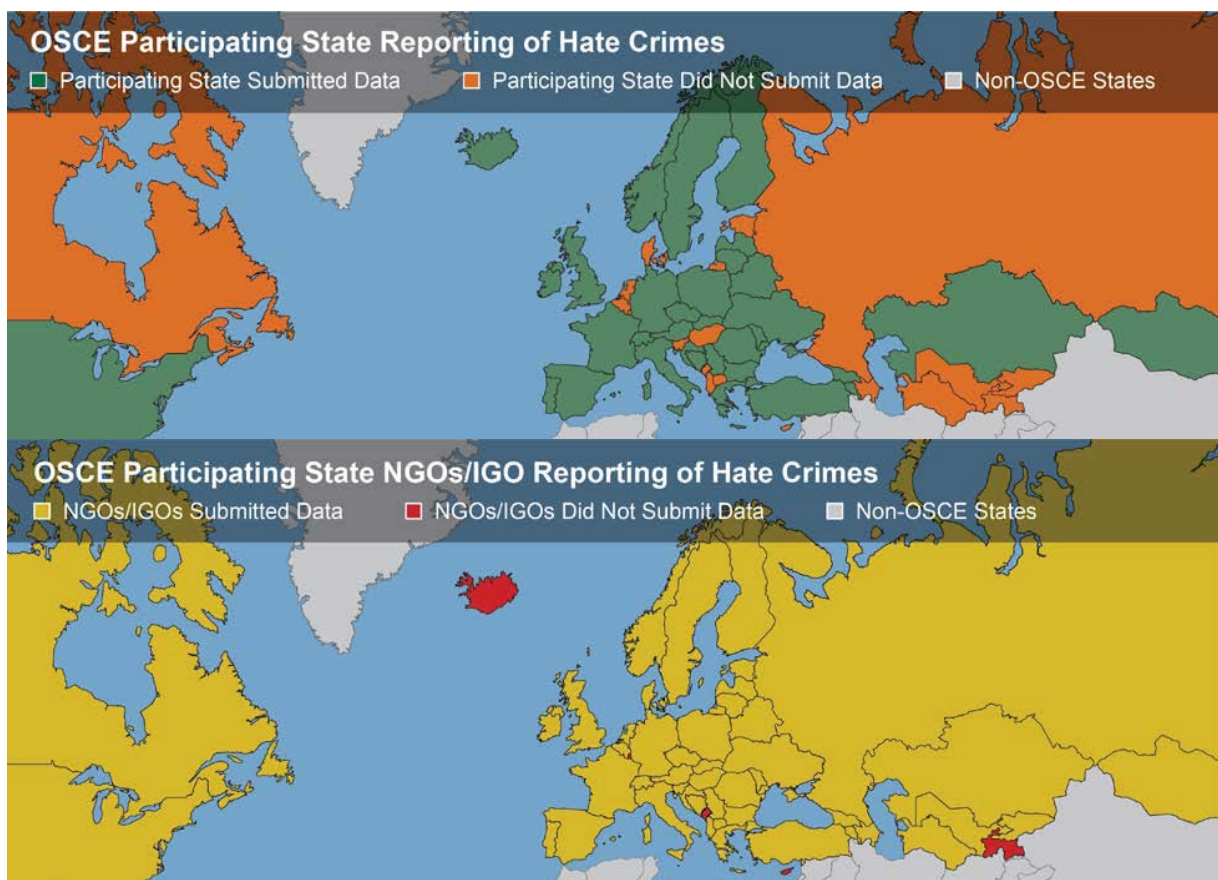


# Scorecard on Hate Crime Response in the OSCE Region

## Too Many Countries Don't Make the Grade



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## Overview

Violent hate crime continues to be a serious human rights problem in the Organization for Security and Cooperation in Europe (OSCE) region.<sup>1</sup> The rise of far-right groups, which are exploiting the refugee crisis and economic distress, contributed to a wave of xenophobic violence. Openly anti-Semitic, anti-Muslim, racist, and homophobic far-right political parties have gained strength in local and national elections, particularly in Greece, Hungary, Denmark, Sweden, Switzerland, Poland, and France. Disturbingly, their involvement in racist violence has not stopped their ascendance. Most stunning is the case of the neo-Nazi Golden Dawn party in Greece, which polled third in national elections in September 2015 even though its entire leadership is on trial for its role in dozens of violent attacks—including murders—targeting migrants and others.

