

HATE CRIMES IN THE OSCE REGION - INCIDENTS AND RESPONSES

ANNUAL REPORT FOR 2008



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Foreword

This edition of *Hate Crimes in the OSCE Region – Incidents and Responses*, which is produced annually by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), has been thoroughly revised and restructured in an effort to reflect the constructive comments and suggestions provided by practitioners, policy makers and other readers following the publication of past reports.

The content of this year's report reflects a long-term effort by ODIHR to include more data and information from governments. Co-operation from OSCE participating States, particularly in the appointment of National Points of Contact on Combating Hate Crimes (NPCs) to work with ODIHR, has been crucial to achieving this goal.

In the course of 2008, ODIHR deepened its relationship with participating States and other partners in the struggle against hate crimes. In June 2008, ODIHR met with NPCs in Helsinki to discuss the enhancement of co-operation. This was followed by training sessions for civil society organizations in Warsaw in July 2008 and for OSCE field operations staff in Warsaw in March 2009. The aim of these events was to improve the collection of reliable information.

Several conclusions emerge from ODIHR's work in 2008. The first is that hate crimes remain a significant problem throughout much of the OSCE area. Despite commitments by OSCE participating States and extensive efforts on the part of governments to combat violent manifestations of hate, 2008 saw murders, arson, beatings, vandalism and other crimes targeted against persons or groups because of their "race", religion, ethnicity or other status.

The second conclusion is that reliable data on hate crimes remain scarce. Many hate crimes are recorded as ordinary crimes, while many more go unreported. States use widely varying methods and criteria to record hate crimes, making it difficult to compare statistics. Information from NGOs and inter-governmental organizations is far from comprehensive and sometimes differs from information provided by governments. Developing systems for acquiring better information is one of the prerequisites for combating hate crimes effectively, and remains one of the major challenges ahead.

Another major conclusion of the 2008 report is that the problem of hate crimes deserves our continuing attention, both as governments and as an organization. The growing body of OSCE commitments for the prevention of hate crimes and other forms of intolerance must serve not only as a moral and political compass, but also as a foundation for concrete action. The OSCE can make further valuable contributions to combating hate crimes, including through gathering information, developing constructive policy approaches, sharing best practices, and serving as a forum for co-ordination, co-operation and the exchange of ideas. ODIHR stands ready to help in all of these fields. With its expanding "toolboxes" of knowledge and expertise, ODIHR can provide targeted technical assistance to states and NGOs in their efforts to combat hate and intolerance.

It is our hope that the information in this report will help shed more light on the issue of hate crimes in the OSCE region, and thus contribute to a better understanding of the problem and ways to eliminate it.

Ambassador Janez Lenarčič
ODIHR Director

Acronyms

BBC	British Broadcasting Corporation
CPRSI	ODIHR Contact Point for Roma and Sinti Issues
CST	Community Security Trust (United Kingdom)
ECRI	European Commission against Racism and Intolerance
FAIR	Forum against Islamophobia and Racism (United Kingdom)
FRA	European Union Agency for Fundamental Rights
HDIM	Human Dimension Implementation Meeting
ICARE	Internet Centre Anti Racism Europe
IGO	Inter-governmental organization
ILGA	International Lesbian and Gay Association
IOM	International Organization for Migration
LGBT	Lesbian, gay, bisexual and transgender
LCCREF	Leadership Conference on Civil Rights Education Fund
NGO	Non-governmental organization
NPC	National Point of Contact on Combating Hate Crimes
ODIHR	Office for Democratic Institutions and Human Rights
OIC	Organization of the Islamic Conference
OSCE	Organization for Security and Co-operation in Europe
TANDIS	Tolerance and Non-Discrimination Information System
TGMN	Turkish Community in the Nuremberg Metropolitan Region
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

OSCE participating States have repeatedly condemned hate crimes and pledged to take action against them. Although the term “hate crimes” did not appear in OSCE commitments until the Maastricht Ministerial Council Meeting of 2003, the organization has a long history of dealing with the issue, having expressed concerns as early as 1991 about crimes based on prejudice, discrimination, hostility or hatred. Today, there is a broad range of OSCE commitments against hate crimes, including commitments to train police to respond to hate crimes, to review legislation, to assist civil society efforts, and to collect reliable data. OSCE decisions have also stressed the importance of political representatives speaking out against hate-motivated acts. These commitments recognize the gravity of hate crimes and their potential to sow the seeds of wider violence and international conflict.

This report responds to a requirement established by the OSCE Ministerial Council that ODIHR serve as a collection point for information and statistics on hate crimes and make this information publicly available. The report is thus intended to provide statistics and other information on the extent and types of hate crimes, the principal victim groups, developments in legislation, and responses to hate crimes by governments and non-governmental organizations (NGOs) in the OSCE region in 2008.

The 2008 report has been restructured with greater emphasis on official data provided by governments. This has resulted in changes in methodology, including the development of a questionnaire for participating States and closer co-ordination with National Points of Contact on Combating Hate Crimes (NPCs), appointed by governments of participating States. Nonetheless, in accordance with ODIHR’s mandate from the Ministerial Council, the report also includes information from inter-governmental organizations (IGOs) and NGOs.

Hate crimes are criminal acts committed with a bias motive. They may include any criminal offence targeted at a person or group because of their ethnicity, “race”, religion or other status. Specific definitions of hate crimes differ under domestic laws in participating States. In some countries, hate crimes are not separate offenses, but a bias motive may be considered as an aggravating circumstance of an “ordinary” crime, requiring a stronger penalty.

In 2008, hate crimes continued to be a serious problem in many OSCE participating States. Instances of hate crimes included intimidation, threats, vandalism, assault, arson and murder.

Information submitted by participating States

The full extent of hate crimes in the OSCE region is obscured by a lack of adequate or reliable data. Information provided to ODIHR by 47 participating States makes clear that significant gaps in data collection remain a major obstacle to understanding the scope and nature of hate crimes in the OSCE as a region, as well as within most participating States. A number of participating States do not collect any statistics at all on hate crimes. Some do not make their data public.

Where participating States do collect data, the approaches and methodologies often differ so greatly that the resultant data do not lend themselves to meaningful comparisons. In various participating States, data on hate crimes might be collected by

the police, prosecutors, ministries of justice or the interior, statistical offices or other agencies. Some countries have more than one agency collecting data.

Depending on the country, the perception of the victim, law enforcement officers, the offender, the prosecution or the courts may play a role in whether a crime is recorded as motivated by hate. These differences may lead to considerable disparities in what is officially registered as a hate crime.

Another significant complication regarding statistical overviews is that different countries include different categories when they record hate crimes. Information provided to ODIHR by participating States showed that the categories of victims most often used were based on ethnicity, “race” or religion. Some states may even break these categories down further and record anti-Semitic crimes or crimes against Muslims, but might not report crimes against Christians as hate crimes. Some OSCE participating States include additional categories in their statistics, such as crimes against individuals based on language, disability, sexual orientation or other factors.

There are also disparities among OSCE participating States with regard to what can be prosecuted as a hate crime. Thus, hate speech is a crime in some countries but not in others. Many participating States include numerous types of crimes as hate crimes, while in others only a single type of crime – the desecration of graves, for example – is recorded as a hate crime.

All of these factors contribute to the absence of comparable statistics. Moreover, a higher recorded incidence of hate crimes in a particular country does not necessarily mean that more hate crimes are being committed; it may simply reflect the fact that the state uses a broader definition of hate crimes or that it has a more effective system for recording data than other states.

The most significant legislative development in 2008 with regard to hate crimes was the adoption by the European Union of a new framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. This was designed to ensure that the same types of behaviour constitute offenses in all European Union countries. As a result, several participating States strengthened their national legislation against hate crimes.

Additional information gathered by ODIHR and information on specific target groups

Information collected by ODIHR from partner organizations and NGOs supplements the data provided by governments and puts the issue of hate crimes into a broader context.

A wide range of factors contribute to creating conditions in which hate crimes occur. In particular, participating States have acknowledged that, as well as intolerant speech, negative stereotypes and prejudice are also contributing factors. Reports and surveys from a broad range of sources indicate that negative stereotypes and prejudices against ethnic, religious or social groups continue to exist in many countries in the OSCE area. These factors should be taken into consideration when designing policy responses. Politicians and government leaders can play an important role in countering these negative forces through public statements and other initiatives.

Additional factors may also contribute to hate crimes. In some cases, government policies may aggravate the problem – for example, in instances where impunity protects police who may be complicit in hate crimes. Racial profiling by security forces can undermine confidence in law enforcement, and thereby impact negatively on the efforts to combat hate crimes. In addition, many communities, NGOs and IGOs identify major political events such as elections, conflicts and macro-economic developments as having had an influence on the prevalence of hate crimes.

Although many NGOs collect information on hate crimes, their data are often limited to specific countries. In some cases, the data are imprecise or derived largely from media reporting. Moreover, NGO data – like official data – are based on varying definitions and methods. As a result, it is generally not possible to compare official and unofficial information in a useful manner. Nonetheless, NGO information can be a good indicator of the extent of hate crimes, particularly in instances where official statistics are weak.

This report includes separate sections on certain types of crimes and victim groups specifically mentioned in OSCE commitments. These include racist and xenophobic crimes, anti-Semitic crimes and crimes against Roma, Muslims, Christians and members of other religions. The information available on such crimes is limited, in part because of differences in definitions and ways in which hate crimes are recorded. For example, anti-Semitic crimes or crimes against Muslims may be variously recorded as racist crimes, anti-religious crimes or xenophobic crimes. Crimes against specific groups may thus be subsumed within larger categories, reducing the value of statistics as analytical tools. This may also help explain the disparities in the availability of information on hate crimes committed against different victim groups. For instance, while there is a significant amount of information on racist, xenophobic and anti-Semitic crimes, there is far less information on crimes against Muslims and Roma, and less still on incidents against Christians, members of other religions, or other groups, such as lesbian, gay, bisexual and transgender persons (LGBT) or people with disabilities. As a result, the sections of this report dealing with some specific groups mentioned in OSCE commitments are more detailed than others.

The available information should be analyzed with caution. The shortage of information is probably due to underreporting, but might also reflect the prevalence of the phenomenon.

Recommendations

The final section of this report includes recommendations formulated by ODIHR. In particular, the recommendations highlight the need for better and more consistent and comparable data collection by participating States. In addition, in order to improve the quality of information ODIHR can provide, it will be crucial in the years ahead to build the capacity of civil society to collect and report information on hate crimes, as well as to develop collection methodologies that can produce comparative data. Improving the available data is a fundamental key to understanding the scope and prevalence of hate crimes so that improved strategies can be developed to deal with the problem.

Although a number of governments and NGOs provided ODIHR with descriptions of initiatives aimed at combating hate crimes, the overall number was relatively small considering the scope of the problem. This suggests that ODIHR should give further attention to motivating concerned actors to provide information on their work and to encouraging the development of further initiatives.

INTRODUCTION

Background

OSCE participating States have adopted a wide range of commitments to combat hate crimes.¹ These include commitments to condemn violent acts motivated by discrimination or intolerance, to train police and other public officials to respond to such acts, to review legislation, to facilitate the capacity of civil society to monitor hate-motivated incidents and assist victims, and to collect reliable data on hate crimes. These commitments were adopted with the recognition that hate crimes pose a potential threat to domestic and international security, as they can undermine societal cohesion and sow the seeds of conflict and wider-scale violence.

This report is part of the OSCE effort to prevent hate crimes and to react to them more effectively when they do occur. The report has been prepared in response to OSCE Ministerial Council decisions that instructed ODIHR to follow, collect and report publicly on hate-motivated incidents in the OSCE region. In particular, the Ministerial Council has asked ODIHR:

- “to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and [to] make this information publicly available through its Tolerance and Non-Discrimination Information System and its report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region”;²
- to “follow closely anti-Semitic incidents” and “incidents motivated by racism, xenophobia, or related intolerance, including against Muslims (...) and to make these findings public”;³
- to strengthen “its early warning function to identify, report and raise awareness on hate-motivated incidents and trends”;⁴ and
- to provide recommendations and assistance to participating States.⁵

This report presents information for the calendar year 2008. It builds on previous reports covering the years 2006 and 2007.⁶ The format and content of the 2008 report has been amended to reflect the constructive comments and suggestions provided by practitioners, policy makers and other readers following the publication of past reports.

¹ See Annex D.

² OSCE Ministerial Council Decision No. 13/06, “Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding”, Brussels, 5 December 2006, <<http://www.osce.org/item/22565.html>>.

³ OSCE Ministerial Council Decision No. 12/04, “Tolerance and Non-Discrimination”, Sofia, 7 December 2004, <<http://www.osce.org/item/2257.html>>.

⁴ OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

⁵ *Ibid.*

⁶ *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2007* (Warsaw: ODIHR, 2008), <<http://www.osce.org/item/33850.html?ch=1196>>; *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006* (Warsaw: ODIHR, 2007), <<http://www.osce.org/item/26296.html?ch=931>>; *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives* (Warsaw: ODIHR, 2005), <<http://www.osce.org/item/16251.html?ch=452>>.

Objectives

The primary objective of this report is to provide information on the prevalence of hate crimes in the OSCE region and government responses, in accordance with the decisions of the OSCE Ministerial Council. Much of the report's focus, therefore, is on data collection, which helps provide a better understanding of manifestations of hate crimes in participating States. The report also describes responses to hate crimes provided by states and by NGOs, thus highlighting good practices.

Methodology

Following consultations with a large number of participating States, ODIHR has adopted a methodology for the current report relying to a substantially greater extent on information and statistics provided by governments. This approach is an acknowledgement of the fact that data collection is primarily the responsibility of states, as is responding to hate crimes.⁷ Nonetheless, other information is also included, in line with ODIHR's mandate to co-operate with inter-governmental agencies and civil society to collect information on hate crimes.⁸ Therefore, the report is divided into two main sections:

- Part I presents a summary of information submitted to ODIHR by participating States in the questionnaire sent to them;
- Part II relies on information from IGOs and civil society groups, as well as governments, and focuses primarily on hate crimes against specific victim groups mentioned in OSCE Ministerial Council Decisions.

In order to compile Part I one of this report, ODIHR developed a detailed questionnaire for participating States. This document was prepared in consultation with a group of experts from Hungary, Latvia, Poland, Spain, Sweden, United Kingdom and the United States, in an effort to involve practitioners from different legal traditions and with different approaches to data collection. The goal was to develop a document with a coherent set of understandable questions that would yield similar data from different states, despite differences in the ways in which each state compiles statistics. The draft questionnaire was sent to all NPCs⁹ for review, and their comments and suggestions were incorporated when the final version was prepared. The questionnaire was designed to elicit information that was as precise as possible, and set out in a manner that was systematic and would allow for comparisons. The questionnaire will be discussed again during the next meeting of the NPCs and may be further revised based on the experience of its use for this report.¹⁰

⁷ Participating States underscored that “the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, including their political representatives”, OSCE Ministerial Council Decision No. 10/07, “Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding”, Madrid, 30 November 2007, <<http://www.osce.org/item/28629.html>>.

⁸ OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

⁹ As of October 2009, 53 OSCE participating States have appointed NPCs to support ODIHR in its task to serve “as a collection point for information and statistics collected by participating States”. The list of institutions serving as NPCs can be found in Annex C.

¹⁰ The full text of the questionnaire can be found in Annex B.

The questionnaire included several issue areas:

- data collection (including the nature of the data-collection system, types of bias taken into account and statistics);
- legislation on hate crimes;
- examples of hate crimes;
- the context of violent crimes; and
- government initiatives to prevent and respond to hate crimes.

The questionnaire was sent to participating States on 21 January 2009, with a request to submit responses by 13 March 2009.

Additionally, some states submitted data about the situation in their jurisdictions without completing the questionnaire.

Part II of this report was compiled using a broader range of sources than used in Part I. ODIHR has asked NGOs, partner IGOs and OSCE field operations to submit information on hate crimes and incidents. Additionally, in accordance with the decision of the Maastricht Ministerial Council,¹¹ ODIHR made use of information that is publicly available from IGOs and NGOs.¹² Therefore, Part II draws on information from the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the European Union Agency for Fundamental Rights (FRA), United Nations High Commissioner for Human Rights, bodies of the Council of Europe such as the European Commission against Racism and Intolerance (ECRI) and the Islamophobia Observatory of the Organization of the Islamic Conference (OIC). ODIHR also used reports from other OSCE institutions and field operations, and reports from the Personal Representatives of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination.¹³

Media reports were used by ODIHR throughout the year 2008 as a general source of information, but were not used in the preparation of this report unless they were verified by other governmental or non-governmental sources. There were significant geographical and thematic disparities in the number of reports on hate-motivated incidents; these are mentioned in the thematic sections in Part II of the report. ODIHR did not undertake systematic media monitoring, but did review more than 1,300 news items related to hate-motivated incidents and hate crimes. The main sources used by ODIHR were international news services such as British Broadcasting Corporation (BBC) Monitoring and the Internet Centre Anti Racism in Europe (ICARE), as well as international or national newspapers, mainly in English.

One of the lessons learned from past reports is that, while every hate crime is unique, hate crimes often share common features. Rather than providing long lists of incidents,

¹¹ OSCE Ministerial Council Decision No. 4/03, "Tolerance and Non-discrimination", Maastricht, 2 December 2003, <<http://www.osce.org/item/19330.html>>.

¹² The list of NGOs is available in Annex E.

¹³ MP Prof. Gert Weisskirchen, "Report of MP Prof. Gert Weisskirchen, Personal Representative of the Chairman-in-Office of the OSCE on Combating Antisemitism to the Permanent Council of the OSCE", Vienna, 20 November 2008, <<http://www.osce.org/item/35262.html>>; R. Ambassador Ömür Orhun, "2008 Annual Report by R. Ambassador Ömür Orhun, Personal Representative of the Chairman-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims", 15 November 2008, <<http://www.osce.org/item/35260.html>>; Anastasia Crickley, Personal Representative of the Chair in Office of the OSCE on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, "Report to the Chair in Office", November 2008, <<http://tandis.odihr.pl/documents/05377.pdf>>.

each section of this report dealing with specific groups of victims includes a single, boxed, illustrative example of a hate crime against that particular group. The cases selected are not intended to describe a pattern; they are not particularly spectacular in the degree of violence used and should not be understood as pointing a finger at a specific country. They were chosen because they illustrate the nature of the phenomenon and present responses by governments and NGOs.

Terminology

Although the term “hate crime” was first used officially by the OSCE at the 2003 Ministerial Council Meeting in Maastricht,¹⁴ the concept was accepted by participating States more than a decade earlier, at the 1991 Geneva meeting on the human dimension, where participating States expressed their concern about crimes based on prejudice, discrimination, hostility or hatred.¹⁵

While OSCE participating States use different approaches to define what constitutes a hate crime under domestic law, in simple terms, hate crimes are criminal acts committed with a bias motive. A hate crime can be an act of intimidation, a threat, property damage, assault, murder or any other criminal offence. It is the motive that makes hate crimes different from other crimes.¹⁶ Hate crimes thus comprise two distinct elements: They are criminal acts under ordinary criminal law, and the victim or target is deliberately selected because of a particular characteristic, such as “race”, language, religion or ethnicity. In order to identify whether an act is a hate crime, it is not necessary to establish whether “hate” was the cause; rather, it is necessary to determine that a crime was committed and that the motive was some form of bias.

The term “hate-motivated incident” is used in this report to encompass incidents, acts or manifestations of intolerance committed with a bias motive that may not reach the threshold of hate crimes, either because a criminal offense was not proven or because the act may not have been criminal offense under a particular state’s legislation. Thus, both hate-motivated incidents and crimes have a bias motive, but incidents may not involve criminal acts. Nonetheless, hate-motivated incidents may precede, accompany, or provide the context for hate crimes. Since hate-motivated incidents can be precursors to more serious crimes, records of incidents can be useful to demonstrate not only a context of harassment, but also evidence of escalating patterns of violence.¹⁷

¹⁴ OSCE Ministerial Council Decision No. 4/03, *op. cit.*, note 11.

¹⁵ “Report of the CSCE Meeting of Experts on National Minorities”, Geneva, 19 July 1991, p. 7, <<http://www.osce.org/item/14125.html>>.

¹⁶ *Practical Guide on Hate Crime Laws* (Warsaw: ODIHR, 2009), p. 16, <<http://www.osce.org/item/36671.html?ch=1263>>.

¹⁷ *Preventing and Responding to Hate Crime: A Resource Guide for NGOs in the OSCE Region* (Warsaw: ODIHR, 2009).

PART I – INFORMATION SUBMITTED BY PARTICIPATING STATES

A. *Introduction*

This part of the report consists of official information provided to ODIHR by participating States, primarily in response to the “Questionnaire for National Points of Contact on Combating Hate Crimes”¹⁸, distributed by ODIHR on 21 January 2009. The structure of this part of the report follows three principal sets of issues in the questionnaire: information on data collection, legislative developments and institutional responses to hate crimes.

Despite the many responses received from participating States, there is still a continuing lack of clear, reliable and detailed data on the nature and scope of hate crimes in the OSCE area. This scarcity of statistical information impedes sound analysis and the formulation of effective policy responses. Reliable data are needed to enable states to assess the extent and nature of hate crimes within their jurisdictions and thus to be able to develop effective policy responses. Data are also needed to test the extent to which policy responses have been successful.

Even where statistics exist, they are not always disaggregated according to bias motivation, type of crime or outcome of prosecution. In the absence of this type of data it is impossible to determine the frequency with which hate crimes occur in the OSCE region, whether hate crimes are on the rise, or which groups may be most frequently subject to attack. Since different participating States keep statistics in different manners, it is also not possible to draw comparative judgments on the extent of hate crimes.

Moreover, the submissions make clear that states have different understandings of the concept of hate crimes, something that further impedes the analysis of data. For example, a large number of OSCE participating States collect data under the rubric of “extremism”.¹⁹ In general, extremist crimes are crimes committed for political or ideological purposes, or by members of extremist political groups. These laws are often relevant to hate crimes, partly because some were originally promulgated to combat crimes committed based on fascist or neo-Nazi ideologies and partly because some extremist crimes may also be hate crimes. In many instances these laws have different effects than hate crime laws. For example, under some extremism laws racist crimes committed by individuals with no affiliation to an extremist group are not recognized as hate crimes and no data are recorded. Other extremism laws may not be aimed at hate crimes, but at prohibiting or restricting ideologies that are non-violent, such as religious movements and non-violent political parties. Data collected on extremist crimes may thus distort statistics on hate crimes. Other states²⁰ collect data on acts of discrimination that carry criminal penalties, but these are not hate crimes because they do not fulfill the requirement of being criminal acts committed with a bias motive. These statistics, therefore, are not included in this report.

The section on legislative developments includes not only information on changes in national legislation, but also information about regional legislative frameworks, since these are binding on many countries in the OSCE region and may spur changes in national legislation.

¹⁸ See “methodology”, above. The text of the questionnaire is in Annex B.

¹⁹ For example, Austria, Czech Republic, Slovakia, Germany and the Russian Federation all have such laws, although of very differing scopes.

²⁰ For example, the Netherlands.

With respect to institutional responses, participating States offered information on a range of new policy initiatives aimed at combating various aspects of hate crimes. The full texts of these initiatives will be posted on the ODIHR's Tolerance and Non-Discrimination Information System (TANDIS) website.²¹

B. Data collection

Overview

ODIHR received 47 completed questionnaires²² with information on the collection of hate crime data.²³ Forty-two participating States²⁴ indicated that they collect some data on hate crimes, while Azerbaijan, Bulgaria, Luxembourg, the former Yugoslav Republic of Macedonia and Portugal stated that they do not compile any statistics of this type. This section provides a brief overview of the hate crime data-collection systems used in participating States, including the number of hate crimes they recorded in 2008. An outline of responses provided by individual states can be found in the country-by-country annex of this report.²⁵

The responses provided by states differed greatly in terms of both the quantity and quality of information provided on hate crime data collection. Some states also noted a prohibition on the collection of data related to ethnicity, which prevents the recording of precise data. For this reason, ODIHR is not in position to produce a comparative analysis of the data and must limit itself to providing an overview of the information submitted. This lack of detailed statistics suggests a need for improvement in data-collection systems. This is an area in which ODIHR can assist participating States.

Table 1, in the appendix, provides a list of states that submitted the questionnaire and provided information on hate crime data collection.

Authorities responsible for hate-crime data collection

The questionnaire asked participating States to list institutions responsible for gathering data on hate crimes. Most indicated that more than one institution collects such data. The majority of states responded that their responsible agencies were the Interior Ministry (21 states)²⁶ and/or law enforcement bodies (29 states)²⁷. In 18 participating

²¹ See the TANDIS website: <<http://tandis.odihhr.pl>>.

²² Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, United Kingdom, United States and Uzbekistan.

²³ As of 11 September 2009.

²⁴ Albania, Andorra, Armenia, Austria, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, United Kingdom, United States and Uzbekistan.

²⁵ Annex A.

²⁶ Andorra, Austria, Belarus, Croatia, Finland, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Serbia, Slovakia, Switzerland, Tajikistan, Ukraine, United Kingdom and Uzbekistan.

States²⁸ prosecutors' offices recorded data, and in 13²⁹ the Ministry of Justice was responsible for data collection.

Of the states where more than one institution collects data, Serbia listed six separate bodies with responsibilities in this area. Thirteen participating States³⁰ indicated that only one institution was collecting data.

Of those cases where several institutions collect hate crime data, 19 participating States³¹ reported that there are differences in the kind of data collected. In most instances, these differences related to disparities in approach between law enforcement offices and prosecutors' offices. States also reported differences between data collected by NGOs and national bodies.

Only three states – Serbia, Spain and Tajikistan – listed intelligence agencies among those institutions responsible for data collection. In Belgium, Sweden and Switzerland, specialized bodies collect data. Six states³² reported that statistical offices collect information on hate crimes. Twelve participating States³³ indicated that other institutions are responsible for the collection of hate crime data.

Perception or description of bias motivation

An important element in the collection of data is the issue of whose perception is taken into account in determining whether a crime is a hate crime. In the questionnaire, therefore, participating States were asked to indicate whose views were taken into account when recording data, with victims, law enforcement officers, offenders, prosecutors, courts and other institutions given as options. Responses received from the states were not sufficient to allow for the drawing of any definitive conclusions on this issue. Rather, the variations in responses highlighted the need to further elaborate on this part of the questionnaire.

Victim groups

Statistics can be useful tools for identifying specific groups or communities that are most often subjected to hate crimes. This is dependent on statistics being broken down to provide details on specific victim groups. The questionnaire invited participating States to indicate whether their statistics were broken down in this fashion and, if so, which victim groups were included. The graph below provides an overview of information received from participating States.

²⁷ Albania, Armenia, Austria, Belgium, Croatia, Cyprus, Czech Republic, Germany, Finland, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Netherlands, Norway, Poland, Romania, Serbia, Slovenia, Spain, Sweden, Ukraine, United Kingdom, United States, and Uzbekistan.

²⁸ Armenia, Belgium, Czech Republic, Georgia, Greece, Hungary, Netherlands, Kazakhstan, Lithuania, Moldova, Poland, Romania, Russian Federation, Serbia, Slovakia, Sweden, Tajikistan and Uzbekistan.

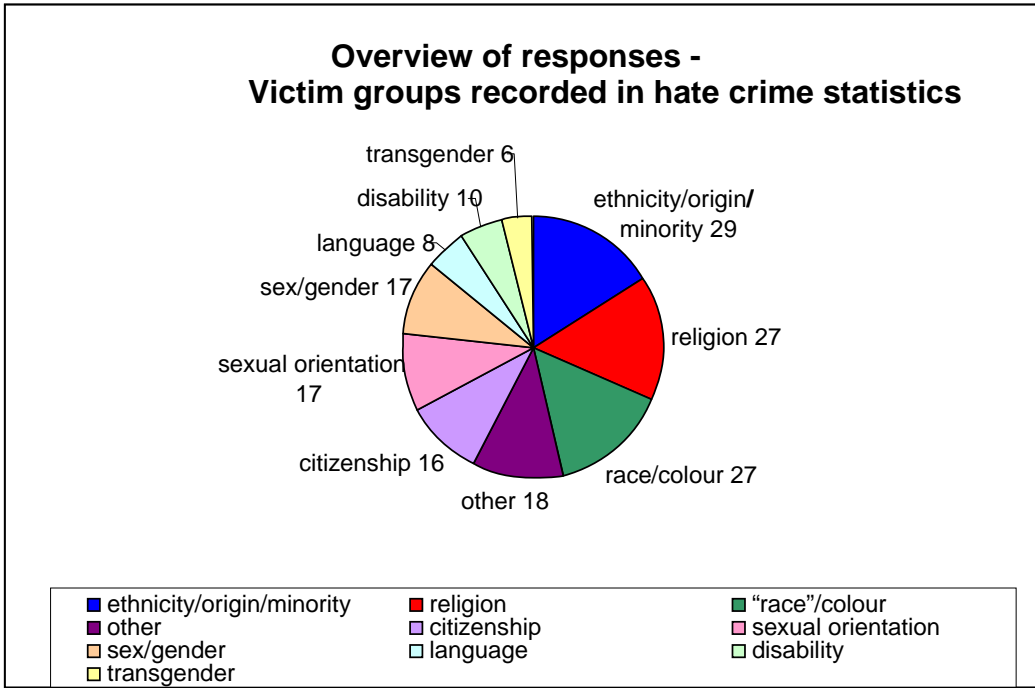
²⁹ Andorra, Belgium, Czech Republic, France, Greece, Hungary, Latvia, Poland, Serbia, Slovakia, Slovenia, Tajikistan and Turkey.

