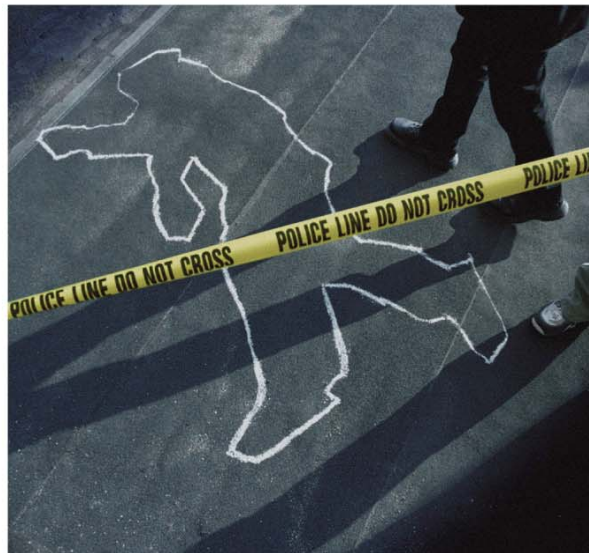


2008 Hate Crime Survey

Summary and Recommendations



**TOPICS INCLUDE ■ Racism and Xenophobia ■ Antisemitism ■ Violence Against Muslims
■ Religious Intolerance ■ Violence Against Roma ■ Violence Against LGBT Persons**

Human Rights First's Fighting Discrimination Program

The Fighting Discrimination Program has been working since 2002 to reverse the rising tide of antisemitic, racist, anti-Muslim, anti-immigrant, and homophobic violence and other bias crime in Europe, the Russian Federation, and North America. We report on the reality of violence driven by discrimination, and work to strengthen the response of governments to combat this violence. We advance concrete, practical recommendations to improve hate crimes legislation and its implementation, monitoring and public reporting, the training of police and prosecutors, the work of official anti-discrimination bodies, and the capacity of civil society organizations and international institutions to combat violent hate crimes. For more information on the program, visit www.humanrightsfirst.org/discrimination or email FD@humanrightsfirst.org.

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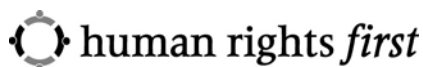
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Hate Crime Survey

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Overview

European and North American Governments are failing to keep pace with a wave of violent hate crime that continues to rise across the region. Racism, antisemitism, xenophobia, anti-Muslim and anti-Roma hatred, religious intolerance, homophobia: the list of biases that fuel these crimes is a long one. Attacks range from lethal assaults to threats and harassment to vandalism and desecration of religious and community property. The perpetrators are individuals acting alone, or in concert with neighbors, coworkers, and fellow students, as well as loosely knit or more organized groups that share ideologies of hatred and act on them. The violence can ruin lives, or end them. It can terrorize whole communities, driving away vulnerable minorities or forcing them to stay out of sight. Violent hate crime, especially when the official response to it is weak or nonexistent, also attacks the society at large, undermining the very notions of equality and the equal protection of the law.

This *2008 Hate Crime Survey* examines six facets of violent hate crime in the 56 European and North American countries that comprise the Organization for Security and Cooperation in Europe (OSCE): **Violence Based on Racism and Xenophobia, Antisemitic Violence, Violence Against Muslims, Violence Based on Religious Intolerance, Violence Against Roma, and Violence Based on Sexual Orientation and Gender Identity Bias.**

Based on a review of available information, violent hate crime—individuals or property targeted with violence on account of race, religion, ethnicity, sexual orientation, disability or similar status—is occurring at historically high levels in many OSCE countries. Indeed, the violence

increased in 2007 in many areas for several types of hate crime. Among the findings:

- There were moderate to high rises in the overall recorded numbers of violent hate crimes motivated by racism and xenophobia in 2006 and 2007 in **Finland, Ireland, the Slovak Republic, Sweden, the United Kingdom, and the United States**. In the absence of official data, information from nongovernmental monitors show rising levels of racist violence in **Greece, Italy, the Russian Federation, Switzerland, and Ukraine**. Individuals of African origin and Roma were particularly targeted in acts of racist and xenophobic violence in 2007 and in the first half of 2008.
- In 2007, overall levels of violent antisemitic attacks against persons increased in **Canada, Germany, the Russian Federation, Ukraine, and the United Kingdom** according to official statistics and reports of nongovernmental monitors.
- Available data indicates that violence based on sexual orientation and gender identity bias is a significant portion of violent hate crimes overall and are characterized by levels of physical violence that in some cases exceed those present in other hate crimes.
- Although there is ample evidence of violence targeting Muslims and those perceived to be Muslims across Europe and North America, only four governments—**Austria, Canada, Sweden, the United Kingdom, and the United States**—publicly report on violent incidents motivated by this form of bias.

Victim surveys and other data suggest that only a small portion of violent hate incidents are even reported to the police. Thus, the information that is available—and that paints such a sobering picture—is certainly only the tip of the iceberg.

The Survey also assesses government responses to violent hate crime. These vary considerably across the 56 OSCE countries. While several governments have responded in significant ways to hate crime, just as many downplay the problem, despite media and other reports that suggest that

violence is taking place. Every government can do more to combat violent hate crime; many of the region's governments need to do much more.