In many places in the OSCE, these far-right parties, along with like-minded groups, have also created a hostile environment for Muslims and Muslim institutions. People of African and Middle Eastern origin have been the victims of severe and increasing racist and xenophobic violence. And in many parts of the region, Roma are the most marginalized of all ethnic minorities and face routine violence and harassment with little recourse to justice.

In some OSCE countries there has also been a rise in anti-Semitic hate crime. This alarming development can be traced to both incitement from neo-fascist groups and the growth of violent Islamist extremist groups. Anti-Semitism is a virulent thread that runs through the ideologies of many extremist groups, even though their worldviews converge on little else.

Meanwhile in Russia and other OSCE States, lesbian, gay, bisexual, and transgender (LGBT)

people continue to live in a hostile environment where bias-motivated assaults are often met with impunity. Transgender men and women in particular face heightened levels of violence. Russia's law banning propaganda of "nontraditional sexual relations" contributes to this homophobic environment. Now, some of its neighbors in Eastern Europe and Central Asia are on the verge of passing similar propaganda laws, raising fears that already vulnerable people will soon face heightened state-sanctioned bigotry.

These trends threaten the OSCE's ability to fulfill its foundational commitment to shared security based on respect for human rights. Governments have a responsibility to respond vigorously to hate crimes and protect vulnerable minorities. The 57 participating States have adopted Ministerial and other decisions—most recently in 2009—that have established baseline commitments to combat hate crimes by, among other steps, improving data collection and enacting tough hate crime laws.

Civil society plays an important role in holding governments accountable, and the structure of the OSCE recognizes the value of that partnership. Governments can enhance their effectiveness by cooperating with community and human rights groups and by availing themselves of the expansive resources of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which helps governments fulfill their commitments. The ODIHR's November 2015 conference in Vienna focused on coalition-building and cooperation as essential to countering discrimination and intolerance.

**The findings of the ODIHR's 2014 annual report on hate crime reveal that, some progress notwithstanding, participating States continue to fall short on their commitments to combat hate crime.**

The annual report is an important tool for understanding the nature and frequency of hate crime across the region. But it only provides a partial picture because many States either do not collect such data at the national level or fail to contribute their findings to the ODIHR on a timely basis. In the current environment—with the refugee crisis, the rise of far-right parties and movements espousing hatred, and an increase in hate crimes—there is an urgent need for States to make reporting a higher priority.

Only 36 of the 57 participating States submitted information to the ODIHR for 2014. Half of participating States either did not report at all or reported zero crimes for their country. This is simply not acceptable or credible.

Reporting by nongovernmental organizations (NGOs), however, expanded with 122 NGOs—a 9 percent increase from the previous year—contributing data from 46 countries.

Since 2008, more than 50 of the 57 participating States have at some point indicated that they do collect some hate crime data, although far fewer respond consistently to the ODIHR's annual requests for timely and updated information.

The quality of the data submitted in most cases falls short of what States have committed to collect and is too frequently of questionable value to assess the problem or to guide policymakers on how to best protect vulnerable groups. Even countries that improved their monitoring systems largely still do not disaggregate data to indicate the type of crime or group targeted. And few countries provide information on the criminal justice response to these crimes.

The Appendix, where black dots represent the absence of information, visually depicts the failure of many States to meet basic data collection commitments.

Over the last several years, States have made important progress in their commitments to adopt hate crime laws, although six still have not done so.<sup>2</sup> The adoption of legislation, though, is only the first step. Implementation remains weak and many laws do not extend protection to frequently-targeted groups.

### NGO and IGO Contributions

Importantly, the ODIHR's report makes use of information from NGOs and inter-governmental organizations (IGOs) to fill broad gaps left by the absence of official reporting. The ODIHR should be commended for its uniquely robust outreach to such groups.