³⁰ Albania, Belarus, Canada, Cyprus, Finland, France, Germany, Iceland, Italy, Kyrgyzstan, Liechtenstein, Norway, and Turkey.

³¹ Austria, Belarus, Belgium, Croatia, Cyprus, Georgia, Germany, France, Ireland, Latvia, Lithuania, Poland, Romania, Serbia, Slovakia, Slovenia, Sweden, Tajikistan and the United States.

³² Canada, Georgia, Ireland, Moldova, Russian Federation and Ukraine.

³³ Armenia, Georgia, Ireland, Kazakhstan, Latvia, Netherlands, Romania, Serbia, Slovakia, United Kingdom, United States and Uzbekistan.



As is clear from the graph above, the largest category of hate crimes reported by those participating States recording data was that related to victims’ ethnicity/origin/minority status (29 responses)³⁴, followed by religion (27 responses)³⁵ and “race”/colour (27 responses).³⁶ Twelve states³⁷ stated that they record multiple biases in hate crimes.

States were also asked whether they record crimes targeting groups specifically mentioned in the OSCE Ministerial Council Decisions, such as racist and xenophobic crimes, anti-Semitic crimes, and crimes against Muslims, Roma and Sinti, Christians or members of other religions. Table 2, below, provides an overview of responses.

³⁴ Andorra, Austria, Belgium, Canada, Croatia, Cyprus, France, Germany, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States and Uzbekistan.

³⁵ Austria, Belgium, Canada, Croatia, Cyprus, Georgia, Germany, Iceland, Italy, Ireland, Kazakhstan, Kyrgyzstan, Latvia, Moldova, Netherlands, Norway, Poland, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States and Uzbekistan.

³⁶ Andorra, Austria, Belgium, Canada, Croatia, Cyprus, France, Georgia, Germany, Iceland, Ireland, Italy, Latvia, Liechtenstein, Moldova, Netherlands, Norway, Poland, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States and Uzbekistan.

³⁷ Cyprus, Czech Republic, Georgia, Germany, Liechtenstein, Netherlands, Norway, Slovakia, Slovenia, Spain, Switzerland and the United Kingdom.

TABLE 2: Overview of specific victim groups recorded in statistics

Participating State	Victim groups recorded in hate crime statistics			
	Anti-Semitic crimes	Anti-Muslim crimes	Anti-Christian crimes	Anti-Roma crimes
Austria	x	x		
Belgium	x	x		
Canada	x	x	x	
Croatia	x	x	x	x
Czech Republic	x	x	x	x
France	x			
Germany	x			
Italy	x			
Latvia				x
Liechtenstein	x	x		
Moldova	x	x	x	x
Netherlands	x	x	x	x
Poland	x	x	x	x
Russian Federation	x	x	x	x
Serbia	x	x	x	x
Spain	x			
Sweden	x	x		x
Switzerland	x	x		x
Tajikistan		x		
United Kingdom	x			
United States of America	x	x	x	

Types of crimes

The large majority of participating States that responded to the questionnaire (39)³⁸ indicated that they classify data on hate crimes according to the type of crime committed. The questionnaire indicated nine categories: homicide, physical assault, damage to property, desecration of graves, attacks against places of worship, vandalism, verbal assault/threats/insults, incitement to hatred and “other”. Based on the responses received, the most commonly classified types of hate crimes were physical assault (33)³⁹, verbal assault/threats/insults (33)⁴⁰ and incitement to hatred (32)⁴¹. The least-recorded category was attacks on places of worship (22)⁴².

³⁸ Albania, Andorra, Armenia, Austria, Belarus, Belgium, Canada, Croatia, Czech Republic, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, United Kingdom, United States and Uzbekistan.

³⁹ Andorra, Austria, Belarus, Belgium, Canada, Croatia, Czech Republic, Finland, France, Georgia, Germany, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Tajikistan, Ukraine, United Kingdom, United States and Uzbekistan.

Fifteen participating States⁴³ indicated that data are classified according to all types of crimes listed in the questionnaire. Seven⁴⁴ reported the classification of seven out of nine types of crimes listed.⁴⁵ Albania and Greece stated that their data are classified for only a single type of crime (desecration of graves and incitement to hatred, respectively). Cyprus and Hungary indicated that they do not classify data according to types of crimes.

Uses of data

Most participating States indicated that the data on hate crimes are used primarily to help assess the domestic security situation and to formulate policies.

Responses indicated that 31 participating States⁴⁶ have some form of publicly available hate crime data. Eleven⁴⁷ reported that they do not release data to the public. In seven⁴⁸ of these it is possible to obtain data only upon request and if appropriate procedures are followed.

Number of hate crimes

States were asked to indicate the number of hate crimes recorded in 2007 and 2008. ODIHR received information on these issues from the majority of countries. Four participating States (Canada, Cyprus, Finland and Norway) reported that the 2008 data would be available later.

Given the different concepts of hate crimes and the various methodologies applied in recording the number of cases (some jurisdictions record cases, some the number of offences, and some the number of perpetrators), ODIHR is not in a position to provide a comparative analysis of data submitted by participating States. Instead, Table 3, below, presents an overview of numbers received and types of data recorded by the states for 2007 and 2008.

⁴⁰ Andorra, Austria, Belgium, Canada, Croatia, Czech Republic, Finland, France, Georgia, Germany, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom, United States and Uzbekistan.

⁴¹ Andorra, Austria, Belarus, Belgium, Canada, Croatia, Czech Republic, Finland, France, Germany, Greece, Iceland, Ireland, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Sweden, Tajikistan, Turkey, Ukraine, United Kingdom, United States and Uzbekistan.

⁴² Austria, Belarus, Belgium, Canada, Croatia, Czech Republic, Finland, Germany, Iceland, Ireland, Kyrgyzstan, Latvia, Lithuania, Moldova, Norway, Poland, Russian Federation, Slovakia, Slovenia, Turkey, United Kingdom and the United States.

⁴³ Belgium, Canada, Croatia, Czech Republic, Finland, Germany, Ireland, Kyrgyzstan, Latvia, Lithuania, Norway, Poland, Slovenia, United Kingdom and the United States.

⁴⁴ Austria, France, Moldova, Russian Federation, Slovakia, Ukraine and Uzbekistan.

⁴⁵ For full overview, please refer to the country-by-country overview in Annex A.

⁴⁶ Andorra, Armenia, Austria, Belarus, Belgium, Canada, Cyprus, Czech Republic, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Kazakhstan, Latvia, Liechtenstein, Lithuania, Norway, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, United Kingdom and the United States.

⁴⁷ Albania, Croatia, France, Italy, Kyrgyzstan, Moldova, Netherlands, Spain, Tajikistan, Turkey and Uzbekistan.

⁴⁸ Croatia, France, Italy, Moldova, Netherlands, Spain and Turkey.

As mentioned above, the number of reported cases of hate crimes needs to be analyzed with great caution. The number of recorded cases simply indicates incidents acknowledged by authorities or reported by victims. These figures do not necessarily indicate the prevalence of hate crime in a particular country. Instead, the figures may simply be an indication of the effectiveness of existing reporting mechanisms in particular participating States.

It is therefore important to underline once again that the lack of data and information in some participating States does not reflect an absence of hate crimes within their jurisdictions and, likewise, that the availability of more information on hate crimes in other countries does not necessarily mean those states have a higher incidence of hate crimes. This may simply mean that some participating States have a broader definition of hate crimes or that they are more effective than others at recording and reporting data.

In light of these limitations, ODIHR has limited itself to presenting an overview of the data submitted by participating States.

Table 3: Hate Crimes in the OSCE Region: Police Reports, Prosecutions and Convictions in 2007 and 2008

C. Legal Framework: overview of developments

International developments

European Union

In the European Union, the most important legal development in 2008 with regard to hate crimes was the adoption of a framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law.⁴⁹ The decision seeks to ensure effective implementation of comprehensive and clear legislation to combat racism and xenophobia through closer approximation of Member States' criminal laws. The decision is therefore designed to ensure that the same types of behaviour constitute an offence in all Member States, and that "effective, dissuasive and proportionate" sanctions are imposed. Article 4 of the framework decision requires that racist and xenophobic motives for criminal acts should be considered aggravating features of crimes that courts should be able to take into account when imposing punishments.

European Union Member States are required to review their legislation for compliance with the framework decision by November 2010.

European Convention on Human Rights

In March 2008, the European Court of Human Rights handed down a significant judgment relating to states' duties to investigate possible racist motives for acts of violence. The case of *Stoica v. Romania*⁵⁰ concerned allegations of inhuman and degrading treatment, and discrimination, in breach of Articles 3 and 14 of the European Convention on Human Rights. The case concerned an incident that took place in April 2001 involving police and a group of Roma. Constantin Stoica, then aged 14, claimed that he was assaulted by a police officer shouting racist remarks, who beat him unconscious, leaving him with serious disabilities. The police contended that the Roma persons were the aggressors and that no blows were inflicted by police. The official investigation concluded that the police version of events was correct.

The European Court, however, ruled that the injuries must have been caused by police and found that this amounted to inhuman and degrading treatment in breach of Article 3. The Court concluded that the authorities had not been impartial in their assessment of the evidence. In particular, the investigators had accepted without question the statements of the police, who had every reason to wish to exonerate themselves, but had dismissed all statements by the villagers, who were Roma, on grounds of their alleged bias in favor of the applicant. The Court stated it was "dissatisfied" that the prosecutor had overlooked police officials' statements to the effect that the villagers' behaviour was "purely Gypsy". The Court noted that all the evidence clearly indicated that the ill-treatment of Stoica was racially motivated and, hence, the burden lay with the Government to disprove it. In the absence of such proof, the Court concluded that both the inhuman treatment of Stoica and the unsatisfactory investigation into the matter were racially biased. This case underlines the fact that when a State Party to the European Convention on Human Rights investigates possible racist crimes it must

⁴⁹ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Official Journal of the European Union L 328, 06 December 2008, pp. 0055 – 0058, <<http://www.legal-project.org/documents/219.pdf>>.

⁵⁰ *Stoica v Romania* (App no 42722/02) (2008) EHRR.

actively consider whether a racist motive existed, or risk breaching its duties under the Convention.

Developments in national legislation

OSCE Participating States reported several legislative changes in 2008 with regard to hate crimes.

In Belarus, Article 139, paragraph 2(14) of the Criminal Code was amended on 21 July 2008 to expand the grounds that can be considered as aggravating circumstances in crimes. In addition to racial, national and religious hatred or discord, the new language adds motives of “political or ideological enmity, as well as ... motives of hatred or discord towards some social group” as aggravating factors. While murder can generally result in six to 18 years of imprisonment, with aggravating factors the sentence range is eight to 25 years, life imprisonment or capital punishment.⁵¹

In Greece, Law 3719/2008 entered into force in November 2008. The law stipulates that a crime committed on the basis of national, racial or religious hatred, or hatred on the grounds of sexual orientation constitutes an aggravating circumstance for sentencing.⁵²

In Hungary, the National Assembly adopted Act No. 79 of 2008 on 10 November 2008. This Act amended the Criminal Code so that section 174/B, which relates to the offence of hate-motivated assault, now reads: “Any person who assaults another person for belonging, whether in fact or under presumption, to a national, ethnic, racial [or] religious group or **certain groups of the population** ... is guilty of a felony punishable by imprisonment for up to five years.”⁵³ (2008 amendment in bold.) This came into force on 1 February 2009.

In Norway, an Act of 7 March 2008 amended Section 77(i) of the new Civil Penal Code of 2005 to state that “when passing sentences, the court shall regard it as an aggravating factor if the criminal offence is motivated by any of the following criteria: ... (i) religion, national or ethnic origin, homosexual orientation, reduced physical or psychological ability or other circumstance related to groups of people requiring a special level of protection”.⁵⁴ The new Civil Penal Code of 2005 will enter into force in 2012.⁵⁵

In Slovenia, the National Assembly adopted a new Penal Code, which came into force on 1 November 2008. The Code provides for harsher punishment in cases of murder based on the violation of the principle of equality, which would also include crimes based on racist motivation. It requires a sentence of imprisonment for not less than 15 years in such cases.⁵⁶

⁵¹ Communication from the UNHCR Regional Representation for Belarus, Moldova and Ukraine, 3 March 2009.

⁵² Information from the Greek Permanent Mission to the OSCE, 7 May 2009.

⁵³ Questionnaire from the Hungarian NPC, 12 March 2009. The text is an unofficial translation provided by the NPC.

⁵⁴ Information from the Norwegian NPC, 1 February 2009. The text is an unofficial translation.

⁵⁵ Information from the Norwegian NPC, 7 September 2009.

⁵⁶ Questionnaire from the Slovenian NPC, 26 March 2009. The text is an unofficial translation provided by the NPC.

D. Institutional improvements

A number of participating States undertook initiatives in 2008 to improve their responses to hate crimes.⁵⁷ These actions did not require legislative changes but, rather, used existing powers to develop programs or to improve the skills and capacities of staff.

Several states instituted new efforts aimed at strengthening data collection on hate crimes. Canada, for example, updated the reporting manual used in its Uniform Crime Reporting Incident-Based Survey.⁵⁸ Finland launched several initiatives, including publishing a comparative survey on processing crimes with racist motives, undertaking a project at the Police College aimed at further disaggregating data on hate crimes recorded by the police, and conducting a national anti-discrimination campaign, which, among other activities, trained NGOs to improve their reporting of hate crimes.⁵⁹ In Sweden, the National Police Board and the Swedish Prosecution Authority completed a joint project aimed at improving the early identification and recording of hate crimes.⁶⁰

Initiatives in several other countries focused on improving the response of law enforcement officers to hate crimes. Authorities in the Russian Federation issued a number of “informational letters” and held seminars for regional prosecutors regarding prosecutorial practices with regard to extremism.⁶¹ Finland also issued new instructions to the police and prosecutors in 2008 to ensure more efficient processing of offences with racist motives.⁶²

In Poland, the Interior Ministry conducted an introductory training seminar on hate crimes in co-operation with ODIHR that was to be followed up by more in-depth training in 2009.⁶³ Sweden undertook several programmes to improve the policing of hate crimes: establishing a Hate Crime Unit in Stockholm; assessing how local police handle hate crimes; holding outreach and training events, including a workshop to inform LGBT groups about how hate crimes are investigated; and conducting a survey in Skåne County to assess the level of knowledge of hate crimes among police staff.⁶⁴ In the United Kingdom, criminal justice agencies began to strengthen their responses to hate crimes committed against people with disabilities.⁶⁵ For example, the updated guidance in the *Equal Treatment Bench Book* for the judiciary is intended to help judges with information on specific learning difficulties, recognizing these difficulties, identifying their implications in a court setting, and understanding what should be done to compensate for areas of disadvantage without prejudicing other parties.⁶⁶ The Crown Prosecution Service also issued its first annual hate crime report.

Other projects centered on support for victims. In Sweden, for example, the Crime Victim Fund distributed grants in 2008 for projects to raise awareness or improve the

⁵⁷ A few of the initiatives listed were continued from earlier years, but with new funding or new directions in 2008.

⁵⁸ Questionnaire from the Canadian NPC, 23 March 2009.

⁵⁹ Questionnaire from the Finnish NPC, 13 March 2009.

⁶⁰ Questionnaire from the Swedish NPC, 13 March 2009.

⁶¹ Questionnaire from the Russian NPC, 25 February 2009.

⁶² Questionnaire from the Finnish NPC, *op. cit.*, note 59.

⁶³ Questionnaire from the Polish NPC, 13 March 2009.

⁶⁴ Questionnaire from the Swedish NPC, *op. cit.*, note 60.

⁶⁵ Questionnaire from the British NPC, 21 May 2009.

⁶⁶ *Ibid.*

situation of victims of hate crimes.⁶⁷ In another Swedish initiative, government authorities, in co-operation with NGOs, worked to empower Roma and to improve their reporting of hate crimes to police. Finland adopted a new Internal Security Programme, which includes measures to improve the security of immigrants and ethnic minorities, such as ensuring that legislation and the criminal justice system properly address racist crimes and offences on the Internet.⁶⁸

Some states also submitted information on awareness-raising initiatives. The programmes presented were wide ranging in their scope, from dealing with discrimination to promotion of diversity through educational projects. Descriptions of all initiatives will be available on TANDIS.⁶⁹

⁶⁷ Questionnaire from the Swedish NPC, *op. cit.*, note 60.

⁶⁸ Questionnaire from the Finnish NPC, *op. cit.*, note 59.

⁶⁹ See the TANDIS website: <<http://tandis.odihr.pl>>.

PART II – ADDITIONAL INFORMATION GATHERED BY ODIHR AND INFORMATION ON SPECIFIC TARGET GROUPS

A. *Introduction*

Unlike Part I of this report, which is drawn solely from information provided to ODIHR by governments of participating States, Part II is based also on information from a wide variety of reliable sources, including IGOs and NGOs. These sources are used in accordance with ODIHR's mandate from the Ministerial Council to make use of such information.⁷⁰

This part of the report places the information provided by governments and set out in Part I into a broader context. In addition, Part II describes some of the responses to hate crimes undertaken by governments and NGOs with regard to specific target groups or types of hate crimes. Finally, Part II addresses particular groups of victims specified in OSCE commitments. While hate crimes share many common features, the OSCE Ministerial Council has recognized “the specificity of different forms of intolerance”⁷¹ and “the uniqueness ... of the historical background of each form”.⁷² Taking this into account, separate sections of Part II focus on racist and xenophobic crimes, crimes against Roma and Sinti, anti-Semitic hate crimes and crimes against Muslims, Christians and members of other religious groups. Hate crimes against a number of other groups are also addressed, including crimes against LGBT persons and crimes against persons with disabilities.

Unlike the 2006 and 2007 reports, this year's report does not include a specific section on hate crimes against human rights defenders. There are no official data on hate crimes against human rights defenders because being a defender is not recognized as a protected characteristic. Crimes involving human rights defenders may well be recorded as hate crimes against a specific religious, ethnic or other group or as a political crime.

Nonetheless, reports by IGOs and NGOs make it clear that crimes against human rights defenders remain a serious issue of concern. In 2008, numerous hate incidents and crimes targeting individuals or groups fighting intolerance and discrimination were reported. These included intimidation, smear campaigns in the media, public hate speech, death threats, destruction of property, physical violence and murder.

ODIHR's 2008 report *Human Rights Defenders in the OSCE Region* concluded that “defenders continued to face serious attacks on and threats to their physical and psychological integrity during the period under consideration”, and provided examples of such incidents.⁷³ The annual report of the UN Special Rapporteur on Human Rights Defenders, Margaret Sekaggya, included information on killings⁷⁴, insults and threats against persons defending the rights of ethnic minorities⁷⁵ and LGBT persons⁷⁶. The

⁷⁰ OSCE Ministerial Council Decision No. 4/03, *op. cit.*, note 11; see “Methodology”, in Part I, above.

⁷¹ OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 7.

⁷² OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

⁷³ *Human Rights Defenders in the OSCE Region: Challenges and Good Practices, April 2007 – April 2008*, (Warsaw: ODIHR, 2008), p.11, <<http://www.osce.org/item/35711.html?ch=1217>>.

⁷⁴ “Report submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Summary of cases transmitted to Governments and replies received”, United Nations Special Rapporteur on Human Rights Defenders, A/HRC/10/12/Add.1, 4 March 2009, §§ 2249-2262, pp. 451-453, <<http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.Add.1.pdf>>.

⁷⁵ *Ibid.*, see sections on Azerbaijan, §130, p.28; Russian Federation, §§ 2165-2176, pp 437-440, §§ 2182-2186, pp. 410-411 and §§ 2217-2228, pp. 446-448; Serbia §§2308-2317, pp.462-463 and §§2318-2331, pp.463-465.

⁷⁶ *Ibid.*, see sections on Bosnia and Herzegovina, §§ 270 -280, pp.58-60; Bulgaria, §§ 342 – 344, p.72.

Council of Europe Commissioner for Human Rights, Thomas Hammarberg,⁷⁷ pointed out that “more systematic monitoring of the conditions for human rights work and registering of hate speech, hate crimes and statements by public authorities is needed” and that “another challenge to be tackled is the use of the Internet against human rights NGOs and activists”. Reportedly, attacks on defenders sometimes occur after personal information about them has appeared on the Internet. This has been the case in some instances of attacks against those defending the rights of Roma and LGBT groups.⁷⁸

The annual report of the Observatory for the Protection of Human Rights Defenders also mentioned the problem of excessive use of force by authorities against defenders, and against those defending the rights of migrants in particular. Harassment and verbal threats were also reported.⁷⁹

B. Context of hate crimes

Hate crimes arise from specific social, political and economic conditions that foster stereotypes and prejudices. These, in turn, can encourage or enable violent manifestations of intolerance. The analysis of these conditions is a field of research for social and political scientists and goes beyond the scope of this report. However, participating States have acknowledged the importance of some contextual issues in the general fight against hate crimes. It is important to mention these in order to put information on hate crimes into a broader context.

Participating States have stressed the importance of “counter(ing) prejudice and misrepresentations” in the fight against intolerance “in order to address the root causes of intolerance and discrimination”.⁸⁰ In 2008, however, a number of public opinion surveys highlighted that there was a high level or increasing percentage of people in some participating States holding negative views about Jews,⁸¹ Muslims⁸² and

⁷⁷ “Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities”, adopted by the Committee of Ministers at the 1017th meeting of the Ministers’ Deputies, 6 February 2008, <<https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>>.

⁷⁸ “Report of the Round-Table on the situation of Human Rights Defenders in the member states of the Council of Europe, organised by the Office of the Commissioner for Human Rights (Strasbourg, 3-4 November 2008)”, Office of the Commissioner for Human Rights, Strasbourg, 20 March 2008, p.10, <<https://wcd.coe.int/com.instranet.IntraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1194406&SecMode=1&DocId=1385690&Usage=2>>.

⁷⁹ “Steadfast in Protest, The Observatory for the Protection of Human Rights Defenders, Annual Report 2009”, World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), 2009, Section on Europe and Commonwealth of Independent States, p. 275 and p. 383, <<http://www.fidh.org/Steadfast-in-protest-human-rights-defenders-annual-report-2009>>.

⁸⁰ OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

⁸¹ “Antisemitism - Summary overview of the situation in the European Union 2001-2008”, European Union Agency for Fundamental Rights, February 2009, p. 16, <http://fra.europa.eu/fraWebsite/attachments/Antisemitism_Update_2009.pdf>; “Unfavorable views of Jews and Muslims on the Increase in Europe”, The Pew Global Attitudes Project – A Pew Research Center project, 17 September 2008, <<http://pewglobal.org/reports/pdf/262.pdf>>; “ADL Survey: Attitudes Toward Jews in Seven European Countries”, Anti-Defamation League, 10 February 2009, <http://www.adl.org/main_Anti_Semitism_International/as_poll_2009>.

⁸² See Hiranthi Jayaweera and Tufyal Choudhury, *Immigration, faith and cohesion: Evidence from local areas with significant Muslim populations* (Oxford: University of Oxford, 2008), <<http://www.statewatch.org/news/2008/apr/jrf-9-immigration-faith-cohesion.pdf>>; *Integration, Islamophobia and civil rights in Europe* (London: Institute for Race Relations, 2008); “Unfavorable views of Jews and Muslims on the Increase in Europe”, The Pew Global Attitudes Project – A Pew Research Center project, *op. cit.*, note 81.

Christians⁸³ compared to previous years. These surveys demonstrate the extent of negative stereotypes held about some groups and suggest that this is an issue about which there has been insufficient response at the policy level. Negative stereotypes are often transmitted and reinforced through public discourse – including by politicians – in the media, including the Internet.

Participating States have acknowledged that “hate crimes can be fuelled by racist, xenophobic and anti-Semitic propaganda”⁸⁴ and have repeatedly expressed their concern regarding “racist, xenophobic and discriminatory public discourse”.⁸⁵ Intolerant speech can give a sense of social acceptance to potential perpetrators of violence. Even where intolerant speech or hate speech does not result in hate crimes, it can inflame social tensions and induce fear among targeted groups. Instances of public intolerant speech and hate speech were reported by the media, as well as by research institutes, NGOs⁸⁶ and IGOs⁸⁷ throughout the OSCE region in 2008. In particular, public gatherings, demonstrations and marches were frequently used to express opinions that are hateful. Such public manifestations, which can create high levels of fear in targeted communities, were organized in a number of OSCE participating States in 2008, often by neo-Nazis, skinhead groups or even political parties. In addition, election campaigns in some instances became platforms for racist, xenophobic or intolerant discourse directed against certain groups.⁸⁸ Authorities in some states were faced with difficult judgments on the appropriate balance between freedom of expression and the prevention of hate speech.

Another issue that arose in the context of some public gatherings was the presence of counter-protestors, posing the threat of violent clashes. Here again, there was a need to balance carefully the right to freedom of assembly with the danger of conflict instigated by protestors or counter-protestors.⁸⁹ In several participating States violence did erupt in the context of competing protests, in particular during LGBT pride events.⁹⁰

Several Ministerial Council Decisions have stressed that political representatives can play a positive role in the overall promotion of mutual respect and understanding, and

⁸³ *Ibid.*

⁸⁴ OSCE Permanent Council Decision No. 607, “Combating Anti-Semitism”, Vienna, 22 April 2004, <http://www.osce.org/documents/pc/2004/04/2771_en.pdf>.

⁸⁵ OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

⁸⁶ “Hate Crime Survey 2008”, Human Rights First, <<http://www.humanrightsfirst.org/pdf/FD-081103-hate-crime-survey-2008.pdf>>.

⁸⁷ “Report of the Committee on the Elimination of Racial Discrimination”, United Nations, 72nd session, 18 February-7 March 2008 [and] 73rd session, 28 July-15 August 2008, A/63/18, <<http://www.unhcr.org/refworld/docid/496485482.html>>.

⁸⁸ Questionnaire from the Lithuanian NPC, 13 March 2009; Stephen Roth Institute, “Antisemitic and Racist Demonstration on Lithuanian Independence Day”, March 2008, <<http://www.tau.ac.il/Anti-Semitism/updates.htm>>; “Hungary neo nazis march in Budapest”, Internet Centre Anti-Racism Europe (ICARE) website, 9 February 2008, <<http://www.icare.to/news.php?en/2008-02#HUNGARY%20NEO%20NAZIS%20MARCH%20IN%20BUDAPEST>>; Questionnaire from the Czech NPC, 16 March 2009; Rob Cameron, “Plzeň braces - again – for neo-Nazi march” *Radio Praha* website, 29 February 2008, <<http://www.radio.cz/en/article/101426>>; “Grappling with neo-Nazi rights”, Dinah Spritzer, JTA, 5 March 2008, <<http://jta.org/news/article/2008/03/05/107332/praguenazis>>; Galina Kozhevnikova, “Radical Nationalism and Efforts to Counteract It in 2008”, SOVA Center for Information and Analysis, 15 April 2009, <<http://xeno.sova-center.ru/6BA2468/6BB4208/CCD6D21>>; “Prosecution to probe neo-nazi rallies”, ICARE website, 12 October 2008, <[http://www.icare.to/news.php?en/2008-10#PROSECUTION%20TO%20PROBE%20NEO-NAZI%20RALLIES\(Serbia\)](http://www.icare.to/news.php?en/2008-10#PROSECUTION%20TO%20PROBE%20NEO-NAZI%20RALLIES(Serbia))>.

⁸⁹ The Freedom of Assembly Guidelines published by ODIHR sets out in detail how this can be undertaken. See: *Guidelines on Freedom of Peaceful Assembly*, (Warsaw: ODIHR, 2007), <<http://www.osce.org/item/23835.html?ch=823>>.

⁹⁰ Communication from the OSCE Mission to Bosnia and Herzegovina, 10 March 2009. See also Part II, Crimes against other groups, Information and data on crimes against LGBT persons.

can have a significant impact in defusing tensions within societies by speaking out against hate-motivated acts and incidents.⁹¹ During 2008, a number of national leaders in the OSCE area took strong stands against hate crimes and discrimination.⁹² Additionally, leading figures in international organizations have also made appeals to fight hate crimes and promote tolerance and mutual understanding.⁹³ Nevertheless, numerous instances of intolerant and discriminatory discourse, even among elected representatives and political parties, were reported by the media, as well as by IGOs or NGOs.⁹⁴ Muslims, migrants, Roma and Jews were among the groups most often targeted.

