

# 2008 Hate Crime Survey

## Overview

European and North American governments are failing to keep pace with a wave of violent hate crime that continues to rise across the region. Racism, xenophobia, antisemitism, anti-Muslim and anti-Roma hatred, religious intolerance, homophobia: the list of biases that fuel these crimes is a long one. Attacks range from lethal assaults to threats and harassment to vandalism and desecration of religious and community property. The perpetrators are individuals acting alone, or in concert with neighbors, coworkers, and fellow students, as well as loosely-knit or more organized groups that share ideologies of hatred and act on them. The violence can ruin lives, or end them. It can terrorize whole communities, driving away vulnerable minorities or forcing them to stay out of sight. Violent hate crime, especially when the official response to it is weak or nonexistent, also attacks the society at large, undermining the very notions of equality and the equal protection of the law.

This *2008 Hate Crime Survey* examines six facets of violent hate crime in the 56 European and North American countries that comprise the Organization for Security and Cooperation in Europe (OSCE): **Violence Based on Racism and Xenophobia, Antisemitic Violence, Violence Against Muslims, Violence Based on Religious Intolerance, Violence Against Roma, and Violence Based on Sexual Orientation and Gender Identity Bias.**

Based on a review of available information, violent hate crime—individuals or property targeted with violence on account of race, religion, ethnicity, sexual orientation, disability or similar status—is occurring at historically high levels in many OSCE countries. Indeed, the violence increased in 2007 in many areas for several types of hate crime. Among the findings:

- There were moderate to high rises in the overall recorded numbers of violent hate crimes motivated by racism and xenophobia in 2006 and 2007 in **Finland, Ireland, the Slovak Republic, Sweden, the United Kingdom, and the United States.** In the absence of official data, information from nongovernmental monitors show rising levels of racist violence in **Greece, Italy, the Russian Federation, Switzerland, and Ukraine.** Individuals of African origin and Roma were particularly targeted in acts of racist and xenophobic violence in 2007 and in the first half of 2008.
- In 2007, overall levels of violent antisemitic attacks against persons increased in **Canada, Germany, the Russian Federation, Ukraine, and the United Kingdom** according to official statistics and reports of nongovernmental monitors.
- Available data indicates that violence based on sexual orientation and gender identity bias is a significant portion of violent hate crimes overall

and are characterized by levels of physical violence that in some cases exceed those present in other hate crimes.

- Although there is ample evidence of violence targeting Muslims and those perceived to be Muslims across Europe and North America, only four governments—**Austria, Canada, Sweden, the United Kingdom, and the United States**—publicly report on violent incidents motivated by this form of bias.

Victim surveys and other data suggest that only a small portion of violent hate incidents are even reported to the police. Thus, the information that is available—and that paints such a sobering picture—is certainly only the tip of the iceberg.

The Survey also assesses government responses to violent hate crime. These vary considerably across the 56 OSCE countries. While several governments have responded in significant ways to hate crime, just as many downplay the problem, despite media and other reports that suggest that violence is taking place. Every government can do more to combat violent hate crime; many of the region's governments need to do much more.

To make this claim with specificity, the Survey examines two critical elements of an effective government strategy: official monitoring, data collection and public reporting; and legislation and its implementation. A systematic survey of each of the 56 OSCE countries on the basis of these two benchmarks can be found on our Web-based **Hate Crime Report Card**, available at: <http://www.humanrightsfirst.org/discrimination>.

Assessing **Systems of Monitoring and Reporting**, we conclude that most European governments are failing to live up to their commitments to the OSCE to monitor and collect data on violent hate crime, a prerequisite to an effective official response. Only 13 of the 56 participating states of the OSCE have adequate reporting systems, while over 40 states collect and

publish either limited or no information specifically on the incidence of violent hate crimes. This gap in data collection can distort the full picture, as the countries that take the steps necessary to collect and publish the data can appear to be the ones with the highest number of incidents.

In the absence of government data, civil society groups have demonstrated the existence of the problem, pointing out failures in the government's response. Yet there are larger gaps in the information than such groups currently have the capacity to fill. Indeed, increased support and training is sorely needed for civil society groups in many countries to enhance their capacity to monitor and advocate.

Reviewing **The Framework of Criminal Law**, we report that over 30 OSCE countries have laws criminalizing or establishing enhanced penalties for a range of violent crimes motivated by racial or religious bias, but 23 countries do not, despite reports that violent hate crimes are taking place in many of those countries. Moreover, only 12 countries have laws that extend to sexual orientation bias; only seven extend to disability bias. Even when these laws are in place, it is nearly impossible to know the extent to which they are being implemented. Even the best official data collection systems do not generally assess how well police are responding to incidents and the disposition of cases in courts. There is virtually no systematic data on this from nongovernmental sources as well.

The Survey includes a **Ten-Point Plan** for all governments to strengthen their response to violent hate crime, and among those points are the following:

- condemn attacks when they occur and make clear that there is zero tolerance for violent hate crimes;
- instruct and adequately train police and prosecutors to investigate and prosecute cases, working in partnership with victims, their communities and civil society groups;

- improve monitoring, data collection, and public reporting in order to ensure the accountability of law enforcement and sound public policy;
- strengthen criminal laws to cover all forms of bias-motivated violence.

This Survey also provides **Recommendations for Strengthening the OSCE**, in particular by advancing that organization's tolerance and nondiscrimination agenda—of which combating hate crime is an important component.

The Survey also looks in more detail at two countries where violent hate crimes have been on the rise and makes specific recommendations for government action. Of particular concern is the **Russian Federation**, where the number of bias-motivated attacks on individuals continues to grow steadily, with 2008 on track to be the fourth record-setting year in a row and with an annual number of bias-motivated murders approaching 100. Though government officials have begun to recognize the problem posed by neo-Nazi violence, the official response has been sorely inadequate.

In **Ukraine**, too, racial, antisemitic and other bias motivated violent crimes are on the rise. The government there has undertaken a number of steps to combat hate crimes, although its overall response to this problem has been inconsistent and insufficient.

But though the level of violent hate crime and the adequacy of government responses may vary from one country to another, no state is immune from the prejudice and bigotry that stand behind such violence. A **Country Panorama** section profiles hate crime cases from 30 countries. We draw particular attention in that section to the rising levels of hate crimes in **Germany** and the **United Kingdom**, and continued high proportions of violent hate crime against individuals in **France**—countries where governments have mounted significant efforts to combat the problem in recent years.

Similarly, in the **United States**, the government has generally responded vigorously to violent hate crimes, in both rhetoric and action. Yet hate crime there constitutes a serious and continuing problem, and several specific recommendations are made to further strengthen the government's response.

The Survey finally provides **Foreign Policy Recommendations for Government of the United States**, which has played a leading role in international forums in addressing the problem of racist, antisemitic and some other forms of violent hate crimes. We outline a number of concrete steps that could be taken by the United States to demonstrate continued international leadership at the OSCE, to advocate combating hate crimes in bilateral relationships, and to support civil society groups that are working to address this region-wide problem.