUST, n.d.).

The results of the final joint workshop evaluation showed that all participants reported a significant increase in their awareness of hate phenomena and hate speech directed towards Muslim women, which they attributed to the collaborative efforts and discussions during the workshop. Additionally, all respondents believed that effective solutions were identified to address the problem of under-recording and under-reporting of hate incidents. The most appreciated aspects of the workshop were the opportunity for collaboration and dialogue among diverse stakeholders and the increased awareness and knowledge about Islamophobic discrimination. Overall, the workshop was deemed successful in achieving its objectives of raising awareness and fostering collaboration to combat discrimination and hate crimes against Muslim women.

6   Conclusion

As the main findings of the research illustrated, Muslim women are particularly vulnerable and represent one of the largest groups affected by racism and hatred, both online and offline. Despite the countermeasures adopted so far (i.e., the EU Code of Conduct signed by IT platforms to remove hate speech within 24 hours), racist comments and Islamophobia are still too common and widely spread on social media channels and TV shows. This issue persists, and non-reporting of hate speech cases or hate crimes may also be caused by the shared opinion within the Muslim community that "nothing will change" and "it happens all the time, so why should I file a complaint".

The focus groups indicated a significant tendency to underestimate hate crimes among victims, aggressors, and the social context itself. Reasons for this underestimation include low levels of education, poor integration into society (especially among immigrant women), lack of knowledge of Italian hate crime legislation, socio-cultural barriers, and lack of trust in institutions and reporting procedures. In addition, the absence of specialised training for professionals dealing with hate crimes poses challenges, as does the disconnect between public discourse on hate speech and actual initiatives to address it. Particularly, Islamophobia tends to be more accepted than other forms of discrimination in Italy, and insults against Muslim women are often normalised in various contexts. These findings underscore the need for improved reporting mechanisms, enhanced education and training, and increased societal awareness and action to combat discrimination and hate speech in Italy.

As our research demonstrates, toxic narratives targeting Muslims, promoted and spread by public figures, with a special focus on politicians, have a detrimental effect on the entire community and pave the way to the marginalisation of this group. Additionally, hate discourse is often socially tolerated, if not accepted or even embraced by some segments of Italian society, whose anti-Muslim sentiment is not limited to the political spectrum (Vitullo, 2021).

The serious concern emerges from the fact that victims of such criminal offences cannot exercise their right to an effective remedy as envisaged in the EU Victims' Directive. For Muslims to regain trust and confidence in legal proceedings and the police, criminal conduct and bias-motivated offences need to be prosecuted. Furthermore, victims, as well as those at risk of becoming victims, need to be supported in reporting and informed about the services available to rely on in case of emergency (Giordano, 2021).

Cultural mediators working within police stations, as highlighted by participants during the focus group held in Rome, play a key role in this context. Additionally, community members, such as associations driven by Muslims, especially those composed and led by women, can assist victims in the decision-making process that may lead to reporting. The results of our research indicate that the active participation and commitment of local Muslim communities should be encouraged and enhanced, involving the most relevant Islamic Cultural Centres and Institutions

in Italy. Their long-lasting presence in almost every Italian region or city constitutes added value in supporting Muslim women in reporting acts of racism. Furthermore, the existence of an effective referral mechanism is fundamental. Therefore, the creation or enhancement of a local or national network committed to supporting vulnerable individuals and tackling Islamophobia is highly recommended.

As emerged during the research, CSOs can also play a crucial role and may represent a bridge between LEAs and the Muslim community at local and national levels. Creating mutual connections and strengthening multilateral cooperation, including Muslim representatives from different communities, can be a major step forward in the fight against hatred and the anti-Muslim sentiment. Our research suggests that a bilateral exchange of knowledge, participation in regular roundtables, and the promotion of intercultural dialogue could represent promising paths in combating hatred and the anti-Muslim sentiment.

As our example illustrates, a multi-agency approach can foster the creation of a communication campaign to debunk stereotypes about Muslims, as well as address rumours concerning the futility of reporting a crime and the inactivity of law enforcement officers. Additionally, our respondents proposed that informative sessions on Italian anti-discrimination laws and procedures to report racist conduct could be held within cultural Islamic centres and mosques. Such places should also be open to the whole community, including law enforcement agencies (LEAs), to promote inter-religious dialogue and facilitate a better understanding of the Islamic culture and the community. On the other hand, OSCAD territorial centres, located in every Italian region, can serve as a lever for cooperation. Therefore, each territorial unit should be part of and actively participate in local networks, working side-by-side with CSOs and Muslim communities.