Several IGOs and NGOs reported a prevalence of discriminatory policies in conjunction with racist and xenophobic violence. OSCE commitments and international legal standards prohibit discrimination. In line with this, the OSCE *Guidebook on Democratic Policing* stresses that the police are obliged to protect all citizens without discrimination. UN reports indicate, however, that actions by security forces in various OSCE participating States in 2008 constituted intolerance, discrimination or even crimes against certain groups, particularly against migrants, asylum seekers, refugees, persons of African origin, members of minorities and Roma.⁹⁵ The *Guidebook on Democratic Policing* also emphasizes that “special attention must be paid to the practice of ethnic profiling”, since it can have the effect of criminalizing whole communities and denying them justice.⁹⁶ Profiling can erode the confidence of entire communities in the

⁹¹ OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

⁹² President Nicolas Sarkozy of France, for example, spoke out forcefully following an incident in which Muslim gravesites were vandalized. Source: Peter Allen, “Vandals desecrate graves of Muslim soldiers with swastikas and a pig's head in French war cemetery”, *The Daily Mail* website, 7 April 2008, <<http://www.dailymail.co.uk/news/article-557595/Vandals-desecrate-graves-Muslim-soldiers-swastikas-pigs-head-French-war-cemetery.html>>. In January 2008 German Chancellor Angela Merkel delivered a keynote speech against anti-Semitism at an OSCE event. In February 2008, during the informal Commonwealth of Independent States (CIS) summit in Moscow, Vladimir Putin, then President of the Russian Federation, reportedly apologized to CIS presidents for xenophobia in the Russian Federation. Source: “Putin says xenophobia “time bomb” under Russia's statehood”, BBC Monitoring, 6 February 2008, original source: Interfax news agency, Moscow in Russian. In November 2008, then Czech Prime Minister Mirek Topolánek condemned an attempted anti-Romany rally by a large group of extremists. Sources: Kateřina Eliášová, “Topolánek: Dělnická strana at' skončí, problém to neřeší”, *aktualne.cz*, 19 November 2008, <<http://aktualne.centrum.cz/domaci/zivot-v-cesku/clanek.phtml?id=622420>>; “Czech government to ask court to outlaw extremist DS”, ICARE website, 24 November 2008, <<http://www.icare.to/news.php?en/2008-11>>. Poland's Foreign Ministry publicly condemned a politician who made racist remarks. The politician - Artur Gorski - made the remark to parliament a day after Obama's victory as America's first African-American president. Source: “Foreign Ministry, Party, Condemn Racist MP (Poland)”, ICARE website, 9 November 2008, <<http://www.icare.to/article.php?id=17934&lang=en>>. President Viktor Yushchenko of Ukraine wrote letters to the Prosecutor General and Minister of Internal Affairs in April, drawing their attention to the increasing number of cases of xenophobia, racial and national intolerance reported by the mass media. Source: “Racism is on the upswing in Ukraine”, *Eurasia Daily Monitor*, Vol. 5, No. 87, 7 May 2008; Helle T Schmidt, Chairperson of the Social Democrat Party of Denmark, gave a statement after the murder of a Muslim boy of Turkish origin in *Nyhedsavisen* on 8 April 2008. Communication from the NGO Ethnic Debate Forum, 20 June 2009.

⁹³ See, for example, Thomas Hammarberg, Council of Europe Commissioner for Human Rights, “Hate crimes - the ugly face of racism, anti-Semitism, anti-Gypsyism, Islamophobia and homophobia”, Strasbourg, 21 July 2008, <http://www.coe.int/t/commissioner/Viewpoints/080721_en.asp>; “Annual Report: 2008” European Union Agency for Fundamental Rights, 2008, <http://fra.europa.eu/fraWebsite/attachments/ar08p2_en.pdf>. See also documentation available at the website of the United Nations Office of the High Commissioner for Human Rights: <<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>>.

⁹⁴ “Report of the Committee on the Elimination of Racial Discrimination”, United Nations, 72nd session, 18 February-7 March 2008 [and] 73rd session, 28 July-15 August 2008, A/63/18, *op. cit.*, note 87.

⁹⁵ *Ibid.*

⁹⁶ *Guidebook on Democratic Policing*, (Vienna: OSCE Strategic Police Matters Unit, 2008), pp. 18-19, <<http://www.osce.org/item/23086.html?ch=795>>.

police and make them less willing to report crime or co-operate with police investigations, thus undermining the effectiveness of law enforcement. A number of reports indicated that ethnic and racial profiling by police is an issue of concern in some OSCE participating States, especially targeting Muslims and Roma.⁹⁷

Stereotypes, prejudice, hate speech and discriminatory behavior by police are all contextual factors that may create perceptions among target groups that they are more likely to be victims of hate crimes. Similarly, major geopolitical events can be perceived as increasing the threat of hate crimes. The war in the Gaza Strip that begun in late December 2008 was perceived by Jewish organizations and communities as a trigger for a wave of anti-Semitic incidents. The worldwide financial downturn was also perceived as fostering anti-Semitic speech and the resurgence of anti-Semitic stereotypes.⁹⁸ One NGO reported that anti-Semitic incidents were particularly conspicuous on dates commemorating specific events, such as the 70th anniversary of the November Pogroms in Nazi Germany on 9 November 1938⁹⁹ and the 60th anniversary of the establishment of the state of Israel¹⁰⁰. In the same vein, the bombing of the Danish Embassy in Islamabad, following the re-publication of cartoons of the Prophet Mohammed,¹⁰¹ was regarded as a catalyst for anti-Muslim incidents, as was the release of *Fitna*, a Dutch short film critical of Islam. More generally, the global financial crisis and the subsequent economic downturn were perceived as a cause of increasing intolerance and aggression towards migrants, asylum seekers and members of minority groups.

⁹⁷“Report of the Committee on the Elimination of Racial Discrimination”, United Nations, 72nd session, 18 February-7 March 2008 [and] 73rd session, 28 July-15 August 2008, A/63/18, *op. cit.*, note 87; *Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory*, (New York: Open Society Institute, 2009), <http://www.justiceinitiative.org/db/resource2/fs/?file_id=20721>.

⁹⁸ “ADL Survey: Attitudes Toward Jews in Seven European Countries”, Anti-Defamation League, *op. cit.*, note 81.

⁹⁹ “Antisemitism Worldwide 2008/9 - General Analysis”, The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, pp. 4 and 8, <<http://www.tau.ac.il/Anti-Semitism/asw2008/gen-analysis-08.pdf>>.

¹⁰⁰ *Ibid.*, pp. 4 -18.

¹⁰¹ Communication from the NGO Ethnic Debate Forum, *op. cit.*, note 92.

C. *Hate crimes against specific groups*

RACIST AND XENOPHOBIC CRIMES

Background

The OSCE has long recognized the threat to international security posed by racism, xenophobia and related forms of intolerance. As early as 1990, the Copenhagen Document¹⁰² and the Charter of Paris for a New Europe¹⁰³ condemned racial and ethnic hatred. These commitments were reiterated and strengthened at a number of subsequent Ministerial Council meetings and other conferences.¹⁰⁴

At the Maastricht Ministerial Council meeting in 2003, the participating States committed themselves to take steps against discrimination, intolerance and xenophobia against migrants and migrant workers; to combat hate crimes fuelled by racist or xenophobic propaganda; and to publicly denounce such crimes.¹⁰⁵

In furtherance of its mandate, ODIHR organized a number of events and activities in 2008 to address the problems of racism and xenophobia. In May, ODIHR organized a Supplementary Human Dimension Meeting on the “Role of National Institutions against Discrimination and in Combating Racism and Xenophobia, with Special Focus on Persons belonging to National Minorities and Migrants”. This meeting highlighted the importance of these national structures in combating racism and hate crimes.¹⁰⁶ Throughout the year, ODIHR continued to provide support to OSCE participating States in the area of police training on hate crimes.

Information and data on crimes motivated by racism and xenophobia

Although the vast majority of OSCE participating States recognize racist or xenophobic motives as aggravating factors for crimes, their differing legal systems and approaches to data collection make comparative reporting extremely difficult. The situation is further complicated by the fact that racism and xenophobia are extremely broad

¹⁰² “Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”, 5-29 June 1990, p. 21, <<http://www.osce.org/item/13992.html>>.

¹⁰³ “Charter of Paris for a New Europe”, Meeting of the participating States of the Conference on Security and Co-operation in Europe (CSCE), Paris, 19 - 21 November 1990, p. 7, <<http://www.osce.org/item/4047.html>>.

¹⁰⁴ “Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, p. 46, <<http://www.osce.org/item/13995.html>>; Fourth Meeting of the CSCE Council of Ministers, “CSCE and the New Europe - Our Security is Indivisible Decisions of the Rome Council Meeting”, Rome, 30 November - 1 December 1993; p. 18; <<http://www.osce.org/item/4154.html>>; “CSCE Budapest Document 1994: Towards a Genuine Partnership in a New Era”, Budapest, corrected version 21 December 1994, p. 35, <<http://www.osce.org/item/4050.html>>; OSCE Ministerial Council Decision No. 5/01, “Decisions of the Bucharest Ministerial Council Meeting”, Bucharest, 3 and 4 December 2001, p. 29, <<http://www.osce.org/item/4161.html>>; OSCE Ministerial Council Decision No. 6/02, “Tolerance and Non-Discrimination”, Porto, 7 December 2002; <<http://tandis.odihhr.pl/documents/03547.pdf>>; OSCE Ministerial Council Decision No. 4/03, *op. cit.*, note 11; OSCE Ministerial Council Decision No. 12/04, *op. cit.*, note 3; OSCE Ministerial Council Decision No. 10/05, “Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding”, Ljubljana, 6 December 2005, <<http://www.osce.org/item/17441.html>>; OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 7.

¹⁰⁵ OSCE Ministerial Council Decision No. 4/03, *op. cit.* 11.

¹⁰⁶ “Supplementary Human Dimension Meeting - The Role of National Institutions against Discrimination in Combating Racism and Xenophobia with a Special Focus on Persons Belonging to National Minorities and Migrants, Final Report”, Vienna, 29 - 30 May 2008, p. 68, <<http://www.osce.org/item/33849.html>>.

categories, encompassing linguistic, ethnic, racial, religious and citizenship issues. Some countries disaggregate their data into narrower categories, while others do not. The disaggregated information, to the extent that it is available, is included in the specific thematic sections of this report (e.g., anti-Semitism, intolerance against Muslims).

FRA has made an attempt to compare information on racist crimes across the European Union, publishing its first Minorities and Discrimination Survey in April 2009. The survey states that 12 per cent of migrants and minorities reported having personally been the target of a racist crime over the previous year.¹⁰⁷ Roma and Sub-Saharan Africans experienced the highest racist crime victimization rate, followed by North Africans, Turks and Central and East Europeans.¹⁰⁸ The survey also underscored that a high percentage of racist crimes were under-reported due to lack of confidence in the police.¹⁰⁹ Similarly, information received from UNHCR indicates that asylum seekers, refugees and migrants are particularly vulnerable.¹¹⁰

Information submitted to ODIHR by participating States indicated that groups identified by “race”/colour (27 responses)¹¹¹ or ethnicity/origin/minority status (29 responses)¹¹² were the most often recorded groups of victims in data collection systems. A number of countries also record victim groups based on citizenship (16 responses)¹¹³ and language (eight responses)¹¹⁴ as separate categories. Canada and the United States further classify data according to more detailed categories such as Black, Arab, Asian, Aboriginal and White, while Sweden includes Afro-Swede and Roma as a separate category in its data.

The nature of the information provided by participating States also differed: some provided data only on racist crimes, while others submitted information on hate-motivated incidents. Some states (Canada, Finland, Norway, and Spain) had no data for 2008 available in time for this report.

Austria reported 56 crimes with racist or xenophobic motives. It noted that, since 2007, there has been an increase in the number of instances of graffiti and property damage and a decrease in physical attacks based on racist and xenophobic motives.¹¹⁵

Belarus reported that seven cases of incitement to hatred or discord on racial, national or religious grounds were recorded by the Committee for State Security.¹¹⁶

¹⁰⁷ “EU survey of minorities and immigrants sheds new light on extent of racism in EU”, European Union Agency for Fundamental Rights, 22 April 2009, <http://fra.europa.eu/fraWebsite/press/mr-220409_en.htm>.

¹⁰⁸ “EU-MIDIS at a glance - Introduction to the FRA’s EU-wide discrimination survey”, European Union Agency for Fundamental Rights, April 2009, p. 11 <http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_GLANCE_EN.pdf>.

¹⁰⁹ *Ibid.*

¹¹⁰ Information from UNHCR, 6 March 2009.

¹¹¹ Andorra, Austria, Belgium, Canada, Croatia, Cyprus, France, Georgia, Germany, Iceland, Ireland, Italy, Latvia, Liechtenstein, Moldova, Netherlands, Norway, Poland, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States, and Uzbekistan.

¹¹² Andorra, Austria, Belgium, Canada, Croatia, Cyprus, France, Germany, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Moldova, Netherlands, Norway, Poland, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States, and Uzbekistan.

¹¹³ Austria, Belgium, Croatia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Moldova, Russian Federation, Slovenia, Spain, Ukraine, and the United Kingdom.

¹¹⁴ Belgium, Canada, Cyprus, Germany, Moldova, Slovakia, United Kingdom and Uzbekistan.

¹¹⁵ Questionnaire from the Austrian NPC, 13 March 2009.

¹¹⁶ Questionnaire from the Belarusian NPC, 13 March 2009.

Belgium reported that 36 complaints were filed with the Public Prosecutors Office of crimes aggravated by a racist motive.¹¹⁷

In the Czech Republic, 195 persons were charged with crimes motivated by racial or similar hatred. The two largest categories of crimes were assault (30) and incitement to hatred (35).¹¹⁸

In Denmark, records from January to October 2008 stated that charges were brought against four people for violating section 266 of the Criminal Code, which prohibits threats or insults with a bias motive. This led to two persons being fined.¹¹⁹

France reported the prosecution of 2,902 cases involving racism in 2008. The two largest categories of crimes were insults/defamation (2,437) and physical assault (317).¹²⁰

Figures from Germany showed that there were 3,048 crimes with xenophobic motives and 463 racist crimes. Seven per cent of these crimes involved physical violence.¹²¹

Greece reported that there were no racist hate crimes in the country in 2008.¹²²

In Hungary, 12 violent attacks against members of national, ethnic, racial or religious groups were reported. Six criminal cases were pending at the time the information was submitted.¹²³

Italy reported 62 racist crimes and 27 xenophobic crimes in 2008, resulting in ten arrests. The cases included 14 assaults and 15 instances of graffiti.¹²⁴

Lithuania reported 101 pre-trial investigations¹²⁵ for incitement of hatred against national, racial, ethnic, religious or other groups of persons. Of these, 65 related to nationality and race.¹²⁶

In Poland, the Interior Ministry's Monitoring Team on Racism and Xenophobia recorded 33 hate crimes, of which three were cases of racially motivated assaults. Additionally, police recorded 222 cases under various articles of the Criminal Code¹²⁷ relating to crimes targeted against persons based on national, ethnic and racial identity or political and religious affiliation. The Interior Ministry noted that the number of

¹¹⁷ Questionnaire from the Belgian NPC, 12 February 2009; Information from the Belgian NPC, 4 September 2009.

¹¹⁸ Questionnaire from the Czech NPC, *op. cit.*, note 88.

¹¹⁹ Information from the Danish NPC for the ODIHR's 2008 annual report, 13 March 2009.

¹²⁰ Questionnaire from French NPC, 5 August 2009.

¹²¹ Under the category of xenophobic crimes, German authorities record crimes with motivation based on race, skin colour, ethnicity/nationality, religion and origin. "Bundesinnenministerium legt bundesweite Zahlen zur politisch motivierten Kriminalität für das Jahr 2008 vor", Bundesministerium des Innern, 20 April 2009,

<http://www.bmi.bund.de/cIn_095/SharedDocs/Pressemitteilungen/DE/2009/04/entwicklung_politisch_motivierte_kriminalitaet.html?nn=109632>; Information from the German NPC, 9 September 2009.

¹²² Questionnaire from the Greek NPC, 6 February 2009.

¹²³ Information on each of the six pending cases was provided. Questionnaire from the Hungarian NPC, *op. cit.*, note 53.

¹²⁴ Information and statistics provided by the Italian Permanent Delegation to the OSCE, 31 March 2009; Questionnaire from the Italian NPC, 3 July 2009.

¹²⁵ Article 170 of the Criminal Code. Questionnaire from the Lithuanian NPC, *op. cit.*, note 88.

¹²⁶ *Ibid.*

¹²⁷ Articles 119, 195, 196, 256, 257 of the Criminal Code. Questionnaire from the Polish NPC, *op. cit.*, note 63.

racist crimes had risen compared to previous years. There were 98 new court proceedings registered in 2008.¹²⁸

The Russian Federation reported 460 extremist offences in 2008. Information provided by the Russian Federation showed that 70 foreign citizens¹²⁹ were the victims of violent crimes based on ethnic hatred and animosity in 2008, leading to 23 deaths. An unspecified number of the perpetrators were tried and sentenced.¹³⁰ Data from NGOs based in the Russian Federation indicated that the number of hate crimes was higher. The Moscow Bureau for Human Rights recorded 293 xenophobia-motivated attacks in 2008, with 122 people killed and 380 wounded,¹³¹ while the SOVA Center for Information and Analysis recorded 106 people killed and 450 injured in such attacks.¹³² Civil society sources also reported a significant qualitative and quantitative improvement in the prosecution of crimes involving xenophobia. In 2008, there were at least 34 successful prosecutions for crimes related to racist violence in which hate was recognized as an aggravating circumstance. There were also three sentences handed down in cases involving hate-motivated vandalism.¹³³

Serbia reported 26 convictions for incitement to national/ethnic and religious hatred.¹³⁴

Slovenia reported that, in the first half of 2008, eight offences were registered under Article 300 of the Criminal Code, which prohibits incitement to ethnic, racial and religious hatred.¹³⁵

Sweden reported 4,224 xenophobic and racist crimes.¹³⁶

In the United Kingdom, 39,300 racially motivated hate crimes were reported, based on the perceptions of victims or police officers. This led to 13,008 completed prosecutions.¹³⁷

In Ukraine, there were eight hate crime cases officially recorded, while IOM, as a member of the Diversity Initiative, recorded 82 racially motivated crimes in 2008, including seven murders.¹³⁸

In the United States, the Leadership Conference on Civil Rights Education Fund (LCCREF) reported three attacks against African Americans and two attacks against Hispanics.¹³⁹

¹²⁸ *Ibid.*

¹²⁹ This number does not include Russian citizens who may have been victims of racist hate crimes.

¹³⁰ Questionnaire from the Russian NPC, *op. cit.*, note 61.

¹³¹ "Aggressive xenophobia manifestations in RF in 2004-2008", Moscow Bureau for Human Rights, <http://www.antirasizm.ru/lv/english_publ_089.php>.

¹³² Kozhevnikova, *op. cit.*, note 88.

¹³³ *Ibid*; Information from the Sova Center for Information and Analysis, 17 August 2009.

¹³⁴ Information from the Permanent Mission of Serbia to the OSCE, 23 September 2009.

¹³⁵ Questionnaire from the Slovenian NPC, *op. cit.*, note 56.

¹³⁶ The NPC stresses that it is not possible to compare 2008 figures with previous years, since the definition of hate crime has changed. Information from the Swedish NPC, 2 September 2009.

¹³⁷ Questionnaire from the British NPC, *op. cit.*, note 65.

¹³⁸ Information from IOM on hate crime data, trends, government responses and civil society activities in 2008, 17 February 2009.

¹³⁹ "Confronting the New Faces of Hate: Hate Crimes in America", Leadership Conference on Civil Rights Education Fund (LCCREF), 2009, p.31, <http://www.civilrights.org/publications/hatecrimes/lccref_hate_crimes_report.pdf>.

OSCE field operations and UNHCR reported on a number of cases of racially or ethnically motivated attacks.¹⁴⁰ The field operations stressed that some of these cases were not reported to the police, as victims feared that the cases would not be addressed seriously.

Media reported racist and xenophobic incidents in the following participating States: Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and the United States.

The NPCs from Spain and the Russian Federation noted that the persons responsible for many racist crimes were right-wing extremists or “skinheads”.¹⁴¹

Government and NGO responses to crimes motivated by racism and xenophobia

Following a series of anti-Roma public events in the Czech Republic organized by neo-Nazi and hate groups, the Interior Ministry organized a meeting in October with representatives of the Roma community and NGOs aimed at ensuring the safety of minority communities. The meeting was used to present further plans in accordance with recommendations from the Roma community and civil society.¹⁴²

An initiative undertaken by the Crown Prosecution Service in West Yorkshire, the United Kingdom, was the Hate Crime Scrutiny Panel, which encouraged the reporting of hate crimes and greater involvement by individuals in the criminal justice system. The Panel’s work led to an increased rate of prosecutions of hate crimes.¹⁴³

New initiatives were launched in the Netherlands in 2008 by the Landelijk Expertise Centrum Diversiteit (National Expertise Centre for Diversity) of the Police Academy and the Amsterdam and Gelderland-Zuid regional police. The projects aimed at raising police awareness of hate crimes and launching a website so that victims could report anonymously.¹⁴⁴

A large number of NGOs throughout the OSCE area gathered and reported information about racist or xenophobic hate crimes in 2008, including racist violence and threats against migrants, refugees and ethnic minorities. A list of some of these NGOs is included in Annex E.

In addition to compiling and publicizing information, many NGOs also implemented projects to combat racism and xenophobia or to assist victims. In France, for example, the Mouvement contre le Racisme et pour l’Amitié entre les Peuples (Movement against Racism and for Friendship amongst Peoples) provided legal services to victims of

¹⁴⁰ Communication from the UNHCR Regional Representation for Belarus, Moldova and Ukraine, *op. cit.*, note 51; Communication from the OSCE Mission to Bosnia and Herzegovina, *op. cit.*, note 90; Communication from the OSCE Mission in Kosovo, 13 March 2009.

¹⁴¹ Questionnaire from the Russian NPC, *op. cit.*, note 61; Questionnaire from the Spanish NPC, 16 March 2009.

¹⁴² Questionnaire from the Czech NPC, *op. cit.*, note 88.

¹⁴³ For more information, see the Crown Prosecution Service West Yorkshire website, <http://www.cps.gov.uk/west_yorkshire/partnership_working/race_scrutiny_panel/>.

¹⁴⁴ Jaap van Donselaar and Peter R. Rodrigues (eds.), “Monitor Racism & Extremism: 8th report”, Section 9, Marija Davidović and Peter R. Rodrigues “Investigation and prosecution in 2007”, p. 7; <<http://www.annefrank.org/upload/downloads/Mon8-UK-Ch9.pdf>>.

racism.¹⁴⁵ The Thüringer Hilfsdienst für Opfer und Betroffene Rechtsextremer Gewalt (Thuringia Helpline for Victims of Right Wing Violence) in Germany also offered support to victims.¹⁴⁶ In Latvia, the Centre for Human Rights worked to improve legislative and law enforcement responses to hate crimes.¹⁴⁷ In Spain, a project on legal advocacy against racist violence by the Open Society Justice Initiative pursued legal remedies for racist violence.¹⁴⁸ In Ukraine, Xenodocuments, an NGO, developed a leaflet containing legal advice for victims of racist and xenophobic crime.¹⁴⁹ Also in Ukraine, more than 40 organizations, including UNHCR, IOM and several embassies, created a coalition called the Diversity Initiative to counter xenophobia and racism in the country.¹⁵⁰

Box 1: Racist murders

On 17 April 2007, Karen Abramian, a 46-year-old ethnic Armenian living in southwest Moscow, was attacked as he was entering his apartment block. Artur Ryno and Pavel Skachevsky, both 17 years old, approached him from behind and stabbed him 56 times, slashing his head, neck, back and stomach. “Don’t do this. Please take my money,” he begged them. His 14-year-old son found his father in the entrance, bleeding profusely. Before he died, Abramian told his son: “They were skinheads.”

Ryno and Skachevsky were pursued by a neighbour, who witnessed the attack and ran after them as they attempted to escape on a tram. Police officers halted the tram and arrested both attackers. In custody, the attackers said they had killed 39 people and attacked at least 12 others from August 2006 to April 2007. Some of the crimes were videotaped for dissemination on the Internet. The victims were all chosen because of their non-Slavic ethnicity. Ryno stated that he committed the murders for “tsar, country and monarchy”.

In December 2008, Ryno and Skachevsky were convicted of violation of Article 105 of the Criminal Code. They were sentenced to ten years in jail, the maximum sentence for juveniles. Five other members of a gang to which they belonged were jailed for between six and 20 years.¹⁵¹

¹⁴⁵ See the website of the *Mouvement contre le Racisme et pour l’Amitié entre les Peuples* (Movement Against Racism and for Friendship between Peoples): <<http://www.mrap.fr/>>.

¹⁴⁶ See the website of the *Thüringer Hilfsdienst für Opfer und Betroffene Rechtsextremer Gewalt*: <<http://www.opferhilfsdienst.de/cms/index.php?id=73>>.

¹⁴⁷ Anhelita Kamenska, Ilze Brands-Kehris, “Combating Hate Crimes in Latvia: Legislation and Police Practice”, Latvian Centre for Human Rights, 2008, <http://www.humanrights.org.lv/upload_file/HCR_Leg_Police_LV.pdf?PHPSESSID=2ff4ca2871e421729a45adcb71483069>.

¹⁴⁸ See the website of the Open Society Justice Initiative, Legal Advocacy against Racist Violence in Spain website: <http://www.justiceinitiative.org/activities/ec/ec_spain>.

¹⁴⁹ See Xenodocuments website: <<http://www.xenodocuments.org.ua/>>.

¹⁵⁰ See the Diversity Initiative website: <<http://www.iom.int/jahia/Jahia/pid/2026>>.

¹⁵¹ Questionnaire from the Russian NPC, *op. cit.*, note 61. Luke Harding, “Russian Far Right Murders 350 since 2004 - Anti-Immigrant Stance Favored by Half the Population”, San Francisco Sentinel.com, 7 February 2009, <<http://www.sanfranciscosentinel.com/?p=19334>>; “Young Russian skinhead pleads guilty to killing 37 people”, *Pravda* website, 25 May 2007, <http://english.pravda.ru/hotspots/crimes/28-05-2007/92265-russian_skinhead-0>; Information has also been verified by the Moscow Bureau for Human Rights and Sova Center for Information and Analysis.

CRIMES AND INCIDENTS AGAINST ROMA AND SINTI

Background

In 1990, the participating States recognized the particular problems of Roma and Sinti as targets of racial and ethnic hatred.¹⁵² In 1994, participating States decided to establish a Contact Point for Roma and Sinti issues (CPRSI) within ODIHR to “act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies)”.¹⁵³ The 1999 Istanbul Summit Declaration deplored violence and other manifestations of racism and discrimination against minorities, including specifically against Roma and Sinti.¹⁵⁴

In 2003, in Maastricht, the OSCE Ministerial Council adopted the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.¹⁵⁵ Chapter III of the plan, “Combating Racism and Discrimination”, provides a framework for addressing violence against Roma and Sinti. Among other commitments, the Action Plan called on the participating States to ensure through legislation the imposition of heavier sentences for racially motivated crimes by both private individuals and public officials.¹⁵⁶ States also pledged to “ensure the vigorous and effective investigation of acts of violence against Roma and Sinti people, especially where there are reasonable grounds to suspect that they were racially motivated, and prosecute those responsible in accordance with domestic law and consistent with relevant standards of human rights”.¹⁵⁷ Subsequent Ministerial Council decisions have reiterated the importance of these commitments.¹⁵⁸

In 2008, ODIHR conducted a field assessment visit to three regions in Italy, in cooperation with the office of the OSCE High Commissioner on National Minorities (HCNM), following attacks on Roma camps in Italy.¹⁵⁹ Also in line with its mandate under the Action Plan, ODIHR published in 2008 a status report on achievements and challenges.¹⁶⁰ The report highlights the continued racist violence against Roma and Sinti.¹⁶¹

¹⁵² “Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”, *op. cit.*, note 102.

¹⁵³ “CSCE Budapest Document 1994: Towards a Genuine Partnership in a New Era, *op. cit.*, note 104.

¹⁵⁴ “Istanbul Summit Declaration”, Istanbul Document 1999, p. 52,

<<http://www.osce.org/item/4051.html>>.

¹⁵⁵ OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 1 and 2 December 2003,

<<http://www.osce.org/item/1751.html>>.

¹⁵⁶ *Ibid.*, paragraph 9.

¹⁵⁷ *Ibid.*, paragraph 16.

¹⁵⁸ OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 7; “Bucharest Declaration by the Chairman-in-Office”, 8 June 2007, <http://www.osce.org/documents/cio/2007/06/24999_en.pdf>; OSCE Ministerial Council Decision No. 6/08, “Enhancing OSCE Efforts to Implement the Action Plan on Improving the situation of Roma and Sinti within the OSCE Area”, Helsinki, 5 December 2008, <<http://www.osce.org/item/35585.html>>.

¹⁵⁹ “Assessment of the Human Rights Situation of Roma and Sinti in Italy: Report of a fact-finding mission to Milan, Naples and Rome on 20-26 July 2008”, OSCE/Office for Democratic Institutions and Human Rights/High Commissioner on National Minorities, Warsaw/The Hague, March 2009, <<http://www.osce.org/item/36620.html>>.

¹⁶⁰ *Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area: Status Report 2008* (Warsaw: OSCE/ODIHR, 2008), <<http://www.osce.org/item/33130.html?ch=1186>>.

¹⁶¹ *Ibid.*, pp. 10, 22, 24-25.

Information and data on crimes against Roma and Sinti

Official monitoring of hate crimes against Roma and Sinti in the OSCE region is limited. Ten participating States¹⁶² reported collecting data on hate crimes against Roma or Sinti. Only Sweden submitted statistics on hate crimes in 2008 against Roma and Sinti reporting that 179 reports had an anti-Roma motive. Unlawful threats and molestation represented the largest proportion of reported hate crimes against Roma and Sinti (45 per cent), followed by violent crimes (19 per cent).¹⁶³

Given the scarcity of data, it is difficult to measure the extent of the problem. However, FRA's survey on the victimization of Roma carried out in seven states¹⁶⁴ in 2008 provides an indication that the problem is serious and widespread. Eighty-one per cent of all respondents indicated they had been victims of assaults, threats or serious harassment, and considered their victimization to be racially motivated.¹⁶⁵

ODIHR received no statistics on hate crimes targeting Roma and Sinti from NGOs. However, many specific incidents against Roma were reported by a number of groups, including Human Rights First,¹⁶⁶ the European Roma Rights Center¹⁶⁷ (a Budapest-based NGO covering the issue on a regional basis), the Romani Criss (Romania),¹⁶⁸ and the Minority Rights Centre (Serbia).¹⁶⁹ These reports were based on victims' reports, media monitoring and independent field research.