- 46 NGOs covering 24 States reported on racist and xenophobic hate crimes.
- 19 NGOs covering 13 States reported on hate crimes against Roma and Sinti.
- 30 NGOs covering 29 States reported on anti-Semitic hate crimes.
- 32 NGOs covering 21 States reported on anti-Muslim hate crimes.
- 30 NGOs covering 24 States reported on hate crimes against Christians and followers of other religions.
- 53 NGOs covering 29 States reported on hate crimes against LGBT persons.
- 6 NGOs covering 5 States reported on hate crimes against people with disabilities and other groups.

### Group I States: No Hate Crime Data Collected or Publicly Available

#### No Hate Crime Data Available

The **Former Yugoslav Republic of Macedonia** does not collect data and statistics on hate crimes, while the **Holy See, Malta, Mongolia, San Marino,** and **Turkmenistan** did not indicate whether or not they collect hate crime data. The

**Holy See** submitted information in 2014 on hate crimes against Christians in other OSCE participating States.

#### No Public Data Available

At least 10 States—**Croatia, Estonia, Ireland, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Montenegro, and Turkey**—claim to collect data, but either do not publicize it or make it available to the public only upon request. This limited access undermines any effort to engage with the public and with targeted communities. Both the data and community engagement should inform policy responses and hold decision makers accountable for improving the government’s response.

Governments should make data on violent hate crimes publicly available.

#### Recommendations

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

### Group II States: No or Limited Data Submitted to the ODIHR for 2014

#### Nothing Submitted to the ODIHR

21 States—**Albania, Azerbaijan, Belgium, Canada, Cyprus, Denmark, Estonia, Holy See, Hungary, Kyrgyzstan, Luxembourg, The Former Yugoslav Republic of Macedonia, Malta, Monaco, Montenegro, The Netherlands, Russia, San Marino, Slovenia, Tajikistan, and Turkmenistan**—did not submit data or official statistics on hate crimes to the ODIHR for 2014.

#### Recommendations

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

### Group III States: Data Is Insufficiently Disaggregated According to Bias

One of the key purposes of data collection is to identify the groups most affected by hate crimes—and to craft policy accordingly. However, few States disaggregate hate crime data on the basis of the bias motivations or victims’ characteristics. Even fewer actually submit data to support bias claims.

Table 1 lays bare that although States may claim that they provide useful data that is disaggregated, NGOs often with miniscule resources and reach, are documenting and sharing much more extensive information that is available about hate crimes targeting more groups.

#### Recommendations

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

**Table 1. State and NGO Monitoring by Bias Type**

Bias Type	States Provided Data on Bias Type	NGOs Reported on Bias Type
<b>Racism and Xenophobia</b>	15 (Austria, Croatia, Finland, France, Germany, Ireland, Italy, Latvia, Liechtenstein, Moldova, Poland, Spain, Sweden, Ukraine, United Kingdom)	24 (Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, The Former Yugoslav Republic of Macedonia, Moldova, Poland, Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom)
<b>Anti-Semitism</b>	9 (Austria, Czech Republic, France, Germany, Ireland, Poland, Spain, Sweden, Ukraine)	29 (Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Kyrgyzstan, The Former Yugoslav Republic of Macedonia, Moldova, Netherlands, Poland, Romania, Russian Federation, Slovakia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States)
<b>Bias Against Muslims</b>	4 (Austria, Czech Republic, France, Sweden)	21 (Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Czech Republic, France, Georgia, Germany, Greece, Italy, Netherlands, Poland, Russian Federation, Serbia, Spain, Switzerland, Turkey, Ukraine, United Kingdom, United States, Uzbekistan)
<b>Bias Against Christians &amp; Members of other Religions</b>	10 (Croatia, Finland, Georgia, Germany, Italy, Poland, Spain, Sweden, Ukraine, United Kingdom)	24 (Austria, Belgium, Bulgaria, Denmark, France, Georgia, Germany, Greece, Italy, Kazakhstan, The Former Republic of Macedonia, Netherlands, Poland, Romania, Russian Federation, Serbia, Slovenia, Spain, Switzerland, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, Uzbekistan)
<b>Anti-LGBT</b>	9 (Croatia, Finland, Germany, Ireland, Italy, Poland, Spain, Sweden, United Kingdom)	29 (Albania, Armenia, Bosnia and Herzegovina, Czech Republic, Estonia, Finland, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kyrgyzstan, Lithuania, The Former Yugoslav Republic of Macedonia, Moldova, Mongolia, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom)
<b>Bias Against Roma and Sinti</b>	3 (Czech Republic, Poland, Sweden)	13 (Austria, Czech Republic, France, Germany, Hungary, Ireland, Italy, Poland, Russian Federation, Serbia, Spain, Ukraine, United Kingdom)
<b>People with Disabilities &amp; Other Groups</b>	5 (Finland, Germany, Italy, Spain, UK)	5 (Germany, Greece, Ireland, Norway, Poland)

