

Hate Crimes

2007 Survey

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Acknowledgements

Human Rights First gratefully acknowledges the generous support of the Ford Foundation, the David Berg Foundation and the Righteous Persons Foundation.

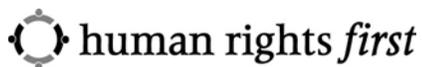
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About Us

Human Rights First is a leading human rights advocacy organization based in New York City and Washington, DC. Since 1978, we have worked in the United States and abroad to create a secure and humane world – advancing justice, human dignity, and respect for the rule of law. All of our activities are supported by private contributions. We accept no government funds.

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Preface

The Human Rights First *2007 Hate Crime Survey* is a review of the rising tide of hate crimes covering the region from the far east of the Russian Federation and the Central Asian states across Europe to North America: the 56 participating states of the Organization for Security and Cooperation in Europe (OSCE).

In releasing this survey, Human Rights First documents and analyzes the reality of racist violence and other forms of intolerance. We have reviewed available reports on violence motivated by prejudice and hatred, including the findings of the handful of official monitoring systems that provide meaningful statistical information. This data, combined with the findings of nongovernmental monitoring organizations, provides important insights into the nature and incidence of violent hate crimes.

Our aim is to raise the profile of these insidious crimes and the challenges they pose to societies and communities that are becoming increasingly diverse. Many of these crimes are the everyday occurrences of broken windows, physical assaults, burnt out homes, and violent intimidation that are a consequence of prejudice and hatred. Our emphasis is on the violence at the sharp edge of discrimination and what can be done about it. This report seeks to overcome official indifference and indecision in the fight against discriminatory violence. This general survey is accompanied by three companion surveys which look in greater detail at specific forms of discrimination and violence: antisemitism, Islamophobia, and homophobia.

This survey builds upon the findings of Human Rights First's 2005 report *Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America*, which similarly addressed antisemitic and other racist and religiously-motivated violence as well as violence motivated by biases based on gender, disability, and sexual orientation. In that report, we also examined government responses to hate crimes in each of the OSCE participating states and found that only a handful of governments had taken concrete measures to effectively monitor, respond to, and prevent hate crimes.

The response of governments has not markedly improved since then. Human Rights First continues to believe that governments need to do more to combat violent discrimination. In this survey, we offer a series of recommendations to governments with a view to moving forward in combating violent hate crimes. In particular, we are urging governments to strengthen criminal law and law enforcement procedures required to combat hate crimes. Stronger laws that expressly address violent hate crimes are important tools if governments are to more effectively deter, detect, and punish them. We likewise call on governments to establish systems of official monitoring and data collection to fill the hate crime information gap. This is an essential means to assess and respond to patterns of discriminatory violence affecting particular population groups.

Executive Summary

In February 2006, Ilan Halimi died soon after he was found outside of Paris half-naked, stabbed and burned with cigarettes and acid. He had been tortured and murdered because he was a Jew.

In April, in the Russian Federation, a gunman shot and killed Lampsar Samba, a student from Senegal, with a hunting rifle as he left a night club in St. Petersburg with a group of other African students. The weapon, emblazoned with a swastika, was found near the scene of the crime.

In May, in Belgium, an anti-immigrant fanatic murdered a pregnant Malian au pair and the two-year old Belgian infant in her charge, just moments after having shot and seriously wounded a woman of Turkish origin wearing a Muslim headscarf.

In July, in Latvia's capital Riga, anti-gay demonstrators hurled feces and eggs at gay rights activists and their supporters who were taking part in a gay pride event.

In October, in Ukraine, five men attacked and murdered an oil company professional of Nigerian origin.

These were some of the incidents that helped bring the issue of hate crimes to the public eye in 2006, although the rising tide of such violence continues to go largely unreported. Perpetrators of hate crimes persistently target individuals who stand out because of their real or perceived ethnic origin, race, nationality, religion, or such attributes as disability or sexual orientation. This violence is driven by discrimination that often involves multiple factors, including the double discrimination of racism and gender, physical appearance and religion.

Events to which members of particular groups can be tied, however tenuously, sometimes serve as a

precipitant for large-scale racist, antisemitic, and related violence. In situations of conflict, members of minority populations perceived by the majority as the kin of its foreign enemies are often held collectively responsible for the acts of distant governments, political groups, or even individuals. In the Russian Federation, for example, the long conflict with Chechen separatists has as a corollary the stigmatization of Chechens and other people from the Caucasus throughout the country. In August, in the small northwestern Russian town of Kondopoga, a brawl in a restaurant between persons of ethnic Russian and Chechen background left two Russians dead and set off what many have described as a pogrom against people of Caucasian origin there.

Elsewhere in Europe and North America, authors of antisemitic threats and attacks frequently invoke Israel and Israeli policies as justification even while employing the language and symbols of Nazi Germany. Discrimination and violent attacks against Muslims follow a similar pattern, with attacks on ordinary people in their shops, schools, or homes serving as substitutes for those keen to lash back at Islamist terrorism. Assaults are often accompanied by epithets directed at Muslim terrorists or the organization Al Qaeda, as if every Muslim was accountable for the acts of every other. The London bombings on July 7, 2005 were followed by a backlash against people perceived to be Muslims, resulting in a month-long surge of hate crimes directed at people of South Asian and Middle Eastern origin.

This survey looks in more detail at a few European countries – France, Germany, the Russian Federation, Ukraine, and the United Kingdom, where violent hate crimes have been on the rise in recent years and where

official or nongovernmental monitoring systems allow for a more comprehensive analysis of trends. In France, Germany, and the United Kingdom, governments have made serious efforts to combat hate crimes in recent years, although more needs to be done.

In France, authorities reported in 2006 a decrease by 10 percent in the overall number of hate crimes in comparison with 2005. However antisemitic offenses rose by 6.6 percent in the same period. The number of hate crime offenses overall remains extraordinarily high compared with the late 1990s.

In Germany, early estimates for 2006 on the number of extremist crimes suggest the highest level of such crimes since the current monitoring system was introduced in 2001. These figures continue an upward trend over the last several years. The severity of the problem was highlighted in the run-up to the World Cup, hosted by Germany, in which community and activist groups produced a “No-Go” guide for German minorities and foreign citizens that identified areas with high incidences of racist violence.