There were three major incidents resulting in the destruction of entire Roma settlements in 2008, in the Czech Republic, Hungary and Italy, respectively.¹⁷⁰ In each instance, one incident involving a few individuals escalated into a larger group conflict resulting in damage to property. The incidents were covered extensively by IGOs and NGOs. Box 2, below, describes one of these events.

¹⁶² Croatia, Czech Republic, Latvia, Moldova, Netherlands, Poland, Russian Federation, Serbia, Sweden and Switzerland.

¹⁶³ Information by Swedish NPC, *op. cit.*, note 136.

¹⁶⁴ Bulgaria, Czech Republic, Greece, Hungary, Poland, Romania and Slovakia.

¹⁶⁵ "EU-MIDIS European Union Minorities and Discrimination Survey: Data in Focus Report-The Roma" European Union Agency for Fundamental Rights, 22 April 2009, <http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf>.

¹⁶⁶ "2008 Hate Crime Survey", Human Rights First, *op. cit.* note 86, pp. 111-121.

¹⁶⁷ See the website of the European Roma Rights Centre, International Advocacy:

<http://www.errc.org/Advocacy_index.php>. See also the European Roma Rights Centre: Legal Defence Programme: <http://www.errc.org/Legaldef_index.php>.

¹⁶⁸ Information from the Romani Criss on cases identified in 2008, 26 February 2009.

¹⁶⁹ Communication from the OSCE Mission to Serbia, *op. cit.*, note 140, original source: Minority Rights Centre, 6 March 2009.

¹⁷⁰ *Ibid.*; See "Incident Report Violent attacks against Roma in the Ponticelli district of Naples, Italy" European Union Agency for Fundamental Rights, 5 August 2008,

<http://fra.europa.eu/fraWebsite/products/publications_reports/incident_report_en.htm>; See also *Italy: The witch-hunt against Roma people must end* (London: Amnesty International, 2008),

<<http://www.amnesty.org/en/library/asset/EUR30/006/2008/en/6d26038a-59a0-11dd-bc96-55b5ceea4018/eur300062008eng.pdf>>; ODIHR and High Commissioner on National Minorities,

"Assessment of the Human Rights Situation of Roma and Sinti in Italy: Report of a Fact-finding Mission to Milan, Naples and Rome on 20-26 July 2008", Warsaw/The Hague, March 2009,

<<http://www.osce.org/item/36620.html>>. See also "Hard Times and Hardening Attitudes: the Economic Downturn and the Rise of Violence against Roma", Commission on Security and Cooperation in Europe, unofficial transcript, 9 June 2009,

<http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=452&Region_id=0&Issue_id=0&ContentType=H,B&ContentRecordType=B&CFID=23503239&CFTOKEN=93859412>; "Attacks against Roma in Hungary, the Czech Republic and the Slovak Republic", European Roma Rights Centre, 25 September 2009, <<http://www.errc.org/cikk.php?cikk=3042>>.

The OSCE Mission to Bosnia and Herzegovina reported several instances where bias motivation in a crime against Roma was not taken into account by the relevant authorities. The Mission provided details of four cases of hate violence against Roma in 2008 involving deaths and serious injuries.¹⁷¹

In 2008, media reported attacks against Roma and Sinti in Bulgaria, Czech Republic, Hungary, Italy, Romania, Serbia and Slovakia.

Government and NGO responses to crimes against Roma and Sinti

In Hungary, a 50-member police task force was established in November 2008 to investigate attacks on Roma. Additionally, an action plan was elaborated by the National Police Headquarters to increase police protection for Roma.¹⁷²

In Finland, the government established a programme focused on increasing the reporting of hate crimes and building community confidence. Through visibility campaigns, training seminars and the distribution of information materials, the initiative aimed at empowering relevant NGOs and encouraging victims – including Roma – to report hate crimes.¹⁷³

In Sweden, Romska Riksförbundet (The National Federation of Roma People) began a two-year hate crime prevention initiative, in co-operation with other associations and the government. The project aims at improving the knowledge and capacity of Roma to report hate crimes, enhancing confidence in the judicial system and improving data collection, as well as informing the authorities and general public of Roma concerns.¹⁷⁴

Box 2: Molotov cocktail attack in Hungary

During the night of 3 November 2008, a Molotov cocktail was thrown into the house of a Roma family in the village of Nagycsécs. József Nagy and, his sister-in-law, Tiborné Nagy, were shot and killed as they tried to escape the resulting fire. A second Molotov cocktail was thrown at a house occupied by another Roma family, but did not explode. The authorities and civil society have stated that the case is linked to a number of other similar attacks targeting Roma in Hungary that resulted in five deaths in 2008. All the cases are being investigated by a special team of the National Bureau of Investigation. No suspects had been identified at the time of writing.¹⁷⁵

¹⁷¹ Communication from the OSCE Mission to Bosnia and Herzegovina, *op. cit.*, note 90.

¹⁷² “2008 Country Reports on Human Right Practices: Hungary”, US Department of State, Bureau of Democracy, Human Rights, and Labor, 25 February 2009 <<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119083.htm>>.

¹⁷³ Questionnaire from the Finnish NPC, *op. cit.*, note 59.

¹⁷⁴ Questionnaire from the Swedish NPC, *op.cit.*, note 60.

¹⁷⁵ Information based on interviews with the mayor of Nagycsécs and representatives of the local police and of the Roma community in Nagycsécs, conducted by ODIHR on 30 June 2009, and a telephone interview with the legal representative of the husband of one of the victims, conducted on 8 July 2009.

In response to the incident, local police have increased patrols and the number of street lights in the village. The authorities have also offered a reward of 10 million Hungarian forints (approximately 36,000 euros) for information about the perpetrators.

ANTI-SEMITIC CRIMES

Background

Anti-Semitism was first condemned by OSCE participating States in 1990 in the Copenhagen Document.¹⁷⁶ A few years later, the Rome Ministerial Council listed anti-Semitism as one of several phenomena that can increase political and social tensions and undermine international stability.¹⁷⁷ In 2004, the participating States committed themselves to the collection of reliable information on anti-Semitic hate crimes.¹⁷⁸ Since then, OSCE commitments against anti-Semitism have been repeated and highlighted in several Ministerial Council decisions and declarations.¹⁷⁹

There were several events in 2008 as part of the OSCE's efforts to combat anti-Semitism. The Personal Representative of the OSCE Chairperson-in-Office on Combating anti-Semitism and the German Delegation of the OSCE Parliamentary Assembly organized an expert meeting entitled "Combating Anti-Semitism: challenges and best practices."¹⁸⁰ The Personal Representative also organized a side event on combating anti-Semitism at the annual OSCE Human Dimension Implementation Meeting, which began at the end of September. He also visited Ukraine in November to discuss the issue of anti-Semitism.

Also in 2008, ODIHR assisted participating States with the development of teaching tools for educators on how to address anti-Semitism in education.¹⁸¹ ODIHR organized seminars for educators and launched the German country version of its teaching tools.¹⁸² In January 2008, ODIHR published an overview of governmental practices on Holocaust Memorial Days in the OSCE Region.¹⁸³

Information and data on anti-Semitic crimes

There is limited official information available on anti-Semitic hate crimes in the OSCE region. Nineteen¹⁸⁴ participating States reported that they collect such data, but eight¹⁸⁵

¹⁷⁶ "Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE", *op. cit.*, note 102, p. 21.

¹⁷⁷ Fourth Meeting of the CSCE Council of Ministers, "CSCE and the New Europe - Our Security is Indivisible Decisions of the Rome Council Meeting", *op. cit.*, note 104, p. 18.

¹⁷⁸ OSCE Ministerial Council Decision No. 12/04, "Tolerance and Non-Discrimination", *op. cit.*, note 3.

¹⁷⁹ OSCE Ministerial Council Decision No. 10/05, *op. cit.*, note 104; OSCE Ministerial Council Decision 13/06, *op. cit.*, note 2; OSCE Ministerial Council Decision 10/07, *op. cit.*, note 7; "Bucharest Declaration by the Chairman-in-Office", *op. cit.*, note 158; "Cordoba Declaration by the Chairman-in-Office", Cordoba, 9 June 2005, <<http://www.osce.org/item/15109.html>>.

¹⁸⁰ "Combating Antisemitism Challenges and Successful Strategies: - Expert Forum" (Conference Documentation), German Delegation of the OSCE Parliamentary Assembly and Gert Weisskirchen, Personal Representative of the Chairman-in-Office of the OSCE on Combating Antisemitism, Berlin, 25 January 2008; Pressemitteilung "Expertengespräch "Bekämpfung des Antisemitismus: Herausforderungen und erfolgreiche Methoden"", German Bundestag, 17 January 2008, <http://www.bundestag.de/aktuell/presse/2008/pm_0801173.html>.

¹⁸¹ See the ODIHR website: <<http://www.osce.org/odhr/20112.html>>.

¹⁸² Press release "OSCE human rights body launches teaching material on anti-Semitism for German schools", ODIHR, Berlin, 3 June 2008, <http://www.osce.org/odhr/item_1_31477.html>.

¹⁸³ "Holocaust Memorial Days in the OSCE Region: An overview of good governmental practices", ODIHR, January 2008, <<http://www.osce.org/item/29395.html>>.

¹⁸⁴ Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Liechtenstein, Moldova, Netherlands, Poland, Russian Federation, Serbia, Spain, Sweden, Switzerland, United Kingdom and the United States.

¹⁸⁵ Austria, Belgium, Czech Republic, France, Germany, Italy, Sweden and the United Kingdom.

submitted figures for 2008 to ODIHR.¹⁸⁶ Austria and the Czech Republic reported an increase in incidents compared to 2007. Germany, Italy¹⁸⁷ and the United Kingdom reported a decrease. Data from the United States was not available at the time of writing but will be available at a later stage.

Several IGOs collected or compiled information on anti-Semitic crimes in some OSCE participating States. FRA, for example, published an overview of the situation regarding anti-Semitism in the European Union.¹⁸⁸ FRA reported that three EU Member States (France, Germany and Sweden) collect sufficient official criminal-justice data to allow for a trend analysis of recorded anti-Semitic crimes.¹⁸⁹ UNHCR reported on anti-Semitic crimes in Belarus.¹⁹⁰ IOM provided information on physical attacks and five cases of property damage in Ukraine.¹⁹¹ ECRI reported its concern about manifestations of anti-Semitism in Europe.¹⁹²

There are non-governmental sources for data on anti-Semitic crimes in 2008 in many OSCE participating States, including Austria, Belgium, Canada, Czech Republic, Germany, Greece, Italy, Russian Federation, Ukraine, United Kingdom and the United States. Most NGOs collected their data through victim reports, while some collected this information from media reports. The Stephen Roth Institute, a research institution attached to Tel Aviv University, collected data on a regional basis with a consistent methodology, monitoring hate crimes and incidents motivated by anti-Semitism in 78 countries across the world, including 38 OSCE participating States.¹⁹³ The Institute reported a slight decrease of anti-Semitic violence in 2008 in all of the OSCE participating States covered except Belgium, Canada, Germany, Switzerland and the United States.¹⁹⁴

In only four cases (Austria, Czech Republic, Germany and Italy) were there sufficient 2008 data to enable ODIHR to compare NGO figures with official data from governments.¹⁹⁵ In two cases the unofficial data contained twice the number of anti-Semitic incidents reported in official statistics.

¹⁸⁶ As of the time of writing.

¹⁸⁷ Italy did not compare its figures from 2008 with figures from the previous year. However, it reported a higher number of incidents in 2007. See: *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2007*, *op. cit.*, note 6, p. 70.

¹⁸⁸ “Antisemitism - Summary overview of the situation in the European Union 2001-2008”, European Union Agency for Fundamental Rights, *op. cit.*, note 81.

¹⁸⁹ *Ibid.*, p. 22.

¹⁹⁰ Communication from the UNHCR Regional Representation for Belarus, Moldova and Ukraine, *op. cit.*, note 51.

¹⁹¹ Information from IOM on hate crime data, trends, government responses and civil society activities in 2008, *op. cit.*, note 138.

¹⁹² “Annual Report on ECRI’s Activities - covering the period from 1 January to 31 December 2008”, European Commission against Racism and Intolerance, p. 8, <<http://www.coe.int/t/dghl/monitoring/ecri/activities/annual%20report%202008.pdf>>.

¹⁹³ See the website of the Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, Country Reports: <<http://www.tau.ac.il/Anti-Semitism/CR.htm>>.

¹⁹⁴ “Antisemitism Worldwide 2008/9 - General Analysis”, The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, *op. cit.*, note 99, p. 1.

¹⁹⁵ The United Kingdom submitted data collected by the NGO, the Community Security Trust, as official data. Questionnaire from the British NPC, *op. cit.*, note 65.

ODIHR collected NGO or media reports indicating that anti-Semitic incidents¹⁹⁶ took place in 2008 in Austria, Belarus, Belgium, Canada, Croatia, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Moldova, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States. The relevant newsletters and media reported little on the South Caucasus region and on Central Asian countries and, since the participating States did not submit figures regarding anti-Semitic hate crimes, ODIHR has no reliable information concerning these.

ODIHR received some statistics on anti-Semitic crimes and incidents in the following countries:

The government of Austria reported 23 anti-Semitic hate crimes in the country in 2008.¹⁹⁷ The Forum Against Anti-Semitism, an NGO based in Vienna monitoring the situation countrywide, reported 46 incidents: one violent assault, two cases of damage to property, and various forms of threatening speech.¹⁹⁸ The Austrian office of the Anti-Defamation League reported 50 physical or verbal attacks.¹⁹⁹

Belgian authorities registered 66 reports of anti-Semitism, five involving violence and seven of vandalism.²⁰⁰ The website Antisemitisme.be²⁰¹ recorded 73 incidents for the year.²⁰² The cases reported included six violent incidents, three cases of vandalism, and 51 cases of intolerant speech.²⁰³

ODIHR did not receive any official data about the number of anti-Semitic crimes in Canada. B'nai Brith recorded 1,135 anti-Semitic incidents in 2008. Of these, 14 were violent attacks. There were reportedly 22 cases of vandalism against synagogues, ten Jewish community centres were vandalized with graffiti, and 105 private homes were damaged.²⁰⁴

In the Czech Republic, the government recorded 27 criminal offences with an anti-Semitic motive in 2008, of which two were violent crimes.²⁰⁵ The Federation of Jewish

¹⁹⁶ Frequently used sources are amongst others: Union of Councils for Jews in the Former Soviet Union (UCSJ), Bigotry Monitor <<http://www.ucsj.org>>; Magenta News <<http://www.magenta.nl/news>>; European Jewish Congress <<http://www.eurojewcong.org>>; BBC Monitor <<http://www.monitor.bbc.co.uk>>; Stephen Roth Institute <<http://www.tau.ac.il/Anti-Semitism/>>; Anti-Defamation League <www.adl.org>; Jewish Telegraphic Agency (JTA) <<http://www.jta.org>>; Haaretz <<http://www.haaretz.com>>.

¹⁹⁷ Questionnaire from the Austrian NPC, *op. cit.*, note 115.

¹⁹⁸ Information from Forum Against Antisemitism about anti-Semitic incidents, 19 February 2009.

¹⁹⁹ Information from the Anti-Defamation League Austria, report to ODIHR at the Roundtable to Combat Anti-Semitism, 17 March 2009, <<http://tandis.odihr.pl/documents/05801.pdf>>.

²⁰⁰ Information from the Belgian NPC, *op. cit.*, note 117.

²⁰¹ *Bureau Exécutif de Surveillance Communautaire* (The Executive Committee of Community Monitoring) and *Coördinatie Comité van de Joodse Gemeenten van Antwerpen* (the Co-ordination Committee of the Jewish Community of Antwerp) are addressing the issue of hate crimes by allowing and encouraging victims of anti-Semitic hate crimes to report or file a complaint online. Their reports and publications are available at <<http://www.antisemitisme.be>>.

²⁰² “Verslag over het antisemitisme in België – Jaar 2008”, Antisemitisme.be, 1 February 2009, p. 1, <http://www.antisemitisme.be/site/event_detail.asp?eventId=922&catId=42&language=NL>.

²⁰³ *Ibid.*, p.3.

²⁰⁴ “2008 Audit of Anti-Semitic Incidents: Patterns of prejudice in Canada”, League for Human Rights of B'nai Brith Canada, 2009, <<http://bnaibrith.ca/publications/audit2008/audit2008.pdf>>.

²⁰⁵ Questionnaire from the Czech NPC, *op. cit.*, note 88.

Communities reported 44 anti-Semitic incidents, including one attack on a person and two against property.²⁰⁶

The government of France reported 237 prosecutions for anti-Semitic crimes. The largest categories were insults/defamation (140) and attacks on property (64).²⁰⁷ The Stephen Roth Institute reported 474 anti-Semitic incidents in the country in 2008,²⁰⁸ 50 of which were violent.²⁰⁹

The Interior Ministry in Germany reported 1,496 anti-Semitic cases and reported a 4.2 per cent decrease in crimes with anti-Semitic motivation. Of these crimes, 44 were violent criminal acts.²¹⁰ The Amadeu Antonio Stiftung, a foundation to combat racism and anti-Semitism, reported on 85 anti-Semitic incidents, which included both cases of physical attacks and of property damage.²¹¹ The Holocaust Memorial in Berlin was reportedly defaced four times between February and August.²¹²

Although the government in Greece reported that there were no hate crimes in the country in 2008, the Central Board of Jewish Communities in Greece and Greek Helsinki Monitor reported the desecration of one grave, one case of desecration of a Holocaust memorial and four instances of anti-Semitic graffiti.²¹³

In 2008, the Interior Ministry in Italy recorded 23 anti-Semitic offences: four threats and insults and eight instances of graffiti.²¹⁴ The Observatory on Contemporary Anti-Jewish Prejudice recorded 33 cases of anti-Semitism: one case of physical abuse, two cases of property damage, and 18 cases of graffiti.²¹⁵

In the Netherlands, the NGO Centrum Informatie en Documentatie Israel (Centre for Information and Documentation on Israel) reported 108 anti-Semitic incidents: two violent attacks, three threats, nine cases of property damage and 19 cases of abuse.²¹⁶

There were no official data on anti-Semitic crimes in the Russian Federation. The Moscow Bureau for Human Rights reported 55 cases involving anti-Semitism,²¹⁷ while

²⁰⁶ "Tisková zpráva k antisemitismu za rok 2008", Fórum proti antisemitismu při Federaci židovských obcí v ČR, April 2008; "March in Czech capital denounces racism, anti-Semitism", BBC Monitoring, original source: CTK news agency, Prague, in English, 19 April 2008.

²⁰⁷ Information from the French NPC, *op. cit.*, note 120.

²⁰⁸ "Antisemitism Worldwide 2008/9 - General Analysis", The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, *op. cit.*, note 99, p. 6.

²⁰⁹ *Ibid.*, Appendices.

²¹⁰ "Bundesinnenministerium legt bundesweite Zahlen zur politisch motivierten Kriminalität für das Jahr 2008 vor", *op. cit.*, note 121.

²¹¹ "Chronik antisemitischer Vorfälle 2008", Amadeu Antonio Stiftung, <<http://www.amadeu-antonio-stiftung.de/die-stiftung-aktiv/gegen-as/antisemitismus-heute/chronik-antisemitischer-vorfaelle/chronik-antisemitischer-vorfaelle-2008/>>.

²¹² "Global Anti-Semitism: Selected Incidents Around the World in 2008", Anti-Defamation League, 2008, <http://www.adl.org/Anti_semitism/anti-semitism_global_incidents_2008.asp#Germany>.

²¹³ "Greek Anti-Semite Plevris not guilty on appeal", Central Board of Jewish Communities in Greece, 30 March 2009, <<http://tandis.odihhr.pl/documents/05809.pdf>>; Report of the Greek Helsinki Monitor to ODIHR, 22 January 2009.

²¹⁴ Information and statistics from the Italian Permanent Delegation to the OSCE, *op. cit.*, note 124. Questionnaire from the Italian NPC, *op. cit.*, note 124.

²¹⁵ See the website of L'Osservatorio sul pregiudizio antiebraico contemporaneo, Episodi precedenti, <http://www.osservatorioantisemitismo.it/tipologie.asp?idtipo=59&idmacro=1&n_macro=&pagina=Episodi&documento=Episodi>.

²¹⁶ "Monitor antisemitische incidenten in Nederland: 2008" (Monitor of anti-Semitic incidents in the Netherlands: 2008), The Centre for Information and Documentation on Israel, July 2009, page 10, <<http://www.cidi.nl/dossiers/an/rapporten/Monitor%20Antisemitische%20incidenten%20in%20Nederland%202008.pdf>>.

the SOVA Center for Information and Analysis reported 24 cases.²¹⁸ Cases recorded by the Moscow Bureau were registered as follows: nine cases of vandalism of Jewish property, eight cases of physical attacks, seven cases of the desecration of graves, two cases of damage to Holocaust memorials, and 29 cases of anti-Semitic graffiti.²¹⁹

Sweden reported 159 anti-Semitic crimes in 2008.²²⁰

The government of Switzerland had not yet submitted official figures for 2008 by the time of preparation of this report. The Stephen Roth Institute reported 96 anti-Semitic incidents in Switzerland.²²¹

The Euro-Asian Jewish Congress in Ukraine reported five physical attacks in 2008, as well as 14 cases of vandalism.²²²

The United Kingdom uses the data collected by the Community Security Trust (CST) as official. The CST reported 541 anti-Semitic incidents in 2008, of which 88 were violent. There were 74 incidents of damage to and desecration of Jewish property in 2008.²²³ Other incidents included 28 threats and 314 cases of abusive behavior.²²⁴ One case resulted in death.²²⁵

The Anti-Defamation League reported a total of 1,352 anti-Semitic incidents, of which 37 were physical assaults, 702 were acts of vandalism and 613 were qualified as anti-Semitic harassment.²²⁶ LCCREF reported the desecration of a cemetery in the area of Chicago, which was successfully investigated and prosecuted.²²⁷

Government and NGO responses to anti-Semitic crimes

The government of the United Kingdom published a report on anti-Semitism in May 2008 that described a number of government initiatives, including the development of a new initiative for criminal justice agencies and improved collection of anti-Semitic data by police forces.²²⁸ In Ukraine, the MAUP (Interregional Academy for Personnel Management), a private university that has spread anti-Semitic propaganda in the past,

²¹⁷ “Anti-Semitism manifestations in Russian Federation in 2008”, Moscow Bureau for Human Rights, report to ODIHR at the Roundtable to Combat Anti-Semitism, Vienna, 17 March 2009, pp. 1 – 4, <<http://tandis.odihr.pl/documents/05799.pdf>>.

²¹⁸ SOVA Center for Information and Analysis, “For OSCE Roundtable on Combating Anti-Semitism: Current Trends and Challenges in OSCE Region”, Vienna 17 March 2009, p.1, <<http://tandis.odihr.pl/documents/05804.pdf>>.

²¹⁹ “Anti-Semitism manifestations in Russian Federation in 2008”, Moscow Bureau for Human Rights, *op. cit.*, note 217, pp. 1 – 4.

²²⁰ Information from the Swedish NPC, *op. cit.*, note 136.

²²¹ “Antisemitism Worldwide 2008/9 - General Analysis”, The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, *op. cit.*, note 99.

²²² Vyacheslav A. Likhachev, “The dynamics of manifestations of anti-Semitism in Ukraine in the beginning of XXI. century: reality and stereotypes”, Euro-Asian Jewish Congress, <http://eajc.org/analytics_show_e.php?id=44>.

²²³ “Antisemitic Incidents Report 2008”, Community Security Trust, 2009, p. 4, <http://www.thecst.org.uk/docs/Incidents_Report_08.pdf>.

²²⁴ *Ibid.* Remaining 37 incidents cover anti-Semitic e-mail.

²²⁵ *Ibid.*, p. 6.

²²⁶ “2008 Audit of Anti-Semitic Incidents: Summary of Findings”, Anti-Defamation League, <http://www.adl.org/main_Anti_Semitism_Domestic/2008_Audit.htm>.

²²⁷ “Confronting the New Faces of Hate: Hate Crimes in America”, *op. cit.*, note 139.

²²⁸ “All-Party Inquiry into Antisemitism: Government Response. One year on Progress Report”, presented to Parliament by the Minister of State for Communities and Local Government, by Command of Her Majesty, 12 May 2008, <<http://www.official-documents.gov.uk/document/cm73/7381/7381.pdf>>.

reportedly ceased its anti-Semitic activities following action by the Security Service of Ukraine.²²⁹

Box 3: Attack on Chief Rabbi of Vinnytsia

Youths attacked three persons, including the chief rabbi and his child in Vinnytsia, Ukraine, on 11 September 2008. The three were walking when a group of youths started shouting “Heil Hitler!” and “We will kill all the Jews!” The assailants beat the victims until some people in a passing car chased them away. The rabbi called the police, who detained a group of suspects shortly afterwards. Following the incident, the rabbi stated that the attackers did not appear to be drunk. He said that they demonstrated hatred towards Jews. Three perpetrators were later issued administrative fines of 51 Ukrainian hryvnia (approximately five euros) for hooliganism. After the incident, the Rabbi received an anonymous phone call, which included threats that all the city’s Jewish buildings would be burned down if he reported the call to the police. The following night, there was an attempt to break the door of the synagogue.²³⁰

²²⁹ Information obtained during visit of the OSCE Personal Representative of the Chairman-in-Office on Combating Anti-Semitism, Prof. Gert Weisskirchen, to Ukraine, 24 October 2008.

²³⁰ “Youths Attack Ukrainian Rabbi and His 3-Year-Old Son”, *Bigotry Monitor*, Vol. 8, No. 38, 19 September 2008, <<http://www.ucsj.org/bigotry-monitor/volume-8-2008/volume-8-number-38-september-19-2008>>. Information was verified by IOM on 4 and 14 May 2009 and by the Congress of National Minorities on 5 and 7 May 2009.

CRIMES AGAINST MUSLIMS

Background

Specific OSCE commitments to combat intolerance and discrimination against Muslims date to the 2002 Porto Ministerial Council Meeting, which explicitly condemned acts of discrimination and violence against Muslims and firmly rejected the identification of terrorism and extremism with a particular religion or culture. Moreover, at the 2007 High Level Conference on Combating Intolerance and Discrimination against Muslims, the OSCE Chairmanship issued a declaration encouraging the participating States to follow anti-Muslim hate crimes closely, by collecting, maintaining and improving methods to gather reliable information and statistics on such crimes.

In October 2008, the OSCE Chairperson-in-Office's Personal Representative on Combating Intolerance and Discrimination against Muslims visited Sweden and Kazakhstan.²³¹ On 17 December 2008, ODIHR and the Personal Representative jointly held a civil society roundtable on intolerance and discrimination against Muslims, with a specific focus on youth and education.²³²

In 2008, ODIHR established a network of education experts on countering anti-Muslim prejudice.²³³ ODIHR also collaborated with the Casa Árabe Consortium to develop a reference guide aimed at reducing prejudice against Muslims in Spain.²³⁴

Information and data on crimes against Muslims

There was little reliable official or unofficial statistical information on hate crimes motivated by anti-Muslim bias. Although 15 participating States²³⁵ informed ODIHR that they collect data on anti-Muslim hate crimes, only Austria and Sweden submitted figures on such crimes in 2008. Statistical data from Canada and from the United States was not available in time for this report and will be published at a later date.

ECRI,²³⁶ FRA²³⁷ and the Islamophobia Observatory of the OIC²³⁸ reported on anti-Muslim hate crimes. ECRI included information on hate-motivated incidents against Muslims in its country reports on Bulgaria, Germany and Norway.²³⁹ In May 2009,

²³¹ R. Ambassador Ömür Orhun "2008 Annual Report by R. Ambassador Ömür Orhun, Personal Representative of the Chairman-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims", *op. cit.*, note 13.

²³² Press release "Young Muslims at OSCE roundtable meeting voice concern over increasing anti-Muslim attitudes", OSCE ODIHR, Vienna, 17 December 2008, <<http://www.osce.org/item/35740.html>>.

²³³ "Report of the OSCE ODIHR Assessment Meeting: Combating Intolerance and Discrimination against Muslims in the Field of Education, Warsaw, 3 – 4 June 2008, <<http://tandis.odihr.pl/content/conferences/0806-asmus-rep.pdf>>.

²³⁴ *Muslims in Spain. A Reference Guide* (Madrid: Casa Árabe – IEAM, 2009).

²³⁵ Austria, Belgium, Canada, Croatia, Czech Republic, Lichtenstein, Moldova, Netherlands, Poland, Russian Federation, Serbia, Sweden, Switzerland, Tajikistan, and the United States.

²³⁶ "Annual Report on ECRI's Activities covering the period from 1 January to 31 December 2008", European Commission against Racism and Intolerance, Strasbourg, May 2009, p. 8, <<http://www.coe.int/t/dghl/monitoring/ecri/activities/annual%20report%202008.pdf>>.

²³⁷ "Annual Report: 2008" European Union Agency for Fundamental Rights, *op. cit.*, note 93, p. 36.

²³⁸ Islamophobia Observatory reports on discrimination and harassment cases as well as on incidents against Muslims. See, "2nd OIC Observatory Report on Islamophobia: June 2008 to April 2009 issued at the 36th Council of Foreign Ministers", Organisation of the Islamic Conference, Damascus, Syrian Arab Republic, 23- 25 May 2009, p. 13 <http://www.oic-oci.org/uploads/file/Islamphobia/Islamphobia_rep_May_23_25_2009.pdf>.

²³⁹ See: "ECRI Report on Bulgaria (fourth monitoring cycle)" European Commission against Racism and Intolerance, adopted on 20 June 2008, published on 24 February 2009, CRI (2009) 2.