To make this claim with specificity, the Survey examines two critical elements of an effective government strategy: official monitoring, data collection and public reporting; and legislation and its implementation. A systematic survey of each of the 56 OSCE countries on the basis of these two benchmarks can be found on our Web-based **Hate Crime Report Card**, available at: <http://www.humanrightsfirst.org/discrimination>.

Assessing **Systems of Monitoring and Reporting**, we conclude that most European governments are failing to live up to their commitments to the OSCE to monitor and collect data on violent hate crime, a prerequisite to an effective official response. Only 13 of the 56 participating states of the OSCE have adequate reporting systems, while over 40 states collect and publish either limited or no information specifically on the incidence of violent hate crimes. This gap in data collection can distort the full picture, as the countries that take the steps necessary to collect and publish the data can appear to be the ones with the highest number of incidents.

In the absence of government data, civil society groups have demonstrated the existence of the problem, pointing out failures in the government's response. Yet there are larger gaps in the information than such groups currently have the capacity to fill. Indeed, increased support and training is sorely needed for civil society groups in many countries to enhance their capacity to monitor and advocate.

Reviewing **The Framework of Criminal Law**, we report that over 30 OSCE countries have laws criminalizing or establishing enhanced penalties for a range of violent crimes motivated by racial or religious bias, but 23 countries do not, despite reports that violent hate crimes are taking place in many of those countries. Moreover, only 12 countries have laws that extend to sexual orientation bias; only seven extend to disability bias. Even when these laws are in place, it is nearly impossible to know the extent to which they are being implemented. Even the best official data collection systems

do not generally assess how well police are responding to incidents and the disposition of cases in courts. There is virtually no systematic data on this from nongovernmental sources as well.

The Survey includes a **Ten-Point Plan** for all governments to strengthen their response to violent hate crime, and among those points are the following:

- condemn attacks when they occur and make clear that there is zero tolerance for violent hate crimes;
- instruct and adequately train police and prosecutors to investigate and prosecute cases, working in partnership with victims, their communities and civil society groups;
- improve monitoring, data collection, and public reporting in order to ensure the accountability of law enforcement and sound public policy;
- strengthen criminal laws to cover all forms of bias-motivated violence.

This Survey also provides **Recommendations for Strengthening the OSCE**, in particular by advancing that organization's tolerance and nondiscrimination agenda—of which combating hate crime is an important component.

The Survey also looks in more detail at two countries where violent hate crimes have been on the rise and makes specific recommendations for government action. Of particular concern is the **Russian Federation**, where the number of bias-motivated attacks on individuals continues to grow steadily, with 2008 on track to be the fourth record-setting year in a row and with an annual number of bias-motivated murders approaching 100. Though government officials have begun to recognize the problem posed by neo-Nazi violence, the official response has been sorely inadequate.

In **Ukraine**, too, racial, antisemitic and other bias motivated violent crimes are on the rise. The government there has undertaken a number of steps to combat hate crimes, although its overall response to this problem has been inconsistent and insufficient.

But though the level of violent hate crime and the adequacy of government responses may vary from one country to another, no state is immune from the prejudice and bigotry that stand behind such violence. A **Country Panorama** section profiles hate crime cases from 30 countries. We draw particular attention in that section to the rising levels of hate crimes in **Germany** and the **United Kingdom**, and continued high proportions of violent hate crime against individuals in **France**—countries where governments have mounted significant efforts to combat the problem in recent years.

Similarly, in the **United States**, the government has generally responded vigorously to violent hate crimes, in both rhetoric and action. Yet hate crime there constitutes a serious and continuing problem, and several specific recommendations are made to further strengthen the government's response.

The Survey finally provides **Foreign Policy Recommendations for Government of the United States**, which has played a leading role in international forums in addressing the problem of racist, antisemitic and some other forms of violent hate crimes. We outline a number of concrete steps that could be taken by the United States to demonstrate continued international leadership at the OSCE, to advocate combating hate crimes in bilateral relationships, and to support civil society groups that are working to address this region-wide problem.

Recommendations for Governments

Recommendations for all Governments of the 56 Participating States of the OSCE

We call on all governments of the 56 participating states of the Organization for Security and Cooperation in Europe (OSCE) to implement the following ten-point plan for combating violent hate crimes within their own countries as well as the recommendations for strengthening the capacity of the OSCE in this area:

Ten-Point Plan for Combating Hate Crimes

- 1. Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
- 2. Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- 3. Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- 4. Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
- 5. Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
- 6. Monitor and report on hate crimes.** Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.

7. **Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
8. **Reach out to community groups.** Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
9. **Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
10. **Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.