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

Although many States claim to disaggregate data to distinguish between violent crime, verbal threats and insults, and incitement to hatred, the breakdown is rarely available publicly. Only 17 States disaggregated this data in a manner we deem satisfactory for monitoring and evaluation purposes. In most cases, either this data was not

submitted to the ODIHR or States did not disaggregate sufficiently by incident (e.g. hate speech and hate crimes are not disaggregated).

Due to insufficient disaggregation of incidents between violent crimes, incitement, discrimination, and other violations, it is difficult to assess the nature of the problem, determine who the victims are, and identify countermeasures that would be most effective.

### Recommendations

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

### Group V States: Lack of Data on Prosecution and Sentencing

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

However, eighteen participating States—about half of those that submitted data to the ODIHR in 2014—did not submit data on prosecutions and sentencing in hate crime cases.<sup>3</sup> Thus, even though most of these eighteen States have adopted hate crime laws, there is little evidence to evaluate how those laws are used.

#### Recommendation

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

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

A growing number of the 57 countries in the OSCE region are adopting laws explicitly targeting violent hate crimes, largely in the form of penalty enhancement provisions. At present, 51 participating States have hate crime laws. These laws address bias-motivated violent crime through standalone substantive offenses, general penalty enhancements, or specific penalty enhancements.

However, only 45 participating States define bias motivation as an “aggravating circumstance” in the commission of violent crimes against persons.<sup>4</sup> The other 12 participating States do not have any “aggravating circumstance” laws. They