FRA issued a report emphasizing the problem posed by the lack of data on this issue, and presented information that suggested crimes against Muslims are under-reported and under-recognized.²⁴⁰ In May 2009, the Islamophobia Observatory of the OIC released its annual report, containing information on violent incidents against Muslims reported by media in Austria, Bosnia and Herzegovina, Canada, Czech Republic, France, Denmark, Ukraine and the United Kingdom.²⁴¹ The UN Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance referred to the number of hate crimes in the United States in a report on his visit to the country.²⁴²

NGOs from ten participating States provided ODIHR with information on anti-Muslim hate crimes in their countries: France, Georgia, Germany, Greece, Spain, Switzerland, Ukraine, United Kingdom and the United States. In most instances, the NGO reports were based on media reporting, although some data were collected through victim interviews.

Media reports about hate crimes against Muslims collected by ODIHR included information on incidents in the following countries: Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Portugal, Spain, Sweden, Switzerland, Russian Federation, Serbia, Ukraine, United Kingdom, and the United States. These, however, did not necessarily provide a representative overview as, according to some NGOs, the media under-reports stories in which Muslims are victims.²⁴³

ODIHR received information on crimes and incidents against Muslims in the following countries:

In Austria, the government reported 12 crimes against Muslims in 2008.²⁴⁴

Neither the government nor NGOs provided information on hate crimes against Muslims in Bulgaria in 2008, but ECRI reported that mosques were vandalized in a number of places and expressed its concern that those responsible were seldom prosecuted.²⁴⁵

<<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-IV-2009-002-ENG.pdf>>; ECRI Report on Germany (forth monitoring cycle), European Commission against Racism and Intolerance, adopted on 19 December 2008, published on 26 May 2009, CRI (2009) 12

<<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Germany/DEU-CbC-IV-2009-019-ENG.pdf>>; “ECRI Report on Norway (forth monitoring cycle)”, European Commission against Racism and Intolerance, adopted on 20 June 2008, Published on 24 February 2009, CRI (2009) 4
<<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Norway/NOR-CbC-IV-2009-004-ENG.pdf>>.

²⁴⁰ “EU-MIDIS European Union Minorities and Discrimination Survey: Data in Focus Report: Muslims”, European Union Agency for Fundamental Rights, 2009, p. 8,
<http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_MUSLIMS_EN.pdf>.

²⁴¹ “2nd OIC Observatory Report on Islamophobia: June 2008 to April 2009 issued at the 36th Council of Foreign Ministers”, Organisation of the Islamic Conference, *op. cit.*, note 238.

²⁴² “Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance, Follow-up to and Implementation of the Durban Declaration and Programme of Action: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène: Mission to the United States of America”, A/HRC/11/36/Add.3, p. 9,
<<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.36.Add.3.pdf>>.

²⁴³ “FAIR 2008 Hate Crimes Report to ODIHR”, Forum against Islamophobia and Racism, 13 March 2009.

²⁴⁴ Questionnaire from the Austrian NPC, *op. cit.*, note 115.

²⁴⁵ “ECRI Report on Bulgaria (fourth monitoring cycle)” European Commission against Racism and Intolerance, *op. cit.*, note 239, p.30.

There were anti-Muslim hate crimes committed in Denmark in 2008, following the bombing in June of the Danish embassy in Pakistan, which was confirmed by the Danish Security Intelligence Service as related to the re-publishing of cartoons of the Prophet Mohammed and the presence of Danish troops in Afghanistan. Three Muslims, including the former spokesperson of the NGO Islamic Faith Society, were physically harassed after the bombings. The Islamic Faith Society also reportedly received hate mail.²⁴⁶ Additionally, the President of the Advisory Council of the European Network against Racism reported two hate-motivated murders of Muslims, of Turkish and Burmese background, respectively. In one case, the perpetrator shouted racist insults before killing the victim.²⁴⁷

France did not submit any data on anti-Muslim hate crimes,²⁴⁸ Collectif Contre l'islamophobie en France (Collective Action against Islamophobia) reported eight cases of arson or vandalism of mosques, the desecration of three cemeteries and that 59 individuals had been the victims of hate-motivated incidents.²⁴⁹ The NGO Cojep International reported three cases of the destruction of property; there were two incidents of the use of insulting graffiti reported.²⁵⁰

In Georgia, 21st Century, an NGO, reported two incidents in which mobs insulted and threatened the Muslim inhabitants of a village, who were displaced from the Adjara region in the early 1990s. The attackers reportedly threatened the villagers with forcible conversion to Christianity and the destruction of their mosque. When the local population called the police for help, the police reportedly arrested the villagers instead of protecting them.²⁵¹

The Turkish Community in the Nuremberg Metropolitan Region (TGMN, by its German acronym) in Germany reported 78 hate-motivated incidents, some of them in other German states,²⁵² including arson attacks on property. In some cases, anti-Muslim graffiti or verbal abuse were reported at the site of the attacks. Among the 78 incidents, 13 deaths, including eight children, were cited as well as 85 people, who were injured. Additionally, TGMN noted there were seven other assaults on persons and 12 attacks on mosques across Germany.²⁵³

In Greece, the Western Thrace Minority University Graduates Association reported that a mosque was vandalized.²⁵⁴

²⁴⁶ "Denmark: Three Muslims attacked after embassy bombing" Islamophobia Watch website, 4 June 2008, <<http://www.islamophobia-watch.com/islamophobia-watch/2008/6/4/denmark-three-muslims-attacked-after-embassy-bombing.html>>; Communication from the NGO Ethnic Debate Forum, *op. cit.*, note 92.

²⁴⁷ Communication from the NGO Ethnic Debate Forum, *op. cit.*, note 91.

²⁴⁸ France reported on anti-religious crimes. Questionnaire from the French NPC, *op. cit.*, note 120.

²⁴⁹ "Rapport sur l'islamophobie en France - 2008", Collectif Contre l'islamophobie en France, p. 46 <http://www.islamophobie.net/user-res/fichiers/Rapport_annuel_CCIF_2008.pdf>.

²⁵⁰ "Reported offences and discourses directed at Muslim populations, their properties, associations and mosques", Cojep International, 2009.

²⁵¹ "Hate Crimes in Georgia in 2008, Submission from NGO 21st Century, 12 March 2009.

²⁵² "Hate Crimes and Offences Directed at Turkish Migrants, Their Properties, Associations and Mosques in Germany, in 2008: Incidents reported in local newspapers in Germany and compiled by Türkische Gemeinde in der Metropolregion Nürnberg (TGMN)", *Türkische Gemeinde in der Metropolregion Nürnberg* (Turkish Community in the Nuremberg Metropolitan Region), 12 March 2009.

²⁵³ German authorities reported that the numbers reported by the TGMN cannot be verified by official data since investigation of the incidents revealed that only a number of attacks could be identified as motivated by right-wing extremist ideas. Information from the German NPC, *op. cit.*, note 121.

²⁵⁴ "Hate Crimes in Western Thrace", The Western Thrace Minority University Graduates Association, 3 March 2009.

In the Netherlands, the Turkish Forum reported 15 incidents of vandalism and arson at mosques.²⁵⁵

In the Russian Federation, the Moscow Bureau for Human rights reported five attacks on mosques and two cases of the desecration of graves.²⁵⁶

In Spain, the Islamic Commission reported 18 assaults, including four that resulted in deaths,²⁵⁷ two cases of verbal harassment and two instances of graffiti. The Commission reported that eight of these incidents led to prosecutions.²⁵⁸

The National Council for Crime Prevention in Sweden reported 272 crimes targeting Muslims.²⁵⁹

In Switzerland, the Turkish Islamic Community reported a case of attempted arson on the house of the imam in Winterthur and damage to a mosque in Schaffhausen.²⁶⁰

In Ukraine, the Foundation for Research of Indigenous Peoples of Crimea reported that over 300 headstones in a Muslim cemetery in Crimea were damaged in two separate attacks.²⁶¹

In the United Kingdom, the Forum Against Islamophobia and Racism (FAIR) reported 193 incidents, including 47 cases of assault.²⁶²

The OSCE Mission in Bosnia and Herzegovina reported one arson attack on a mosque and the vandalizing of another.²⁶³

Government and NGO responses to crimes against Muslims

In Sweden, government authorities and the Equality Ombudsman held consultations with Muslim and ethnic groups from the Middle East, aimed at enhancing confidence in the judicial system and thereby encouraging better reporting of hate crimes.²⁶⁴ In the United Kingdom, the government supported the establishment of the City of London Association of Muslim Police.²⁶⁵ The Bradford City Council also established the Hate

²⁵⁵ “Reported Offences and Discourses Directed at Turkish Migrants, Their Properties, Associations and Mosques”, Turkish Forum Netherlands, 12 March 2009.

²⁵⁶ “Report on the violation of human rights in the Russian Federation in 2008”, Moscow Bureau of Human Rights, 2008, p.10.

²⁵⁷ “Annual report of Islamophobia compiled and completed by Observatorio Andalusi” Islamic Commission of Spain, 13 March 2009.

²⁵⁸ *Ibid.*

²⁵⁹ Information from the Swedish NPC, *op. cit.*, note 136.

²⁶⁰ “Submission for the Annual Report 2008”, *Türkisch Islamische Stiftung für die Schweiz* (Turkish Islamic Community), 25 February 2009.

²⁶¹ “Information about Hate Crimes during 2008 in Crimea, Ukraine”, Foundation for Research of Indigenous Peoples of Crimea, 14 March 2009.

²⁶² “FAIR 2008 Hate Crimes Report to ODIHR”, Forum against Islamophobia and Racism, *op. cit.*, note 243.

²⁶³ Communication from the OSCE Mission to Bosnia and Herzegovina, *op. cit.*, note 90.

²⁶⁴ Questionnaire from the Swedish NPC, *op. cit.*, note 60.

²⁶⁵ See the website of the Metropolitan Police, Association of Muslim Police: <http://www.met.police.uk/links/muslim_police.htm>.

Crime Alliance, together with the West Yorkshire Police and their non-governmental partners. The initiative aimed at improving prevention of and response to hate crimes.²⁶⁶

NGOs in several OSCE participating States were involved in activities in 2008 concerning hate crimes against Muslims or related issues. The Canadian Arab Federation, through its Hate Crime Victims Support Network for Ontario, initiated a survey to examine the prevalence of hate crimes and discrimination against Muslims.²⁶⁷

Box 4: Attack on Muslim gravesites

In April 2008, 148 Muslim military graves were desecrated at the Notre-Dame de Lorette Cemetery – one of France’s largest military cemeteries – in Ablain Saint-Nazaire. The graves were painted with swastikas and other neo-Nazi symbols. In one instance, a pig’s head was mounted on one of the headstones.²⁶⁸ The vandals also painted slogans insulting Islam and France’s Minister of Justice, whose parents were both originally from North Africa.²⁶⁹

Prime Minister François Fillon called the desecration of the graves an “appalling act”.²⁷⁰ The investigation by the Gendarmerie involved 200 uniformed officers and a specialist unit of 30 investigators. Two individuals – one of whom had been imprisoned in 2007 for a similar offence at the same location – were taken into custody for questioning. At the time of writing no person had been charged and the investigation was ongoing.²⁷¹

The desecration of the graves coincided with the anniversary of a similar incident the previous year at the same location, involving the desecration of 52 graves. Two young men, aged 18 and 22, had been convicted and sentenced to one year in prison and one year of probation, while a minor, aged 16, was sentenced to six months in prison.²⁷²

In December 2008, 500 graves at the same cemetery were vandalized with black paint.²⁷³ President Nicolas Sarkozy issued a statement calling the attack “a most unacceptable act of racism” and saying that “the President shares the pain of France’s Muslim community”.²⁷⁴ The incident was still under investigation at the time of writing.²⁷⁵

²⁶⁶ “Community cohesion at the local level: addressing the needs of Muslim Communities, Examples of local initiatives”, European Union Agency for Fundamental Rights, 2008, p. 42
<http://fra.europa.eu/fraWebsite/attachments/LCN_EN.pdf>.

²⁶⁷ See the website: <<http://www.caf.ca/HomePageSection.aspx?SectionID=26>>.

²⁶⁸ “Tombes musulmanes profanées: les deux jeunes hommes mis en examen écroués”, Agence France-Presse, 11 September 2008, <http://afp.google.com/article/ALeqM5gm-Q_XVs_PZH0qtlvaepq9Hgw8g>.

²⁶⁹ Martin de Montvalon, “500 French-Muslim war graves at Notre-Dame-de-Lorette desecrated”, *Heraldsun* website, 9 December 2008, <<http://www.news.com.au/heraldsun/story/0,21985,24772902-663,00.html>>.

²⁷⁰ “Dégradation de stèles musulmanes”, Portail du Gouvernement, 6 April 2008, <<http://www.gouvernement.fr/presse/degradation-de-steles-musulmanes>>.

²⁷¹ “Tombes musulmanes profanées: les deux jeunes hommes mis en examen écroués”, *op. cit.*, note 268.

²⁷² Jean-Frédéric Poisson, Député des Yvelines, “Profanation du cimetière militaire de Notre-Dame-de-Lorette”, Groupe UMP, 9 December 2008, <http://www.ump.assemblee-nationale.fr/article_texte.php?id_article=8128>. Answer of Michele Alliot-Marie, Minister of Interior, to a question posed by the UMP group at the National Assembly,

²⁷³ “Nouvelle profanation de tombes musulmanes du cimetière militaire Notre-Dame-de-Lorette”, Ligue Nationale des Muslemans de France, 8 December 2008, <http://www.lemonde.fr/societe/article/2008/12/08/troisieme-profanation-de-tombes-musulmanes-du-cimetiere-militaire-notre-dame-de-lorette_1128207_3224.html>.

²⁷⁴ *Ibid.*

²⁷⁵ Information by the Gendarmerie, 16 June 2009.

CRIMES AGAINST CHRISTIANS AND MEMBERS OF OTHER RELIGIONS

Background

In December 2004, the Bulgarian OSCE Chairmanship appointed a Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions. This was followed by a number of OSCE tolerance-related decisions and declarations, which included specific commitments and references to the fight against prejudice, intolerance and discrimination against Christians and members of other religions.²⁷⁶

In 2008, ODIHR gathered experts to prepare for a roundtable on intolerance and discrimination against Christians in the OSCE region. The roundtable took place in March 2009 and was attended by representatives of participating States, religious communities, NGOs and experts. The meeting provided a platform to discuss and better understand the nature and scope of the problem, the study of which has been limited and is considered by many to be in its conceptual and defining stages. The roundtable concluded that intolerance against Christians is manifested in various forms throughout the OSCE region and called for improved collection of data on hate crimes against Christians.

Information and data on crimes against Christians and members of other religions

According to the most recent information submitted to ODIHR by participating States, 27 countries²⁷⁷ collect data on hate crimes based on religious bias. Nine of these stated that they divide them into crimes against specific categories, such as “Christian”, “Catholic”, “Protestant”, “non-denominational” or “other religions”.²⁷⁸ For the year 2008, however, only three participating States submitted information and statistics to ODIHR on intolerance and discrimination against Christians. No states reported data concerning members of other religions.

The Holy See provided ODIHR with a list of several hate crimes involving Christians in the OSCE area, based on media reports. The relevant NPCs contacted by ODIHR confirmed one violent attack recorded as having a religious and race bias against the Anglican Church in the United Kingdom.²⁷⁹ One case was reported in the data submitted by Slovenia for 2008, falling in the category “church/presbytery”, but no further details were given.²⁸⁰ Sweden reported 161 crimes targeting Christians.²⁸¹

Very few NGO reports received by ODIHR included information on incidents targeting Christians and members of other religions. The Moscow-based SOVA Center for Information and Analysis submitted data related to acts of vandalism against Russian Orthodox and Protestant churches and graveyards during 2008, including 19 against

²⁷⁶ OSCE Ministerial Council Decision No. 10/05, *op. cit.*, note 104; OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2; OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 7; “Cordoba Declaration by the Chairman-in-Office”, *op. cit.*, note 179; “Bucharest Declaration by the Chairman-in-Office”, *op. cit.*, note 158.

²⁷⁷ Austria, Belgium, Canada, Croatia, Cyprus, Georgia, Germany, Iceland, Italy, Ireland, Kazakhstan, Kyrgyzstan, Latvia, Moldova, Netherlands, Norway, Poland, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States and Uzbekistan.

²⁷⁸ Canada, Croatia, Czech Republic, Moldova, Netherlands, Poland, Russian Federation, Serbia and the United States.

²⁷⁹ Information from the British NPC, 16 June 2009.

²⁸⁰ Questionnaire from the Slovenian NPC, *op. cit.*, note 56.

²⁸¹ Information by the Swedish NPC, *op. cit.*, note 136.

Orthodox churches and six against Protestant churches.²⁸² The Moscow Bureau of Human Rights reported six acts of vandalism against the Russian Orthodox Church, one against the Jehovah's Witnesses Kingdom Hall and one against a pagan temple.²⁸³ The European Association of Jehovah's Christian Witnesses reported one case of arson, at a Kingdom Hall in the Russian Federation.²⁸⁴ In Serbia, the website Forum 18 reported four acts of vandalism against churches, while the Belgrade Center for Human Rights submitted information about more than 30 such incidents.²⁸⁵ The Alliance of Protestant Churches of Turkey reported ten cases of vandalism, threats and individual assaults on members of its community.²⁸⁶ The Constantinopolitan Society reported two attacks involving the destruction of property in the Istanbul area.²⁸⁷ Turkish authorities reported that criminal investigations were duly initiated.²⁸⁸ LCCREF reported two attacks against Sikhs in the United States.²⁸⁹

ODIHR received information from two OSCE field operations regarding hate crimes against Christians. The OSCE Mission to Bosnia and Herzegovina and the OSCE Mission in Kosovo provided information on cases in their areas of operation. The missions pointed out that the data should be seen in a wider context of inter-ethnic tensions in these parts of the OSCE region.

The OSCE Mission in Kosovo reported seven cases of the desecration of cemeteries and six cases of the vandalizing of churches. One violent attack was reported against a group of Kosovo Serbs visiting a cemetery.²⁹⁰ In Bosnia and Herzegovina, the OSCE Mission noted that damage to religious property was a frequent occurrence in the country in 2008 and reported one specific case of desecration of a cemetery and another of a church and parish house that had been vandalized three times. Cases of the harassment of students of a Catholic school were also mentioned.²⁹¹

Media reports about hate crimes against Christians and members of other religions include information about episodes of violence based on bias against these groups in the following countries: Belgium, Bosnia and Herzegovina, Croatia, France, Kyrgyzstan, Italy, Serbia, United Kingdom and the United States.

Government and NGO responses to crimes against Christians and members of other religions

No participating States provided information to ODIHR regarding activities specifically related to combating hate crimes against Christians and members of other religions, except in the context of general programmes to promote tolerance and prevent discrimination.

²⁸² Kozhevnikova, *op. cit.*, note 88.

²⁸³ "Report on the violation of human rights in the Russian Federation in 2008", Moscow Bureau of Human Rights, *op. cit.*, note 256, p.10.

²⁸⁴ "Jehova's Witnesses Victim of a New Harassment Campaign in Russia", The European Association of Jehovah's Christian Witnesses, April 2009.

²⁸⁵ Communication from the OSCE Mission to Serbia, *op. cit.*, note 140, original source: Drasko Djenovic, "Violent attacks continuing, but mainly declining", Forum 18 News service, 3 December 2008, <http://www.forum18.org/Archive.php?article_id=1224>.

²⁸⁶ "Human Rights Violations Faced by the Protestant Community in Turkey During 2008," Alliance of Protestant Churches in Turkey, January 2009.

²⁸⁷ Information from the Constantinopolitan Society, 7 September 2009.

²⁸⁸ Information from the Permanent Mission of Turkey to the OSCE, 10 September 2009.

²⁸⁹ "Confronting the New Faces of Hate: Hate Crimes in America", *op. cit.*, note 139.

²⁹⁰ Communication from the OSCE Mission in Kosovo, *op. cit.*, note 140.

²⁹¹ Communication from the OSCE Mission to Bosnia and Herzegovina, *op. cit.*, note 90.

No NGOs reported activities to ODIHR related to hate crimes against Christians or members of other religions.

Box 5: Attack on a Priest

In March 2008, an Anglican priest, Canon Michael Ainsworth, was assaulted in the courtyard of the church in east London where he preached. Canon Ainsworth was attacked after approaching three young men who were making noise. Two men attacked him, inflicting cuts and facial injuries that required hospital treatment. The perpetrators allegedly used insulting words to describe his occupation. The attack was investigated as a hate crime. According to media reports, the church praised the support from the police.²⁹²

²⁹² Information from the Holy See NPC, 13 March 2009. Original source: Jonathan Milne, The Sunday Times, “Anglican priest beaten up in a ‘faith hate’ incident”, 15 March 2008. Information has also been verified by the British NPC.

CRIMES AGAINST OTHER GROUPS

Background

OSCE participating States have committed to ensuring that “the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground”.²⁹³ Moreover, OSCE participating States have committed to ensuring human rights and fundamental freedoms to everyone within their territories and subject to their jurisdiction, “without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.²⁹⁴

There is no consensus among participating States as to which groups should be included in the definition of a hate crime. As noted in Part I, “race”, religion and ethnicity are commonly understood as being characteristics that should be protected under hate crime laws, but otherwise there is a divergence of opinion among states and policy makers on this issue. It is not possible in this report to cover all of the other categories that states have included in their hate crime laws. The sections below cover hate crimes against persons based on their sexual orientation or on the basis of disability, which are recognized as hate crimes by a substantial number of OSCE participating States.

Information and data on crimes against LGBT persons

Seventeen countries²⁹⁵ reported to ODIHR that they collect data on crimes committed against LGBT persons. The United Kingdom recorded 4,300 crimes against LGBT persons in 2008 and 995 completed prosecutions for homophobic hate crime in 2007/08. Sweden reported 1,055 hate crimes against persons based on their sexual orientation, 1,046 with a homophobic motive. There were 14 crimes against transgender persons.²⁹⁶ Germany reported 54 crimes against LGBT persons.²⁹⁷ Finland and the United States collect data but had not yet published information for 2008 at the time this report was prepared.

In 2008, FRA published a series of reports on homophobia in the Member States of the European Union. The reports indicate that statistical data on hate crimes against LGBT persons are scarce.²⁹⁸ Given the lack of data on this issue, victimization surveys may provide an indication of the prevalence of hate crimes against LGBT persons. In the Netherlands, for example, a study conducted in Amsterdam showed that the rate of attacks on gay men appeared to be consistently around 60 per year.²⁹⁹ A 2008 study by

²⁹³ “Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”, *op. cit.*, note 102, pp. 3 – 8.

²⁹⁴ “Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the Basis of the Provisions of the Final Act relating to the Follow-up to the Conference” Vienna 1989, p. 7, <<http://www.osce.org/item/4210.html>>.

²⁹⁵ Andorra, Belgium, Canada, Croatia, Cyprus, France, Germany, Iceland, Ireland, Liechtenstein, Netherlands, Norway, Serbia, Spain, Sweden, United Kingdom, and the United States.

²⁹⁶ Information from the Swedish NPC, *op. cit.*, note 136.

²⁹⁷ Information from the German NPC, *op. cit.*, note 121.

²⁹⁸ “Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States Part II: The Social Situation”, European Union Agency for Fundamental Rights, p. 37, <http://fra.europa.eu/fraWebsite/attachments/FRA_hdgso_report-part2_en.pdf>.

²⁹⁹ “Anti-gay Violence is a Problem in Amsterdam”, ICARE website, 20 November 2008, <[http://www.icare.to/news.php?en/2008-11#ANTI-GAY%20VIOLENCE%20IS%20A%20PROBLEM%20IN%20AMSTERDAM%20\(Netherlands\)](http://www.icare.to/news.php?en/2008-11#ANTI-GAY%20VIOLENCE%20IS%20A%20PROBLEM%20IN%20AMSTERDAM%20(Netherlands))>.

the NGO Legebitra in Slovenia indicated that more than a half of 450 respondents had experienced violence because of their sexual orientation.³⁰⁰

In Germany, a memorial commemorating the homosexual victims of the Holocaust was vandalized twice, only months after it was inaugurated.³⁰¹

In Hungary, a gay-pride parade became a target for violence and mass opposition in 2008. Opponents lined the route of the parade, throwing eggs, stones, firecrackers and acid, injuring police and participants. Three politicians were physically attacked and over 40 arrests were made.³⁰²

In Poland, the Campaign Against Homophobia reported over 50 incidents in 2008, including threats and physical assaults.³⁰³

In Sweden, several attacks took place during a gay-pride parade, including a knifing.³⁰⁴

Kaos GL, an LGBT NGO in Turkey, reported the murders of 5 transgender persons.³⁰⁵

The official data on crimes against LGBT persons in the United States for 2008 were to be released later in 2009. The National Coalition of Anti-Violence Programs reported 1,677 incidents, including 29 murders.³⁰⁶ LCCREF reported three assaults.³⁰⁷

Events promoting tolerance and awareness of LGBT issues were attacked in Bosnia and Herzegovina and Serbia.³⁰⁸ In 2008, organizers of such events were subject to threats, harassment and assaults in Belarus, Bosnia and Herzegovina, Croatia, Montenegro and Serbia.³⁰⁹

³⁰⁰ "Activate! Report", NGO Legebitra, 10 December 2008, pp. 6-7.

³⁰¹ "Berlin Gay Memorial Vandalized", *Deutsche-Welle* website, 16 December 2008, <<http://www.dw-world.de/dw/article/0,3880574,00.html>>; "Homosexuellen-Mahnmal in Berlin-Mitte beschädigt", *Der Tagesspiegel* website, 5 April 2009, <<http://www.tagesspiegel.de/berlin/Polizei-Justiz-Extremismus-Mahnmal-Homosexuelle-Mitte;art126,2767277>>. Verification pending with the NGO Maneo.

³⁰² "Intergroup denounces Budapest Pride violence", Gay and Lesbian Rights Intergroup, 8 July 2008, <<http://www.lgbt-ep.eu/news.php?item.103>>; "Melegfelvonulás - Civil szervezetek közös nyilatkozatot adtak ki a felvonuláson történekről", *Jogi Forum* website, 16 July 2008, <<http://www.jogiforum.hu/hirek/18210>>.

³⁰³ *Raport o Homofobicznej Mowe Nienawiści w Polsce* (Warsaw: Kampania Przeciw Homofobii, 2009), <http://monitoring.kampania.org.pl/images/mowa_nienawisci.pdf>.

³⁰⁴ "2008 Hate Crime Survey", Human Rights First, 2008, *op. cit.*, note 86, p. 137, original source: Gay Couple in Hate Crime," *News24 webiste*, 28 July 2008, <http://www.news24.com/News24/World/News/0,,2-10-1462_2365561,00.html>.

³⁰⁵ Information from Kaos GL Association to ODIHR, 12 August 2008; *We Need a Law for Liberation' Gender, Sexuality, and Human Rights in a Changing Turkey* (New York, Human Rights Watch, 2008), pp. 4-10, <http://www.hrw.org/sites/default/files/reports/turkey0508_1.pdf>; Turkish authorities stated that criminal investigations were duly initiated. They also reported that crimes against LGBT persons are not registered as hate crimes. Information from the Permanent Mission of Turkey to the OSCE, *op. cit.*, note 288.

³⁰⁶ "Hate Violence against Lesbian, Gay, Bisexual, and Transgender People in the United States: 2008", The National Coalition of Anti-Violence Programs, 2009.

³⁰⁷ "Confronting the New Faces of Hate: Hate Crimes in America", *op. cit.*, note 139.

³⁰⁸ Communication from the OSCE Mission to Bosnia and Herzegovina, *op. cit.*, note 90; Communication from the OSCE Mission to Serbia, *op. cit.*, note 140, original source Belgrade Center for Human Rights.

³⁰⁹ *Ibid.*; Viachaslau Bortnik & Svyatoslav Sementsov, "Are All Equal Before the Law?", TEMA Information Center, 2008, pp. 3-4, <http://pride.by/Are_all_equal_before_the_law.pdf>; Kontra, "2008. Annual Report on the Status of Sexual and Gender Minorities in Croatia", p.34, <<http://kontra.hr/kontra/documents/report2008.pdf>>; Aleksandar Saša Zeković, "LGBT Rights in Montenegro", p. 2; "The 2008 Report for ODIHR on Hate Crimes against LGBT people in Serbia",

Media reported cases of violence against LGBT persons in the following countries: Bosnia and Herzegovina, Netherlands, Russian Federation, Sweden, United Kingdom and the United States.

Government and NGO responses to crimes against LGBT persons

The International Lesbian and Gay Association-Europe (ILGA-Europe), a network of LGBT NGOs, collected reports from its members, who closely monitored the level of hate crimes in their countries. ILGA-Europe also published the *Handbook on Monitoring and Reporting Homophobic and Transphobic Incidents*. The Handbook provided instructions on how to monitor, document and report incidents and how to work effectively with authorities.³¹⁰

Beginning in 2008, the Danish Ministry of Justice started to include incidents based on a victim's sexual orientation in its annual crime victim survey.³¹¹

In Poland, Campaign Against Homophobia, an NGO, participated in ODIHR-supported police training. As a result, the NGO has developed closer co-operation with the police.³¹² Similarly, the Portuguese branch of ILGA began co-operation with the Ministry of Internal Affairs and Police.³¹³

In the United Kingdom, Stonewall, an NGO, published a report that highlighted the need to combat homophobic hate crimes. Jacqui Smith, the Home Secretary, committed to tasking the Ministerial Action Group on Violence to work on this issue.³¹⁴

Victim support is offered by NGOs in France (SOS Homophobie),³¹⁵ Germany (Maneo Berlin),³¹⁶ the Netherlands (Commission for Equal Treatment),³¹⁷ Poland (Campaign Against Homophobia),³¹⁸ Slovenia (Legebitra)³¹⁹ and the United Kingdom (Stonewall).³²⁰ These services include anonymous reporting services, legal and psychological counseling, and reporting and supplying data to police.

