Systems of Monitoring and Reporting

2008 Hate Crime Survey
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.

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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.

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HRF'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.

2008 Hate Crime Survey

Systems of Monitoring and Reporting is an excerpt from Human Rights First's 2008 Hate Crime Survey, which 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.

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Executive Summary

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.
I. Assessment of Monitoring Systems

To confront the menace of any form of violent crime it is essential to know what happened, where, when, and to whom, with a view to punishment, deterrence, and protection. The same holds for hate crimes—acts of violence motivated by bias based on race, religion, ethnicity, national origin, sexual orientation, gender, disability, or other similar attributes, or a combination thereof. If such crimes are to be deterred and future victims protected there is also a need to develop a system of data collection and public reporting that distinguish the elements of discrimination that drive these crimes and the particular populations under threat.

Transparent systems of monitoring and reporting are also essential to determine whether the law is in fact being enforced, and enforced equitably. The most effective monitoring systems not only register incidents and offences, but also track them through the criminal justice system, from the moment charges are filed to the outcome of cases before juries or judges.

International human rights standards provide a strong framework for the protection of all people against discrimination. Additionally, there are a series of opinions, standards, and directives that provide authoritative guidance and sometimes binding norms on the way in which international guarantees against discrimination should be implemented. Among these, E.U., Council of Europe, and OSCE norms provide detailed special attention to the fight against violence motivated by racism and related intolerance through effective monitoring and reporting, among other things. Most recently, in December 2007, OSCE states committed to "collect and maintain reliable data and statistics on hate crimes and incidents." Human Rights First discussed these norms in more detail in its December 2007 Hate Crime Report Card.

The quality of the data provided by government agencies on violent hate crimes varies widely throughout the OSCE region. In our Hate Crime Report Card, Human Rights First looked across the 56 countries of the OSCE to assess the type of data that is collected, which government bodies are collecting that data, as well as what the data says about the characteristics of the victims and the bias motivations. In light of the fact that few governments collect comprehensive data, we also discussed the various obstacles hindering better data collection and public reporting.

This report aims to update our findings by looking at developments—both positive and negative—in the ways in which states are meeting their commitments to develop systems of monitoring and public reporting on violent hate crimes.

In the European Union, the Fundamental Rights Agency (FRA) regularly assesses the quality of data collection mechanisms for the registration of racist crimes in E.U. countries using a four-tier system. In its latest assessment, FRA determined that only 11 countries—down from 12 in its previous assessment—have data collections systems that are either "comprehensive" or "good." Those countries include:

- Tier 1—Comprehensive (Extensive data collection, with detail about victim and offender characteristics): Finland, Sweden, and the United Kingdom.
- Tier 2—Good (A system exists to register incidents/crimes, and/or the system focuses on right-wing extremism): Austria, Czech Republic, Denmark, France, Germany, Ireland, Poland, and Slovakia.
Since its previous assessment, FRA re-evaluated the quality of reporting and made an adjustment to two countries within these two tiers. **Sweden** was upgraded from “good” to “comprehensive” as a result of improvements introduced by the Swedish National Council for Crime Prevention to the categorization of hate crimes. On the contrary, **Belgium**, previously a Tier 2 country, was downgraded to a Tier 3 country due to the fact that information from criminal justice sources about racist crime is not transparent and only available upon request.

Countries with limited or no official data include the following:

- **Tier 3**—Limited (Limited reporting on investigations and court cases or focus on general discrimination): **Belgium, Bulgaria, Estonia, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, and Slovenia**.

- **Tier 4**—No official data available (No official data collected or readily available in the public domain): **Cyprus, Greece, Romania, and Spain**. There have been reports of bias-motivated violence in all of these countries.

FRA similarly re-evaluated several countries’ positions with regard to these tiers. **Italy** shifted from Tier 4 to Tier 3 after the government provided hate crime data upon a request from the FRA’s National Focal Point. **Portugal** was similarly upgraded from Tier 4 to Tier 3 because “limited data is sporadically available from year to year.” **Romania**, on the contrary, moved from to Tier 4 from Tier 3 because it failed to provide information on the relevant legal articles.²

Outside of the E.U., only **Canada** and the **United States** have well-developed reporting systems. There are no countries in southeastern Europe or the former Soviet Union with such systems of monitoring and regular public reporting expressly on violent hate crimes.

Thus, only 13 of the 56 participating states of the OSCE are fulfilling their basic commitments to monitor hate crimes, with countries in the European Union and North America leading the way. These countries include: **Austria, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland, Poland, Slovakia, Sweden, the United Kingdom, and the United States**.