To enhance the recording and reporting of hate speech cases and hate crimes, indicators of bias-motivated crimes and self-assessment tools, like those developed by the Carabinieri to tackle gender-based violence and bullying (Minister of Defence, n.d.), would provide significant support to potential victims. Police officers and the judiciary should also be aware of these indicators and be able to identify the discriminatory nature of the offence. Further training sessions are needed, and in this regard, without questioning the undeniable commitment of LEAs in Italy, much work still needs to be done. Alongside OSCAD trainers, the participation of relevant

members of the Muslim community may offer a valuable opportunity for police officers to learn or enhance their competencies and skills in handling real-life situations involving Muslim women.

Our research documents that the participatory approach is in line with the principles of SDG 16. By analysing the representation of intersectional discriminated populations such as Muslim women, a conflict-sensitive approach was adopted, adhering to ethical standards in working with vulnerable populations. In addition, capacity-building initiatives empower stakeholders to understand the needs of different groups, while data transparency fosters accountability. By promoting cross-sectoral collaboration, complex societal challenges were addressed holistically, contributing to the promotion of peaceful, inclusive, and just societies in Italy, in line with the SDG 16 goal (United Nations Development Programme, n.d.).

In conclusion, under-reporting and under-recording are deeply intertwined, and resolving one of these issues cannot be fully effective without addressing the other. CSOs and Muslim communities can work side-by-side with law enforcement agencies (LEAs) to increase reporting trends at local and national levels. However, if recording issues persist and structural or legal barriers hinder the effective identification and prosecution of hate crimes, trust in the judicial system and LEAs will remain low, discouraging victims from reporting. Inclusive societies and institutions, as promoted by SDG16, ensure access to justice, especially in cases of intersectional discrimination suffered by Muslim women. Muslim communities and front-line practitioners must collaborate with public institutions to tackle these institutions and shed light on this complex matter.

References

Alfonseca, K. (11. 9. 2021). 20 years after 9/11, Islamophobia continues to haunt Muslims. *ABC News*. https://abcnews.go.com/US/20-years-911-islamophobia-continues-haunt-muslims/story?id=79732049.

Awan, I. & Zempi, I. (2016). The affinity between online and offline anti-muslim crime: Dynamics and impacts. *Aggression and Violent Behavior, 27,* 1–8. doi:10.1016/j.avb.2016.02.001

Awan, I., & Zempi, I. (2020). *Offline and online experiences of anti-Muslim crime. For the Special Rapporteur on freedom of religion or belief – Preparation for the report to the 46th Session of Human Rights Council.* https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/ProfAwan-3.pdf.

Bayrakli, E., & Hafez, F. (2016). *European Islamophobia report.* SETA–Foundation for political, economic and social research. https://setav.org/en/assets/uploads/2017/05/EIR_2016.pdf

Borell, K. (2015). When is the time to hate? A research review on the impact of dramatic events on islamophobia and islamophobic hate crimes in Europe. *Islam and Christian-Muslim Relations, 26*(4), 409–421.

Censimenti Permanenti Istituzioni Pubbliche. (2020). *Censimento permanente delle Istituzioni Pubbliche: Forze di polizia, Forze armate e Capitanerie di porto. Anni 2015 e 2017* [Permanent census of public institutions: Police forces, armed forces and port authorities. Years 2015 and 2017]. https://www.istat.it/it/files//2020/12/REPORT-FORZE-ARMATE_CENS_IST_PUBBL.pdf

Chirico, S., Gori, L., & Esposito, I. (2020). *Quando l'odio diventa reato: Caratteristiche e normativa di contrasto degli hate crimes* [When hate becomes a crime: Characteristics and legislation to combat hate crimes]. https://www.poliziadistato.it/statics/26/quando-odio-diventa-reato.pdf

Ciocca, F. (2019). *L'Islam italiano – Un'indagine tra religione, identità e islamofobia* [Italian Islam – An investigation into religion, identity and Islamophobia]. Meltemi.

Civil Protection Code. (2018). *Official gazette*, (1/18).

Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. (2008). *Official Journal of the European Union,* (328/55).

Crenshaw, K. (1989). *Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics.* Routledge.

Dessì, G. (2016) *Forgotten women: The impact of Islamophobia on Muslim women in Italy.* European Network Against Racism. https://www.enar-eu.org/wp-content/uploads/factsheet_italy_-_en_final.pdf.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JH. (2012). *Official Journal of the European Union,* (315/57).

European Agency for Fundamental Rights–FRA. (2017). *Second European Union Minorities and Discrimination Survey: Muslims – Selected findings.* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf.

European Agency for Fundamental Rights–FRA. (2021). *Encouraging hate crime reporting — The role of law enforcement and other authorities.* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-hate-crime-reporting_en.pdf

European Monitoring Centre on Racism and Xenophobia. (2006). *Muslims in the European Union: Discrimination and Islamophobia.* https://fra.europa.eu/sites/default/files/fra_uploads/eumc-2006-muslims-in-the-eu-discrimination-and-islamophobia_en.pdf

Garante per la protezione dei dati personali. (2022). *Senato della Repubblica – Commissione straordinaria intolleranza, razzismo, antisemitismo, istigazione all'odio e alla violenza* [Senate of the Republic - Extraordinary commission on intolerance, racism, anti-Semitism, incitement to hatred and violence]. https://www.garanteprivacy.it/home/docweb/-/docweb-display/docweb/9746273

Giordano, F. M. (2021). Tra religione e politica: l'Europa, l'Islam e le vie dell'integrazione [Between religion and politics: Europe, Islam and the ways of integration]. *De Europa, 4*(2), 7–9.