Strengthening the OSCE

Advance the OSCE's tolerance and nondiscrimination agenda by raising hate crime issues at OSCE forums and advocating the following:

- The fulfillment by participating states of their OSCE obligations to combat racism, xenophobia, antisemitism, and other forms of intolerance and discrimination, in particular the obligations to collect hate crime data and to report that data to the Office for Democratic Institutions and Human Rights (OSCE/ODIHR).
- The reappointment by the Greek Chairmanship in 2009 of the OSCE Chairman-in-Office's three personal representatives on tolerance with their distinct mandates.
- Expanded administrative resources, either from the Chairmanship or elsewhere within the OSCE, to support the three Personal Representatives in carrying out their mandates.
- Continued support for the ODIHR's Tolerance and Nondiscrimination Unit (TnD), in particular to encourage:
 - Efforts to ensure that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.
 - The ODIHR to convene regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized antidiscrimination bodies, and consider as a topic in 2009 the building of trust and cooperation between law enforcement agencies and victims, their communities and civil society groups.
 - Wide dissemination of the ODIHR's forthcoming legislative guidelines on hate crimes.
 - Agreements between the ODIHR and participating states on programs of technical assistance to combat hate crime.

- Sufficient funding for the TnD unit and its programs and activities on hate crime through the regular OSCE budget and through extrabudgetary contributions.
- Immediate preparations for a high-level conference on combating hate crimes in 2009 in order to generate political support for the implementation of tolerance and nondiscrimination commitments as well as to reinforce the activities of the personal representatives on tolerance and the ODIHR. Action must be taken immediately to identify a host country, develop an agenda and proposed outcomes, and take steps to ensure high-level participation. Because hate crime is a problem that poses serious threats across the region and an issue that combines multiple forms of discrimination and intolerance, this conference could bring together governments and a wide range of civil society actors with a view to developing a common program of action to respond to hate crime while recognizing the unique factors that characterize different types of bias motivation.
- Implementation by participating states of the recommendations from the June 2004 Paris meeting on the internet and hate crimes, as set forth in Decision 633 of the OSCE Permanent Council on Promoting Tolerance and Media Freedom on the Internet.

Recommendations for the Government of the United States

We call on the government of the United States to demonstrate international leadership at the OSCE, advocate measures to combat hate crime in bilateral relationships, and expand efforts to support civil society organizations throughout the OSCE area, by taking the following steps:

Demonstrate International Leadership at the OSCE

Advance the OSCE's tolerance and nondiscrimination agenda by taking a leading role in furthering the above-mentioned recommendations related to "Strengthening the OSCE."

Provide for extrabudgetary contributions, secondment of personnel, and other in-kind support for OSCE programs to combat violent hate crimes, including by making available its law enforcement expertise. In this connection, undertake a process to assess and reform the current mechanism of budget allocation by the State Department to ensure that the United States meets its funding obligations to the OSCE in a timely manner.

Advocate in Bilateral Relationships and Offer Technical Assistance

Promote stronger government responses to violent hate crime among OSCE participating states through U.S. reporting as well as the bilateral relationships of the United States with those countries, by:

- Maintaining strong and inclusive State Department monitoring and public reporting on racist, antisemitic, xenophobic, anti-Muslim, homophobic, anti-Roma and other bias-motivated violence—including by consulting with civil society groups as well as providing appropriate training for human rights officers and other relevant mission staff abroad.
- Raising violent hate crime issues with representatives of foreign governments and encouraging, where appropriate, legal and other policy responses, including those contained in Human Rights First's ten-point plan for governments to combat violent hate crime and its specific recommendations on the Russian Federation and Ukraine.
- Offer appropriate technical assistance and other forms of cooperation, including training of police and prosecutors in investigating, recording, reporting and prosecuting violent hate crimes as well as translation of Department of Justice and Federal Bureau of Investigation (FBI) materials on hate crimes. Moreover, the FBI's International Law Enforcement Academy should include a hate crime component in its training of law enforcement personnel in emerging democracies of Eastern Europe and the former Soviet Union.

- Organize International Visitors Programs on combating bias-motivated violence for representatives of law enforcement, victim communities, human rights groups and legal advocates.

Support Civil Society Organizations

Expand funding and other support to build the capacity of civil society groups in the OSCE region to combat violent hate crimes, by:

- Providing extrabudgetary support to expand ODIHR's civil society training program on combating hate crimes.
 - Focusing on combating hate crimes in the next phase of USAID's democracy and governance assistance in Russia in order to expand the capacity of civil society groups in Russia to monitor and report on hate crimes, engage in national and international advocacy and to respond to cases and support victims at the local level.
 - Providing funding to expand the network of monitors on violent hate crime by civil society groups in Ukraine.
 - Ensuring that groups working to combat all forms of violent hate crime have access to support under existing U.S. funding programs, including the Human Rights and Democracy Fund and programs for human rights defenders.
- Congressional establishment of a long-term funding program at the State Department, USAID or an outside agency to provide financial support for civil society groups in the OSCE region to monitor and report on violent hate crime, to advocate more effective laws and policies and stronger official responses to hate crime incidents, to provide services to victims, and to develop and implement programs to prevent and respond to hate crime.

The Reality of Hate Crime

Violence Based on Racism and Xenophobia

Racist and xenophobic violence rose in several of the 56 countries of the Organization for Security and Cooperation in Europe (OSCE) in 2007, according to official statistics and reports by expert bodies and nongovernmental monitors. Although comprehensive and systematic data collection systems are unavailable in most OSCE states, government monitoring systems in a number of countries showed moderate to high rises in the overall numbers of hate crimes in 2006 and 2007—the latest figures available. These include **Finland, Ireland, the Slovak Republic, Sweden, the United Kingdom, and the United States**. Over a longer period of time—between 2000 and 2006—eight European countries experienced an upward trend in recorded racist crime: **Denmark, Germany, France, Ireland, Slovakia, Finland, and the United Kingdom**.

