

HATE CRIME RESPONSE IN THE OSCE REGION

ODIHR's Hate Crime Report for 2013 Reveals: Most Countries Still Fall Short in Fighting Hate Crime

Overview

Violent hate crime continues to plague the Organization for Security and Co-operation in Europe (OSCE) region. In the summer of 2014, anti-Israel sentiment was used as a pretext for an alarming wave of anti-Semitic hatred and violence in France, Germany, Italy and elsewhere in Europe. Russia's law banning so-called "gay propaganda" continues to create a hostile environment for lesbian, gay, bisexual, and transgender (LGBT) people in that country; several of Russia's neighbors are considering similar laws. In many other parts of Europe, too, LGBT persons are targeted by violence that often goes unreported or altogether ignored by police. Muslims and their institutions continue to be targeted for violence and people of African and Middle Eastern origin have been the victims of serious racist and xenophobic violence. In many parts of the region, Roma remain the most marginalized and face routine violence and harassment with little recourse to justice.

Openly anti-Semitic, anti-Muslim, racist or homophobic far-right political parties have gained strength in local and national elections and, in 14 countries, such parties won seats in the European Parliament in May 2014. Racist violence associated with these parties has not stopped their rise in the polls. Most stunning is the case of the neo-Nazi Golden Dawn party, which polled third in the May European Parliament elections in Greece despite its entire leadership being under indictment for organizing a three-year wave of dozens of violent attacks—including murders—targeting dark-skinned undocumented migrants. All of these trends threaten to undermine the values on which the OSCE is built.

Governments have a responsibility to respond to hate crime violence. They can enhance their effectiveness through close cooperation with community and human rights groups, as well as by availing themselves of the training and other resources of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). At the political level, the 57 participating States of the OSCE have adopted Ministerial and other decisions—most recently in 2009—that have established commitments to combat hate crimes, including by improving their efforts to collect data and adopt adequate hate crime legislation. A high-level

commemorative event on anti-Semitism held in November 2014 in Berlin highlighted an alarming rise in hatred and violence and produced concrete recommendations for action steps from both governments and civil society participants, which should be brought forward formally into the work of the OSCE in 2015. The ODIHR assists participating States in the implementation of these commitments through the range of reporting, know-how, tools, and training resources.

The findings of the [ODIHR's 2013 annual report on hate crime reporting](#) across the region reveal that, some progress notwithstanding, participating States continue to fall short in their commitments to combat hate crime.

The annual report is an important tool in understanding the nature and frequency of hate crime across the OSCE region. However, such reporting is undermined when states either do not collect such data at the national level or fail to contribute their findings to the ODIHR on a timely basis.

For this latest report, only 36 (of 57 participating States) submitted completed information to ODIHR for 2013. While this is an increase from prior years, 72 percent of the participating States either did not report at all or reported zero crimes for their country. In addition, the report includes information from 109 nongovernmental organizations (NGOs) covers incidents for 45 countries.

Since 2008, more than 50 of the 57 participating States have at some point indicated that they do collect some hate crime data, although far fewer have responded consistently to ODIHR's annual requests for timely and updated information. The quality of the data collected and submitted is in most cases insufficient and falls short of what States have committed to collect. Table 2 in this document, where black dots represent the absence of information, is the best visual of the failure of many States to meet basic data collection commitments.

Even where data is submitted, it is in many cases of questionable value to policy making. Even countries that have made efforts to establish more robust monitoring systems generally do not disaggregate the data to indicate the type of crime or group targeted—limiting its usefulness to serve as a tool to develop sound policies to protect those vulnerable to bias-

motivated attacks. Few countries provide information on the criminal justice response to these crimes.

Over the last several years, States have made important progress in their commitments to adopt hate crime laws, although six States still have not done so.¹ The adoption of the law, though, is only the first step—implementation remains weak and most States that have such laws often fall short of extending protection to frequently targeted groups.

NGO Contributions

Importantly, ODIHR's report makes use of information from NGOs and inter-governmental organizations (IGOs) to fill broad data gaps left by the absence of official reporting. ODIHR should be credited with the level of outreach it has conducted with such groups with a view to bolstering the level of reporting on hate crimes from a variety of sources.