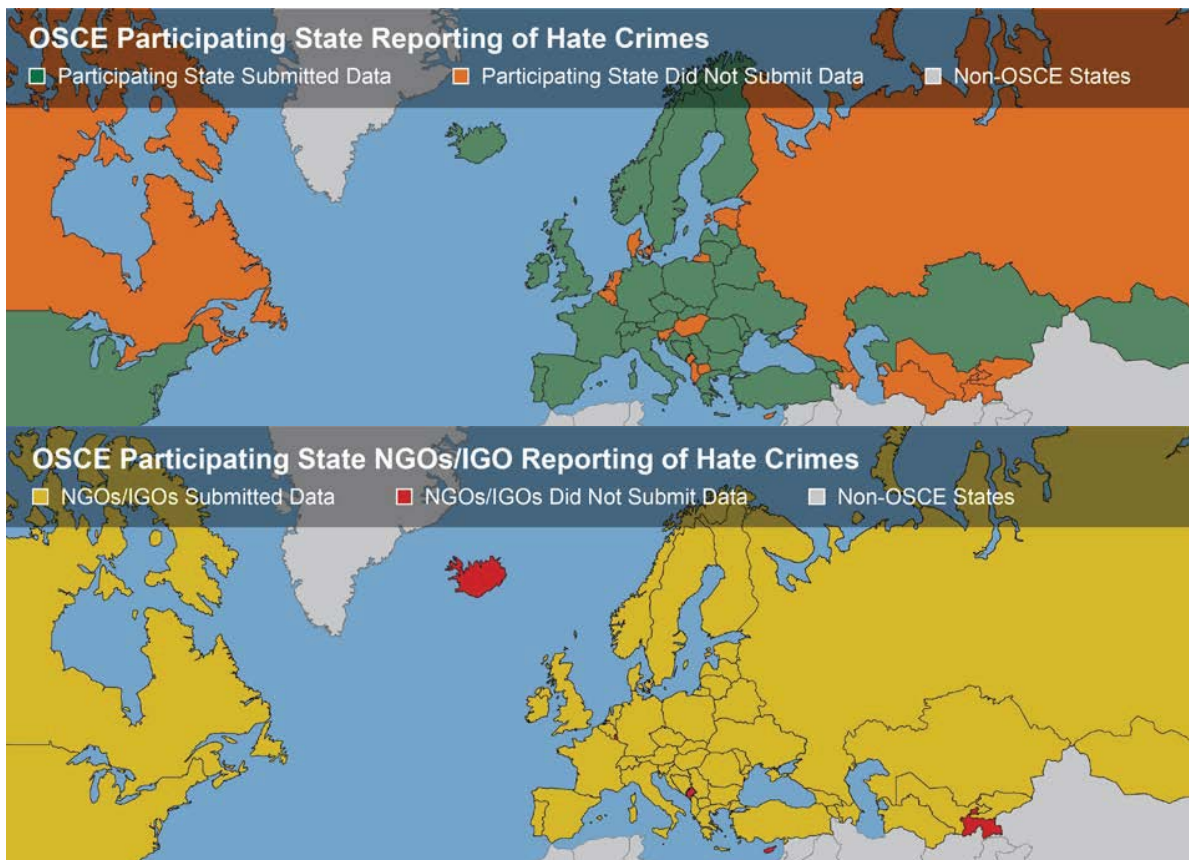
are: **Estonia, Holy See, Hungary, Iceland, Ireland, Malta, Monaco, Mongolia, The Netherlands, Poland, Slovenia, and Switzerland.**

Data from government bodies, NGOs, and media in several of these States indicate that violent hate crimes are occurring, but criminal justice authorities are unable to address the bias nature of the crime because they lack a legal basis to do so.

Out of the 51 participating States that have some form of hate crime laws, 50 of them—all except for **Turkey**—include bias based on race, ethnicity, and national origin. Almost all of these 51 States include religious bias, except for **Slovakia, Liechtenstein, and Austria.**

Hate crime legislation covering sexual orientation, though becoming more commonplace, exists in only 29 States—**Albania, Andorra, Belgium, Bosnia and Herzegovina, Canada, Croatia, Cyprus, Denmark, Finland, France, Georgia, Greece, Hungary, Iceland, Lithuania, Luxembourg, Montenegro, The Netherlands, Norway, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, United Kingdom, and the United States.** Hate crime provisions on gender identity only exist in 16 States—**Albania, Andorra, Bosnia and Herzegovina, Croatia, Cyprus, France, Georgia, Greece, Hungary, Iceland, Montenegro, Portugal, Serbia, Spain, United Kingdom, and the United States.**

In addition, hate crime laws addressing disability only exist in 23 States—**Albania, Andorra, Belgium, Bosnia and Herzegovina, Canada, Croatia, Finland, Georgia, Greece, Hungary, Italy, Lithuania, Luxembourg, The Former Yugoslav Republic of Macedonia, The Netherlands, Norway, Poland, Romania, Slovenia, Spain, Ukraine, United Kingdom, and the United States.**



**Recommendations**

- Enact hate crime laws that establish substantive offenses or provide enhanced penalties for violent crimes committed because of the victim’s race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- Concrete steps to begin this process could involve utilizing the ODIHR publication *Hate Crime Laws: a Practical Guide* as a basis for a training or consultation among experts and officials across relevant ministries.

**Discrepancies in State, NGO, and IGO Reporting**

The above two infographics, which are supplemented by the Appendix, illustrate the dearth of data reported to the ODIHR across the board. The ODIHR’s hate crime report lists data

submitted to the office by the participating States, NGOs, and IGOs. Discrepancies and deficiencies in the reporting—poorly disaggregated officially recorded data; NGO figures varying significantly from official reporting; the complete lack of official, intergovernmental, and civil society data; or predominance of data that comes from intergovernmental sources, such as OSCE or UNHCR—are apparent.