Communication from the OSCE Mission to Serbia, *op. cit.*, note 140, original source: Labris Lesbian Human Rights Organization, p. 3-4.

³¹⁰ *Handbook on Monitoring and Reporting Homophobic and Transphobic Incidents* (Brussels: ILGA-Europe, 2008), <http://www.ilga-europe.org/europe/publications/non_periodical/handbook_on_monitoring_and_reporting_homophobic_and_transphobic_incidents>.

³¹¹ Information from the Danish NPC for the ODIHR's 2008 annual report, *op. cit.*, note 119.

³¹² "Seminarium Policyjne forum przeciwko dyskryminacji 24-26 września 2008 r. Szkoła Policji w Słupsku", Ministerstwo Spraw Wewnętrznych i Administracji, 23 September 2009, <<http://www.mswia.gov.pl/portal.php?serwis=pl&dzial=97&id=6224&search=5588>>.

³¹³ Information from ILGA Portugal, 17 December 2008.

³¹⁴ Sam Dick, "Homophobic Hate Crime: The Gay British Crime Survey 2008", Stonewall, 2008, p. 2, <http://www.stonewall.org.uk/documents/homophobic_hate_crime_final_report.pdf>.

³¹⁵ See the website of SOS Homophobie: <<http://www.sos-homophobie.org/>>.

³¹⁶ See the website of Maneo Berlin: <<http://www.maneo.de/highres/index.html>>.

³¹⁷ See the website of the Commission for Equal Treatment: <<http://www.cgb.nl/>>.

³¹⁸ See the website of Campaign Against Homophobia: <<http://www.kph.org.pl>>.

³¹⁹ See the website of Legebitra: <<http://www.drustvo-legebitra.si/>>.

³²⁰ See the website of Stonewall: <<http://www.stonewall.org.uk/>>.

Box 6: Protests against Sarajevo Festival

A Bosnian NGO defending the rights of the LGBT persons, Association Q, organized the first Queer Festival in Sarajevo. In the month preceding the festival, some newspapers printed comments by politicians, religious leaders and other members of the public that included homophobic statements. Some condemned homosexuals as deviant, sick and unnatural. Some used derogatory language and called for the participants of the festival to be lynched, stoned, doused with petrol or expelled from the country.

Posters appeared in and around Sarajevo calling for “death to faggots”. Tram stops in Sarajevo were covered with posters inciting hatred against homosexuals. Hate postings on the Internet called for violence against homosexuals and festival supporters. One posting consisted of a video enactment depicting the “decapitation” of the Festival’s organizer. Several gay rights activists, including members of Association Q, received death threats, and appeals were made to the public to disrupt the festival.³²¹

On 24 September 2008, during the opening of the festival, a group of about 70 protestors gathered outside throwing rocks at visitors and shouting threats such as “death to faggots” and “kill, kill the faggot”. Eight people were injured.

Since the death threats continued after this violent incident, the organizers decided to cancel the remainder of the festival. Their decision was based on an assessment of the situation and the lack of protection by the police. Death threats against the organizers reportedly continued after the cancellation of the festival.³²²

Public statements condemning the protests were issued by the Mayor of Sarajevo, the Cantonal authorities and the State Gender Agency.³²³

Information and data on crimes against persons with disabilities

Ten OSCE participating States indicated that they record hate crimes against persons with disabilities.³²⁴ The United Kingdom reported that 800 hate crimes against persons with disabilities were recorded by police in 2008.³²⁵ A total of 183 cases were prosecuted in 2007 and 2008.³²⁶ Germany recorded 47 crimes targeting persons with disabilities in 2008.³²⁷ The United States collects data but it was not available at the time this report was prepared.

ODIHR received no data from NGOs about crimes committed against persons with disabilities. Several victimization surveys did, however, provide an indication of the prevalence of hate crimes against this group. A report by the British Council of Disabled People, for example, stated that a person living with a disability was four

³²¹ “Report submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekagya, Summary of cases transmitted to Governments and replies received”, *op. cit.*, note 74.

³²² *Ibid.*

³²³ *Ibid.*; Communication from the OSCE Mission to Bosnia and Herzegovina, *op. cit.*, note 90; 14 September 2009; “Kvir festival zatvoren pre vremena”, [pressonline.rs](http://www.pressonline.rs), 25 September 2008, <<http://www.pressonline.rs/page/stories/sr.html?view=story&id=47812§ionId=51&seriesId=0>>.

³²⁴ Belgium, Canada, Cyprus, France, Georgia, Germany, Moldova, Netherlands, United Kingdom, and the United States.

³²⁵ Questionnaire from the British NPC, *op. cit.*, note 65.

³²⁶ The reporting cycle in the UK was from April to April.

³²⁷ Information from the German NPC, *op.cit.*, note 121.

times more likely to be violently assaulted than a person with no disability.³²⁸ A study in Scotland found that 47 per cent of disabled people had either been the victim of or threatened with hate crimes. Thirty-one per cent of these said they had experienced attacks at least once a month.³²⁹

Government and NGO responses to crimes against persons with disabilities

The United Kingdom reported that it had launched a number of initiatives to improve recording and investigation of crimes against persons with disabilities. For example, the Crown Prosecution Service published a “Policy for Prosecuting Cases of Disability Hate Crime Disability”.³³⁰

In 2008, Scope, an NGO in the United Kingdom, published a report on hate crimes and the experiences of persons with disabilities. The report recommended the improvement of data collection and research into the prevalence of hate crimes against disabled persons, improved reporting, the facilitation of more effective responses to these crimes, and assuring equal access to justice.³³¹

Box 7: Disabled Minnesota Man Tortured and Left for Dead³³²

On 10 October 2008, Justin Hamilton – a 24-year-old man with mental disabilities – was lured from his home by a former high school classmate. Hamilton thought his attackers were friends. He was taken on two consecutive nights to a remote Dakota County area, where he was tortured for hours. The torture included tying him to a tree, beating him severely, and burning him with cigarettes. Hamilton was also tied to a motorcycle and dragged for about 60 meters. The perpetrators threatened to set him on fire and talked among themselves about him being “evidence”. The torture ended after Hamilton was knocked unconscious and left for dead on the second day.

Authorities in Minnesota filed a series of felony charges against four men accused in the case, including the charge of “assault motivated by bias”. A county attorney stated that the charges alleged that the victim was assaulted because of his disability. In April 2009, 20-year-old John Maxwell Maniglia pleaded guilty to his role in the brutal group attack on Hamilton. He was sentenced to a prison term of eight years.

³²⁸ “Annual Review”, The United Kingdom’s Disabled People’s Council. The document can be accessed at <<http://www.scope.org.uk/publications/equality.shtml>>.

³²⁹ “Hate Crime against Disabled People in Scotland – Survey Report”, Capability Scotland and Disability Rights Commission, <http://83.137.212.42/sitearchive/drc/About_Us/drc_scotland/library/other_issues/hate_crime_against_disabled_pe.html>.

³³⁰ “Policy for Prosecuting Cases of Disability Hate Crime”, Crown Prosecution Service, 2007. The document is available at <http://www.cps.gov.uk/publications/docs/disability_hate_crime_policy.pdf>.

³³¹ “Getting away with Murder”, Scope, Disability Now magazine and the UK Disabled People’s Council (UKDPC), 2008, p. 62, <<http://www.scope.org.uk/publications/equality.shtml>>.

³³² Abby Simons and Joy Powell, “Guilty plea in kidnapping, torture case”, Startribune.com, 14 April 2009, <<http://www.startribune.com/local/42977107.html>>; “Former guardsman gets 8 years in torture of disabled man”, Star-Tribune, Pioneer Press, KSTP-TV, 16 June 2009, <http://www.patriciaebauer.com/category/hate_crimes/>. The case is pending verification with the US NPC.

IV. RECOMMENDATIONS

The purpose of this report is to present information, data and good practices regarding hate crimes. It also provides an opportunity to assess the progress of participating States in implementing their commitments in this area. As the content of this report demonstrates, there is still a long way to go. It appears, therefore, that participating States may benefit from detailed recommendations to help guide them in improving their national legal systems and tools in order to fulfill these commitments.

The following recommendations reflect key contributions made by participants at OSCE human dimension events in recent years. They also draw on the experience gathered by ODIHR during the last four years of activity in the field with governmental and non-governmental actors. In some instances, the recommendations present good practices that have been implemented with success in one or more participating States that might also produce positive results if replicated elsewhere.

Data collection/legislation

The lack of accurate, comprehensive data on hate crimes undermines the ability of states to understand fully and deal effectively with the problem of hate crimes. To deal with this deficiency, states might benefit from developing systems that are more easily comparable.

OSCE participating States should:

- create and maintain systems to monitor suspected hate crimes. In order for the resulting data to be useful for policymakers, such systems should separate hate crimes from other crimes, disaggregate the bias motivations and/or the victim groups, and include the numbers of incidents and offenses reported, the number of prosecutions, and outcomes;
- make data on hate crimes and incidents publicly available; and
- review their legislation to ensure that there is specific provision for hate crimes to be subject to enhanced sentencing. The ODIHR publication *Hate Crimes Laws – A Practical Guide*³³³ could serve as a reference tool for such reviews.

Criminal justice agencies

Participating States should consider further measures to ensure that law enforcement officials, prosecutors and judges are well equipped to prevent and respond effectively to hate crimes.

OSCE participating States should:

- encourage systems of reporting by third parties for victims unable or unwilling to report hate crimes directly to police and criminal justice agencies;
- ensure that those responsible for hate crimes are subject to enhanced penalties under the law. In order for the penalty to have a deterrent effect, the reason for the enhancement should be made clear to the perpetrators, and should also be well publicized;

³³³ Available at http://www.osce.org/publications/odihr/2009/03/36671_1263_en.pdf

- ensure that investigators and prosecutors are specifically instructed to thoroughly investigate the motive when a suspected hate crime is reported;
- put into place the necessary training and resources to enable law enforcement officers to identify, investigate and register bias motives, and ensure that prosecutors have been trained on how to bring evidence of bias motivation;
- build better relationships between criminal-justice agencies and victims groups, with a view to encouraging victims to report hate crimes and witnesses to contribute to solving and prosecuting hate crimes;
- consider means to diversify membership of law enforcement and prosecution agencies so as to increase representation of individuals from minority groups; and
- develop and implement targeted prevention programs and initiatives to combat hate crimes.

Co-operation with civil society

Civil society organizations are particularly well placed to supplement participating States' activities in the area of hate crimes, especially through monitoring incidents and assisting victims. ODIHR will therefore continue to strengthen its co-operation with NGOs active in hate crime monitoring, recording and reporting as one important source of information about hate crime developments in participating States. States can also benefit from increasing co-operation in a number of ways.

OSCE participating States should:

- conduct outreach and education with communities and civil society groups in order to increase confidence in law enforcement and to encourage better reporting of hate crimes; and
- consider creating local partnerships between civil society and law enforcement to regularly report on issues of concern and follow-up on reported incidents. This can also serve as an early warning of rising tensions and enable proper resource allocation.

Programmatic activities

Participating States, NGOs and the OSCE all have important roles to play – individually and collaboratively – in developing activities and projects aimed at countering hate crimes. Many such initiatives are already underway around the OSCE region that could serve as models or inspiration for other participating States or organizations. Types of activities that should be considered for implementation include:

- Support for victims of hate crimes, including both legal assistance and social services; and
- Public-awareness raising, including ensuring that the public understands the nature and scope of hate crimes, and encouraging the public to report offenses and assist law enforcement forces apprehend and prosecute offenders.

Enhancing OSCE activities

The OSCE was one of the earliest international organizations to explicitly recognize the impact of hate crimes and take steps to improve responses to this problem. In order to continue improving the support OSCE institutions provide to participating States, further specific steps could be undertaken.

- Participating States should consider tasking ODIHR with the compilation of a collection of good practices in projects to combat hate crimes in order to assist participating States and NGOs in selecting and developing appropriate activities and programmes.
- Participating States should consider inviting ODIHR to deliver workshops on hate crimes to government officials to help them better co-operate with National Contact Points on Hate Crimes and to improve the reporting of hate crimes in line with OSCE commitments.
- States should support the development by ODIHR of a standardized model for the improved reporting and recording of hate crimes in co-operation with relevant officials and civil society organizations.
- States should support ODIHR in working closely with NGOs to create an improved network for gathering data throughout the OSCE region, including providing support for more standard and comparable methods of collection and presentation of information.
- The Ministerial Council should consider asking OSCE field operations, as part of their human dimension mandate, to contribute to the collection of information and data on hate crimes within their areas of operation.

ANNEX A: Country-by-country overview

Participating State	ALBANIA
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police (State Police, Department of Crime Investigation, Department of Public Security)
Bias motivation determined by	Victim Law enforcement officer Offender Prosecution Court
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	-
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	Law enforcement agency/police Ministry of Justice Specialized body
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	No
- Only upon request	-
- Restricted to authorities	

Participating State	ANDORRA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Ministry of Justice
Bias motivation determined by	Victim Law enforcement officer Offender Prosecution Court
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Sexual orientation
Multiple bias	No
Classification by type of crimes	Yes
- Homicide	Interior Ministry Ministry of Justice
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	
- Attacks on places of worship	
- Vandalism	Interior Ministry Ministry of Justice
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	0
- Prosecuted	0

- Sentenced	0
Use of data	The data are used by the government once the case is delivered for judicial disposition.
Availability of data	
- Public	Yes. The data are available to the public in two ways: information on judicial sentences (www.justicia.ad) and press releases on the police website (www.policia.ad).
- Only upon request	Yes
- Restricted to authorities	No

Participating State	ARMENIA
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police Prosecutors Office Ombudsman
Bias motivation determined by	Other (as provided by the law)
Victim groups recorded based on	No (There were no hate crimes registered.)
Multiple bias	No
Classification by type of crimes	Yes
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	0
- Prosecuted	0
- Sentenced	0
Use of data	-
Availability of data	
- Public	Yes The data are available weekly on a TV programme and are summarized annually.
- Only upon request	No
- Restricted to authorities	No

Participating State	AUSTRIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law enforcement agency/police (The Provincial Agencies for State Protection and Counter Terrorism and the Federal Agency for State Protection and Counter Terrorism (BVT) within the Interior Ministry)
Bias motivation determined by	Law enforcement officer
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Citizenship Religion Offences based on right-wing extremist motives <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes
Multiple bias	No
Classification by type of crimes	Yes
- Homicide	

- Physical assault	Interior Ministry Law enforcement agency
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	91
- Prosecuted	-
- Sentenced	-
Use of data	Data are published in the Annual Security Report and the Annual State Protection Report. The Federal Agency for State Protection and Counter Terrorism carries out an evaluation of data to identify preventive and restraining measures against right-wing extremist offences.
Availability of data	
- Public	Yes They are published in the Annual Security Report (www.parlinkom.gv.at) and the Annual State Protection Report (www.bmi.gv.at).
- Only upon request	No
- Restricted to authorities	Yes Personal data and data regarding crimes are restricted to the authorities

Participating State	AZERBAIJAN
Are data collected?	No
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	-
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	BELARUS
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry
Bias motivation determined by	Victim Law enforcement officer Offender
Victim groups recorded based on	-

Multiple bias	No
Classification by type of crimes	
- Homicide	Interior Ministry
- Physical assault	Interior Ministry
- Damage to property	
- Desecration of graves	Interior Ministry Prosecutors Office
- Attacks on places of worship	Interior Ministry
- Vandalism	Interior Ministry
- Verbal assault/threats/insults	
- Incitement to hatred	Interior Ministry
Number of cases in 2008	
- Recorded by police	63
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	No

Participating State	BELGIUM
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police Prosecutors Office Ministry of Justice Centre for Equal Opportunities and Opposition to Racism
Bias motivation determined by	Prosecution
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Citizenship Language Religion Sexual orientation Transgender Disability Sex/gender Wealth, political conviction, social origin, state of health <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes
Multiple bias	No
Classification by type of crimes	Yes
- Homicide	Prosecutors Office Specialized body
- Physical assault	Prosecutors Office Ministry of Justice Specialized body
- Damage to property	Prosecutors Office Ministry of Justice Specialized body
- Desecration of graves	Prosecutors Office Specialized body
- Attacks on places of worship	Specialized body
- Vandalism	Prosecutors Office Specialized body
- Verbal assault/threats/insults	Prosecutors Office Ministry of Justice Specialized body
- Incitement to hatred	Prosecutors Office

	Specialized body
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	The government shares the data with the Centre for Equal Opportunities and Opposition to Racism. Information provided by the government contributes to scientific research.
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	Yes Personal data regarding the accused and/or offender and data about the crime are withheld from the public.

Participating State	BOSNIA AND HERZEGOVINA
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	-
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	BULGARIA
Are data collected?	No
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-

- Sentenced	-
Use of data	-
Availability of data	-
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	CANADA
Are data collected?	Yes
Authorities responsible for data collection	Statistical office (Police-reported hate crime data are collected by Statistics Canada, Canadian Centre for Justice Statistics. Self-reported victimization data on hate crimes are collected by Statistics Canada, Social and Aboriginal Statistics Division)
Bias motivation determined by	Victim (for victimization data) Law enforcement officer
Victim groups recorded based on	Race/colour (includes broad categories of national or ethnic origin, Aboriginal, Arab/West Asian, Black, East and Southeast Asian, South Asian, white, multiple races/ethnicities) Language (French, English) Religion Sexual orientation (bisexual, heterosexual, homosexual) Transgender Mental or physical disability Sex Age <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Christian crimes (Anti-Catholic crimes)
Multiple bias	No
Classification by type of crimes	Police-reported hate crime data are collected on close to 200 crime classifications. Victimization data on hate crimes are recorded for eight crime types: sexual assault, robbery, assault, break and enter, theft of personal property, theft of household property, theft of motor vehicle or parts, and vandalism.
- Homicide	Statistical office
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	Data tentatively scheduled to be published in May 2010.
- Recorded by police	-
- Prosecuted	Not available
- Sentenced	Not available
Use of data	Analytical reports and data tables are intended to respond to the needs of criminal justice officials and to inform the public. Information may be obtained on the Statistics Canada website (www.statcan.gc.ca).
Availability of data	
- Public	Yes

- Only upon request	Yes Some detailed information on hate crimes may be obtained upon request (assuming the information does not breach confidentiality). For example, clearance status, location of incident, gender and age group of victims and accused persons, use of weapons, relationship of accused to victim. However, this information would only be available for police services.
- Restricted to authorities	Yes Personal data regarding the victim, accused and/or offender and data about the incident are withheld from the public.

Participating State	CROATIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law enforcement agency/police (Anti-Terrorism Department within the Interior Ministry)
Bias motivation determined by	Victim Law enforcement officer Offender
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Citizenship Religion Sexual orientation Transgender Sex/gender Regional origin, hate towards police officers, glorification of Nazism and Fascism <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Christian crimes Anti-Roma crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	Law enforcement agency
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	27 cases were recorded from January to September 2008.
- Prosecuted	-
- Sentenced	-
Use of data	Data on hate crimes are used by police for plans of action and prevention. Data are shared with NGOs and other relevant bodies, upon request.
Availability of data	
- Public	No
- Only upon request	Yes
- Restricted to authorities	No

Participating State	CYPRUS
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Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police (Office for Combating Discrimination of the Police Headquarters)
Bias motivation determined by	Victim Law enforcement officer
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Language Religion Sexual orientation Disability Sex/gender Age, Community
Multiple bias	Yes
Classification by type of crimes	No
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	Not released yet
- Prosecuted	-
- Sentenced	-
Use of data	Data are reported to NGOs, governmental agencies and other national or international bodies.
Availability of data	
- Public	Yes
- Only upon request	Yes Data are available after the completion of the year in question. Exceptions are made for specific cases.
- Restricted to authorities	Yes Personal data

Participating State	CZECH REPUBLIC
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police (Informatics and Analytical Centre of the Criminal Police and Investigation Service of the Police Presidium) Prosecutors Office (Analytical and Legislative Department of the Supreme Public Prosecutor Office) Ministry of Justice (Informatics Department of the Ministry of Justice)
Bias motivation determined by	Law enforcement officer
Victim groups recorded based on	Sex/gender Social and tactical point of view <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Christian crimes Anti-Roma crimes Non-denominational
Multiple bias	Yes

Classification by type of crimes	
- Homicide	Law enforcement agency/police Prosecutors Office Ministry of Justice
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	217 cases recorded by police.
- Prosecuted	215 persons, plus 41 persons prosecuted in pre-trial procedure.
- Sentenced	97 persons sentenced
Use of data	The government presents reports on the issue of extremism to the Parliament. These reports are publicly available; They inform the general public about the situation, law enforcement strategy, and measures to be taken.
Availability of data	
- Public	Yes Annual Report "Information on the Issue of Extremism in the Czech Republic" (http://www.mvcr.cz) Statistical Survey of the Criminality in the CR, published monthly by the CR Police Presidium Informatics and Analytical Centre – (http://www.policie.cz/web-informacni-servis-statistiky.aspx)
- Only upon request	Yes The data are on characteristics of offenders (e.g. sex, age, education, influence of alcohol, or citizenship). They are published and commented annually in the Information on the Issue of Extremism.
- Restricted to authorities	Yes Information needed for investigation purposes

Participating State	DENMARK
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police (Police districts and the Danish Security and Intelligence Service)
Bias motivation determined by	
Victim groups recorded based on	
Multiple bias	
Classification by type of crimes	
- Homicide	
- Physical assault	
- Damage to property	
- Desecration of graves	
- Attacks on places of worship	
- Vandalism	
- Verbal assault/threats/insults	
- Incitement to hatred	
Number of cases in 2008	4 cases, in which charges have been brought. 2 cases settled with a ticket fine. 2 cases have not yet resulted in a final decision.
- Recorded by police	N/A

- Prosecuted	N/A
- Sentenced	N/A
Use of data	
Availability of data	
- Public	
- Only upon request	
- Restricted to authorities	

Participating State	ESTONIA
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	FINLAND
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law enforcement agency/police The Police College of Finland (an institute under the direction of Police Department of the Interior Ministry) Statistics Finland Institute
Bias motivation determined by	Victim Law enforcement officer Other (e.g. witnesses or the complainant)
Victim groups recorded based on	Citizenship Sex/gender Other
Multiple bias	No
Classification by type of crimes	
- Homicide	Interior Ministry Law enforcement agency/police The Police College of Finland and Statistics Finland Institute
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	Preliminary results will be available in October

	2009.
- Prosecuted	Not available
- Sentenced	Not available
Use of data	Reports are available to public. They are used by the authorities and civil society in the prevention of racism and hate crime.
Availability of data	
- Public	Yes (http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/pages/A6E0FC04738AA285C22573B5003EDBD6?opendocument)
- Only upon request	No
- Restricted to authorities	No

Participating State	FRANCE
Are data collected?	Yes
Authorities responsible for data collection	Ministry of Justice
Bias motivation determined by	Prosecution Court
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Citizenship Sexual orientation Disability Sex/gender Political conviction, state of health <u>Specific categories:</u> Anti-Semitic crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	Ministry of Justice
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	-
- Vandalism	Ministry of Justice
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	3,960
- Sentenced	Not yet available
Use of data	Data are used for the development of reports submitted to international organizations.
Availability of data	-
- Public	No
- Only upon request	Yes
- Restricted to authorities	-

Participating State	GEORGIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry (Information and Analytical Department of the Ministry of Internal Affairs) Prosecutors Office (Central Administration of Prosecutor's of the Ministry of Justice) Statistical office (Statistical Department of the Ministry of Economic Development) Supreme Court

	(Statistical Department of the Supreme Court)
Bias motivation determined by	Victim Law enforcement officer Offender Court Any person, any state body or self government mass media, state authority
Victim groups recorded based on	Race/colour Religion Disability
Multiple bias	Yes
Classification by type of crimes	
- Homicide	Interior Ministry Prosecutor's Office Statistical Office
- Physical assault	<i>Ibid.</i>
- Damage to property	
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	-
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	2
- Prosecuted	0
- Sentenced	N/A
Use of data	
Availability of data	
- Public	Yes The publication includes data on the most frequent crimes (murder, thief, robbery, drug trafficking, etc.). Other data are available upon request. (www.police.ge , www.psg.gov.ge , www.supremecourt.ge/default.aspx?sec_id=129&lang=1)
- Only upon request	Yes
- Restricted to authorities	Yes Personal data regarding the victim, accused and/or offender and data about the crime are withheld from the public.

Participating State	GERMANY
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency/police (State security agencies of the local police, Land Criminal Police Offices, Federal Criminal Police Office)
Bias motivation determined by	Law enforcement officer Court Prosecution
Victim groups recorded based on	Race/colour Xenophobia Ethnicity/national origin/national minority Citizenship Language Religion Sexual orientation Transgender Disability Appearance, social status <u>Specific categories:</u>

	Anti-Semitic crimes
Multiple bias	Yes
Classification by type of crimes	
- Homicide	Law enforcement agency/police
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	Not yet available
- Prosecuted	Not yet available
- Sentenced	Not yet available
Use of data	The data are analyzed to determine police approaches to combating hate crimes. It is also used for an assessment of the security situation.
Availability of data	
- Public	Yes (http://www.bmi.bund.de/cln_145/SharedDocs/Pressemitteilungen/DE/2008/04/entwicklung_politisch_motivierte_kriminalitaet.html)
- Only upon request	Yes Information can be made public within the framework of responses of the government to parliamentary questions.
- Restricted to authorities	Yes Personal data regarding the victim, accused and/or offender are withheld from the public.

Participating State	GREECE
Are data collected?	Yes
Authorities responsible for data collection	Prosecutor's Office Ministry of Justice
Bias motivation determined by	Victim Law enforcement officer Prosecution Court
Victim groups recorded based on	-
Multiple bias	No
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	Interior Ministry Prosecutor's Office Ministry of Justice Other
Number of cases in 2008	
- Recorded by police	1
- Prosecuted	1
- Sentenced	-
Use of data	-
Availability of data	
- Public	Yes

- Only upon request	No
- Restricted to authorities	No

Participating State	HOLY SEE
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	HUNGARY
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement Agency/Police Prosecutors Office Ministry of Justice
Bias motivation determined by	Victim Offender Prosecution
Victim groups recorded based on	Citizenship Sex/gender Age
Multiple bias	No
Classification by type of crimes	No
Number of cases in 2008	
- Recorded by police	17
- Prosecuted	-
- Sentenced	6
Number of cases in 2008	-
Use of data	-
Availability of data	
- Public	Yes. (www.crimesstat.b-m.hu)
- Only upon request	No
- Restricted to authorities	No

Participating State	ICELAND
Are data collected?	Yes
Authorities responsible for data collection	The National Police Commissioner of Iceland
Bias motivation determined by	Law enforcement officer
Victim groups recorded based on	Race/Colour Ethnicity/National Origin/National Minority Religion Sexual Orientation

Multiple bias	No
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	The National Police Commissioner of Iceland
- Vandalism	-
- Verbal assault/threats/insults	The National Police Commissioner of Iceland
- Incitement to hatred	The National Police Commissioner of Iceland
Number of cases in 2008	3
- Recorded by police	3
- Prosecuted	0
- Sentenced	0
Use of data	Data are shared with the public.
Availability of data	
- Public	Yes
- Only upon request	No
- Restricted to authorities	No

Participating State	IRELAND
Are data collected?	Yes
Authorities responsible for data collection	Law Enforcement Agency/Police Statistical Office National Consultative Committee on Racism and Interculturalism (NCCRI)
Bias motivation determined by	Victim Law enforcement officer Offender Prosecution Any other person
Victim groups recorded based on	Race/Colour Ethnicity/National Origin/National Minority Citizenship Religion Sexual orientation
Multiple bias	No
Classification by type of crimes	
- Homicide	Law Enforcement Agency/Police
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	170 cases were reported to the police. Upon investigation, 95 cases were identified and recorded as hate crimes.
- Prosecuted	In 45 cases proceedings were initiated.
- Sentenced	3 convictions
Use of data	Data are shared with various governmental departments and agencies.
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	Yes. Personal data regarding the victim, accused and/or offender are withheld from the public.