In the Russian Federation, hate crimes against ethnic, religious, and national minorities have proliferated. According to a leading monitor, there were at least 31 racist murders in 2005 and hate-based attacks on 413 individuals. Those numbers rose significantly in 2006 to 540 cases of violent hate crimes, including 54 murders, sustaining a steady trend of rising violence over the past several years. Nongovernmental monitors have noted that prosecutors have begun to more frequently use hate crime laws in the prosecution of these cases. Yet in 2006 national and international attention was drawn to several prominent cases in which all defendants were acquitted or given lenient sentences on “hooliganism” charges.

In Ukraine, information from nongovernmental sources has shown that violent antisemitism is on the rise, while racist violence toward people of African origins and other minorities has had increasingly lethal consequences.

In the United Kingdom, a dramatic surge of racist and religiously-motivated violence followed the July 7, 2005 bombings in the London Underground and a city bus. Religiously-motivated hate crimes rose by as much as 600 percent in London in the month following these bombings. Overall in 2006, hate crimes in the United Kingdom continued at a historically high rate.

Prejudice based on race, ethnicity, and national origin continue to be among the principle driving forces behind hatred and intolerance. Racial and ethnic minorities have been under particular threat in many parts of Europe, with particularly lethal violence reported in areas of the former Soviet Union. A range of groups face threats of discriminatory violence. They include Jews and Muslims, who confront virulent combinations of racism and religious intolerance, the Roma and Sinti, and minority Christian faiths in the Russian Federation, Turkey, and the Central Asian republics. Less attention has been paid to the reality of disability-based discrimination and violence, and the phenomenon of violence motivated by bias founded on sexual orientation, although these forms of intolerance are no less devastating to the victims and their communities.

Introduction

Attackers repeatedly stabbed a nine-year-old Russian girl of mixed Afro-Russian heritage in St. Petersburg and left her for dead. Arsonists murdered two Muslim shopkeepers in London in a firebomb attack. Skinheads in the Belgian city of Bruges attacked and left in a coma a French artist of Togolese descent, who subsequently died. A group of youths tortured and murdered a transgender woman in the Portuguese city of Porto. Young men in the Polish city of Olsztyn horrified an antiracism festival when they knifed and nearly killed a refugee actor. A young man in Trabzon, Turkey shouted a religious slogan as he shot dead a praying Roman Catholic priest.

These were just some of the series of dramatic incidents across Europe in late 2005 and 2006 that brought the issue of hate crimes to the public eye, even as most of the incidents in a rising tide of such violence went unreported. A minority of incidents echoed around the world because of the number of victims affected, their often lethal nature, the identity of the victims (who are sometimes children), or the place they occurred (a synagogue, a mosque, a school).

Some particularly heinous crimes provoked unprecedented public responses, bringing people from across community and political divides together in solidarity with the victims and their families and in protest against xenophobia and rising violence.

In **France**, Ilan Halimi died soon after he was found outside of Paris half-naked, stabbed, and burned with cigarettes and acid on February 13, 2006. Halimi was a 23-year-old French Jew who had been kidnapped from the shop in which he worked and tortured for three weeks before he died. French Police later made arrests

and confirmed the antisemitic nature of the crime: the gang had targeted Halimi as a Jew, seeking ransom because they believed that “all Jews are rich.” They tormented and ultimately killed him because he was a Jew.

Ilan Halimi’s murder prompted a national period of reflection in France marked by demonstrations across much of the country. A silent march through Paris brought 100,000 people into the streets. National antiracism organizations such as SOS-Racisme and LICRA (International League Against Racism) and groups from the Jewish community came together in solidarity against antisemitism. Demonstrations were held in Bordeaux, Lille, Grenoble, Marseille, Nice, Orleans, Strasbourg, Toulouse, and numerous other French towns and cities. French authorities reaffirmed their commitment to combat antisemitism, combining efforts to guarantee the security of the Jewish community with high-level political action and new educational programs. Halimi’s murder also resonated internationally, in the news media and in intergovernmental bodies. In June 2006, for example, his case was cited in the European Union’s resolution on the increase of racism and homophobic violence in Europe.¹

In the **Russian Federation**, on January 11, 2006 Alexander Koptsev entered a Moscow synagogue shouting antisemitic epithets and attacked worshippers during evening prayer, leaving nine people seriously injured before being subdued. Koptsev was subsequently detained and charged with attempted murder with a motive of religious hatred, deliberate infliction of grievous bodily harm, and with inciting hatred. On September 15, the Moscow city court convicted

Koptsev of all charges. He was sentenced to 16 years in a high security prison.²

The incident received widespread national and international coverage and prompted public statements and resolute condemnation by political leaders across the political spectrum. Jewish leaders pointed out that the attack was part of a broader trend of xenophobia and criticized the inadequate response of the Russian authorities. “This is the result of what we have seen in Russia over the last few months,” Chief Rabbi Berl Lazar said at a news conference, referring to the murders of foreign students and other dark-skinned people in St. Petersburg, Voronezh, and other cities. He said xenophobia was growing because of “the propaganda of extremism and fascism, which is conducted openly and for which no one has yet been held accountable.”³

In **Belgium**, on May 11, 2006 anti-immigrant fanatic Hans Van Themsche murdered 24-year-old Oulemata Oudibo, a pregnant Malian au pair, and the two-year-old Belgian infant in her charge, Luna Drowart. Shortly before he had shot and seriously wounded Songul Koç, a woman of Turkish origin wearing a Muslim headscarf, as she sat on a bench reading. The attacker was shot and detained by police soon afterward.

The attacks helped to bring home the danger of racist violence to a broad spectrum of the Belgian population. Government officials condemned the violence while establishing a link between xenophobic rhetoric and racist violence. Belgian Prime Minister Guy Verhofstadt strongly condemned the attacks and the threat of racism, warning that “[Belgians] have to avoid our society being sucked into a spiral of violence....”⁴ He added that “Everyone in our country has to realize what a climate of intolerance can lead to.”⁵ There were broad-based public demonstrations in Belgium condemning the attacks, including a massive March Against Racism in Antwerp on May 26.