Information from nongovernmental monitors provided evidence of rising levels of racist violence in 2007 in **Greece, Italy, the Russian Federation, Switzerland, and Ukraine**. Available figures may only be the tip of the iceberg, however. Media and NGO surveys suggest that in many cases violence was not being reported to or recorded by police. This assertion is bolstered by the *2007 European Crime and Safety Survey*, which revealed high levels of hate crimes reported in 2007 by respondents of immigrant background in **Greece, Italy, Spain, and Portugal**, while there was no relevant official criminal justice data on racist violence and crime from these countries.

Cutting across religious and cultural divides, racism and xenophobia threaten communities distinguished by ethnic or national origin, including both national minorities and people

of immigrant origin, citizens and noncitizens, longtime residents and newcomers.

People of African origin, regardless of their citizenship status, were subjected to some of the most persistent and serious attacks, and were among the principal victims of racist and xenophobic violence in Europe and North America. A series of incidents involving hangman's nooses and burning crosses served as a reminder that racist intimidation and other hate crimes against African-Americans remain a serious problem—and that African Americans continue to be the largest group targeted for hate crime violence in the United States.

In Eastern Europe and the former Soviet Union, people of African origin faced particularly virulent racism and violence. People of Asian origin also faced high levels of racist violence, with racism confronting South Asians often overlapping with and exacerbated by religious hatred and prejudice toward those of a Muslim background, or those perceived to be Muslim.

In Western Europe, discrimination and violence targeted in particular the Afro-European descendants of people from the former European colonies in the Caribbean, North Africa, and Sub-Saharan Africa. Roma and Sinti, who are often described as Europe's largest minority, continued to be particular targets of discrimination and hate crime violence in their countries of citizenship and as immigrants. Immigrant Roma within the expanded European Union faced extraordinary violence in 2007 and 2008.

Immigrants and citizens of recent immigrant origin face particular problems of racism and xenophobia throughout Europe and North America. Anti-immigrant bias is a form of prejudice and hatred founded on multiple forms of discrimination that can attack the physical appearance,

religious affiliation, and cultural characteristics of the victims. Immigrants are often highly visible even in multicultural societies. Refugees and asylum seekers, especially those concentrated in small areas amidst largely homogenous populations, are particularly vulnerable to violent attacks.

In Western Europe, new trends of internal immigration in the expanded European Union have led to an increase in anti-immigrant discourse and violence directed at people from new member states of the E.U. Those targeted for vilification and violence included immigrant workers of Roma background and other immigrants of a wide range of ethnicities and national origins from the new E.U. member states.

In the most extreme examples of the new anti-immigrant discourse in Europe, immigrant groups were made scapegoats in 2007–2008 for social ills ranging from crime to unemployment. In **Germany**, **Greece**, and **Switzerland**, new strands of anti-immigrant scapegoating combined with manifestations of racist violence targeting immigrants. In **Italy**, anti-Roma rhetoric in concert with aggressive anti-immigration policies provided the backdrop for incidents of racist violence that occurred at a level unprecedented in recent history.

In the **United States**, recent debates on immigration have polarized society and provided the backdrop for a surge in reported violent assaults against people of Hispanic origin, both citizens and immigrants, in the last several years.

Antisemitic Violence

Antisemitic violence continued to rise across many parts of Europe and North America in 2007, despite improvements in some countries where there nevertheless remain historically high levels of violence motivated by anti-Jewish prejudice. But even in these places, there is pressure on people to conceal their Jewish identity. The decline in levels of antisemitic incidents in some countries coincided with an alarming trend toward an increasing number of violent personal assaults.

In 2007, overall levels of violent antisemitic attacks against persons increased in **Canada**, **Germany**, the **Russian Federation**, **Ukraine**, and the **United Kingdom** according to

official statistics and reports of nongovernmental monitors. In the **United Kingdom**, violent antisemitic attacks rose while the overall incident level declined moderately. The proportion of antisemitic incidents involving violent attacks on persons held steady in **France**, even as overall levels of antisemitic incidents there dropped significantly. In **Belgium**, the **Netherlands** and the **United States**, antisemitic crimes of violence declined.

There are undoubtedly a number of other European countries where antisemitic violence is also problematic, but where information on attacks—either from official or unofficial sources—is much less readily available.

Between 2000 and 2005, levels of antisemitic violence had fluctuated significantly in direct relation to events in the Middle East, which provide new impetus for those already predisposed to antisemitism in Europe. Since 2005, this pattern has to some extent changed, with month-by-month levels of antisemitic violence showing little change. These more uniform rates show little correlation with specific events involving Israel and the Middle East. This does not mean however, that the threat of antisemitic violence has diminished. In fact, the new norm is for very high levels of antisemitic violence, still estimated in a number of countries to be several times higher than that of the 1990's.