While a number of other governments provide some limited statistics—although more frequently on nonviolent violations of hate speech laws than on violent hate crimes—over 40 states provide only limited or no public reporting 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**.
II. Updates: Systems of Monitoring and Reporting

A. Measures to Improve the Collection of Data

The proper registration of hate crimes by police and other state authorities is essential to accurate data. Measures were taken in a number of countries to enhance registration and thus to improve the effectiveness of data collection. In some cases, the measures came in the form of instructions from senior law enforcement and criminal justice officials.

In **Denmark**, the Justice Minister instructed the State Advocate to collect information and material as of January 1, 2007, on cases of hate crimes that have gone to court.\(^3\)

In **Lithuania**, in 2007 the Interior Ministry instructed territorial police institutions to collect and provide information on crimes against foreigners because of their ethnicity, nationality or race.\(^4\)

In the **Netherlands**, in line with the requirements set forth by the Discrimination Directive, a directive issued every four years (most recently in December 2007) by the Board of Procurators General, regional consultations must take place between police, prosecutors, and antidiscrimination bodies concerning cases of discrimination. Focal points from the police and prosecution service are to meet with representatives from the antidiscrimination bureaus to consult on cases of discrimination. A case tracking system has been developed, which will allow representatives of these three bodies to track hate crimes from the time a complaint is filed either with the police or the local antidiscrimination bureau, through court processing.\(^5\) As of September 2008, 22 of the 25 police jurisdictions throughout the country were working with the tracking system.\(^6\)

In **Norway**, the Equality and Antidiscrimination Ombudsman reported that a decision by the Justice Department in March 2007 requires that all incidents of hate crime be registered by the police. The Ombudsman’s Office is cooperating with the police, which have begun recording bias motivations based on ethnic origin, sexual orientation, and religion.\(^7\)

In several countries, measures to enhance registration were taken in the form of seminars, training workshops, and other projects and studies.

In **Belgium**, on November 27, 2007, the Center for Equal Opportunities and Opposition to Racism (CEOOR), Belgium’s national antidiscrimination body, organized a seminar on racist violence with various representatives from the police and courts to review the progress made in the registration of hate crimes. Since 2006, a system has been in place whereby police have been able to register bias motivations in a separate context section on crime reporting forms. The number of registered hate crimes remains small, which the CEOOR attributes to the fact that registration as such is not a priority. The police and court system apparently register hate crimes, but this information is incomplete and is not made public. The seminar was a part of efforts by the CEOOR to press the police and criminal justice authorities to systematically collect and publish such data.\(^8\)

In **Canada**, on July 18, 2008, according to news reports, the Ontario Province leadership introduced a program to train Ontario Provincial Police on the subject of hate crimes. The training aims to prepare frontline officers to identify and sensitively handle violent cases motivated by bias.\(^9\)

In **Finland**, where the police have produced annual reports on racist crimes since 1998, information on judicial responses has been lacking. Accordingly, the
authorities are conducting a study on the way in which racist crimes are treated in the judicial system. The results of the study are expected to be released at the end of 2008.14

In Germany, the initiative to facilitate a conference on data collection was taken by an NGO. On May 16-17, 2008, the gay rights organization Maneo organized its third European conference with representatives of police forces, government authorities, and organizations from numerous German federal states, as well as France, Poland, Spain, the Netherlands, Belgium, Ireland, and Israel. The conference focused on how light could be shed on homophobic violence and how gay and bisexual men could be better protected against attacks. Participants examined problems surrounding reporting, registration and police response to homophobic violence.15

In the Netherlands, on March 20, 2008, the Dutch police launched a hate crime pilot project in two police regions. The purpose of this project was to conduct targeted outreach to members of the LGBT community with the aim of increasing hate crime reporting among the LGBT community. The project allows victims to file a confidential report and offers the victim limited anonymity. Additionally, the police are undertaking related efforts to enhance reporting by making it possible for victims to file an online report. Police are also receiving training and developing protocols that aim to systematize the line of questioning in cases of racist or homophobic violence.16

In Sweden, law enforcement authorities took a number of measures in 2007 and 2008 to increase the reporting and registration of hate crimes.

- Personnel answering the police emergency phone lines were trained to identify possible hate crimes and to register the victims’ characteristics.

- As of January 2008, an additional box is available on the crime report form allowing for the registration of a suspected hate crime.

- The Swedish police have made it possible to report crimes—including hate crimes—using a form accessible through the Internet.