The total number of cases officially recorded by State authorities is rarely disaggregated by bias type—although OSCE commitments call on participating States to do so. The data in the appendix shows, for example, that racist and xenophobic attacks are better recorded than other types of hate crime, that information on anti-Roma and anti-Muslim hate crimes is almost nonexistent, and that data on homophobic crimes comes primarily from NGOs.

## 2015 Examples of Hate Crimes and Incidents in the OSCE

- In January in Paris, **France** four Jewish men were killed by terrorist Amedy Coulibaly after he stormed a kosher supermarket and took shoppers hostage. French police eventually killed him and rescued the remaining hostages. Coulibaly was an accomplice of brothers Said and Cherif Kouachi, who carried out the terrorist attack at the Charlie Hebdo newspaper, killing 12 people. The Kouachi brothers were also killed by French police.
- In February a gunman opened fire at the Great Synagogue in Copenhagen, **Denmark**, killing Dan Uzan, 37, a Jewish volunteer guard who was guarding a celebration at a Jewish community building near the synagogue, and wounding 2 police officers. Earlier in the day, the gunman shot up a cafe hosting a free speech forum, killing filmmaker Finn Nørgaard and wounding others. The gunman, later identified as Omar El-Hussein, was killed by police.
- In April the office of the Kyrgyz LGBT human rights organization Labrys was attacked in Bishkek, **Kyrgyzstan**. Two men threw explosives into the group's office in an attempt to burn the building to the ground. Fortunately there were no injuries or significant damage to the facility. Labrys chose not to report the incident to police, because of recent attacks against LGBT communities that were reportedly orchestrated by law enforcement themselves.
- In April in Copenhagen, **Denmark** vandals smashed the window of a kosher deli and wrote the word “Jødesvin,” which translates to “Jewish pig,” on the deli’s wall.
- In May tensions between Roma and non-Roma in the southwestern city of Garmen, **Bulgaria**, and Orlandovzi in Sofia, sparked anti-Roma protests and clashes where dozens were injured. Hundreds took to the streets calling for demolishing “illegal” Roma houses and preventing “Roma theft.” In June a Roma man and his twin sons were severely beaten on a public bus because of their ethnicity.
- In September anti-refugee demonstrators in **France** attacked a bus filled with refugees headed to shelters. The demonstrators threw rocks and fireworks at the bus, and at least one was wearing a KKK uniform.
- In September in Manchester, **U.K.** three males physically assaulted and shouted anti-Semitic comments at a group of four Jewish males. One victim, a 17-year-old, received serious injuries and was hospitalized.
- In October Mikhail Pishcheuski died of injuries suffered during an attack outside of a nightclub in Minsk, **Belarus** seventeen months earlier. His attacker, who served 11 months of a 32-month sentence for the attack, now is free. Despite openly admitting in his testimony that he had targeted Pishcheuski because of his sexual orientation, the judge ruled his motivations immaterial.
- In October in Trollhättan, **Sweden** a twenty-one year old man dressed in black, wearing a helmet, and brandishing a sword, attacked a school, killing two victims who were selected because of their Arab ethnicity. The attacker was shot and killed by police entering the school. The city of Trollhättan is known for its large immigrant community.
- In October four lesbian women were attacked in Belgrade, **Serbia**, and no suspects have been arrested. The attack, which was preceded by the attacker screaming homophobic slurs, occurred in a nightspot in the city's center less than a week after the capital's LGBT Pride March. The fourth woman was attacked when she tried to call police. The women managed to