For this report, NGOs contributed as follows:

- 37 NGOs covering 25 States on racist and xenophobic hate crime.
- 16 NGOs covering 11 States on hate crime against Roma and Sinti.
- 35 NGOs covering 28 States on anti-Semitic hate crime.
- 25 NGOs covering 21 States on anti-Muslim hate crime.
- 11 NGOs covering 27 States on hate crime against Christians and followers of other religions.
- 50 NGOs covering 35 States on hate crime against LGBT persons.
- 12 NGOs covering six States on hate crime against people with disabilities and other groups.

Group I States: No Public Hate Crime Data Collected

No Hate Crime Data Available

The **Former Yugoslav Republic of Macedonia** indicated that they do not compile any data on hate crime incidents, while **Holy See, Malta, Mongolia, San Marino, and Turkmenistan** did not indicate whether or not they collect hate crime data. **Holy See** submitted information in 2013 on hate crimes against Christians in other OSCE participating States.

No Public Data Available

At least 10 States—**Croatia, Estonia, Ireland, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Montenegro,**

and **Turkey**—claim to collect data, but either do not publicize it or make it available to the public only upon request. Such a policy essentially eliminates the public from discussions about the nature and scale of hate crimes, as well as measures taken by the government to combat them. In addition to informing policymakers, data on violent hate crimes should be made publicly available so as to better involve civil society in a robust public debate on effective responses.

Recommendations

- For those countries in which no hate crime data is available, undertake to establish a system for the collection of hate crime data.
- Make hate crime data, including the data submitted to the ODIHR and other international institutions, available to the public.

Group II States: No or Limited Data Submitted to ODIHR for 2013

Nothing Submitted to ODIHR

25 States—**Albania, Armenia, Azerbaijan, Canada, Cyprus, Denmark, Estonia, Georgia, Holy See, Iceland, Kazakhstan, Luxembourg, Former Yugoslav Republic of Macedonia, Malta, Monaco, Mongolia, Montenegro, Netherlands, Portugal, Russia, San Marino, Slovenia, Tajikistan, Turkmenistan, and Ukraine**—did not submit data and/or official statistics on hate crimes to the ODIHR for 2013.

Recommendations

- Conduct an inquiry into the potential shortcomings in existing reporting and data collection systems.
- Make complete hate crime data available to ODIHR and other international institutions.
- Train police to identify and properly record bias-motivated incidents and to forge links with community groups.
- Reach out to NGOs and develop programs to enhance reporting of hate crimes.

Group III States: Data Is Insufficiently Disaggregated According to Bias

One of the goals of effective systems of data collection is to identify the groups that are most affected by hate crimes—a process that hopefully guides the creation of effective policies aimed at protecting any such vulnerable groups. However, few States disaggregate hate crime data on the basis of the bias motivations or victims' characteristics. Even fewer actually submit data to back up those claims.

¹ These States include Germany, Holy See, Ireland, Monaco, Mongolia, and Switzerland.

Table 1 demonstrates the discrepancy between the claims made by OSCE States and the data they actually submit to the ODIHR.

Recommendations

- Develop monitoring systems that provide disaggregated data on the characteristics of the victims or on the bias motivations.
- Make disaggregated hate crime data available to the ODIHR and to the public.

Table 1. State and NGO Monitoring by Bias Type

Bias type	States provided data on bias type	NGOs report on bias type
Racism and Xenophobia	17 (Austria, Belgium, Croatia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Moldova, Norway, Poland, Spain, Sweden, United Kingdom)	25 (Austria, Belgium, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Macedonia, Moldova, Netherlands, Norway, Poland, Russian Federation, Serbia, Spain, Switzerland, Turkey, Ukraine, United Kingdom, United States)
Anti-Semitic	10 (Austria, Czech Republic, France, Germany, Ireland, Moldova, Poland, Spain, Sweden, United Kingdom)	28 (Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Moldova, Netherlands, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States)
Anti-Muslim	3 (Austria, France, Sweden)	21 (Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, France, Georgia, Germany, Greece, Ireland, Netherlands, Poland, Russian Federation, Serbia, Spain, Sweden, Switzerland, Ukraine, United Kingdom)
Anti-Christian (or members of other religions)	9 (Finland, France, Germany, Italy, Norway, Poland, Spain, Sweden, United Kingdom)	27 (Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Macedonia, Poland, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America)
Anti-LGBT	12 (Belgium, Croatia, Finland, France, Germany, Ireland, Italy, Norway, Poland, Spain, Sweden, United Kingdom)	35 (Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Croatia, Estonia, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Norway, Poland, Portugal, Romania, Russian)