- Police have been given special training aimed at increasing their ability to identify and investigate hate crimes as well as to develop methods to combat them.17

- Additionally, within local police departments, either all officers are being trained to recognize and respond to hate crimes, or special focal points with expertise on hate crimes are appointed.18

Also in Sweden, the National Council for Crime Prevention (Brå), the body responsible for monitoring hate crimes, undertook to examine the problem of the serious data deficit as concerns violence against people with disabilities. In a report released at the end of 2007, Brå concluded that, in order to collect systematic data, it was necessary to enhance the use of the existing crime registration process by improving the level of knowledge among those working in disability care as well as those within the criminal justice system. Brå further recommended that the justice system focus on developing methods that will “increase the opportunities available to people with disabilities to make their voices heard and to be understood” in cases of violence.19

In the United Kingdom, the Home Office’s data collection requirements oblige all police forces to submit certain data on bias-motivated crimes to the Home Office for national aggregation. To date, and with respect to hate crimes, forces are only required to submit data on racially and religiously aggravated offences established under the Public Order Act (covering England and Wales). In reporting, no distinction is made between racially and religiously aggravated offences, nor is it possible to further disaggregate hate crimes by race or religion.

As part of a report providing the government’s response to the 2006 All-Party Parliamentary Inquiry into Antisemitism, the government described a number of
measures to enhance hate crime reporting, including the following:

- Pilot changes were introduced to the data collection practices, including the establishment as of April 2008 of a Home Office Data Hub. The Data Hub is to enable the analysis of data at a greater level of detail and allow officials to aggregate and disaggregate data on many levels.

- The reintroduction of online reporting facilities that allow victims and witnesses to report directly to the police. This includes the production of a checklist for information that should be included in a third party reporting form.

- The commitment to ensure that all forces will record antisemitic crimes by April 1, 2009. 

While most efforts to improve data collection focus on law enforcement and criminal justice bodies, efforts have also been made to enhance the reporting of other state bodies. In the United States, efforts have long been undertaken to produce hate crime data in educational institutions, and those requirements have recently been upgraded to make the resulting data correspond more closely to data produced by the Federal Bureau of Investigation (FBI). The Higher Education Act of 1965 requires colleges and universities to report campus incidents, including violent, bias-motivated crimes, to the Office of Postsecondary Education (OPE). Reporting requirements have until recently been less rigorous than those of the FBI and have resulted in inconsistencies between FBI and OPE hate crime statistics. With the passage of a new bill on July 31, 2008, amending the Higher Education Act of 1965, the U.S. Congress has mandated that the hate crime data reported by campus security personnel must be uniform to that reported by state and local authorities to the FBI.

B. Measures to Improve Public Reporting

A few countries have introduced improvements or refinements in their public reporting of hate crimes over the past year. Most significantly, Canada released national statistics for the first time in 2008. In Denmark, hate crime statistics reported by the security police include a range of new categories. In Austria, public hate crime statistics for 2007 have been expanded to include disaggregated statistics on hate crime against Muslims.

In Canada, on June 9, 2008, the Canadian Centre for Justice Statistics released the first report on national hate crime data; the report covered 87 percent of the population. Data from the Hate Crime Supplemental Survey and the Uniform Crime Reporting Survey—which contributed to the report—indicate that 892 hate crimes occurred in 2006. This number includes violent crimes, property crimes, as well as offenses such as disturbing the peace, threatening phone calls, and weapon violations. The data are disaggregated into race/ethnicity, religion, and sexual orientation biases, including sub-groups of these categories. The Canadian Centre for Justice Statistics anticipates publishing hate crime statistics on an annual basis with 2007 hate crime statistics to be published in early 2009.

In Denmark, PET, the Danish Security Service, released a report which provided data for 2007 and a new and more detailed analysis of hate crimes reported by the organization in 2005 and 2006. PET now provides a breakdown of data that distinguishes crimes that are directed (among other categories):

- toward people of other ethnic backgrounds than Danish;
- toward ethnic Danish;
between people of different ethnic backgrounds than Danish;

between ethnic Danish.

The largest proportion of hate crimes (29 of the 35 hate crimes in 2007) are motivated by xenophobia and directed against people of another ethnic background. In fact, xenophobic bias has accounted for the majority of such crimes registered over the last three years: 65 (74.7 percent) in 2005; 200 (88.1 percent) in 2006; 29 (82.9 percent) in 2007. Hate crime data is further disaggregated into the following crime categories: murder, arson, violence/physical attacks, threats, propaganda, vandalism, and written or personal harassment.

In 2007, there were 35 hate crime cases recorded, of which 5 were violent hate crimes. This represents a decrease in violent hate crimes in comparison to the 13 violent hate crimes reported in 2006. According to PET, the low number of cases recorded in 2007 is a result of a serious decline in reporting of hate crime incidents, and does not necessarily reflect an actual decline in this type of crime. Going forward, PET plans to gain more access to police reports in order to better collect, adjust, and analyze the relevant information directly in the police electronic case processing system. This will allow the organization to gain a fuller, more accurate picture of the developments in this field.