In some countries, the frequency and severity of attacks on Jewish places of worship, community centers, schools, and other institutions has resulted in a need for security measures by representatives of both the Jewish community and local or national government. Enhanced security can be credited for a reduction in attacks on Jewish sites and property in **France**, **Germany**, and the **United Kingdom**, where successive governments have made a strong commitment to protect the Jewish community. However, the need for such security is a powerful indicator of the revival of antisemitism in recent years.

Monitoring, a vigorous law enforcement response to individual incidents, cooperation between the police and affected communities, and attention to prevention, including through education, are all needed to combat antisemitism and its violent manifestations. Although some governments in

Europe and North America have instituted effective systems of monitoring and reporting on antisemitic hate crimes, most have not. And, while local nongovernmental organizations and community leaders provide information on such crimes, as well as insights into the response of the communities affected to those crimes, these initiatives are no substitute for state authorities addressing the problem directly.

Violence Against Muslims

Acts of bias-driven violence against Muslims and their places of worship continued in 2007 and 2008. The more serious of these offenses included assaults—sometimes deadly—against Muslim religious leaders, ordinary Muslims, and those perceived to be Muslim. Documented and reported offenses also included cases of harassment and attacks on places of worship.

While attacks on Muslims may often be motivated by racist or ethnic bias, intolerance is increasingly directed at Muslim immigrants and other minorities expressly because of their religion. The complexity of the problem of anti-Muslim violence is further intensified by the multiple dimensions of discrimination that may occur in a single incident, with overlays of intolerance often based on the victim's religion, ethnicity, and gender. Women who wear the hijāb—a highly visible sign of a woman's religious and cultural background—are particularly vulnerable to harassment and violence by those who wish to send a message of hatred. While law enforcement officials have responded to some of the more serious cases in several countries, underreporting remains a key problem, as most victims refrain from reporting attacks to the police.

Acts of aggression against Muslim individuals and places of worship are being committed in the context of a longstanding strain of political discourse in Europe that has projected immigrants in general and Muslims in particular as a threat not only to security but to European homogeneity and culture. The situation has worsened in recent years in the context of terrorist attacks and the response of governments to them.

Anti-Muslim prejudice and violence occur throughout the Organization for Security and Cooperation in Europe (OSCE)

region, although the context differs from one country or region to another. Moreover, certain international and domestic events—such as the terrorist attack in Scotland in June 2007—continue to provoke backlash attacks on Muslims and those perceived to be Muslims.

There is a lack of official statistics on the incidence of violent hate crimes against Muslims, as only a few countries engage in official monitoring of this form of bias. This data deficit proves a challenge to comprehensive and well thought-out policy decisions to address the problem. The **United States** has long been systematically monitoring anti-Muslim crimes, while such monitoring and public reporting has been conducted for the past two years in **Sweden**. In the **United Kingdom** monitoring and reporting on “Islamophobic” hate crimes is most developed in London. Authorities in the United States reported an increase in the level of violence against Muslims between 2005 and 2006—the last time period for which data is available. Statistics from Sweden and from the London Metropolitan Police have shown a slight decline in the incidence of such crimes between 2006 and 2007.

In two other countries, data on hate crime targeting Muslims was reported for the first time in 2008. In June, **Canada** released the first national hate crime statistics, which included data on hate crimes perpetrated against Muslims. Previously, official data from Canada had been limited to several police jurisdictions. **Austria** has begun to monitor “Islamophobic crimes” within the framework of its reporting on right-wing extremism, releasing data for the first time on two such cases in the 2007 reporting.

Authorities in **France** do not report explicitly on violence against Muslims, but their reporting of racist and xenophobic hate crimes offers a window into the problem of anti-Muslim violence, with over 60 percent of reported incidents perpetrated against people of North African origin, who are predominantly Muslim. No other government in the OSCE region reports crimes motivated by hatred toward Muslims.

Comprehensive data from nongovernmental sources is also generally unavailable, as very few NGOs across the region monitor and publicly report specifically on violent anti-Muslim hate crimes. Overall, the lack of reporting makes it difficult to

assess the official responses to such incidents by the police and in the courts.

Violence Based on Religious Intolerance

Violence motivated by religious intolerance continued to be reported in many countries in Europe and North America in 2007 and 2008. Members of religious minorities throughout the region were subjected to numerous physical assaults causing serious injury or death. Adherents of religions deemed by governments to be nontraditional in Eastern Europe and the former Soviet Union, including Jehovah's Witnesses, Roman Catholics, Seventh Day Adventists, Evangelical Protestants, minority Orthodox Christians, and members of the Church of Jesus Christ of Latter-day Saints, were among those targeted for violence, sometimes in the context of government restrictions on religious activities and official rhetoric that vilifies such groups. In the United States, violent attacks on religious institutions sometimes combined antipathy toward particular confessions with hatred motivated by the racial makeup of their congregations.

This section addresses violence against adherents and property of other vulnerable religious minorities. In some countries, members of minority religions are subject to violent attacks, reflecting longstanding tensions between minority religious groups and the majority religious community. In other cases, adherents of religions that are new or are perceived to be new in a particular area are the targets of violence.