		Federation, Serbia, Slovakia, Spain, Sweden, Turkey, Ukraine, United Kingdom)
Anti-Roma	4 (Croatia, Czech Republic, Poland, Sweden)	11 (Austria, Czech Republic, France, Germany, Greece, Hungary, Italy, Russian Federation, Serbia, Spain, Ukraine)
People with Disabilities	4 (Finland, Germany, Spain, UK)	6 (Germany, Latvia, Norway, Russian Federation, Ukraine, United Kingdom)

Group IV States: Data Is Insufficiently Disaggregated Between Violent Crimes, Incitement, Discrimination, and other Violations

Many States claim to disaggregate data by the type of crime to distinguish between violent crime, verbal threats and insults, and incitement to hatred. However, such data is rarely available publicly. Only 12 States disaggregated this data in a manner we deem satisfactory for monitoring and evaluation purposes. In most cases, either this data was not submitted to the ODIHR at all or States did not disaggregate sufficiently by incident (e.g. hate speech and hate crimes are not disaggregated).

Due to insufficient disaggregation of incidents between violent crimes, incitement, discrimination, and other violations, it is difficult to accurately assess the nature of the problem in a given country and to identify the targeted measures that would be most effective.

Recommendations

- Classify data on the basis of all types of bias motivated crime, disaggregating between violent crimes and nonviolent criminal violations.
- Make hate crime data—disaggregated by crime type—available to the ODIHR and to the public.

Group V States: Lack of Data on Prosecution and Sentencing

Statistics for sentencing and prosecutions are necessary to assess the government response to hate crimes.

However, the vast majority of participating States did not submit data regarding prosecutions in hate crime cases in 2013.² Thus, though there are an increasing number of States that are adopting hate crime laws, there is little evidence to evaluate how those laws are used.

²Thirty-one out of 36 countries that submitted data did not provide data on prosecution and sentencing.

Recommendation:

- Establish and/or enhance existing monitoring systems to disclose the record of both prosecutions of hate crime cases and the use of sentence enhancement provisions.

Group VI States: Existence of Hate Crime Laws in Criminal Codes

A growing number of the 57 countries in the OSCE region are adopting criminal laws to expressly address violent hate crimes, largely in the form of penalty enhancement provisions, since the ODIHR began to track the issue. At present, there are more than 50 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, 21 OSCE participating States still have no express provisions defining bias as an aggravating circumstance in the commission of a range of violent crimes against persons. They are: **Belgium, Bulgaria, Estonia, Germany, Holy See, Hungary, Iceland, Ireland, Kyrgyzstan, Luxembourg, Malta, Monaco, Mongolia, Netherlands, Norway, Poland, Portugal, Slovakia, 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 address the bias nature of the crime because they lack a legislative basis to do so.

All laws in countries where legislation addresses bias-motivated violence as a separate crime or as an aggravating circumstance cover bias based on race, ethnicity, and/or national origin, and most also cover religious bias. Hate crime legislation extending to bias motivated by animus based on sexual orientation, though increasing, exists in only 29 States—**Andorra, Austria, Belgium, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Lithuania, Luxembourg, Malta, Netherlands, Norway, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, United Kingdom, and the United States**—disability in only 18—**Andorra, Austria, Belgium, Canada, Finland, Georgia, Greece, Hungary, Lithuania, Luxembourg, Former Yugoslavian Republic of Macedonia, Netherlands, Norway, Romania, Spain, Slovenia, United Kingdom, and the United States**—and gender identity in 10—**Croatia, France, Georgia, Greece, Hungary, Malta, Portugal, Serbia, United Kingdom, and the United States.**

Recommendations

- 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.

- Concrete steps to begin this process could involve utilizing the ODIHR publication *Hate Crime Laws: a Practical Guide* as a basis for a training or consultation among experts and officials across relevant ministries.

Discrepancies in State, NGO, and IGO Reporting

Table 2 on the following page demonstrates how little data is reported to ODIHR across the board. Total number of cases officially recorded by state authorities is rarely broken down into data disaggregated by bias types—although OSCE commitments call on participating States to do so.

Each page of ODIHR's hate crime report lists all three types of data or incident information submitted to the office by these three types of sources.³ Discrepancies and deficiencies in the reporting—e.g., poorly disaggregated officially recorded data; NGO figures varying significantly from official reporting; the complete lack of official, intergovernmental, and civil society data; or predominance of data that comes from intergovernmental sources, such as OSCE or UNHCR—is apparent in the table below. The table shows, for example, that racist and xenophobic attacks are better recorded than other types of hate crime, that information on anti-Roma hate crimes is almost nonexistent, and that data on homophobic crimes comes primarily from NGOs.