Hate Crimes and Human Rights

Hate crimes – also known as bias crimes – are crimes motivated in whole or in part by racism, antisemitism, anti-Muslim prejudice, homophobia, and related forms of prejudice and hatred. These are most commonly crimes committed by ordinary people, little different from those who are their victims. But hatred and prejudice and the impulse to violence against those who stand out from the majority are also cultivated and manipulated. Hate crimes proliferate and involve the most extreme violence when encouraged by opportunistic leaders and political movements founded on chauvinism and exclusion.

In some cases, hate crimes occur with the complicity or acquiescence of governments. More commonly, they proliferate in the face of government indifference or complacency, below the threshold of government attention. And shamefully, despite expanding cooperation in the fight against discrimination, it is often left to the victimized groups themselves to document attacks and speak out in protest.

Hate crimes are among the most violent and pernicious forms of discrimination and are thus serious violations of internationally-recognized human rights. Those who indiscriminately victimize members of a group they hate or despise threaten and harm all members of that group, and cause immeasurable harm to whole societies. History shows, too, that they can ultimately shatter nations. These acts are part of the same continuum of discrimination that includes “ethnic cleansing” and genocide.

Human rights law obliges governments to take necessary measures to combat violence founded on prejudice. Hate crimes require special scrutiny by governments because of their greater harm to society. Local government authorities have an affirmative obligation to monitor and report on hate crimes and to prosecute these crimes as a priority.

Hate Crime Legislation

While governments have an obligation to combat all crime, the hate crime concept is a simple acknowledgement of the greater seriousness of crimes motivated by racial, religious, or other hatred that harm whole communities. This is an important part of the rationale by which hate crimes should be accorded a higher priority within the competing priorities of criminal justice systems. Hate crime legislation also provides for more severe penalties, in line with the legal principle that more severe punishments should be accorded crimes that are “most destructive of the public safety and happiness.”⁶

Currently, more than 30 countries in Europe and North America have some legislation that treats bias-motivated violent crimes as distinct crimes or that defines bias motivation as an aggravating circumstance in the commission of violent crimes. In many of these countries, however, the list of crimes to which these aggravating factors can be applied is limited.

Croatia is one of the latest countries to have adopted new legislation on violent hate crimes. On June 9, 2006, the Croatian parliament adopted an amendment to the criminal code which defines hate crimes as “any criminal act according to the Criminal Code, committed by reasons of hatred towards a person on the basis of

his/her race, skin colour, sex, sexual orientation, language, religion, political or other belief, national or social background, property, birth, education, social status, age, medical status or any other attribute.”⁷

Latvia similarly, although less comprehensively, amended its criminal code in 2006. On October 12, 2006, the Latvian Parliament amended section 48 of the criminal code dealing with aggravating circumstances in the commission of a crime. According to the newly amended part 14 of that section, a “racist motivation” now constitutes an aggravating circumstance.

Among the 56 participating states of the Organization for Security and Cooperation in Europe (OSCE), those that still have no express legislative provisions for penalty enhancement based on bias motivations include: **Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Macedonia, Malta, Monaco, Montenegro, the Netherlands, Romania, San Marino, Serbia, Slovenia, Switzerland, and Turkey.**⁸

Even when hate crimes legislation is on the books, most countries fall short on its implementation for any but the most serious and publicly notorious crimes. In the majority of cases, criminal justice systems neither track nor effectively prosecute bias crimes, while timely, accurate, and public information on these crimes is the exception, not the rule. Public policy responses to racist, antisemitic, and other bias crimes too often reflect indifference, political expedience, or the same prejudices that generate these crimes.

Hate crime legislation in many countries is also subject to limitations concerning the forms of discrimination they protect against. Legislation that defines a bias motivation as an aggravating circumstance extends to sexual orientation bias, for example, in only ten countries, to disability bias in six, and to gender bias in just five.

The countries with the most expansive definitions of the bias covered under such legislation include **Andorra, Belgium, Canada, Croatia, Spain, the United Kingdom, and the United States.** In the United States, federal hate crime legislation does not extend to sexual orientation, gender, or disability, although state legislation in more than half of the 50 U.S. states does provide protection to these groups.

Systems of Monitoring and Reporting

Official monitoring and data collection to fill the information gap is another building block for effective action to combat hate crimes. This is an essential means to assess and respond to patterns of bias-motivated violence. Yet few countries currently have systems that are capable of providing meaningful statistical information.

In its 2006 Annual Report, the European Monitoring Centre on Racism and Xenophobia (EUMC) determined that only two European Union (E.U.) Member States - **Finland** and the **United Kingdom** – have criminal justice data collection systems on racist crime that can be considered “comprehensive.” Only nine others – **Austria, the Czech Republic, Denmark, France, Germany, Ireland, Poland, Slovakia, and Sweden** – have systems that are described as “good.”⁹

Outside of the E.U., both **Canada** and the **United States** have comprehensive reporting systems. While those systems in the United States are nationwide, in Canada they are limited to police units in major cities.

Specialized Anti-Discrimination Bodies

Both the European Union and the Council of Europe have encouraged the creation of anti-discrimination bodies with strong mandates, yet only a few European states have such agencies that make the fight against violent hate crimes a priority.¹⁰

Specialized anti-discrimination bodies, especially those with mandates to monitor hate crimes and cooperate with law enforcement efforts, have an important role to play. When effective anti-discrimination bodies have mandates to combat hate crimes, data collection improves, criminal investigations are assisted, and minority communities gain confidence in public authorities.

