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**Address and recommendations at the working session 12  
“Combating hate crimes  
and ensuring effective protection against discrimination”**

Mr. moderator, distinguished members of the conference!

The problem of hate crimes is still a burning issue in Russia as well as in many OSCE countries. However, unfortunately, the veritable scale of violent hate acts remains unknown, as the information about them is inaccessible to public and even to police, which turns on the whole complex of problems.

One of the principal reasons is the absence of system of primary registration of crimes, only suspected of being hate crimes. Therefore, such motive is not investigated in the great number of cases where it was present. It seems in Russia, that in many cases, if not in the most of them, where the hate motive was however investigated, it was not initiated by the local police departments, but realized only because of intervention from the specialized antiextremist departments watching over suspicious groups. But this method is obviously insufficient. We consider the registration of suspected hate crimes at the very earliest stage of investigation as indispensable.

In addition, we also come across the concealment of information on the cases of persecution of vulnerable minorities which quite often complain of discriminatory treatment to the police. This is certainly impermissible. But since discrimination within the police is not eliminated at all, one can create additional channels for handing in applications. Firstly, creation of special public bodies focused on discrimination and hate crimes would help. It has been repeatedly recommended (including ECRI and within the OSCE framework). Secondly, there are usually non-governmental organizations in any country helping exactly to these vulnerable groups or speaking in their name. They can send statements about discrimination and hate crimes to police, but such collaboration is in great need of informative and other assistance, so that potential victims know about it.

In political and in legal sense counteracting the hate crimes can and must be examined as a part of a more wide agenda. But exactly in the field of counteraction to the hate crimes the states undertook additional obligations within the framework of OSCE. It is therefore important to focus exactly on investigation of such crimes, and for this purpose the reporting particularly on them is needed. The opposite approach results in the decline of counteraction to the hate crimes.

It is evident from the example of Russia, where the legislation puts racist and other instigating expressions on a par with crimes of violence. Thus, with the development of internet technologies, the number of such expressions grew sharply, and the law enforcement authorities have temptation to persecute these specific statements, especially as it is easier to do. As the result, the counteraction to racism is more shifted from persecution of crimes of violence to the persecution of low-hazard public expressions of little known people. In 2015, according to our data, 30 persons were condemned for violent hate crimes and 127 persons - for incitement of hatred. And this disproportion grows year by year. For example, in 2014 the same numbers were 45 and 158, but in 2010 they were, vice versa, 297 and 78.

Thousands of people from different countries, in most - from Russia and Ukraine, but also those arrived from a number of other European countries take part in the irregular or semiregular units in the war in the Eastern Ukraine fighting from both sides. There are also quite a few people of ultranationalist and even neo-Nazi views. We consider as necessary the collaboration in monitoring of such groups and prevention of their unlawful activity outside the war. Efforts to restore peace in the Ukraine, including those undertaken with the guidance of the OSCE, should include measures to minimize this threat.

We also believe, that experience gained from comprehensive counteraction to the groups practicing racist and other ideologically motivated violence - from investigation of separate crimes to detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions - is necessary to generalize and spread at the OSCE level. If needed, to hold an international expert workshop on the issue that affects simultaneously the human measurement foundations and the security matters.

### **Our recommendations:**

#### For the OSCE

1. In the context of the conflict in Ukraine, establish a working group that would monitor military activities of the ultranationalists. An agreement between Ukraine and Russia on the format of such a group should be reached.
2. Compile and distribute experience gained from comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc. Hold an international expert workshop on this topic, if needed.
3. Organize a seminar – or better a series of seminars - for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistic

#### For the OSCE Participating States

1. Change the crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one. Specialized police units are more effective in investigating hate crimes, but regular police should conduct such investigations as well.
2. Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based both on court decisions (for both proven and unproven cases), and on the number of opened criminal cases.
3. More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups, and consult NGOs on law enforcement issues. Despite methodological, and even political, differences, such cooperation can be very productive.
4. Take statements from victims of suspected hate crimes also at mediation with such NGOs and specialized public authorities, dealing with discrimination problems.
5. Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities.
6. To investigate the activities of the groups involved in the war crimes in one way or another; to investigate other especially grave crimes during the conflict in Ukraine.