³ For bias-motivated incidents against Christians in other countries, the Holy See often reports independently as well.

Table 2. Discrepancies in State, NGO, and IGO Reporting⁴

OSCE Participating State	Total Cases Recorded	Racism & Xenophobia			Anti-Semitic			Anti-Muslim			Anti-Christian (or against members of other religions)				Anti-LGBT			Anti-Roma			
		Police	State	NGO	IGO	State	NGO	IGO	State	NGO	IGO	State	Holy See	NGO	IGO	State	NGO	IGO	State	NGO	IGO
Albania	N/A													2			2				
Andorra																					
Armenia	N/A																2	1			
Austria	110	61	33		37	114	1*	12	17			1	9			1				3	
Azerbaijan	N/A																1				
Belarus	17																1				
Belgium	375	315	1*			12			5*			1			60	7					
B & H	350			71		1			16	6		8	13	15		11	3				
Bulgaria	651		5*	3		1			16				5								
Canada	N/A					388			10												
Croatia	35	30	1	1		2			1			4	6		2	1			3		
Cyprus	N/A																				
Czech R.	41		1	4	1	8			1					6				14	2	22	
Denmark	N/A					4*															
Estonia	N/A												2			2					
Finland	904	806	1*								58		1		35						
France	1765	625	2		450	244		301	69		602	6	110		90	2				2	
Georgia	N/A		6						4				45	17		20					
Germany	4647	3856	355		1275	70			8		422	2	83		240	256				1	
Greece	109		140			1			5				3			113				12	
Holy See																					
Hungary	48	48	1	1		33	4					1	1			7	1			6	
Iceland	N/A																				
Ireland	109	90	19	13	2	1			3					17	15						
Italy	472	194	59			19					226	22	67		52	67				6	
Kazakhstan	N/A												6			2					
Kyrgyzstan																2					
Latvia	22	22				2										8					
Liechtenstein																					
Lithuania	3	3				3						4				10					
Luxembourg	N/A																				
Macedonia	N/A		78	7*			1						4			18*	3*				
Malta	N/A																				
Moldova	4	3	2		1	4										11					
Monaco	N/A																				
Mongolia																					
Montenegro	N/A															1*					
Netherlands	N/A		1			14			10												
Norway	238	141	1				1		2		41				34	1					
Poland	757	56	33*	2	25	37	1*		5*		25		2		8	131*	1	12	9	2	
Portugal	N/A															112					
Romania	N/A					2										1*					
Russia	N/A		172*	1		39			30				132			68				1	
San Marino	N/A												1								
Serbia	64		3			4			3*				1			1				13*	
Slovakia	7												1			1					
Slovenia	N/A											3	1								
Spain	1168	381	5		3	4			5		42	2	8		452	59				2*	
Sweden	3943	2723			79	1		214	1		289	1	1		492	52					
Switzerland	161		9			11			1				9								
Tajikistan																					
Turkey	N/A		18*									5				143*					
Turkmenistan																					
Ukraine	N/A		22*	1		38*			14			5	94			25	1			3	
UK	47,986	38,243	10		318	228			97*		2,292		6		5381		3				
USA	N/A		1			347*							20								
Uzbekistan																					

⁴The • symbol is used when 0 hate crimes/incidents were reported. If data was listed in the report as not available, "N/A" is used. The * symbol means one case was recorded for a report of "a series", "several", or "unspecified number". Disparities between official Police and State reporting data are due to National Point of Contact Questionnaires being submitted before ODIHR deadline and/or official Police reporting data was available (e.g. the United States).