Government officials are not always neutral with regard to such tensions and disputes, and may exacerbate them or create the atmosphere in which violent acts take place, as well as influencing the way such violent acts are addressed by the authorities. In several countries discussed here, governments have enforced restrictions on religious activity, specifically targeting minority religious groups and beliefs. In extreme cases, religious activities that are not approved by the authorities are criminalized, while official approval of religious activities by some groups is arbitrarily withheld. Government security forces and law enforcement officials

have harassed or committed other abuses against persons engaged in religious activities, forcefully breaking up religious services, confiscating property, and fining or detaining religious leaders and other participants.

With or without such government action, officials at times condone or fail to refute vilification against some religious minority groups in the state or private media. In particularly egregious cases, law enforcement officials participate in attacks or fail to intervene and provide protection to members of religious minorities.

Violence Against Roma

Roma, like members of other visible minorities, routinely suffer assaults in city streets and other public places as they travel to and from homes, workplaces, and markets. In a number of serious cases of violence against Roma, attackers have also sought out whole families in their homes, or whole communities in settlements predominantly housing Roma. These widespread patterns of violence are sometimes directed both at causing immediate harm to Roma—without distinction between adults, the elderly, and small children—and physically eradicating the presence of Roma in towns and cities in several European countries.

This report documents violence and other forms of intolerance against Roma in eleven countries during 2007 and 2008. The most widely reported incidents occurred in **Italy**, where efforts to vilify Roma involved high-ranking government officials. Thousands of Roma were driven from their homes in 2007 when mobs attacked, beating residents and burning Roma settlements to the ground, as police reportedly did not intervene in several cases to protect the victims. Some Italian political leaders encouraged a national clamor for Roma to be expelled from cities and deported. Violent incidents have also been reported in **Bulgaria**, the **Czech Republic**, the **Russian Federation**, **Serbia**, and **Slovakia**.

The bias-motivated violence against Roma often occurs in an environment in which local political leaders speak openly of their desire to expel Roma minorities. Even as police and local public authorities are in some cases complicit in driving Roma from their homes and seeking their relocation to other

towns or cities—or even their deportation—others holding national public office, too, characterize Roma as outsiders who are less than citizens and are unwanted. The presence of Roma in new places of residence, including as a result of migration within the newly expanded European Union, is often particularly precarious when anti-immigrant bias turns Roma into a scapegoat for broader societal ills, as is the case in several of the countries profiled in this report.

The discriminatory violence of private citizens and the inadequate responses of governments are manifestations of a broader framework of anti-Roma discrimination. This extends to the full range of civil, political, economic, social, and cultural rights. Even as public policy and private violence conspire to drive Roma from the shelter they can find in camps and abandoned buildings, pervasive discrimination denies them access to legal remedies for the loss of homes and property and the access to public housing or rental properties that would provide an alternative.

Indeed, the intensity of the recent anti-Roma violence in Italy should serve as a wake-up call to all of Europe. The multiple factors at work: the negative popular attitudes against Roma; the abuses that they experience at the hands of the police; the official and unofficial discrimination in employment, housing, health care, and other aspects of public life; the violent rhetoric of exclusion and expulsion used by public officials; the failure of many states to address the challenges of the marginalization of Roma—all combine to create a potentially explosive situation, with dire human consequences. As this report shows, this combustible mix of factors exists in several European countries. Yet, official monitoring of hate crimes that includes disaggregated public data on violence against Roma is practically nonexistent even among countries that have developed adequate monitoring systems on racist violence. Addressing hate violence against Roma, in the context of their unique situation, should be a matter of priority concern for policymakers and law enforcement officials.

Violence Based on Sexual Orientation and Gender Identity Bias

Continuing violence motivated by hatred and prejudice based on sexual orientation and gender identity, though still largely unseen, is an intimidating day-to-day reality for people across Europe and North America. The limited official statistics available suggest that these crimes represent a significant portion of violent hate crimes overall and are characterized by levels of serious physical violence that in some cases exceed those present in other types of hate crimes. None of the official reports suggest that incidents are decreasing; government data in some countries, as well as credible nongovernmental reports, suggest an increase. The victims include people who describe themselves as lesbian, gay, bisexual, or transgender (together, “LGBT”), as well as others who are targeted because they do not conform to stereotypes of gender identity. The victims of violence also include LGBT rights activists and organizations, openly gay commercial establishments, and those attending gay pride parades and other gay related public events. Bias crimes of this kind are often called “homophobic” crimes.

Nongovernmental monitoring, combined with incident reports available from the media, have reinforced official findings that homophobic violence is both frequent and of particular brutality. Annual reports by organizations in **France** and the **United States**, as well as new surveys and reports on **Germany**, **Turkey**, and the **United Kingdom** shed light onto the extent of harassment and violence in those countries, as well as the problem of underreporting to the police.

Few of the participating states of the Organization for Security and Cooperation in Europe (OSCE) track and provide official statistics on crimes motivated by sexual orientation bias.

Canada, **Sweden**, the **United Kingdom**, and the **United States** are the countries where such monitoring is most developed. Other countries, like the **Netherlands** and **Norway**, have also recently undertaken to monitor homophobic hate crimes. Even in those countries where data is collected, however, the number of incidents is generally thought to be highly underreported. The lack of data on sexual orientation bias crimes for the vast majority of OSCE

participating states makes it very difficult to assess the law enforcement response to violent incidents.