Recommendations for Governments

A Ten-Point Plan for Reducing Hate Crimes

1. **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send a strong and immediate political signal that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law. Public officials should publicly recognize the destructive force that hate crimes can have on increasingly diverse communities.
2. **Enact laws that expressly address hate crimes.** Governments should recognize hate crimes as the more serious crimes that they are while defining categories of bias motivation broadly. They should enact laws that provide enhanced penalties for crimes motivated by animus on the basis of the victim's race, religion, ethnicity, gender, sexual orientation, mental and physical disabilities, or other similar forms of discrimination.
3. **Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law and that the record of enforcement of hate crime laws is well documented and publicized. In order for hate crimes laws to provide an effective deterrent, governments should make enforcement of hate crimes laws a priority within the criminal justice system and in their political platforms.
4. **Provide adequate resources to law enforcement bodies.** Governments should ensure that police and investigators – as the first responders in cases of violent crime – have the resources and training to detect bias motives, and that prosecutors are well aware of the legal measures available and required to prosecute hate crimes. They should ensure that procedures are in place for rapid response to possible “trigger events.”
5. **Undertake parliamentary or other special inquiries into the problem of hate crimes.** Such official inquiries should investigate ways to better respond to hate crimes, but also seek creative ways to deal with the roots of intolerance through education.
6. **Monitor and report on hate crimes.** Governments should establish or strengthen official systems of monitoring and reporting to provide accurate data, including on the victim groups targeted, for informed policy decisions to combat intolerance. These monitoring systems should include improved access to complaints procedures by individual victims and advocacy groups through the introduction of measures such as third party reporting.
7. **Create and strengthen antidiscrimination bodies.** Governments need to ensure that the mandates of official antidiscrimination and human rights bodies have the authority to address hate crimes through monitoring, reporting, and assistance to victims.

8. **Reach out to community groups.** Governments need to take steps to increase the confidence of minority communities by demonstrating a willingness to work more closely with their leaders and community-based organizations in the reporting and registration of hate crimes and on measures to provide equal protection for all under the law.
9. **Speak out against intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage xenophobia and violence and create a climate of fear for minorities.
10. **Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations with a human rights component – like the Organization for Security and Cooperation in Europe (OSCE) – to address hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to the inter-governmental bodies responsible for monitoring compliance with their obligations under international and regional human rights conventions (treaty bodies), notably the Convention for the Elimination of All Forms of Racial Discrimination.

Causes and Consequences

Perpetrators of hate crimes in 2006 persistently targeted individuals who stood out because of their perceived ethnic origin, race, nationality, religion, or such attributes as disability or sexual orientation. The violence was driven by discrimination that often involved multiple factors, including double discrimination such as race and gender, or physical appearance and religion.

Discrimination thrives on stereotypes through which members of particular groups are reduced to caricatures. Events to which members of particular groups can be tied, however tenuously, can serve as a motor or a precipitant for large-scale violence based on the victim's race or religion. In situations of conflict, members of minority populations often are perceived by the majority as the kin of its foreign enemies. Viewed in these terms they are held collectively responsible for the acts of distant governments, or radical groups.¹¹

In the **Russian Federation**, disputes in 2006 with the government of Georgia were accompanied by new levels of orchestrated and popular discrimination against ethnic Georgians there. The long conflict with Chechen separatists has similarly had as a corollary the stigmatization of Chechens throughout the federation, and generalized discrimination against people of the Caucasus whether or not they hold Russian citizenship. Official discrimination against members of minority nationalities in the Russian Federation may provide a framework that abets racist violence against them by ordinary citizens and organized political groups.

On August 29, 2006, in Kondopoga, a small city in Karelia in northwest Russia, a deadly brawl in the "Seagull," a restaurant owned by a man of Azerbaijani descent, set off violent attacks against people of Caucasian origin living there.¹² In the following days, two of the owner's businesses were set on fire, an arson attack on the restaurant was frustrated, and a market that employed many people of Caucasian origin was attacked. In the wake of a mass meeting on September 2, when speakers demanded that unregistered people of Caucasian origin leave Kondopoga within 24 hours, mobs set fire to cars, overturned commercial stalls belonging to people from the Caucasus, and threw fire bombs that burned down the "Seagull."¹³ Some thirty Chechen families fled their homes and were sheltered in a nearby school that was in turn firebombed three days later, although no injuries resulted.¹⁴

In many cases in eastern Europe, entire Roma communities have been the object of attacks in reprisal for incidents in which individuals identified as Roma were accused of crimes or violence. In May 2006, in **Ukraine**, near Kiev, the family of a man killed in a fight with a Roma gathered others in the village to seek vengeance against the Roma community as a whole. The group approached village authorities "to declare their intention to forcibly expel all Roma from the village and to burn their houses down," but was stopped by local officials.¹⁵

Common features of racism and xenophobia are the perpetuation of stereotypes and generalizations concerning the attributes, failings, and responsibilities

of members of a particular group. Every member of a suspect nationality, religious confession, or ethnic group may be in effect held hostage to the behavior of every other, and subjected to reprisals should an individual with similar attributes commit a crime – or a distant government cause offense or outrage.

In **Turkey**, in February, a young man murdered Rev. Andrea Santoro, a 61-year-old Catholic priest, in what police said was an expression of outrage over the publication of cartoons deemed offensive to Islam. A priest was targeted as a stand-in in what was seen as an act of retaliation against predominantly Christian Europe.

In the **United States**, on July 28, 2006 Naveed Afzal Haq, a U.S. citizen of Pakistani descent, broke past security at the Jewish Federation of Greater Seattle, and opened fire on staff members with handguns, killing one and wounding five. Haq reportedly told a police dispatcher he had randomly attacked because “[t]hese are Jews and I’m tired of getting pushed around and our people getting pushed around by the situation in the Middle East.”¹⁶

Elsewhere in Europe and North America, too, authors of antisemitic threats and attacks frequently invoked Israel and Israeli policies as a supposed justification for random attacks on Jews and Jewish institutions, even while employing the language and symbols of Nazi Germany.

Discrimination and violent attacks against Muslims follow a similar pattern in Europe and North America, with attacks on ordinary people in their shops, schools, or homes misguided substitutes for those keen to lash back at Islamist terrorism. Assaults are often accompanied by epithets directed at Muslim terrorists or the organization Al Qaeda, as if every Muslim is accountable for the acts for every other. In the wake of the London bombings on July 10, 2005, for example, a gang of youths attacked and murdered Kamal Raza Butt, a Pakistani immigrant and shopkeeper, while shouting ethnic slurs and yelling “Taliban.” Similar attacks followed elsewhere in Europe: in Denmark, a Sikh bus driver mistaken for a Muslim was attacked by an unidentified man with a baseball bat who reportedly shouted “London.”¹⁷

Increasing fears of terrorism and anti-immigrant sentiment have contributed to growing xenophobia and intolerance throughout western Europe, while extreme nationalist movements in eastern Europe and the Russian Federation have increasingly expressed virulent racist and antisemitic doctrines through organized violence.

