



ALDE Seminar in the framework of the campaign “Preserving Civil Liberties.” Human Rights & Civil Liberties - Past, Present, Future

Remarks by Paul LeGendre

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Good afternoon.

My name is Paul LeGendre and I am the Director of Fighting Discrimination program at Human Rights First, which works to combat violent hate crime in Europe and North America. Today, I’d like to first explain why hate crimes are a human rights concern. Then I’ll share with you some of our findings that point to a rise in violent hate crimes in many countries in Europe and North America, as well as a general failure of governments to respond adequately. Finally, I’ll share with you a few recommendations for more concerted action to combat them.

Hate Crime and Human Rights

Violent hate crimes are attacks in which an individual is targeted because of his/her identity, be it ethnicity, religion, sexual orientation, disability or other similar attribute. Such attacks affect not only the immediate victim, but often threaten whole communities who identify with the victim, leaving many to live in fear and alienated from the larger society. By undermining the shared value

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of equality, hate crimes threaten the very fabric of the increasingly diverse societies in which we live.

To give one example of the damage hate crimes can cause, I was in Ukraine in May and I met with a man of African descent who had been brutally attacked a few months earlier by a gang of skinheads who beat him with metal bars shouting racial epithets, leaving him for dead. In addition to the victim's own immense physical and emotional suffering, the attack had profound ripple effects of fear through the community of Africans living in Ukraine, many of whom had themselves been the victims of various forms of harassment, including by the police. In my discussions with him, the victim echoed the feelings within the African community about their limited faith in police protection, the need to travel around town in groups, to be home before dark, and to always be looking over one's shoulder. One can hardly be a full participant in society under these circumstances.

What is the Reality of Hate Crime?

We look at the available information for the 56 countries that are part of the OSCE – North America, all of Europe and the former Soviet Union and our findings paint a disturbing picture, not only for the thousands of targets of violence, but also for rule of law and stability.

Some of the more serious cases of bias-motivated violence make the headlines – the brutal attacks on Roma communities in Italy come to mind. But the rising tide of such violence – like the case I mentioned in Ukraine – continues to go largely unreported and remain under the public radar screen.

In our most recent hate crime survey which we released in September, we found a bewildering array of biases that fuel the violence. Targets include African and Asians, Jews,

Muslims, Roma, minority Christians, LGBT persons, as well as activists and defenders of those targeted for violence.

Attacks include verbal threats of violence, lethal assaults, vandalism and desecration of religious and communal property. Among some of our findings for 2007:

- There were moderate to high rises in violent hate crimes motivated by racism and xenophobia 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**. In the Russian Federation alone, there have been nearly 100 racist murders in 2008, a number that is many times higher than in any other country in the OSCE!
- Antisemitic attacks have become increasingly violent in many places. In 2007, overall levels of violent antisemitic attacks against persons increased in **Canada, Germany, the Russian Federation, Ukraine, and the United Kingdom**. The number of violent assaults related to antisemitism in the United Kingdom rose last year, making 2007 the worst year since monitoring began in 1984.
- Available data indicates that violence based on sexual orientation and gender identity bias is characterized by levels of physical violence that in some cases exceed those present in other hate crimes. In the United States, a nationwide NGO coalition reported a 24 percent increase in homophobic attacks in 2007, including a sharp rise in the number of murders.
- Although there is ample evidence of violence targeting Muslims and those perceived to be Muslims across Europe and North America, only five governments—**Austria, Canada, Sweden, the United Kingdom, and the United States**—publicly report on violent incidents motivated by this form of bias.

This is what we know. There is still much we don't know because of the lack of reliable official data on hate crimes. In the absence of official data, victim crime surveys can be useful indicators. A **2007 European Crime and Safety Survey**, revealed high levels of hate crimes reported by respondents of immigrant background in **Greece, Italy, Spain and Portugal** – all countries in which there is little reliable official data. The study found for example that in a 12-month period, hate crimes were experienced by 14.5 percent of respondents in Spain and by 16.4 percent in Greece. On the basis of this study, FRA observed that in the original fifteen member states of the European Union, “on average 9.9 percent of respondents with an immigrant background indicated that they or a member of their immediate family were the victim of hate crime.”

Although the incidence and specific types of violent hate crimes may vary from country to country, no state in the region is immune from the prejudice and bigotry that stand behind them. In the United States, too, hate crimes remain a serious problem, and recently-released official statistics showed that attacks against people of Hispanic background and LGBT persons rose in 2007. Human Rights First has engaged in coalition with other US-based NGOs to advocate the adoption of new legislation that would strengthen the federal and local law enforcement response to hate crime. The new Obama Administration has signaled that it will sign into law this much-awaited legislation.

Government Response to Hate Crime

Governments have a positive duty to take measures to protect those who are most vulnerable to hate crime. In particular, governments have commitments to establish systems of official monitoring and data collection. This is an essential means to assess and respond to patterns of discriminatory violence. According to the Fundamental Rights Agency, however only 11 of the 27 EU countries have adequate systems of monitoring and reporting. Four

states: **Cyprus, Greece, Romania, Spain** don't have any official public data on hate crimes, even though there have been reports of bias-motivated violence in these countries.

Adequate policing and criminal prosecution of violent hate crimes is also an important part of an official response. A newly adopted E.U. Framework Decision on Combating Racism obliges states to treat racist and xenophobic motives as an aggravating circumstance, although 11 EU countries still don't have such provisions. Those include: **Bulgaria, Cyprus, Estonia, Germany, Greece, Hungary, Ireland, Luxembourg, Lithuania, the Netherlands, Poland, and Slovenia**. Even among those that do, the passage of this new Decision would serve as a good opportunity to ensure that police and prosecutors are adequately trained to recognize the bias motivations in violent crimes and to prosecute them as such.

Recommendations

Governments across the region clearly need to do more to stem the threat that violent hate crime poses to their societies. Human Rights First has developed a Ten-Point Plan for combating hate crime. First and foremost, law enforcement officials should ensure that every violent crime with a suspected bias motivation is carefully investigated and properly processed in courts, guaranteeing justice for victims of prejudice and hatred.

But governments should also be developing longer-term mechanisms to confront this challenge. Among the steps that should be taken include:

- establishing official systems of monitoring and public reporting
- instructing and adequately train police and prosecutors;
- adopting and implementing criminal laws to cover all forms of bias-motivated violence.

Members of the European Parliament also have an important role to play in holding government officials accountable for their human rights commitments to protect people from discrimination. Some of the concrete actions they can take include:

- working to ensure implementation of Fundamental Rights Agency recommendations on data collection.
- undertaking special inquiries into the problem of hate crimes
- providing support to civil society groups working to document hate crimes and assist victims
- ensuring that law enforcement and criminal justice officials have the budgetary resources they need to address hate crime adequately
- speaking out forcefully against hateful speech, especially when it comes from government officials or other political leaders.
- ensuring that combating hate crime is a part of bi-lateral relations with countries neighboring the EU and that multilateral institutions like the OSCE continue to have the political and financial support required to carry out their important work on hate crimes.

In conclusion, let me reiterate that violent hate crimes are a serious human rights problem that affects the lives of thousands across the Europe. Governments must ensure that impunity for bias-motivated violence—or complacency in the face of it—has no place in today’s Europe.