Recent 2014 Examples of Hate Crimes and Incidents

- In September, Ekaterina Khomenko, a lesbian dance instructor in St. Petersburg, **Russia**, was found murdered. Ekaterina's body was found in the driver's seat of her car with the engine running and headlights on; her throat had been slashed. In the days leading up to her murder a known extremist had posted threats and hate speech to her profile page on Russia's leading social media platform, Vkontakte.com.
- On August 2, in Athens, **Greece**, a Pakistani man was attacked and brutally beaten. He was taking a bus home from work when another passenger asked his nationality and if he had ever been attacked by Golden Dawn. The alleged assailant then made a phone call and, once both had stepped off the bus, appeared to summon four men in black shirts who attacked and beat the Pakistani man, breaking his jaw. An Iranian man was attacked only five days later, also in Athens; two assailants asked him where he was from and, when he answered, stabbed him twelve times. He also required hospitalization. Despite the fact that many Golden Dawn leaders are on trial for a series of racist killings and other attacks over the past several years, Golden Dawn gained nearly 10 percent of the vote in national elections in May, the third highest of any Greek political party.
- Violence against Jews and Jewish institutions around the world occurred during Israel's operation in Gaza this summer.⁵ In **France** on July 13, during a large anti-Israel demonstration, two synagogues were attacked. Dozens of demonstrators broke off and tried to attack the Synagogue de la Roquette in Paris, while other demonstrators tried to enter the synagogue at Rue des Tournelles. Anti-Semitic slogans were reported in both incidents and chants of "Death to the Jews!" were heard during the demonstration. A week later in Sarcelles, France, a kosher store was attacked with Molotov cocktails during an illegal anti-Israel demonstration and several other stores were damaged in the violence. In **Germany**, on July 12, anti-Semitic chants of "Jews to the gas" were shouted during an anti-Israel demonstration in Gelsenkirchen on July 12, 2014. On the same day in the **United Kingdom**, following a pro-Palestinian rally, occupants in a group of cars driving through the Jewish neighborhood of Broughton Park in Manchester shouted and swore at Jewish pedestrians with slogans that included "Heil Hitler". Cans and eggs were thrown at Jewish pedestrians from at least two of the cars.
- On June 13, approximately fifty people attacked a Roma teenager and pulled him away from his family in **France**. The gang, whose members carried guns, machetes, and spears, took the teenager to a basement where they beat him, burned him, and poured battery acid into his mouth, dissolving part of his jaw. They left him for dead in a shopping cart. Police suspect that the attack was in retaliation for a series of burglaries nearby. The teenager was in a coma for over a month. No charges have been filed.
- In June, a Jewish cemetery in Tatabanya, **Hungary** was vandalized and slogans including "Stinking Jews" and "There was no Holocaust but there will be" were painted on gravestones. The openly anti-Semitic and racist political party Jobbik gained more than 20 percent of the vote in the 2014 Hungarian parliamentary elections.
- In June, in Belfast, **Northern Ireland**, two Pakistani men were attacked in their home by anti-Islamic rioters. The mob smashed their windows and returned a few hours later to enter the home and physically assault them. One man was hospitalized. The attacks came in the weeks after an evangelical pastor called Islam "spawn of the devil." Northern Ireland's first minister Peter Robinson defended these remarks, saying that he also did not trust Muslims. Mr. Robinson later said he did not intend to cause offense. Two individuals were arrested in connection to the attacks.
- An unnamed foreign tourist was found murdered in the resort city of Yevpatoria in Crimea, **Ukraine**, in late June. Authorities claimed that the body, which was left prominently in front of a monument to World War II Marines, showed signs of a violent death. Police are seeking multiple suspects who they believe were motivated by homophobia. According to one official, "Most likely, the cause of the murder is related to his unconventional hobbies."
- On May 24, Mehdi Nemmouche, a French radical Islamist, opened fire inside the Jewish Museum in Brussels, **Belgium**, killing four people. He was arrested six days later, carrying weapons and materials related to the Islamic State terror group.
- In March, a prominent member of the "Football Fans Against Homophobia" campaign in **Sweden** was left in a coma after he and five others were attacked by assailants carrying knives. The attackers were members of the *Svenskarnas Parti*, or Party of Swedes, a National Socialist party that States that only people of "western and genetic cultural heritage" should be Swedish citizens. This incident was one in a growing number of racist, homophobic, and xenophobic attacks in Sweden. Cars owned by individuals with names that sound foreign have been vandalized with pictures of swastikas, and on February 3 a woman in Finspång returned home to find an ax in her door next to a drawing of a Star of David and the word "Disappear."
- On January 17, a 28 year-old Yeshiva student was beaten and stabbed by three youths as he was walking home from synagogue services in Kiev, **Ukraine**. He managed to return to the synagogue where he collapsed. He was taken to the hospital and underwent emergency surgery.

⁵ To read ADL's [report](#) on anti-Semitic incidents that occurred during Israel's Operation Protective Edge in July and August 2014 around the world, go to www.adl.org.