In **Germany**, people of African origin, whether citizens or immigrants, have faced particular violence. In May 2006, 12-year-old Kevin Khune, who is of German-Ethiopian descent, was assaulted by five young men in Pommelte, near Magdeburg, in eastern Germany. In the summing up at their trial, the judge described how the young men abducted the boy as he got off a bus, took him to an isolated spot, and beat, kicked, choked, and burned him. His tormenters, who also spat and urinated on him, subjected him to a litany of racial abuse, reportedly asserting that the village had been “clean” before he arrived. He was subsequently hospitalized for head injuries.¹⁸

In **Ukraine’s** capital Kiev, on October 25, five men described as skinheads and who reportedly shouted that they would “save Ukraine from these freaks” attacked and murdered 44-year-old Dr. Godknows Mievi, a long-time resident of Nigerian origin employed by an oil company. Mievi, whose wife and son were Ukrainian citizens, died of multiple stab wounds.¹⁹ An arrest was reportedly made of an activist in the Ukrainian Movement Against Illegal Immigration, an extreme anti-immigration group modeled on the Russian organization of the same name.²⁰

In the **United Kingdom**, in September, 2006, in Moygashel, Dungannon, bricks with threatening notes attached were thrown by unidentified attackers through the windows of seven homes occupied by Polish and Lithuanian immigrants.²¹

Anti-immigrant bias has been a factor in attacks on people of particular national or ethnic or religious origins as well as targeted attacks on asylum seekers: people who are often particularly vulnerable as they are housed together in highly visible concentrations.

In **Finland**, in two separate incidents in August 2006, groups of young men armed with clubs and stones attacked a building housing some 40 refugees from Myanmar (Burma) in the coastal city of Kotka. Two of the estimated 20 among the attackers were arrested; police said the motive for the attack was under investigation.²²

Statistics and Trends: A Review of Select Countries

The section below examines some recent trends in violent hate crimes based on available monitoring and statistics from France, Germany, the Russian Federation, Ukraine, and the United Kingdom, where hate crimes have been on the rise in recent years. Official data collection and reporting systems in France, Germany, and the United Kingdom, where governments have made serious efforts to combat hate crimes in recent years, allow for a more comprehensive analysis of trends in those countries. In the Russian Federation and Ukraine, coverage by the media and monitoring by nongovernmental organizations has shed considerable light on the growing problem of racist violence.

France

In 2006, French authorities reported a decrease by 10 percent in the overall number of hate crimes in comparison with 2005, although crimes were increasingly of a violent character. Antisemitic offenses, a subset of the hate crimes monitored, rose by 6.6 percent in 2006, after a 48 percent decline the previous year. Hate crime levels remained extraordinarily high compared to the late 1990s. Official data on hate crimes has been systematically collected and reported since 2002, but incidents involving a number of minority groups are not represented, leaving discrimination against these groups statistically invisible.

In France, a tendency toward an increase in the proportion of bias crimes involving violence was confirmed in the past year, and individuals, not property, were the primary victims of this increase.

Although the total number of offences *decreased* 10 percent—the number of antisemitic offences rose by 6.6 percent. The total of all bias offences remained extraordinarily high compared with the period of the late nineties.²³

In addition to the increasingly violent character of hate crimes, individuals were targeted in a larger proportion of the total cases, increasing from 4.9 percent in 2005 to 5.7 percent in 2006. As in past years, bias crimes were characterized as either acts (sometimes described as violent acts) or threats (*menaces* – defined to include graffiti and “minor vandalism”). There were 64 offences registered as acts in 2006, down from 88 in 2005 while there were 280 registered threats, down from 383.²⁴ These offences, in turn, were broken down into antisemitic offenses and racist and xenophobic offences.

The proportion of incidents involving violence (which includes violence against individuals and property) increased from 19 percent in 2005 to 22 percent in 2006 within the total number of racist, xenophobic, and antisemitic threats and acts. Attacks upon persons as a proportion of violent acts rose 9 percent, from 44 percent in 2005 to 53 percent in 2006.²⁵ Statistics on racist threats similarly showed an increase by 15 percent (from 29 percent to 45 percent in 2006) in threats “that directly affect persons (spoken threats and written and telephone threats).”²⁶

While antisemitic threats and acts rose 6.6 percent in the year, the more significant finding was that the expression of antisemitism was increasingly violent. Violent antisemitic acts increased with a rise of 35 percent, from 99 in 2005 to 134 in 2006, as did attacks

on persons. The statistics show that the number of attacks against persons practically doubled, from 53 in 2005 to 94 in 2006. In addition, threats against persons doubled over the year, from 69 of a total of 409 threats in 2005 to 135 of a total of 407 threats in 2006.²⁷

As a measure of the gravity of the incidents, there were 22 cases in 2005 in which people described as “of immigrant origin” were wounded, while 26 from the Jewish community were wounded. In 2006, there were 20 wounded of immigrant origin and 30 “of or perceived to be of the Jewish confession.” In addition, the report highlighted the kidnapping, torture and murder of Ilan Halimi, a member of the Jewish community. Halimi was the only person reported killed in a bias crime in France in 2006, and the only individual victim named in the report.²⁸

Statistics on racist and xenophobic offences that exclude those motivated by antisemitism experienced a significant decline in total numbers, with a 27 percent reduction in numbers of violent acts: from 88 acts in 2005 to 64 in 2006.