- evade further harm by hiding in the restroom until police arrived.
- In October a leading candidate for mayor in Cologne, **Germany**, Henriette Reker, was stabbed in the neck and stomach by a far-right supporter, upset by the candidate's support for refugees. Many mayors in Germany have reported threats of violence for their pro-refugee positions.
  - In late October masked men attacked an LGBT community center in Kryvyi Rih, **Ukraine**. They threw smoke bombs and flares, destroyed furniture, and assaulted a participant in an event taking place at the center, operated by Gay Alliance Ukraine. This was one in a series of attacks motivated by sexual orientation and gender identity in the city, none of which were investigated by police.
  - In November in London, **U.K.** an anti-Muslim attack occurred when a man attempted to push a woman wearing a hijab in front of an oncoming train in the Underground system. The attacker was charged with attempted murder.
  - In November at a rally in Wrocław, **Poland** against Muslim refugees, protesters burned the effigy of a Hasidic Jew carrying an E.U. flag. Protesters shouted, "God, Honor, and Fatherland."
  - In early December in Istanbul, **Turkey** a trans woman was stabbed in the chest and killed on the street. This attack occurred shortly after another transphobic hate crime in Istanbul in which a trans woman was stabbed and then strangled in front of her home.
  - In December following a terrorist attack San Bernardino, California that left 14 dead and 22 injured, more than 75 incidents targeted Muslims and those perceived as Muslim in the **United States**. For example, less than 24 hours after the San Bernardino attacks, the Islamic Center of Palm Beach, Florida was vandalized; its windows were smashed, and its furniture overturned.
  - In December in Crimmitschau, **Germany** three people described by authorities as having anti-foreigner attitudes were detained for throwing Molotov cocktails in November at a refugee shelter in which 45 people were sleeping, including 20 children.■



OSCE Participating State	Total Cases Recorded	Racism & Xenophobia		Anti-Semitic		Anti-Muslim		Anti-Christian (or against members of other religions)		Anti-LGBT		Anti-Roma	
		•	•	•	•	•	•	•	•	•	•	•	•
Netherlands	N/A	•	•	•	•	•	•	•	•	•	•	•	•
Norway	223	•	•	•	•	•	•	•	•	•	•	•	•
Poland	778	123	37	4	39	28	2	14	6	12	7	22	61
Portugal	21	•	•	•	•	•	•	•	•	•	•	•	•
Romania	25	•	•	•	•	•	•	•	•	•	•	•	•
Russia	N/A	•	173*	•	•	18	•	•	•	•	•	73*	•
San Marino	N/A	•	•	•	•	•	•	•	•	•	•	•	•
Serbia	87	•	16	•	•	•	•	•	•	•	•	•	14*
Slovakia	3	•	•	•	•	•	•	•	•	•	•	•	•
Slovenia	N/A	•	•	•	•	•	•	•	•	•	•	•	•
Spain	1,258	475	16	•	24	•	8	1	63	•	513	15	3
Sweden	4,258	2,768	1	1	146	7	•	281	•	•	493	14*	•
Switzerland	161	•	57*	•	•	25	•	•	•	•	•	•	•
Tajikistan	N/A	•	•	•	•	•	•	•	•	•	•	•	•
Turkey	N/A	•	8	•	•	1	•	•	6	12	•	36	•
Turkmenistan	N/A	•	•	•	•	•	•	•	•	•	•	•	•
Ukraine	33	16	66	12	3	47	•	6	14	•	•	•	4
UK	52,853	43,113	23	•	327	•	103	•	3,319	•	6,202	3*	•
USA	6385	3,871	•	•	635	399	•	178	279	•	1287	•	•
Uzbekistan	N/A	•	•	•	•	•	•	•	•	•	•	•	•

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

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## Endnotes

<sup>1</sup> The 57 participating States that comprise the OSCE region include the countries of Europe and Eurasia, as well as the United States and Canada.

<sup>2</sup> These States include Holy See, Ireland, Monaco, Mongolia, The Netherlands, and Switzerland. However, three of these States do have “incitement to violence” provisions: Monaco, The Netherlands, and Switzerland.

<sup>3</sup> Ten of the 37 States that submitted data on hate crimes to the ODIHR in 2014 did not provide data on either prosecution or sentencing. Three States provided data on sentencing but not prosecution. Five States provided data on prosecution but not sentencing.

<sup>4</sup> “Aggravating circumstance” is defined as a general penalty enhancement and/or specific penalty enhancements.