In Austria, police in 2007 introduced the category of violence against Muslims, extracting the data from the general category of xenophobic/racist violence. Two such cases were registered in 2007.
III. The Contribution of NGOs to Monitoring and Reporting

While it is ultimately the responsibility of governments to monitor and report on the incidence of and response to hate crimes in a transparent way, information from nongovernmental organizations (NGOs) can begin to fill in some of the gaps of incomplete or nonexistent official reporting. Such information can likewise help to flesh out the hate crime picture in the face of popular media reports that may misrepresent the nature of hate crimes, severely understate their scope, or report only the most extreme bias violence.

NGO monitoring in some parts of the OSCE region has expanded in recent years – in the Russian Federation, for example, the SOVA Center for Information and Analysis has been monitoring and reporting on hate crime incidents and prosecutions since 2004 and has been a particularly useful source of information in the absence of government reporting on hate crime (For more discussion, see the separate section of the 2008 Hate Crime Survey on the Russian Federation). Yet systematic data that allows for an analysis of trends still only exists in a few countries, and often only relates to specific types of hate crime. Furthermore, NGO monitoring is generally limited to incident reports—most NGOs are unable to track the government response to those incidents in any systematic way. In several regions of the OSCE, regular NGO monitoring of hate crimes is largely absent. Thus, there is a need for greater resources, capacity, and training for NGOs to undertake monitoring hate crimes and advocacy for a vigorous government response. Intergovernmental organizations have an important role to play and the OSCE has developed a civil society training program—the first training took place in May 2008—that seeks to enhance the capacity of NGOs working in this field. Yet more support needs to be provided to NGO monitoring and advocacy efforts as part of overall efforts to document and address hate crimes.

In 2007 and 2008, new reports from NGOs in Germany and the United Kingdom—both countries with established official monitoring systems—help to fill in the data deficit as concerns violence against LGBT persons and people with disabilities.

In Germany, for the first time, a nationwide victim survey was conducted among gay and bisexual youths and adults on their experiences with violence. Almost 24,000 people participated in the survey, which was conducted between December 1, 2006 and January 31, 2007 by the nongovernmental organization Maneo. The survey found that 35 percent of all the respondents experienced bias-motivated violence in the past year and almost two-thirds (63 percent) of the young gay and bisexual men under the age of 18 were victims of such violence in the past year. Only 10 percent of the victims filed reports with the police. A second survey was conducted one year later with 17,500 participants, and preliminary data shows that almost 40 percent reported having experienced bias-motivated violence. Maneo expects to release more detailed results from this second survey in Fall 2008.

In the United Kingdom, on June 26, 2008, the U.K.-based NGO Stonewall published Homophobic Hate Crime: The Gay British Crime Survey. This report surveyed approximately 1,721 members of the LGBT community across the United Kingdom. It exposed incidences of verbal abuse and violent hate crimes experienced by individuals who identify as LGBT throughout England, Scotland, and Wales. The report found that 12.5 percent of the respondents had been the victim of a hate crime or incident within the past
year (20 percent in the past three years). Four percent of the respondents reported a violent physical assault. Three quarters of the victims of hate crimes and incidents did not report the incident to the police believing that the complaint would not be investigated.\textsuperscript{26}

Similarly, surveys of hate crime against the disabled conducted by NGOs in the United Kingdom have shown that disabled people also frequently become victims of hate crime but often fail to report the incident to the police. In those cases in which the incident is reported, in turn, police often failed to register it properly. According to the mental health charity Mind, a recent study showed that three quarters of people with mental health problems have been the victim of crime within the past two years, including “alarming levels of disability hate crime.”\textsuperscript{27}
Section Endnotes


6 Human Rights First correspondence with Tas Floris, Discrimination focal point in the Dutch National Police, September 14, 2008.


10 Response of the Finnish Ministry of Foreign Affairs to a Human Rights First questionnaire, August 28, 2008.


12 Human Rights First interview with Floris Tas, Discrimination focal point in the Dutch National Police, and Jan Snyder, Hate Crimes Project Officer, June 24, 2008.


19 Human Rights First correspondence with a senior analyst at the Policing Services Program, Canadian Centre for Justice Statistics, Statistics Canada, August 18, 2008.

20 The report covers only crimes with a possible racial or religious motivation: homophobic hate crimes are not included.


23 Maneo provides a gay emergency hotline and victim support services homosexual and bisexual men and youths in Berlin. For more information, see Maneo at http://www.maneo.de/highres/english/e_hindex.html.