As in past reports, the National Consultative Commission on Human Rights (CNCDDH), the official human rights body, continued to avoid the word minority in its reporting on hate crimes, indiscriminately substituting the term “immigré” to describe the targets of “racist or xenophobic” offences.²⁹ The findings identify people of North African origin (“*maghrébines*”) as the most affected by racist acts, accounting for 66 percent of racist acts, as well as racist threats, with 69 percent of the total.³⁰ No other groups that are victims of racist violence are identified, and as in past reports, victims of racist violence are in most charts and narrative sections described as “immigrants” or “of immigrant origin” – a generalization that blurs the distinction between foreigners and immigrant newcomers and France’s large minority population of citizens.³¹

Sections of the CNCDDH report concerning hate crimes and hate crime statistics omit any reference to such minority groups as Roma or people of sub-Saharan African origins, nor is there any express reference to violence and discrimination against foreigners, as contrasted to citizens. Although reporting on the findings of an annual public opinion survey for 2006 does refer to *attitudes* towards specific minority groups, including homosexuals, no reference is made to crimes based on sexual orientation bias, disability bias, or racism other than anti-North African bias.

Statistics for 2006 indicate just 42 violent acts described as “*anti-maghrébines*” and 22 described as “other.”³² There were 280 offences of “lesser gravity,” classified as threats, of which 192 were *anti-maghrébines*, with 88 motivated by other forms of

racism or xenophobia. While these are relatively low levels, in comparison with those of other European countries that publish detailed statistics, the report gives little guidance as to the effectiveness of police data collection in addressing all forms of racist and xenophobic violence.³³ In contrast to the report’s validation of statistics on antisemitic offences by reference to the comparable statistics produced through Jewish community-based monitoring, there is no basis provided by which reporting on other bias crimes is assessed.

The CNCDDH report for 2006, like its 2005 report, falls short of the far more detailed reporting on individual cases produced in its 2004 report. This included an extensive appendix apparently based on police reports that provided basic information including the date, place, and nature of incidents, in a “non-exhaustive list of the most serious cases.” This included details of cases characterized as violent acts of antisemitism, as well as summary accounts of 165 incidents of “racist and xenophobic” violence. In these, victims and perpetrators (where known), were categorized loosely by origin, when distinct from the French majority, while details about any imputed ties of the perpetrators to extremist groups were spelled out. There was no reference to crimes against Roma in 2004; nor do Roma figure in the 2005 and 2006 reports.

The case information in the 2004 report, as well as the statistical data in the 2006 reports, suggests an emphasis by the criminal justice system—the source of the CNCDDH data—on the major problems of antisemitic violence and violence against France’s large minority of North African origin, and little attention to the victims of other forms of hate crime – at least in the area of monitoring and statistical reporting. The French government’s policy to ban the collection and disaggregation of data based on a person’s ethnicity, religion or national background perpetuates the concept that one’s origin outside of France renders a person permanently “foreign” regardless of citizenship.

While French government statistics have been useful tools to identify the levels of both antisemitic and anti-Muslim violence, other French minorities are statistically invisible in periodic reports. There is no official data on the situation of black, Asian, Roma, or other significant minorities—or on racist violence affecting non-citizens, such as immigrants from the Balkans or Eastern Europe. Yet France is one of the few Council of Europe member states that conducts serious monitoring of hate crimes and has enacted and enforces effective hate crimes legislation.

Germany

Early estimates for 2006 on the number of extremist crimes suggest the highest level of such crimes since the current monitoring system was introduced in 2001. These figures continue an upward trend of the last several years. The severity of the problem was highlighted in the run-up to the World Cup, hosted by Germany, in which community and activist groups produced a “No-Go” guide for German minority and foreign citizens that identified areas with a high incidence of racist violence.

In Germany, most hate crimes continued to be addressed officially in the context of legislation and reporting procedures on crimes of political motivation and extremism. Interior Ministry statistics cited in press reports revealed 8,000 incidents involving the extreme right in the first eight months of 2006 (January-August). This was a 20 percent rise over 2005 levels (6,065), and nearly double 2004 levels for the same period (5,127).³⁴ The rise in the number of incidents was accompanied by a rise in *attacks on individuals* in far-right hate crime attacks. A total of 452 violent attacks, with 325 people injured, was reported between January and August 2006, a rise from 363 attacks and 302 people injured in 2005 during the same period.³⁵ A Ministry of Interior statement confirmed the statistics, which were first reported in the press, and stressed that the rise in violent attacks required “intensified” action.³⁶

In December 2006, official statistics showed that the rise in the number of incidents continued, with 10,154 “far-right crimes” registered from January through the end of October 2006, the highest levels for that time period since the current system of monitoring such crimes was introduced in 2001.³⁷ The information was published by the newspaper *Tagesspiegel*, which cited parliamentarians and leaders of the Jewish community who attributed the rise to the inadequate response of the main political parties to a growing neo-Nazi movement.³⁸

The rise in hate crimes in 2006 continued a trend observed the previous year. A 2005 report by Germany's domestic security agency, the Bundesamt für Verfassungsschutz, said “rightist crimes” there rose to 15,361 in 2005, up 27 percent from the 12,051 crimes in 2004.³⁹ The highest levels of these crimes per capita were reportedly in eastern Germany, with the highest number in 2005 reported in Saxony-Anhalt, “followed by Brandenburg and Thuringia,” with Berlin ranked ninth out of the 16 federal states (Länder).⁴⁰ In 2006, the same regions continued to stand out for both the number and severity of racist and related attacks.⁴¹

Racist and antisemitic violence was frequently directed at young people, with children targeted both for the color of their skin or their religion and for their friendship and support of others who face discrimination. In October 2006, in Parey, in the German state of Saxony-Anhalt, a sixteen-year-old schoolboy who spoke out against racism was forced by schoolmates to wear a placard declaring “I'm the nastiest swine in town; with the Jews I always hang around” – reproducing Nazi doggerel of the 1930s that vilified those who associated with Jews.