Only 12 of the 56 OSCE states have legislation that allows for bias based on sexual orientation to be treated as an aggravating circumstance in the commission of a crime.

These are: **Andorra, Belgium, Canada, Croatia, Denmark, France, Portugal, Romania, Spain, Sweden**, the **United Kingdom**, and the **United States**. In the **United States**, although federal hate crime legislation does not make violence motivated by sexual orientation a crime, state legislation in 30 states and the District of Columbia provides enhanced penalties for offenses motivated by sexual orientation bias.

As in the past, the years 2007 and 2008 saw the greatest public visibility for LGBT persons in the form of gay pride parades, although that visibility triggered violence and other manifestations of intolerance in several countries. In a number of cases documented in this report, gay pride parades and events in Eastern Europe resulted in political diatribes attacking people of minority sexual orientations from political and other leaders, inadequate police protection, and acts of harassment and violence against the participants.

The way in which recent gay pride events transpired in some countries—including **Croatia, Estonia, Latvia, Poland**, and **Romania**—suggest that the authorities took additional precautions against violent disruption in comparison to previous years. In other countries—such as **Moldova** and the **Russian Federation**—the authorities themselves continued to contribute to the danger faced by the participants in gay pride parades. In another group of countries—notably **Bulgaria**, the **Czech Republic, Hungary** and **Slovenia**—incidents of violence occurred despite apparently significant police preparations to protect the marchers. In a number of cases, the police were able to identify the violent protestors as being affiliated with organized extremist groups.

The international response to hate crimes against people because of their sexual orientation or gender identity is hindered by the fact that these forms of discrimination are not well integrated into international human rights and antidiscrimination bodies and mechanisms. Indeed, there is no convention or treaty specifically focusing on the human rights of LGBT persons. Within the framework of the United Nations, the problem of bias-motivated violence against LGBT persons is only just beginning to gain recognition and has remained largely outside of the framework of the general human rights treaty bodies, as well as those special mechanisms that deal with related issues of discrimination and intolerance. The nonbinding Yogyakarta Principles, developed by human rights experts, offer a way forward by reflecting state obligations under international law to address human rights violations—including violent hate crimes—based on sexual orientation and gender identity.

Within Europe, several institutions of regional intergovernmental organizations and other bodies have incorporated the problem of homophobic hate crimes into their mandates and/or their activities, although challenges remain to a more integrated and comprehensive approach.

Government Responses to Hate Crime

Systems of Monitoring and Reporting

An effective government response to violent hate crimes is difficult, if not impossible, without a clear picture of the extent of the problem, the types of offenses being committed, and the characteristics of the victims. Without adequate monitoring, it is impossible to identify emerging trends or hate crime hotspots, develop strategies for prevention and protection, and determine which groups are most susceptible to violent hate crimes. Without public reporting on the criminal justice response to hate crimes, it is difficult to ensure that adequate legal tools and resources are in place to investigate and prosecute such crimes and to reassure the public that efforts are being made to provide protection from violent forms of discrimination. OSCE states have committed to “collect and maintain reliable data and statistics on hate crimes and incidents.”

Efforts to introduce or enhance already existing monitoring systems are especially important in light of the increasing availability of crime victimization surveys, NGO monitoring, and media reports that suggest that hate crimes are occurring at a significant rate throughout the OSCE region and are seriously underreported to and underrecorded by the authorities.

Within the European Union, the Fundamental Rights Agency (FRA), the E.U.’s antiracism and human rights body, has determined that only 11 of the 27 member states have criminal justice data collection systems that can be considered “good” or “comprehensive” in their coverage of hate crimes. Outside of the E.U., only Canada and the United

States have well-developed reporting systems. Thus, only 13 of the 56 participating states of the OSCE are fulfilling their basic commitments to monitor hate crimes: **Austria, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland, Poland, Slovakia, Sweden, the United Kingdom, and the United States.**

Over 40 states collect and publish either limited or no information specifically on the incidence of violent hate crimes. Those states include: **Albania, Andorra, Armenia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Georgia, Greece, Holy See, Hungary, Iceland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, the Netherlands, Norway, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovenia, Spain, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, and Uzbekistan.** Several countries that publish limited information do so more frequently on nonviolent violations of hate speech laws than on violent hate crimes.

Over the past year, a number of countries have introduced improvements in their monitoring and reporting systems. Steps have been taken in at least eleven countries to improve the registration of hate crimes. Three countries have also enhanced the way in which they publicly report on hate crimes, with **Canada** releasing national data for the first time.

In the absence of government data on all or certain types of hate crimes, NGOs can paint a more accurate picture of the problem and the government response. Yet there are larger gaps in the information than NGOs currently have the

capacity to fill. Indeed, increased support and training is sorely needed for NGOs to enhance their monitoring capacity. Nevertheless, in 2008, NGOs in **Germany** and the **United Kingdom** conducted surveys that revealed high levels of homophobic violence—a phenomenon that official reporting systems in both countries have largely overlooked.