Participating State	ITALY
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Are data collected?	Yes
Authorities responsible for data collection	Law enforcement/police (General Command of the Carabinieri, Office of Organized Crime Department for Public Security, General Directorate of Preventive Policing)
Bias motivation determined by	Law enforcement officer
Victim groups recorded based on	Race/colour Ethnicity/National Origin/Minority Religion <u>Specific categories:</u> Anti-Semitism
Multiple bias	No
Classification by type of crimes	
- Homicide	Law enforcement/police
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	Law enforcement/police
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	112
- Prosecuted	N/A
- Sentenced	N/A
Use of data	-
Availability of data	-
- Public	No
- Only upon request	Yes
- Restricted to authorities	-

Participating State	KAZAKHSTAN
Are data collected?	Yes
Authorities responsible for data collection	Ministry of Internal Affairs National Security Committee General Prosecutor's Office Agency on Fighting Economic Crimes and Crimes relating to Corruption
Bias motivation determined by	Victim Law enforcement officer Offender Court
Victim groups recorded based on	Ethnicity/National Origin/National Minority Religion
Multiple bias	No
Classification by type of crimes	-
- Homicide	Yes
- Physical assault	Yes
- Damage to property	Yes
- Desecration of graves	No
- Attacks on places of worship	No
- Vandalism	No
- Verbal assault/threats/insults	Yes
- Incitement to hatred	Yes
Number of cases in 2008	
- Recorded by police	38 offences
- Prosecuted	-
- Sentenced	-
Use of data	Data are submitted to executive and legislative bodies and other state agencies/organizations

	upon request.
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	No

Participating State	KYRGYZSTAN
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry
Bias motivation determined by	Victim Law enforcement officer Offender
Victim groups recorded based on	Religion
Multiple bias	-
Classification by type of crimes	
- Homicide	Interior Ministry
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	93
- Prosecuted	-
- Sentenced	-
Use of data	Statistical data regarding hate crimes are presented to the presidential administration, the government and the parliament.
Availability of data	
- Public	No
- Only upon request	No
- Restricted to authorities	Yes

Participating State	LATVIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law Enforcement Agency/Police (Latvian Security Police) Ministry of Justice (Courts Administration Department, Section of Statistics and Analysis)
Bias motivation determined by	Victim Law enforcement officer Offender
Victim groups recorded based on	Race/Colour Ethnicity/National Origin/National Minority Citizenship Religion Age <u>Specific category:</u> Anti-Roma crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	Ministry of Justice
- Physical assault	Ministry of Justice Law Enforcement Agency/Police
- Damage to property	Ministry of Justice
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>

- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	Ministry of Justice Law Enforcement Agency/Police
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	17
- Prosecuted	9
- Sentenced	N/A
Use of data	The Latvian Security Police provide data about hate crime patterns to Latvian non-governmental organizations. The Latvian Security Police also provide data to the Inter-Ministerial Working Group charged with drafting the National Report on the International Convention on the Elimination of all Forms of Racial Discrimination.
Availability of data	
- Public	Yes
- Only upon request	No
- Restricted to authorities	Yes. Operational data regarding radically oriented organizations are not publicly available.

Participating State	LIECHTENSTEIN
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency Liechtenstein National Police
Bias motivation determined by	Victim Law enforcement officer Offender
Victim groups recorded based on	Race/Colour Ethnicity/National Origin/National Minority Sexual Orientation Sex/Gender <u>Specific categories:</u> Anti-Semitic Crimes Anti-Muslim Crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	Liechtenstein National Police
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	3 (one physical assault, one case of damage to property, one verbal assault)
- Prosecuted	-
- Sentenced	-
Use of data	Data are submitted to the Interior Ministry.
Availability of data	
- Public	Yes As part of crime statistics, offences against the ant-racism section (§283 penal code) (http://www.llv.li/amtsstellen/llv-rkamtsgeschaefte-rechenschaftsbericht/llv-rk-amtsgeschaefte-2007.htm)
- Only upon request	No

- Restricted to authorities	No
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Participating State	LITHUANIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry (IT and Communications Department) Law Enforcement Agency/Police Prosecutors Office (General Office) Court
Bias motivation determined by	Victim Law enforcement officer
Victim groups recorded based on	Ethnicity/National Origin/National Minority Sex/Gender Age Citizenship
Multiple bias	No
Classification by type of crimes	
- Homicide	Interior Ministry Intelligence Agency Prosecutor's Office
- Physical assault	<i>ibid.</i>
- Damage to property	<i>ibid.</i>
- Desecration of graves	<i>ibid.</i>
- Attacks on places of worship	<i>ibid.</i>
- Vandalism	<i>ibid.</i>
- Verbal assault/threats/insults	<i>ibid.</i>
- Incitement to hatred	<i>ibid.</i>
Number of cases in 2008	
- Recorded by police	103 - commenced pre-trial investigations
- Prosecuted	28 - referred to the courts
- Sentenced	24
Use of data	Data are used to make decisions about amendments to legislation and the improvement of law enforcement activities.
Availability of data	
- Public	Yes Data are published monthly as part of crime statistics. (http://www.vrm.lt/fileadmin/Image_Archive/IRD/Statistika/index2.phtml?id=198).
- Only upon request	Yes Some disaggregated data on victim groups (for example by national origin, citizenship, etc.) are available only upon request.
- Restricted to authorities	No

Participating State	LUXEMBOURG
Are data collected?	No
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-

- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	THE FORMER YUGOSLAV REPUBLIC of MACEDONIA
Are data collected?	No
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded	-
Multiple bias	-
Classification by types of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks against places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
The number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	MALTA
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	MOLDOVA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry (Information Centre) Prosecutor's Office (Department of Organization and Inspection) The National Bureau of Statistics
Bias motivation determined by	Victim Offender
Victim groups recorded based on	Race/Colour Ethnicity/National Origin/National Minority Citizenship Language Religion Disability Sex/Gender <u>Specific categories:</u> Anti-Semitic Crimes Anti-Muslim Crimes Anti-Christian Crimes
Multiple bias	Yes
Classification by type of crimes	
- Homicide	Ministry of Internal Affairs Prosecutor's Office
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	-
- Vandalism	Ministry of Internal Affairs Prosecutors Office
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	2
- Prosecuted	0
- Sentenced	0
Use of data	Data are communicated to non-governmental organizations during public meetings.
Availability of data	
- Public	No
- Only upon request	Yes
- Restricted to authorities	No

Participating State	MONACO
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-

- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	MONTENEGRO
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	NETHERLANDS
Are data collected?	Yes
Authorities responsible for data collection	Prosecutors Office (National Expertise Centre on Discrimination of the Office of the Public Prosecutor – LECD-OM) Law enforcement/Police (National Expertise Centre on Diversity of the Police Academy – LECD Police) NGO Hotline Discrimination on the Internet (MDI)
Bias motivation determined by	Prosecution Court
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Religion Sexual orientation Disability Sex/gender <u>Specific categories:</u> Anti-Semitic Crimes Anti-Roma Crimes Anti-Muslim Crimes Anti-Christian Crimes
Multiple bias	Yes
Classification by type of crimes	
- Homicide	Prosecutors Office Law enforcement/police
- Physical assault	Prosecutors Office

	Law enforcement/police
- Damage to property	Prosecutors Office Law enforcement/police
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	Prosecutors Office Law enforcement/police
- Verbal assault/threats/insults	Prosecutors Office Law enforcement/police
- Incitement to hatred	Prosecutors Office Law enforcement/police
Number of cases in 2008	
- Recorded by police	N/A
- Prosecuted	Not yet available.
- Sentenced	Not yet available.
Use of data	The report is intended to provide an overview to Public Prosecutors Office, Ministry of Justice and police. It is shared with some NGOs.
Availability of data	
- Public	No
- Only upon request	Yes
- Restricted to authorities	No

Participating State	NORWAY
Are data collected?	Yes
Authorities responsible for data collection	Law Enforcement Agency/Police
Bias motivation determined by	Victim Law enforcement officer
Victim groups recorded based on	Race/Colour Ethnicity/national origin/national minority Religion Sexual Orientation
Multiple bias	No
Classification by type of crimes	
- Homicide	Law Enforcement Agency
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	No data available for 2008
- Prosecuted	No data available for 2008
- Sentenced	No data available for 2008
Use of data	The data are published and available to the public.
Availability of data	
- Public	Yes. Available at: (http://www.politi.no/pls/idesk/docs/f1127600376/hatkriminalitetinorge2007.pdf) (http://www.politi.no/pls/idesk/docs/f1253971624/hatkriminalitetioslo2007-januar2009)
- Only upon request	-
- Restricted to authorities	No

Participating State	POLAND
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry and Administration; Department of Control, Complaints and Petitions (Monitoring Team on Racism and Xenophobia) Law Enforcement Agency/Police (Advisors on Human Rights) Intelligence Agency Prosecutors Office Ministry of Justice; (Statistics Division)
Bias motivation determined by	Victim Law enforcement officer Offender Prosecution Other Private person, Government
Victim groups recorded based on	Race/Colour Ethnicity/national original/national minority Religion Sexual Orientation Other (religious indifference, political affiliation, different perspective on life) <u>Specific categories:</u> Anti-Semitic Crimes Anti-Roma Crimes Anti-Muslim Crimes Anti-Christian Crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	Interior Ministry Law Enforcement Agency Prosecutor's Office
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	222
- Prosecuted	98
- Sentenced	14
Use of data	Data are shared with other institutions, are utilized in law enforcement training materials, and are used to inform future strategies regarding crime prevention.
Availability of data	
- Public	Yes Offences against Freedom of Conscience and Religion Articles 194-195 of the Penal Code, http://www.policja.pl/portal.php?serwis=pol&dzial=22 Offences against Public Order, Articles 256 and 257 of the Penal Code http://www.policja.pl/portal.php?serwis=pol&dzial=31 State prosecutor's statistics on hate crimes http://www.pk.gov.pl/index.php?cat=7

- Only upon request	Yes
- Restricted to authorities	Yes. Personal data regarding the victim, accused and/or offender and data about the incident are withheld from the public.

Participating State	PORTUGAL
Are data collected?	No
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	ROMANIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law enforcement agency / police (subordinated to the Ministry of Administration and Interior) Prosecutors Office Other (The Superior Council of Magistracy)
Bias motivation determined by	Law enforcement officer Prosecutor Court
Victim groups recorded based on	-
Multiple bias	No
Classification by type of crimes	
- Homicide	Prosecutors Office The Superior Council of Magistracy
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	Prosecutors Office The Superior Council of Magistracy
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	59
- Prosecuted	21 cases solved under Art. 317 of the Criminal Code 6 cases solved under Government Emergency Decree No. 31/2002

- Sentenced	5 cases related to Art. 247 of the Criminal Code.
Use of data	The Prosecutor's Office data are available to the public.
Availability of data	
- Public	Yes
- Only upon request	No
- Restricted to authorities	No

Participating State	RUSSIAN FEDERATION
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Prosecutors Office Statistical office
Bias motivation determined by	Prosecution Court
Victim groups recorded based on	Citizenship Religion <u>Specific categories:</u> Anti-Jewish crimes Anti-Islamic (Muslim) crimes Anti-Protestant crimes Anti-Catholic crimes Other
Multiple bias	No
Classification by type of crimes	
- Homicide	Interior Ministry Prosecutor's Office
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	
Number of cases in 2008	
- Recorded by police	460
- Prosecuted	-
- Sentenced	-
Use of data	
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	No

Participating State	SAN MARINO
Are data collected?	No questionnaire returned.
Authorities responsible for data collection	-
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	

- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	SERBIA
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law enforcement agency/police Intelligence Agency Prosecutors Office Ministry of Justice NGO Fund for Human Rights
Bias motivation determined by	Victim Law enforcement officer NGO for protection of human rights
Victim groups recorded based on	Race/colour Ethnicity/national origin/ national minority Religion Sexual Orientation Sex/gender Minorities <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Christian crimes Anti-Roma crimes
Multiple bias	-
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	81
- Prosecuted	69
- Sentenced	15
Use of data	Data are shared with NGOs.
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	Yes

Participating State	SLOVAK REPUBLIC
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Prosecutors Office Ministry of Justice NGOs
Bias motivation determined by	Victim Offender
Victim groups recorded based on	Race/Colour Ethnicity/national origin/national minority Language

	Religion
Multiple bias	Yes
Classification by type of crimes	
- Homicide	Interior Ministry
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	-
- Verbal assault/threats/insults	Interior Ministry
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	213
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	Yes
- Only upon request	Yes
- Restricted to authorities	Yes Personal identification number, national origin of victims and offenders.

Participating State	SLOVENIA
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency / Police Ministry of Justice
Bias motivation determined by	Law enforcement officer Offender
Victim groups recorded based on	Ethnicity/national origin/national minority Citizenship Sex/gender
Multiple bias	Yes
Classification by type of crimes	
- Homicide	Law Enforcement Agency
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	41
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	Yes. Police annual and semi-annual reports (http://www.policija.si/portal_en/statistika/index.php)
- Only upon request	Yes
- Restricted to authorities	Yes Personal data regarding the victim, accused and/or offender and data about the incident are withheld from the public.

Participating State	SPAIN
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency /Police (National Police Intelligence Department) Intelligence agency (Civil Guard Intelligence Department)
Bias motivation determined by	Victim Law enforcement officer Offender
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Citizenship Religion Sexual orientation <u>Specific categories:</u> Anti-Semitic crimes
Multiple bias	Yes
Classification by type of crimes	
- Homicide	-
- Physical assault	Law enforcement agency
- Damage to property	<i>Ibid.</i>
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	Law enforcement agency
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	98 cases of physical assault 4 cases of damage to property 105 cases of verbal assault
- Prosecuted	246
- Sentenced	
Use of data	Data are used for intelligence gathering and statistical purposes.
Availability of data	
- Public	No
- Only upon request	Yes
- Restricted to authorities	Yes

Participating State	SWEDEN
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency / Police Prosecutors office Specialized body (National Council for Crime Prevention)
Bias motivation determined by	Victim Law enforcement officer Offender Other
Victim groups recorded based on	Race/ Colour Ethnicity/national origin/national minority Religion Sexual Orientation Transgender <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Roma crimes Crimes against Afro-Swedes
Multiple bias	No

Classification by type of crimes	
- Homicide	National Council for Crime Prevention
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	National Council for Crime Prevention
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	National Council for Crime Prevention Prosecutor's Office
Number of cases in 2008	
- Recorded by police	5,895 Breakdown: 4,224 – xenophobia/racism; 602 – religion; 1,055 –sexual orientation; 14 –transgender
- Prosecuted	<i>Ibid.</i>
- Sentenced	-
Use of data	
Availability of data	
- Public	Yes The National Council for Crime Prevention Report Hate Crimes 2008 (2009:10). <i>In Swedish</i> . http://www.bra.se/extra/measurepoint/?module_instance=4&name=2009_10_Hatbrott_2008_webb.pdf&url=/dynamaster/file_archive/090703/7c936e639f5175b5b0f71fc23238552c/2009%255f10%255fHatbrott%255f2008%255fwebb.pdf Technical report (2009:11). Hate Crimes. <i>In Swedish</i> . http://www.bra.se/extra/measurepoint/?module_instance=4&name=2009_11_Hatbrott_2008_teknisk_rapport.pdf&url=/dynamaster/file_archive/090818/80fe29badf9fbaf5354b0e3a8d4c431b/2009%255f11%255fHatbrott%255f2008%255fteknisk%255frapport.pdf English summary of report Hate Crimes 2008 (2009:10) will be published on the web: http://www.bra.se/extra/pod/?action=pod_show&id=6&module_instance=11
- Only upon request	Yes
- Restricted to authorities	No

Participating State	SWITZERLAND
Are data collected?	Yes
Authorities responsible for data collection	Law enforcement agency Other (Federal Commission against Racism)
Bias motivation determined by	Court
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Religion Other Roma/Travellers Foreigners, Asylum Seekers, Members of the Majority Group/Whites

	<u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Roma crimes
Multiple bias	Yes
Classification by type of crimes	
- Homicide	
- Physical assault	Federal Commission against Racism
- Damage to property	
- Desecration of graves	
- Attacks on places of worship	
- Vandalism	
- Verbal assault/threats/insults	Federal Commission against Racism
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	
- Prosecuted	
- Sentenced	Incomplete data 27 verdicts
Use of data	Data are available to public.
Availability of data	
- Public	Yes Website of the Commission Against Racism (http://www.ekr.admin.ch/) Website of the Service for Combating Racism: (http://www.edi.admin.ch/frb/index.html?lang=en)
- Only upon request	-
- Restricted to authorities	-

Participating State	TAJIKISTAN
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Prosecutors' Office Ministry of Justice Council of Justice Drugs Control Agency Supreme Court of the Republic of Tajikistan Agency for State Finance Control and the Fight against Corruption National Safety Committee
Bias motivation determined by	Offender
Victim groups recorded based on	Race/colour Ethnicity/national origin/national minority Religion Sex/gender Specific categories: Anti-Muslim Crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	No agency specified.
- Physical assault	<i>Ibid.</i>
- Damage to property	-
- Desecration of graves	No agency specified.
- Attacks on places of worship	-
- Vandalism	No agency specified.
- Verbal assault/threats/insults	-
- Incitement to hatred	No agency specified.
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-

- Sentenced	1
Use of data	Data are presented to the Statistics Office.
Availability of data	
- Public	No
- Only upon request	No
- Restricted to authorities	Yes

Participating State	TURKEY
Are data collected?	Yes
Authorities responsible for data collection	Ministry of Justice (IT Department)
Bias motivation determined by	Offender
Victim groups recorded based on	-
Multiple bias	No
Classification by type of crimes	
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	Ministry of Justice
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	-
- Verbal assault/threats/insults	Ministry of Justice
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	258
- Sentenced	97
Use of data	-
Availability of data	
- Public	No
- Only upon request	Yes
- Restricted to authorities	No

Participating State	TURKMENISTAN
Are data collected?	Yes
Authorities responsible for data collection	Courts
Bias motivation determined by	-
Victim groups recorded based on	-
Multiple bias	
Classification by type of crimes	No Data Provided
- Homicide	-
- Physical assault	-
- Damage to property	-
- Desecration of graves	-
- Attacks on places of worship	-
- Vandalism	-
- Verbal assault/threats/insults	-
- Incitement to hatred	-
Number of cases in 2008	
- Recorded by police	-
- Prosecuted	-
- Sentenced	-
Use of data	-
Availability of data	
- Public	-
- Only upon request	-
- Restricted to authorities	-

Participating State	UKRAINE
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry Law enforcement agency/police (State Department on Sentence Execution) Statistical office (State Statistics Committee)
Bias motivation determined by	Law enforcement officer Prosecution Court
Victim groups recorded based on	Citizenship Sex/Gender Age Other
Multiple bias	No
Classification by type of crimes	
- Homicide	Interior Ministry Law enforcement Agency Statistical office
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	8 related to Art. 161 of the Criminal Code
- Prosecuted	1 related to Art. 161 of the Criminal Code
- Sentenced	1 related to Art. 161 of the Criminal Code
Use of data	Data are shared with NGOs and presented to executive and legislative bodies
Availability of data	
- Public	Yes Report by the Interior Ministry www.mvs.gov.ua/mvs/control/main/uk/publish/article
- Only upon request	No
- Restricted to authorities	No

Participating State	UNITED KINGDOM
Are data collected?	Yes
Authorities responsible for data collection	Home Office Association of Chief Police Officers Other NGO -Community Security Trust
Bias motivation determined by	Victim Other (any witnesses, civil society, police specialists, family members)
Victim groups recorded based on	Race/colour Ethnicity/national origin/minority Citizenship Language Religion Sexual orientation Transgender Disability <u>Specific categories:</u> Anti-Semitic crimes
Multiple bias	Yes
Classification by type of crimes	

- Homicide	Home Office Association of Chief Police Officers
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	46,300 (race – 39,300; sexual orientation - 4,300; religion - 1,700; disability – 800; transgender – 200). These data are collected from April 2008. Figures are rounded to nearest 100 after using the average monthly number of crimes for the missing month.
- Prosecuted	14,186 (13,008 - race/religion hate crime; 995 – homophobic hate crime; 183 – disability hate crime)
- Sentenced	-
Use of data	Data are publicly available
Availability of data	
- Public	Yes Data covering the period from April-March each year the last published versions are available at: (http://www.justice.gov.uk/publications/docs/stats-race-criminal-justicesystem-07-08-revised.pdf) Data from the Crown Prosecution Service are available at: (http://www.cps.gov.uk/publications/docs/CPS_hate_crime_report_2008.pdf)
- Only upon request	No
- Restricted to authorities	Data used for intelligence gathering.

Participating State	UNITED STATES
Are data collected?	Yes
Authorities responsible for data collection	United States Department of Justice Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division Policy, Administrative and Liaison Branch Liaison, Advisory, Training and Statistics Section Crimes Statistics Management Unit Uniform Crime Reporting Programme Hate Crime Data Collection
Bias motivation determined by	Offender
Victim groups recorded based on	Race Ethnicity/National Origin Religion Sexual Orientation Disability <u>Specific categories:</u> Anti-Semitic crimes Anti-Muslim crimes Anti-Protestant crimes Anti-Catholic crimes
Multiple bias	No
Classification by type of crimes	
- Homicide	United States Department of Justice Federal Bureau of Investigation (FBI)

	Criminal Justice Information Services Division Policy, Administrative and Liaison Branch Liaison, Advisory, Training and Statistics Section Crimes Statistics Management Unit Uniform Crime Reporting Programme Hate Crime Data Collection
- Physical assault	<i>Ibid.</i>
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	<i>Ibid.</i>
- Vandalism	<i>Ibid.</i>
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	<i>Ibid.</i>
Number of cases in 2008	
- Recorded by police	Not Available
- Prosecuted	Not Available
- Sentenced	Not Available
Use of data	Data are shared with the public
Availability of data	
- Public	Yes The Hate Crime data are published annually. (http://www.fbi.gov/ucr/ucr.htm)
- Only upon request	Yes
- Restricted to authorities	Yes Personal data regarding the victim and data about the incident are withheld from the public.

Participating State	UZBEKISTAN
Are data collected?	Yes
Authorities responsible for data collection	Interior Ministry (Information Centre, regional Directorates of Internal Affairs) Law enforcement agency/police Prosecutors Office (General Prosecutor Office) Other (National Security Service)
Bias motivation determined by	Victim Prosecution Court
Victim groups recorded based on	Race/colour Ethnicity/national origin/minority Language Religion Sex/gender
Multiple bias	No
Classification by type of crimes	
- Homicide	Prosecutor's Office
- Physical assault	Interior Ministry
- Damage to property	<i>Ibid.</i>
- Desecration of graves	<i>Ibid.</i>
- Attacks on places of worship	
- Vandalism	Interior Ministry
- Verbal assault/threats/insults	<i>Ibid.</i>
- Incitement to hatred	Intelligence Agency
Number of cases in 2008	
- Recorded by police	0
- Prosecuted	-
- Sentenced	-
Use of data	The government uses data for policy making purposes.
Availability of data	

- Public	No
- Only upon request	No
- Restricted to authorities	No

ANNEX B: Questionnaire for NPCs

INTRODUCTION

OSCE Ministerial Council Decisions commit all participating States to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism. They also mandate the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through its Tolerance and Non-Discrimination Information System and its annual report.

We kindly ask the National Points of Contact on Combating Hate Crimes to fill in this questionnaire in coordination with relevant agencies within their respective governments. All responses should be sent by Friday, 13 March 2009 and should relate to **2008**.

The questionnaire contains six sections: data collection, legislation, notable examples of hate crimes, context of violence, initiatives and miscellaneous. Please note that the information provided in this questionnaire will form the basis of the ODIHR's annual report on hate crimes.

Please indicate in your response, if any submitted information should not be made publicly available.

How to fill in the questionnaire?

- We encourage you to fill in the questionnaire electronically in English or Russian.
- For yes/no questions and questions in which you need to check boxes, please use the X sign to indicate your answer.
- Please also use the text boxes provided for your answers and use as much space as you need for your responses. The boxes will expand as you type in your responses.
- Wherever applicable, please provide website links to referenced information.
- If such information is not available on the Internet, please provide the information in electronic form by sending an email to tdinfo@odihhr.pl indicating "HC report 2008_ NAME OF YOUR COUNTRY" in the subject line.
- If it is not possible to provide website links or electronic versions of the information, please send a hard copy to Ms. Azra Junuzovic, ODIHR, Aleje Ujazdowskie 19, 00-557 Warsaw, Poland.
- Please use Section VI ("Miscellaneous") to provide any additional clarification and information regarding your country which is not mentioned in the questionnaire and is hate crime-related (for example, longitudinal surveys or country-specific issues not already mentioned in the questionnaire, etc.)

The electronic copy of the completed questionnaire should be sent to tdinfo@odihhr.pl indicating "HC report 2008_ NAME OF YOUR COUNTRY" in the subject line. The completed questionnaire should be sent **NO LATER THAN 13 March 2009**. Countries, who will have additional information available at a later date (for example, statistics, etc.) can submit this information until the end of July 2009.

Timeline:

Date	Action
January -13 March 2009	Submission of information
July	Call for comments/feedback on the Initial Draft
September	Presentation of the Final Draft at the Human Dimension Implementation Meeting

Additional clarifications:

- Please contact Ms. Azra Junuzovic, Hate Crime Reporting Officer at +48 22 5200 769 or at tdinfo@odihhr.pl.

The ODIHR Working Definition of Hate Crime

A) any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence is selected because of a real or perceived connection, attachment, affiliation, support, or membership of a group as defined in part B.

B) A group may be based upon a characteristic common to its members, such as real or perceived "race", national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.

The working definition acknowledges the differences in legislation and data collected across the OSCE region and thus allows each state to amend the definition as it sees fit.

SECTION I. HATE CRIME DATA COLLECTION:

1. Does your government collect any data on hate crimes?

YES

NO

If no, please move to Section II.

1. a. Who collects data on hate crimes? *(Please check all boxes that apply).*

Ministry of Interior

Ministry of Justice

Law enforcement agency/police

Specialized body

Intelligence agency

Statistical office

Prosecutors Office

Other (please specify)

Please use this box to provide the full name(s) of all institution(s) and specific department(s) dealing with collection of data on hate crimes.

2. Whose perception or description of bias motivation is recorded when collecting data? *(Please check all boxes that apply).*

Victim's

Prosecution's

Law enforcement officer's

Court's

Offender's

Other (please specify)

3. Please provide website links or copies of the forms used by different agencies for hate crimes data collection.

Link 1 _____

Link 2 _____

4. Please indicate the victim groups recorded in hate crimes statistics. *(Please check all boxes that apply).*

General categories:

race/colour

transgender

ethnicity/national origin/national minority

disability

citizenship

sex/gender

language

other (please specify)

religion

sexual orientation

Specific categories:

anti-Semitic crimes

anti-Roma crimes

anti-Muslim crimes

other (please specify)

anti-Christian crimes

Please elaborate or provide relevant documents.

4. a. Are the above categories further disaggregated (for example by bias motivation, etc.)?

YES NO

If no, please move to question 4.b.
If yes, please elaborate or provide relevant documents.

4. b. Does your government record multiple biases in hate crimes (for example, attacks on persons based on their religion and ethnicity)?

YES NO

If no, please move to question 5.
If yes, please describe any guidelines addressing multiple biases.

5. Is data classified according to the type of crimes?

YES NO

If no, please move to question 6.

5. a. If yes, please check all boxes that apply.

Types of crimes	Ministry of Interior	Law enforcement agency	Intelligence agency	Prosecutors Office
homicide				
physical assault				
damage to property				
desecration of graves				
attacks against places of worship				
vandalism				
verbal assault/threats/insults				
incitement to hatred				
other (please describe below)				
Types of crimes	Ministry of Justice	Specialized body	Statistical office	Other (please specify)
homicide				
physical assault				
damage to property				
desecration of graves				
attacks against places of worship				
vandalism				
verbal assault/threats/insults				
incitement to hatred				
other (please describe below)				

Please describe any other categories used to classify types of crimes.

6. Please indicate how many cases of hate crimes were recorded by police and court authorities.

	2008	2007
Number of cases recorded by police		
Number of cases prosecuted		
Number of cases in which perpetrators were sentenced		

If available, please specify which section of the Criminal Code the numbers of cases refer to.

7. Do you have any comparative tables on the number of hate crimes for any time-period from 2000 to 2007?

YES NO

If no, please move to question 8.
If yes, please provide relevant documents.

8. Please describe how the data/reports are used by the government (for example, shared with NGOs, presented to specific executive/legislative bodies).

9. Is there a difference in the type of data collected by different bodies (for example, between the Ministry of Interior and other governmental/specialized bodies)?

YES NO

If no, please move to question 10.
If yes, please describe how you deal with it.

10. Is the data made available to the public?

YES NO

If no, please move to question 11.
If yes, please indicate when data are usually published and the frequency of such publications (annual, biannual, etc.). Please also provide a website link or a copy of any relevant publication indicating a section on hate crimes data collection.

10. a. Please indicate the periods for which data is published.

from _____ (month/year) to _____ (month/year).

11. Is there any data which are available only upon request?

YES NO

If no, please move to question 12.
If yes, please indicate when data are usually published and the frequency of such reports (annual, biannual, etc.). Please also provide any other relevant information.

12. Is there any data on hate crimes which is not publicly available?

YES NO

If no, please move to question 13.
If yes, please explain.

12. a. What types of data is withheld from the public?

12. b. Which authorities collect this data?

12. c. What is this data used for (for example, intelligence gathering, assessment of security situation, policy formulation)?

13. Do you conduct crime victimization surveys with questions on hate crimes?

YES NO

If no, please move to Section II.
If yes, please indicate when data are usually published and the frequency of such publications (annual, biannual, etc.). Please also provide a website link or a copy of any relevant publication.

14. Please provide the text of any legislation that requires data collection on hate crimes.

SECTION II. LEGISLATION

Please provide the text of legislation in English as well as in the original language.

1. The ODIHR collects information regarding participating States' hate crimes legislation. The information is available on www.legislationline.org. Is this information complete and accurate?

YES NO

If yes, please move to question 2.
If no, please provide the following:

- the **exact text** (rather than summaries or descriptions) of any legislation contained in the criminal code, criminal procedure code, or other criminal law, governmental decrees, or other administrative orders addressing hate crimes,
- the details of **when** the law was **passed** or **amended**,
- the details of **official gazette number** or other **legal source** for citation purposes.

IMPORTANT NOTE: You do not need to provide information on civil law provisions such as general anti-discrimination laws or legislation on genocide and other international crimes.

