The SOVA Center for Information and Analysis

Presentation at Working Session 5 - *Tolerance and Nondiscrimination I*

Dear Chairman, dear conference participants!

In my presentation, I would like to focus on certain problems with law enforcement response to hate crime, which we have observed from the Russian experience.

Underestimation of the problem of hate crime for many years inevitably gives members of violent racist groups a sense of impunity. Their isolated gangs have formed well-organized horizontal networks capable of coordinated actions. In addition to street crime, the ultra-right engage in subversive and terrorist activity both individually and in organized groups.

Therefore, in planning any response to hate crime, it is no longer enough to rely on criminal police skills and methods; rather, new methods must be adopted, capable of destroying the infrastructure of the racist underground, as well as bringing the individual culprits to justice. Lessons learned from counter-terrorist operations will clearly be useful.

The ultra-right activists and ideologists take advantage of mistrust in relations between certain countries to escape actual or potential criminal prosecution for hate propaganda and hate crime. For example, Pyotr Khomyakov facing a criminal investigation in Russia applied for political asylum in Ukraine in the summer of 2009. He is one of the founders and ideologists of the Big Game Project designed to involve the ultra-right youth in hate crime. Yuri Belyaev, a veteran of the Russian neo-Nazi movement, has also moved to Ukraine. When racist activists and ideologists move between countries, the situation in their country of origin does not get any better, while the country of destination may be negatively affected by their activity.

Maintaining reliable statistics of hate crime remains a problem. For example, official statistics in Russia do not keep track of hate incidents, but only of criminal cases where the official charges include the hate motive. No statistical data is available on incidents with suspected hate motives or on victims of such incidents. However, collecting and reporting such data is very important, even for those cases where suspected hate motives are disproven (or not proven) in court. Firstly, a signal should be sent to the public that the law enforcement agencies are seriously concerned about the problem. Secondly, the public should have a more accurate idea of the real scope of the problem, and thirdly, detailed and comprehensive statistics will encourage consistent investigation of hate crime.

Our recommendations:

To OSCE
1. Summarize and publicize best practices of comprehensive response to organized racist crime, from investigation of individual incidents to detection and destruction of their network infrastructure by cutting off their funding sources, identifying the organizers and coordinators of violent attacks, etc.
2. Organize a seminar for law enforcement personnel of different countries to share and promote best practices in data collection and official statistics of hate crime.

To OSCE member states
1. Consistently use the data provided by NGOs engaged in monitoring racist groups' activity.
2. Encourage and facilitate intergovernmental cooperation in counteraction to hate crime and propaganda.
3. Whenever a request for extradition of someone suspected of hate offenses is questioned, relevant authorities should be advised to consult with NGOs researching hate crime in the country of the suspect's residence and in the country requesting extradition, to verify the grounds for the request.

4. Change the crime reporting system to enable registration of suspected hate motives at any stage of proceedings.

5. Publish comprehensive statistics on hate crimes disaggregated by type, region, and the number of victims.