Framework of Criminal Law

While governments have an obligation to combat all crime, the hate crime concept is a simple acknowledgement of the greater seriousness of crimes motivated by racial, religious, or other prejudice and hatred that harm whole communities. Hate crime legislation signals a society's commitment to combat violent discrimination and gives force to this by providing for more severe penalties. In the last two years, the European Union has required and the Council of Europe has recommended that member states consider racist and xenophobic motives as an aggravating factor in violent criminal offenses, while the European Court of Human Rights has deplored “treating racially induced violence and brutality on an equal footing with cases that have no racist overtones.”

A growing number of the 56 countries in the OSCE are adopting criminal laws to expressly address violent hate crimes, largely in the form of penalty enhancement provisions. At present, there are over 30 countries in which legislation treats at least some bias-motivated violent crime as a separate crime or in which one or more forms of bias is regarded as an aggravating circumstance that can result in enhanced penalties.

However, 23 OSCE countries still have no express provisions defining bias as an aggravating circumstance in the commission of a range of violent crimes against persons. They are: **Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco, Montenegro, the Netherlands, Poland, San Marino, Serbia, Slovenia, Switzerland, and Turkey.**

Data from government bodies, NGOs and media in several of these countries indicate that violent hate crimes are occurring, but criminal justice authorities are unable to treat

them as the more serious crimes that they are due to the lack of a legislative basis to do so.

Of the 39 countries where legislation addresses bias-motivated violence as a separate crime or as an aggravating circumstance, those provisions all cover bias founded on race, ethnicity, and/or national origin, while 32 also cover religious bias. However, hate crime legislation extends to bias motivated by animus based on sexual orientation in only twelve countries and disability in only seven.

In 2007 and in the first half of 2008, there were legislative developments in several countries. In **Latvia**, new aggravating circumstances provisions addressing racist motivations entered into force. In **Portugal**, following criminal code amendments, bias based on sexual orientation can now be considered an aggravating factor in cases of homicide and assault. In the **Russian Federation**, also following amendments to its criminal code, aggravating circumstance provisions were extended to a range of new crimes. The biases were also expanded from “racial, national and religious hatred” to include “political” and “ideological” bias as well as bias against “a social group.” Observers have expressed concern that this latter development could be misused to punish political dissent.

In the **United States**, the latest effort to adopt amendments that would expand the scope of federal hate crime legislation, including to cover sexual orientation, gender identity and disability bias was unsuccessful, but new legislative initiatives are pending. In three other countries—**Germany, Norway**, and the **United Kingdom** (Scotland), draft criminal law amendments are at various stages of the legislative process.

Determining the extent to which the law is enforced in response to incidents of violent hate crime remains a challenge for all OSCE member states. Most states without laws on violent hate crime do not keep statistics on the law enforcement response to bias-motivated incidents of violence. Moreover, there is little official data from anywhere in the region with which to assess the effectiveness of the implementation of the laws that do exist on violent hate crimes. There is also a dearth of monitoring or other information on the implementation of these laws by

specialized antidiscrimination bodies or NGOs. Nonetheless, NGO monitors in a few countries, including the **Russian Federation** and **Ukraine**, have reported on an ad hoc basis on prosecutions, and specialized agencies in **Belgium** and **Sweden** have also engaged in some monitoring of hate crime cases. New measures have been undertaken in the **United Kingdom** to enhance the criminal justice response to hate crime as well as to track hate crime cases from incident to prosecution. The **Netherlands** has also announced that a pilot project to track hate crime cases through the courts will be extended throughout the country. ■

Human Rights First's 2008 Hate Crime Survey

Human Rights First's *2008 Hate Crime Survey* includes sections examining six facets of violent hate crime in the 56 countries that comprise the Organization for Security and Cooperation in Europe (OSCE): *Violence Based on Racism and Xenophobia, Antisemitic Violence, Violence Against Muslims, Violence Based on Religious Intolerance, Violence Against Roma, and Violence Based on Sexual Orientation and Gender Identity Bias*. The Survey also examines government responses to violent hate crimes in sections on *Systems of Monitoring and Reporting* and *The Framework of Criminal Law* and includes a Ten-Point Plan for governments to strengthen their responses. The Survey also includes an in-depth look at the *Russian Federation, Ukraine, and the United States* and contains a *Country Panorama* section that profiles individual hate crime cases from more than 30 countries within the OSCE.

About Human Rights First

Human Rights First believes that building respect for human rights and the rule of law will help ensure the dignity to which every individual is entitled and will stem tyranny, extremism, intolerance, and violence.

Human Rights First protects people at risk: refugees who flee persecution, victims of crimes against humanity or other mass human rights violations, victims of discrimination, those whose rights are eroded in the name of national security, and human rights advocates who are targeted for defending the rights of others. These groups are often the first victims of societal instability and breakdown; their treatment is a harbinger of wider-scale repression. Human Rights First works to prevent violations against these groups and to seek justice and accountability for violations against them.

Human Rights First is practical and effective. We advocate for change at the highest levels of national and international policymaking. We seek justice through the courts. We raise awareness and understanding through the media. We build coalitions among those with divergent views. And we mobilize people to act.

Human Rights First is a non-profit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.



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