2. Does your state have criminal laws which prohibit **hate speech** (including on the Internet), for example, speech which advocates or incites racial, national, ethnic, religious hatred or conflict, or which criminalises denial of genocide or the Holocaust, or which justifies or glorifies violence against any particular group of persons?

YES

NO

If no, please move to question 3.
If yes, please provide the text.

3. What policies, instructions or definitions exist to guide responses to hate crimes from criminal justice professionals and judiciary (for example, guidelines for prosecutors)?

Please elaborate or provide relevant documents.

SECTION III. NOTABLE EXAMPLES OF HATE CRIMES

1. The ODIHR collects information on reported hate crimes and government responses to describe the extent of hate crimes and responses to them. The ODIHR compiles information on:

- racist and xenophobic crimes (including against Roma and Sinti and also migrants, national and visible minorities, refugees and asylum seekers);
- anti-Semitic crimes;
- crimes based on intolerance and discrimination against Muslims;
- crimes related to intolerance and discrimination against Christians and members of other religions;
- crimes against lesbian, gay, bisexual and transgender persons,
- information on crimes committed against other vulnerable groups as indicated in Section I.4.

Please provide an overview of trends as well as specific examples from 2008 to illustrate these trends. In the examples, please indicate the following:

- location of the crime,
- date,
- brief description, including reported bias motivation and number and characteristics of victims,
- information on the government response (for example, police response, investigation, prosecution response, outcome of trial),
- information on the public response (for example, national debate or demonstration which occurred as a public reaction to the crime),
- media coverage.

SECTION IV. CONTEXT OF VIOLENCE

1. The ODIHR also collects information on the role that political campaigns and speeches and the Internet play in provoking hostility, prejudice, and violence across the OSCE region. The ODIHR focuses on:

- political speech (for example, hate-motivated, racist statements by political representatives such as members of the parliaments, mayors, etc.),

- incitement to hatred on the Internet,
- Holocaust denial.

Please provide an overview of trends in this area as well as specific examples from 2008 to illustrate these trends. In the examples, please indicate the following:

- brief description of the incident, including date and location where relevant,
- information on government response (for example, condemnation of the statement, shutting down of the right-wing Internet website),
- information on public response (for example, national debate which occurred as a public reaction),
- media coverage, if any.

SECTION V. INITIATIVES

The ODIHR also compiles information about measures to combat hate crimes and to promote mutual respect and understanding.

1. A section with compiled practices & initiatives can be found on the relevant country page on TANDIS (<http://tandis.odihhr.pl>). Is this information updated and accurate?

YES

NO

If yes, please move to Section VI.

If no, please provide additional information about initiatives undertaken to combat hate crimes in the following categories:

- *Strengthening data collection*
- Increasing reporting of hate crimes/community confidence
- *Strengthening the response of law enforcement and prosecutors*
- Training for criminal justice system
- Victim support
- Education/prevention/awareness-raising initiatives
- Community/attitudinal surveys
- National Action Plans
- Combating racism in sports
- Addressing incitement of hatred on the internet
- Other (please specify) _____

Please use the box below *OR submit information by using the online form on TANDIS* (<http://tandis.odihhr.pl/index.php?p=sub,pi>) indicating the following details in your description of the initiative:

- title of the initiative,
- category (please select from above),
- implementation level (local, regional or national level),
- initiator of the initiative (for example, government, non-governmental organization, specialized body), including the full name of the initiator,
- impact of the initiative,
- brief summary of the initiative.

Please also submit website links to or copies of any reports about the initiative.

IMPORTANT NOTE: If the reports are not available in English or Russian, you may submit the text in the original language with a short description.

SECTION VI. MISCELLANEOUS

Please provide any other information in the area of combating hate crimes which relates to 2008 and is relevant to your country.

CHECKLIST: List of documents to be provided:

- Website links or copies of the forms different agencies used by hate crimes data collection (question I. 3)
- Relevant documents indicating victim groups recorded in hate crime statistics (question I. 4)
- Documents indicating categories used to disaggregate hate crime data (question I.4.a)
- Guidelines addressing recording of multiple biases in recording hate crimes (question I.4.b)
- Comparative tables on the number of hate crimes for any time-period from 2000-2007 (question I.7)
- Website links or copies of any relevant publications indicating a section on hate crimes data collection (question I.10)
- Website links or copies of any relevant crime victimization surveys (question I.13)
- If needed, the text of any legislation contained in the criminal code, criminal procedure code, or other criminal law, governmental decrees, or other administrative orders addressing hate crimes, indicating the details of when the law was passed or amended and the details of official gazette number or other legal source (question II.1)
- If applicable for your country, the text of criminal laws prohibiting hate speech, including on the Internet (question II.2)
- Relevant documents describing policies or instructions which guide responses to hate crimes from criminal justice professionals and judiciary (question II.4)
- Overview of trends and specific examples of hate crimes in 2008 (question III.1)
- Overview of trends related to the context of violence (question IV.1)
- If needed, information practical initiatives undertaken to combat hate crimes (question V.1)
- Any other information in the area of combating hate crimes which relates to 2008 and is relevant to your country (question VI)

Submitted by: _____

Date: _____

ANNEX C: List of NPCs

Country	Organization
Albania	Interior Ministry, General Department of State Police
Andorra	Ministry of Foreign Affairs, Culture and Co-operation
Armenia	Ministry of Foreign Affairs
Austria	Austria Federal Chancellery
	Federal Ministry for European and International Affairs
	Federal Interior Ministry, Federal Agency for State Protection and Counter Terrorism
Azerbaijan	General Prosecutor's Office
Belarus	Ministry of Foreign Affairs
Belgium	Centre for Equal Opportunities and Opposition to Racism
Bosnia and Herzegovina	Ministry of Security
Bulgaria	Commission for Protection against Discrimination
Canada	Canadian Centre for Justice Statistics
	Department of Justice, Strategic Initiatives Unit
Croatia	Government of Croatia, Office for Human Rights
	Ministry of Foreign Affairs and European Integration
Cyprus	Cyprus Police, Office for Combating Discrimination
	Ministry of Justice and Public Order
Czech Republic	Interministerial Commission for Combating Extremism, Racism and Xenophobia
	Ministry of the Interior, Security Policy Department
Denmark	Ministry of Justice, Law Department, Criminal Law Division
Estonia	Ministry of Justice, Criminal Policies Department
Finland	Interior Ministry
France	Ministry of Justice
Georgia	Ministry of Justice
Germany	Federal Interior Ministry
Greece	Ministry of Justice
Holy See	Pontifical Council for Justice and Peace
Hungary	Ministry of Foreign Affairs
Iceland	National Commissioner of Police
Ireland	National Consultative Committee on Racism and Interculturalism
Italy	Interior Ministry
Kazakhstan	General Prosecutor's Office, Committee on Law, Statistics and Special Registrations

Kyrgyzstan	-
Latvia	Ombudsman Office of the Republic of Latvia
	Secretariat of the Special Assignments Minister for Social Integration
Liechtenstein	Liechtenstein National Police
Lithuania	Ministry of Foreign Affairs
	Interior Ministry, Public Safety Department
Luxembourg	Government Commission for Foreigners
	International Networks for Studies in Technology, Environment, Alternatives, Development
Malta	General Police Headquarters Prosecutions Unit
Moldova	General Prosecutor's Department of the Republic of Moldova
Monaco	Department of Legal Services
	Department of the Interior
Montenegro	Montenegro Ministry of Justice
Netherlands	Ministry of Justice
Norway	Ministry of Justice and the Police
Poland	Interior Ministry and Administration, Department of Control, Complaints and Petitions
Portugal	Documentation and Comparative Law Office
	High Commission for Immigration and Ethnic Minorities
Romania	Ministry of Justice
Russian Federation	Ministry of Foreign Affairs
San Marino	-
Serbia	Ministry for Human and Minority Rights
Slovakia	Interior Ministry
Slovenia	Ministry of Foreign Affairs
Spain	Spain Interior Ministry
Sweden	National Council for Crime Prevention
Switzerland	Federal Commission against Racism
	Service for Combating Racism
Tajikistan	Executive Office of the President, Constitutional Rights Department
the former Yugoslav Republic of Macedonia	Ministry of Foreign Affairs
Turkey	Ministry of Justice
Turkmenistan	National Institute of Democracy and Human Rights under the President
Ukraine	Interior Ministry of Ukraine
United Kingdom	Office for Criminal Justice Reform

United States	United States Mission to the Organization for Security and Co-operation in Europe
Uzbekistan	-

ANNEX D: Selected OSCE commitments pertaining to hate-motivated incidents and crimes

Under Ministerial Council Decision No. 12/04, ODIHR is tasked to: “follow closely anti-Semitic incidents” and “incidents motivated by racism, xenophobia, or related intolerance, including against Muslims”, and to “report its findings to the Permanent Council and the Human Dimension Implementation Meeting and make these findings public”.

Ministerial Council Decision No. 13/06 tasked ODIHR to:

- “further strengthen the work of its Tolerance and Non-Discrimination Programme, in particular its assistance programmes, in order to assist participating States upon their request in implementing their commitments”;
- “further strengthen the work of the ODIHR’s Advisory Panel of Experts on Freedom of Religion or Belief in providing support and expert assistance to participating States”;
- “continue its close co-operation with other relevant inter-governmental agencies and civil society working in the field of promoting mutual respect and understanding and combating intolerance and discrimination, including through hate crime data collection”;
- “continue to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through its Tolerance and Non-Discrimination Information System and its report on Challenges and Responses to Hate- Motivated Incidents in the OSCE Region”;
- “strengthen, within existing resources, its early warning function to identify, report and raise awareness on hate-motivated incidents and trends and to provide recommendations and assistance to participating States, upon their request, in areas where more adequate responses are needed”.

These tasks were assigned to ODIHR in order to enable it to assist the participating States with the implementation of their commitments pertaining to hate-motivated incidents and responses to them. These include the commitments to:

- “clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies)” (“Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE);
- “take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-

semitism” (“Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE);

- “to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property” (“Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE);

- “recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts” (“Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE);

- “express (their) determination to combat all forms of racial and ethnic hatred, antisemitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds (“Charter of Paris for a New Europe”);

- “condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred. (“Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE”);

- “reconfirm their condemnation of all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, continue to take effective measures to this end (CSCE Budapest Document);

- “deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti (Istanbul Summit Declaration);

- “condemn[s] in strongest terms all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as hate speech and occurrences of discrimination based on religion or belief (MC 6/02);

- “condemn[s] the recent increase in acts of discrimination and violence against Muslims in the OSCE area and rejects firmly the identification of terrorism and extremism with a particular religion or culture (MC 6/02);

- “condemn publicly, at the appropriate level and in the appropriate manner, violent acts motivated by discrimination and intolerance” (MC Decision No. 4/03) and “consistently and

unequivocally [speak] out against acts and manifestations of hate, particularly in political discourse” (MC Decision 10/05);

- “Recogniz[e] the importance of legislation regarding crimes fuelled by intolerance and discrimination, and, where appropriate, seek the ODIHR’s assistance in the drafting and review of such legislation” (MC Decision No. 4/03);

- “ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies” and “to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief” (MC Decision No. 4/03);

- “promote implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (MC Decision No. 4/03);

- “Combat hate crimes which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the internet, and appropriately denounce such crimes publicly when they occur” (MC Decision No. 12/04);

- “promote, as appropriate, educational programmes for combating anti-Semitism” and to “[p]romote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups” (MC Decision No. 12/04);

- “Examine the possibility of establishing within countries appropriate bodies to promote and to combat racism, xenophobia, discrimination or related intolerance, including against Muslims, and anti-Semitism” (MC Decision No. 12/04);

- “[reject] the identification of terrorism and violent extremism with any religion or belief, culture, ethnic group, nationality or race” (MC Decision 10/05);

- “Strengthen efforts to collect and maintain reliable information and statistics on hate crimes and legislation, to report such information periodically to the ODIHR, and to make this information available to the public and to consider drawing on ODIHR assistance in this field, and in this regard, to consider nominating national points of contact on hate crimes to the ODIHR” (MC Decision 10/05);

- “Strengthen efforts to provide public officials, and in particular law enforcement officers, with appropriate training on responding to and preventing hate crimes, and in this regard, to consider setting up programmes that provide such training, and to consider drawing on ODIHR expertise in this field and to share best practices” (MC Decision 10/05);

- “Encourage public and private educational programmes that promote tolerance and non-discrimination, and raise public awareness of the existence and the unacceptability of intolerance and discrimination, and in this regard, to consider drawing on ODIHR expertise and assistance in order to develop methods and curricula for tolerance education” (MC Decision 10/05);

- “collect and maintain reliable data and statistics on hate crimes which are essential for effective policy formulation and appropriate resource allocation in countering hate motivated incidents and, in this context, also invites the participating States to facilitate the capacity development of civil society to contribute in monitoring and reporting hate motivated incidents and to assist victims of hate crimes” (MC Decision No. 13/06);
- “promote capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to bias-motivated crime, to increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for front-line officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection” (MC Decision No. 13/06);
- “facilitate the capacity development of civil society to contribute in monitoring and reporting hate-motivated incidents and to assist victims of hate crime” (MC Decision No. 13/06);
- “engage more actively in encouraging civil society’s activities through effective partnerships and strengthened dialogue and co-operation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance, including by establishing local, regional or national consultation mechanisms where appropriate” (MC Decision No. 13/06);
- “reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Jews, Muslims and members of other religions, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression” (MC Decision No. 10/07);
- “collect and maintain reliable data and statistics on hate crimes and incidents, to train relevant law enforcement officers and to strengthen co-operation with civil society” (MC Decision No. 10/07);
- “encourages the promotion of educational programmes in the participating States in order to raise awareness among youth of the value of mutual respect and understanding” (MC Decision No. 10/07);
- “calls on participating States to increase their efforts, in co-operation with civil society to counter the incitement to imminent violence and hate crimes, including through the Internet, within the framework of their national legislation, while respecting freedom of expression, and underlines at the same time that the opportunities offered by the Internet for the promotion of democracy, human rights and tolerance education should be fully exploited” (MC Decision No. 10/07);
- “calls for a strengthened commitment to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (MC Decision No. 10/07);

- “encourages participating States to share best practices in their legislation, policies and programmes that help to foster inclusive societies based on respect for cultural and religious diversity, human rights and democratic principles” (MC Decision No. 10/07);
- “encourages the establishment of national institutions or specialized bodies by the participating States which have not yet done so, to combat intolerance and discrimination as well as the development and implementation of national strategies and action plans in this field, drawing on the expertise and assistance of the relevant OSCE institutions, based on existing commitments, and the relevant international agencies, as appropriate” (MC Decision No. 10/07).

ANNEX E: List of NGOs

Austria, *Forum Gegen Antisemitismus* (Forum Against Anti-Semitism), website: <<http://www.fga-wien.at/>>;

Belarus, *TEMA Information Centre*;

Belgium, *Bureau Exécutif de Surveillance Communautaire* (Executive Committee of Community Monitoring), website: <<http://www.antisemitisme.be>>;

Belgium, *Coördinatie Comité van de Joodse Gemeenten van Antwerpen* (Co-ordination Committee of the Jewish Community of Antwerp), website: <<http://www.antisemitisme.be>>;

Canada, *B'nai Brith Canada*, website: <<http://www.bnaibrith.ca/>>;

Canada, *Canadian Arab Federation (CAF)*, website: <<http://www.caf.ca/>>;

Czech Republic, *Federace židovských obcí v České Republice (FŽO)* (Federation of Jewish Communities in the Czech Republic), website: <http://www.fzo.cz/enprf_ods.do>;

Denmark, *Ethnic Debate Forum*;

Greece, *The Central Board of Jewish Communities*, website: <http://www.kis.gr/home_en.html>;

France, *Cojep International*, website: <<http://www.cojep.com>>;

France, *Collectif Contre l'Islamophobie en France* (Collective Action against Islamophobia in France), website: <<http://www.islamophobie.net/>>;

France, *Ligue Internationale Contre le Racisme et l'Antisémitisme (LICRA)* (International League against Racism and Anti-Semitism), website: <<http://www.licra.org/>>;

France, *Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)* (Movement against Racism, anti-Semitism and for Friendship Between Peoples), website: <<http://www.mrap.fr>>;

France, *Représentatif des Institutions juives de France (CRIF)* (Representative Council of Jewish Institutions in France), website: <<http://www.crif.org/>>;

France, *SOS Homophobie*, website: <<http://www.sos-homophobie.org/>>;

Germany, *Die Amadeu Antonio Stiftung* (The Amadeu Antonio Foundation), website: <<http://www.amadeu-antonio-stiftung.de>>;

Germany, *Maneo Berlin*, website: <<http://www.maneo.de/highres/index.html>>;

Germany, *Thüringer Hilfsdienst für Opfer und Betroffene Rechtsextremer Gewalt* (Thuringia Helpline for Victims of Right-Wing Violence), website: <<http://www.opferhilfsdienst.de/cms/index.php?id=73>>;

Germany, *Die Türkische Gemeinde in der Metropolregion Nürnberg (TGMN)* (Turkish Community in the Nuremberg Metropolitan Region), website: <<http://www.tgmn.de>>;

Italy, *Fondazione Centro di Documentazione Ebraica Contemporanea CDEC onlus* (Foundation Jewish Contemporary Documentation Center – CDEC – (ONLUS), website: <<http://www.cdec.it/>>;

Latvia, *Latvijas Cilvēktiesību centrs (LCC)* (The Latvian Centre for Human Rights), website: <<http://www.humanrights.org.lv>>;

Netherlands, *Centrum Informatie en Documentatie over Israel (CIDI)* (Centre Information and Documentation on Israel), website: <<http://www.cidi.nl>>;

Netherlands, *Anne Frank Stichting* (The Anne Frank House), website: <<http://www.monitorracisme.nl>>;

Netherlands, *Gelijke Behandeling (CGB)*, (Commission for Equal Treatment), website: <<http://www.cgb.nl/index-en.php>>;

Poland, *Kampania Przeciw Homofobii* (Campaign Against Homophobia (CAH), website: <<http://www.kampania.org.pl>>;

Poland, *Nigdy Więcej* (Never Again Association), website: <<http://www.nigdywiecej.org>>;

Portugal, *ILGA Portugal*, website: <<http://www.ilga-portugal.pt/>>;

Russian Federation, *Информационно-аналитический центр «Сова»* (SOVA Center for Information and Analysis), website: <<http://sova-center.ru/>>;

Russian Federation, *Московское Бюро по правам человека (МБПР)* (The Moscow Bureau for Human Rights), website: <<http://antirasizm.ru/>>;

Serbia, *Beogradski centar za ljudska prava* (Belgrade Center for Human Rights), website: <<http://www.bgcentar.org.yu/>>;

Slovenia, *Društvo informacijski center Legebitra* (DIC Legebitra), website: <<http://www.drustvo-legebitra.si>>;

Sweden, *Romska Riksförbundet* (The National Federation of Roma People)

Sweden, *Brottsoffermyndigheten* (The Crime Victim Compensation and Support Authority), website: <<http://www.brottsoffermyndigheten.se>>;

Turkey, *The Alliance of Protestant Churches*;

Turkey, *KAOS GL Derneg* (KAOS GL Association), website: <<http://www.kaosgl.com/>>;

Ukraine, *Конгрес національних громад України* (Congress of National Minorities of Ukraine), website: <<http://www.kngu.org/>>;

United Kingdom, *British Council of Disabled People (BCODP)*, website: <<http://www.disabilityinformation.com/>>;

United Kingdom, *Capability Scotland*, website: <<http://www.capability-scotland.org.uk/>>;

United Kingdom, *The Community Security Trust*, website: <<http://www.thecst.org.uk/>>;

United Kingdom, *Forum against Islamophobia and Racism (FAIR)*, website: <<http://www.fairuk.org/>>;

United Kingdom, *Stonewall*, website: <<http://www.stonewall.org.uk/>>;

United States, *American-Arab Anti-Discrimination Committee (ADC)*, website: <<http://www.adc.org/>>;

United States, *The Asian American Legal Defence and Education Fund (AALDEF)*, website: <<http://www.aaldef.org/>>;

United States, *The Southern Poverty Law Center (SPLC)*, website: <<http://www.splcenter.org/>>;

United States, *National Coalition of Anti-Violence Programs (NCAVP)*, website: <<http://www.ncavp.org/>>;

Regional NGOs:

Open Society Justice Initiative, website: <<http://www.justiceinitiative.org/>>;

The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, website: <<http://www.tau.ac.il/Anti-Semitism/CR.htm>>;

Euro-Asian Jewish Congress, website: <http://www.eajc.org/index_e.php>;

European Jewish Congress, website: <<http://www.eurojewcong.org>>;

European Roma Rights Centre, website: <http://www.errc.org/English_index.php>;

FIDH – International Federation for Human Rights, website: <<http://www.fidh.org>>;

Anti-Defamation League (ADL), website: <<http://www.adl.org>>;

Human Rights First, website: <<http://www.humanrightsfirst.org/>>;

Human Rights Watch, website: <<http://www.hrw.org/>>;

ILGA-Europe, website: <<http://www.ilga-europe.org/>>;

Union of Councils for Jews in the Former Soviet Union (UCSJ), website: <<http://www.ucsj.org/>>;

United for Intercultural Action, website: <<http://www.unitedagainstracism.org>>.

ANNEX F: List of media sources

Agence France-Presse, website: <<http://www.afp.com>>;

Aktuálně centrum, website: <<http://aktualne.centrum.cz>>;

Alfa Lithuania, website: <<http://www.alfa.lt>>;

Anti-Defamation League, website: <<http://www.adl.org>>;

B92, website: <<http://www.b92.net/>>;

BBC Monitor, website: <<http://www.monitor.bbc.co.uk/>>;

Czech News Agency, website: <<http://www.ctk.eu/>>;

Czechnews, website: <<http://aktualne.centrum.cz/czechnews/>>;

Der Tagesspiegel, website: <<http://www.tagesspiegel.de>>;

Deutsche Welle, website: <<http://www.dw-world.de>>;

Forum 18 News Service, website: <<http://www.forum18.org/>>;

FSU Monitor, website: <<http://www.ucsj.org/>>;

Haaretz, website: <<http://www.haaretz.com>>;

Idnes.cz, website: <<http://www.idnes.cz/>>;

Institute of Race Relations, website: <<http://www.irr.org.uk/>>;

Interfax News Agency, website: <<http://www.interfax.com>>;

International Herald Tribune, website: <<http://www.iht.com/>>;

Islamophobia Watch, website <<http://www.islamophobia-watch.com/>>;

Jewish Telegraphic Agency (JTA), website: <<http://www.jta.org>>;

Le Monde, website: <<http://www.lemonde.fr>>;

Magenta News, website: <<http://www.magenta.nl/news>>;

News24, website: <<http://www.news24.com/>>;

Prague Daily Monitor, website: <<http://praguemonitor.com/>>;

Pravda, website: <<http://www.pravda.ru/>>;

Press Online, website: <<http://www.pressonline.rs/>>;

Radio Praha, website: <<http://www.radio.cz/>>;

San Francisco Sentinel, website: <<http://www.sanfranciscosentinel.com/>>;

SME daily, website: <<http://www.sme.sk/>>;

Spiegel online, website: <<http://www.spiegel.de/>>;

Star Tribune, website: <<http://www.startribune.com/>>;

Telegraph, website: <<http://www.telegraph.co.uk/>>;

The Daily Mail, website: <<http://www.dailymail.co.uk/>>;

The Baltic Times, website: <<http://www.baltictimes.com/>>;

The Guardian, website: <<http://www.guardian.co.uk/>>;

The Herald Sun, website: <<http://www.news.com.au/heraldsun/>>;

The Moscow Times, website: <<http://www.themoscowtimes.com/>>;

The Muslim News, website: <<http://www.muslimnews.co.uk/>>;

The New York Times, website: <<http://www.nytimes.com/>>;

Union of Councils for Jews in the Former Soviet Union (UCSJ), Bigotry Monitor, website: <<http://www.ucsj.org/>>.

ANNEX G: ODIHR Toolbox for Combating Hate Crime

ODIHR has developed a range of tools and expert networks to support participating States in implementing their commitments related to tolerance and non-discrimination. These provide States with technical assistance in their efforts to combat hate crimes and intolerance. The following is an overview of the ODIHR toolbox to aid the work of governments and society in OSCE participating States. Further information can be found on the ODIHR website at <http://www.osce.org/odihhr/20057.html>

Tool	Description
Law enforcement officer training on combating hate crime	A train-the-trainer approach tailored to each target country is used to equip police officers with methods for identifying and investigating hate crimes, as well as with skills for sharing intelligence and working with prosecutors and affected communities. Having been developed by a network of law enforcement experts on hate crimes from seven OSCE participating States, the curriculum (including working definitions and a police reporting form template) is delivered by police officers for police officers, and can be customized by states to address their needs.
Prosecutor training (under development)	Training for prosecutors is an essential corollary to police training This training is tailored to the specific needs and concerns of legal professionals and has been developed and delivered by international experts on prosecuting hate crimes. Two modules – initial awareness-raising expert round-tables or advanced-level training – will be available. Local legislation, case studies and international legal frameworks will be integrated into both modules.
Hate Crime Laws: A Practical Guide	The guidelines set out the rationale for and approaches to drafting hate crime legislation, with examples of and commentaries on different approaches available to legislators. Good practices are highlighted and risks identified. The use of technical legal terminology has been minimized, so the publication not only provides guidelines for legal experts, but also a reference guide for policy-makers, civil society, law enforcement officials and other interested parties.
Civil society capacity building	Publication of a resource guide for civil society on hate-motivated violence including definitions of hate crimes and practical advice on how to best prevent and respond to the phenomenon and a useful list of resources. The resource guide will be available in English and Russian on the ODIHR website. Organization of training seminars for civil society on how to prevent and respond to hate crime throughout the OSCE region.
Tolerance and Non-Discrimination Information System (TANDIS)	TANDIS (http://tandis.odihhr.pl/) is a public website providing single point access to a broad collection of information from OSCE states, NGOs, and other organizations. The information offered covers international standards and instruments, country reports and annual reports from intergovernmental organizations, and upcoming events related to tolerance and non-discrimination issues. The site also offers country-specific pages providing access to country initiatives, legislation, national specialized bodies, statistics and other information, and thematic pages covering different key issues.

Preventive and Awareness- Raising Measures to Combat Hate	
Guidelines and assessment of approaches to education on the Holocaust and anti-Semitism	The study <i>Education on the Holocaust and on Anti-Semitism: An Overview and Analysis of Educational Approaches</i> evaluates existing approaches and identifies good practices to support efforts by OSCE participating States and civil society. It also identifies gaps and areas where teaching about the Holocaust and about anti-Semitism needs to be strengthened. The report's comprehensive recommendations provide a framework for the development of curricula on Holocaust education and education about anti-Semitism.
Guidelines for educators on Holocaust commemoration	The document "Preparing Holocaust Memorial Days: Suggestions for Educators" identifies and presents best practices from 12 OSCE participating States. Developed in co-operation with Yad Vashem and education experts from Austria, Croatia, Germany, Hungary, Israel, Lithuania, the Netherlands, Poland, the Russian Federation, Sweden, Ukraine, and the United Kingdom, the document is available in 13 languages on the ODIHR website.
Overview of governmental activities on Holocaust Memorial Days	The country-by-country overview of governmental activities on Holocaust Memorial Days, developed in co-operation with the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, is designed to facilitate the exchange of good practices among public officials by providing information about different forms of commemoration in OSCE participating States. The document is available in English on the ODIHR website.
Educational materials about anti-Semitism	Teaching materials have been developed for seven OSCE participating States in close co-operation with the Anne Frank House and experts from each of the states. Country-specific adaptations, based on the historical and current situation in each country, have been developed and piloted. The materials come in three parts, with the first and second parts covering the history and contemporary forms of anti-Semitism, respectively and the third putting anti-Semitism within the framework of other forms of discrimination. A teacher's guide will accompany the materials. The teaching materials are currently being adapted for three additional participating States.
Guide for Educators on Addressing Anti-Semitism: Why and How?	Developed in co-operation with Yad Vashem and experts from various OSCE participating States, the Guide provides educators with an overview of contemporary manifestations of anti-Semitism. It also provides suggestions on how to respond to expressions of anti-Semitism in the class room. The document is available in English, Croatian, German, Spanish, Polish, Slovak, Lithuanian and Russian on the ODIHR website..
Country-Specific Resource Books on Muslim Communities	This project seeks to support the development of a series of country-specific resource books to promote an increased understanding of Muslim communities across the OSCE region and to provide a more complete overview of their role in and contribution in society. The resource books are designed as practical tools for journalists, policy makers, public officials and educators. The Resource Book on Muslim Communities in Spain is available on the ODIHR website in English and Spanish.
Guide for Educators: Addressing prejudice against Muslims: Why and How?	Developed in co-operation with Anne Frank House and experts from various OSCE participating States, the Guide provides educators with an overview of contemporary manifestations of prejudice against Muslims. It also provides suggestions on how to respond to stereotypes and prejudice against Muslims in the class room. The document will be available in English on the ODIHR website.

<p>Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools</p>	<p>Developed in 2007 by the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief and leading scholars, policy-makers, educators and lawyers, the principles provide a tool to assist participating States whenever they choose to promote the study and knowledge about religions and beliefs in schools.</p> <p>They offer an overview of the human rights framework and legal issues to consider when teaching about religions and beliefs, providing practical guidance for preparing curricula, preferred procedures for assuring fairness in their development, and standards for their implementation.</p> <p>They also highlight procedures and practices for training those who will implement such curricula, and the treatment of pupils from different faith backgrounds to be taught according to the curricula.</p> <p>The guidelines are available in English, Russian and Spanish.</p>
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ANNEX H: Maps