At the same school a year before, schoolmates insulted and brutalized a boy of Lebanese descent at the school gate, burning his neck with a cigarette.⁴² In the wake of the more recent incident, the response of local education authorities was to criticize the media exposure of the situation. The school principal reportedly protested at the harm done the reputation of the school and declared: “We are working to fix this situation, so please leave us alone.”⁴³

Germans and foreign citizens who stood out for the color of their skin were particularly vulnerable to racist attack. In May, Germany's Africa Council, a grouping of Afro-German activists and community groups, produced a “No-Go” guide for World Cup visitors that identified areas with a high incidence of extremist violence, where people who were not white could face attack. The guide, which was prepared for the internet and distribution in pamphlet form, was aimed not only at football supporters from African countries, but others of non-European background.⁴⁴ In this background, the statement by German Chancellor Angela Merkel that “anybody who threatens, attacks or, worse, kills anybody because of the color of his skin or because he comes from another country will face the full force of the law” was a welcome recognition of the problem and the willingness to address it.⁴⁵

The Africa Council's “No-Go” guide for World Cup visitors fairly accurately reflected official police statistics on concentrations of extremist violence, with the states of Brandenburg and Saxony-Anhalt highlighted as particular problem areas. In a pattern reported also in response to particular cases that received national or international attention, local authorities appeared to be as concerned with being in the spotlight as with the serious abuses reported. Police spokesmen from some of the highlighted “no-go” areas, moreover, expressed surprise that their jurisdictions were singled out. Anja Trojahn, for example, a spokeswoman for police in Saxony-Anhalt's capital, Magdeburg, appeared oblivious to federal crime statistics when she told the London *Daily Telegraph* “I do not know why (the publishers) picked our state as the worst example.” She acknowledged

only that “there are xenophobic incidents, but they happen everywhere.”⁴⁶

In the first six months of 2006, 110 acts of right-wing violence were reported in Saxony-Anhalt, compared to 129 incidents there in the whole of 2005.⁴⁷ Human rights monitors there attributed the high levels of violence in part to the pervasive racism of large sectors of the population there and institutional racism within state structures.

The head of nongovernmental organization Miteinander’s (“Together”) mobile victim support unit, Heike Kleffner, told the press that “the extreme right’s prejudices and hatred of minorities mirrors the prejudices of some of the wider population.” Sympathy with extremist views, in turn, may also be reflected in official responses in the state. According to the same source, “Police and prosecutors are slow to bring cases to court and some judges refuse to identify right wing militancy even when they see neo-Nazi emblems tattooed on criminals. Conviction rates remain low in Saxony-Anhalt.”⁴⁸

In Berlin, one of Germany’s most multicultural and cosmopolitan cities, police chief Dieter Glietsch told the press in December 2006 that violent neo-Nazi crimes had nearly doubled over the previous year. Official statistics documented 52 attacks in 2005 in Berlin, while levels were expected to exceed 100 in 2006.⁴⁹

The president of Germany’s Central Council of Jews, Charlotte Knobloch, remarked in October that antisemitic and right wing violence had become “so blatant and aggressive that it brings to mind the years after 1933.” She added that both political leaders and the general public were largely ignoring the phenomenon.⁵⁰

Russian Federation

Hate crimes against ethnic, religious, and national minorities have proliferated in the Russian Federation. According to a leading monitor there were at least 31 racist murders in 2005 and hate-based attacks on 413 individuals. Those numbers rose significantly in 2006 to 540 cases of violent hate crimes, including 54 murders, sustaining a steady trend of rising violence over the past several years. Nongovernmental monitors have noted that prosecutors have begun to more frequently use hate crime laws in the prosecution of these cases. Yet national and international attention was drawn in 2006 to several cases in which all defendants were acquitted or else given lenient sentences on “hooliganism” charges.

In the Russian Federation, hate crimes have proliferated in the context of organized nationalist movements of the extreme right, including neo-Nazi organizations. Although there is no official data from which to quantify annual levels of violence, media reports and statistical analysis by domestic nongovernmental organizations, notably the SOVA Center for Information and Analysis, a leading Moscow-based organization that monitors hate crimes in Russia, describe rising violence against Russia’s ethnic, religious, and national minorities of crisis proportions. The SOVA Center documented 31 racist murders in 2005 and hate-based attacks on 413 individuals. Those numbers rose significantly in 2006 to 540 cases of violent hate crimes, including 54 murders, sustaining a steady trend of rising violence over the past several years.⁵¹

St. Petersburg was host to the annual meeting of the G8 in July 2006, bringing an international spotlight to the lethal record of racist violence there and in other major Russian cities. In June, in the lead-up to the summit, Human Rights First issued *Minorities Under Siege: Hate Crimes and Related Intolerance in the Russian Federation*, which highlighted the inadequate government response to the problem of rising racist violence. Human Rights First likewise sought to draw attention to the particular problem of racism in St. Petersburg with a special short report, *Minorities Under Siege: the Case of St. Petersburg*.⁵²

Russian President Vladimir Putin spoke out strongly on several occasions in response to particularly egregious incidents of racist and antisemitic violence, but there was little evidence of concerted action to combat such violence through the criminal justice system.

Russian laws today provide a basis for the investigation and prosecution of crimes motivated by racial, ethnic, or religious bias. The Russian Criminal Code contains a general penalty enhancement provision for “the commission of crimes with a motive of national, racial, religious hate or enmity...” Several other articles of the code provide specific enhanced punishments for particular crimes committed with these motivations. Russian law also contains provisions to punish incitement to hatred.

Nongovernmental monitors have indicated an increase in the use by Russian criminal justice officials of provisions identifying bias as an aggravating circumstance and allowing for enhanced penalties to be sought. The SOVA Center reported that in 2006 there were 33 convictions (involving not less than 109 defendants) in which hate crime provisions were applied. This was up considerably from figures in 2005 (17 convictions involving 56 defendants) and 2004 (9 convictions involving 26 defendants), suggesting that

prosecutors have become slightly more inclined to use these provisions.⁵³

While these statistics show that prosecutors have managed in some cases to successfully apply provisions on aggravating circumstances, there have also been a number of acquittals in high-profile racist murder cases. These have raised questions about the seriousness of efforts by criminal justice officials to effectively investigate, prepare for and try these cases.

- On October 17, 2006, all thirteen of the defendants in the case of the murder of 20-year-old Vu An Tuan were acquitted by a jury. Tuan, a Vietnamese student, was murdered in St. Petersburg in October 2004. Prosecutors in the case had determined that the murder was motivated by ethnic hatred and were seeking penalty enhancements on that basis.
- On July 25, 2006, all four defendants in the case of the murder of Roland Epassak were acquitted by a jury. Epassak, a student from the Congo, died on September 13, 2005 from wounds sustained days before when he was brutally attacked and beaten by a group of 15 to 20 youths. Prosecutors had likewise determined that the assault leading to death was racially-motivated and were seeking enhanced penalties as a result.