Minister of Defence (n.d.). *Test di autovalutazione* [Self-assessment test]. https://www.carabinieri.it/in-vostro-aiuto/consigli/codice-rosso/codice-rosso/test-di-autovalutazione.

Ministry of Justice. (2022). *Hearing of the Ministry in front of the Special Commission on the phenomenon of hate speech.* https://www.youtube.com/watch?v=UASwzZBpW6Y&t=1911s

Ministry of the Interior. (2021). *Combattere tutte le forme di discriminazione per evitare il rischio di degenerazioni* [Fight all forms of discrimination to avoid the risk of degenerations]. https://www.interno.gov.it/it/notizie/combattere-tutte-forme-discriminazione-evitare-rischio-degenerazioni

Ministry of the Interior. (2021). *Monitoraggio dei crimini d'odio* [Monitoring hate crimes]. https://www.interno.gov.it/it/stampa-e-comunicazione/dati-e-statistiche/dati-sulle-segnalazioni-oscad

Ministry of the Interior. (n.d.). *Osservatorio per la sicurezza contro gli atti discriminatori – OSCAD* [The observatory for security against acts of discrimination – OSCAD]. https://www.interno.gov.it/it/ministero/osservatori-commissioni-e-centri-coordinamento/osservatorio-sicurezza-contro-atti-discriminatori-oscad

OSCE Office for Democratic Institutions and Human Rights. (2023). *Hate crime reporting – Italy.* https://hatecrime.osce.org/italy.

OSCE Office for Democratic Institutions and Human Rights. (n.d.). *National frameworks to address hate crime in Italy.* https://hatecrime.osce.org/national-frameworks-italy#dataCollection

Panighel, M. (2021). *Gendered Islamophobia and Femonationalism in Italy The 'Veiled Sardine' Case.* Unpublished paper presented at the 20th Nordic Migration Research Conference and 17th ETMU Conference, "Colonial/Racial Histories, National narratives and transnational migration, 11-14 January 2021, University of Helsinki

Penal Code. (2018). *Official gazette*, (21/18).

Pew Research Centre. (2020a). *Pew-Templeton Global Religious Futures Project.* http://globalreligiousfutures.org/countries/italy/religious_demography#/?affiliations_religion_id=0&affiliations_year=2020

Pew Research Centre. (2020b). *Religious demography: Affiliation – Italy-2020.* https://www.pewresearch.org/topic/religion/religious-demographics/pew-templeton-global-religious-futures-project/

Redattore Sociale. (10.8.2018). *Osservatorio sui crimini d'odio: in 7 anni più di 2 mila segnalazioni* [Observatory on hate crimes: In 7 years more than 2 thousand reports]. https://www.redattoresociale.it/article/notiziario/osservatorio_sui_crimini_d_odio_in_7_anni_piu_di_2_mila_segnalazioni.

TRUST. (n.d.). https://www.trust-project-eu.info/en/the-project/

United Nations Development Programme. (n.d.). *Sustainable development goals.* https://www.undp.org/sustainable-development-goals

United Nations Human Rights Office of the High Commissioner. (2021). *UN expert says anti-Muslim hatred rises to epidemic proportions, urges States to act.* https://www.ohchr.org/en/press-releases/2021/03/un-expert-says-anti-muslim-hatred-rises-epidemic-proportions-urges-states

Vitullo, A. (2021). The online intersection among Islamophobia, populism, and hate speech: An Italian perspective. *Journal of Religion Media and Digital Culture, 10*(1), 95–114. doi:10.1163/21659214-bja10028

Vox-Diritti. (2021). *Mappa dell'Intolleranza 6: Islamofobia* [Map of intolerance 6: Islamophobia]. http://www.voxdiritti.it/mappa-dellintolleranza-6-islamofobia/

Wike, R., Poushter, J., Silver, L., Devlin, K., Fetterolf, J., Castillo, A., & Huang, C. (14.10.2019). European public opinion three decades after the fall of communism: 6. Minority groups. *Pew Research Centre.* https://www.pewresearch.org/global/2019/10/14/minority-groups/

Wike, R., Stokes, B., & Simmons, K. (11.7.2016). Europeans fear wave of refugees will mean more terrorism, fewer jobs. *Pew Research Centre.* https://www.pewresearch.org/global/2016/07/11/europeans-fear-wave-of-refugees-will-mean-more-terrorism-fewer-jobs/