There is a general perception by Russian human rights monitors and other sectors of the public that charges of “hooliganism” are routinely pressed by prosecution authorities as an alternative to more serious charges even when serious bodily harm occurs.

- In the case of the 2004 murder of nine-year-old Khursheda Sultonova, for example, in which there were eight defendants, prosecutors charged only one of them with racist murder and hooliganism, whereas the other seven were charged with simple hooliganism. In March 2006, a jury acquitted on the charge of murder, but found all the defendants guilty of hooliganism, resulting in relatively lenient sentences.
- Similarly, in the case of the murder of Enrique Hurtado, a Peruvian student who was murdered in the city of Voronezh, only one of the thirteen defendants in that case – the one charged with murder – was sentenced for a crime motivated by bias. Although the prosecutors did in this case seek penalty enhancements for the other defendants under hate crime provisions, the court ultimately sentenced those defendants on assault and hooliganism charges, without any consideration for the bias motives.

Ukraine

A rise in openly neo-Nazi movements has been accompanied by growing racist and antisemitic violence in Ukraine, while government responses have been limited. Violence toward members of non-Slavic minorities has resulted in serious injuries and death. Rising incidents of antisemitic violence have occurred against a backdrop of antisemitic discourse by influential political leaders, the widespread dissemination of antisemitic screeds in printed and broadcast media, and the growth of extremist movements that have made antisemitism a foundation of their political platforms.

Hate crimes in the Ukraine have been reported in the context of proliferating extremist movements whose members often describe themselves as skinheads and neo-Nazis, as well as a continuing discourse of racism and intolerance by established political parties, educational institutions, and religious leaders. Antisemitism is propagated by mainstream political leaders and in widely disseminated publications, although senior officials have on a number of occasions stated a commitment to action against antisemitism. Hate crimes have included violent attacks on individuals, attacks on places of worship, the desecration of cemeteries, and vandalism or the destruction of property associated with Crimean Tatar, Jewish, Roma, and other minorities.

Despite Ukraine’s commitments to do so, as a member of the Council of Europe and a participating state of the OSCE, the government does not collect and publicly report on crimes of violence motivated by antisemitism, racism, or other forms of intolerance. Although the Criminal Code of Ukraine contains provisions that expressly enable the racist or other bias motives of the offender to be taken into account by the courts as an aggravating circumstance when sentencing, prosecutions are rarely brought under these terms.⁵⁴

Information on the incidence of hate crimes is available from nongovernmental organizations and from limited coverage provided by the news media. The Union of Councils for Jews of the Former Soviet Union (UCSJ), in particular, continued to publish detailed information on hate crimes against all vulnerable communities in the Ukraine, including by monitoring of Ukrainian and Russian local media.

People of African origin, Crimean Tatars, Roma, and the Jewish community have been under particular threat in Ukraine. Hate crimes were also reported against ethnic Russian institutions in the predominantly ethnic-Ukrainian west of the country. The windows of the Russian cultural center in the city of Lviv were

shattered on November 16, 2006, in the fourth act of vandalism in the year.⁵⁵

In its annual report for 2005, the International Helsinki Federation reported an increase in the number of assaults on people with a darker skin color that it said were frequently carried out by groups of youths dressed in military-style uniforms.⁵⁶ In the most recent lethal attack against people of African origin, 34-year-old Gambian student Lamin Jarjue, a captain in the Gambian air force, was stabbed to death on December 28, 2006 outside his dormitory in Kiev.⁵⁷

In July 2006, Crimean Tatars who protested at proposals to expand a market on the site of an ancient Tatar cemetery were attacked in an incident marked by ethnic hatred. Part of the grounds of the cemetery had been taken over for a market in the aftermath of the mass deportation of the Crimean Tatars under the government of Josef Stalin. According to the UCSJ, “mausoleums dating back to the 15th century were – and are -- being used as public restrooms.”⁵⁸ A day after protesters barred access to the site, some traders reportedly “aligned themselves with extreme nationalist Cossack and skinhead groups” to attack the Tatars.⁵⁹

In August, Prime Minister Viktor Yanukovich met with Tatar leaders, and reportedly pledged that the market would be moved and the site returned to the Tatars. On August 12, however, a delegation from the Crimean Tatar parliament was attacked at the market by a mob of extreme nationalists reportedly shouting “Tatars out of the Crimea!” and other slogans.⁶⁰ National officials subsequently announced that the market would be closed down on September 11.⁶¹

Antisemitic violence was reportedly on the rise in 2006, and included vandalism and destruction of property and assaults on individuals. Synagogues were targeted for attack and Jewish cemeteries and memorials to victims of the Holocaust were damaged. Information on rising antisemitism can be derived from incident reports, although consistent or comprehensive statistics are unavailable.

In June 2006, vandals shattered windows in a synagogue in Kirovograd, the fifth time in 2006 that the building had been vandalized, according to local Jewish leaders.⁶² In May, dozens of gravestones were destroyed in a Jewish cemetery in Berdichev,⁶³ while in October, 18 tombstones in a Jewish cemetery in central Ukraine were destroyed.⁶⁴ In July, the Babi Yar memorial, near the site where Nazis massacred tens of thousands of Jews, was badly damaged, one of a series of incidents in which Holocaust memorials were attacked during the year.⁶⁵ Other Jewish institutions were also targeted. In July, vandals threw stones through the windows of a Jewish orphanage in

Zhitomir. According to the school’s director, vandals had previously smashed windows in her home.⁶⁶

Violent assaults on individuals proliferated, including an incident that appeared to be a copy-cat attack following the Moscow synagogue stabbings of January 11, 2006: on February 3, a man brandishing a knife entered Kiev’s Brodsky synagogue “screaming that all Jews should be killed,” but was restrained by guards. Attackers in Dnipropetrovsk described as local skinheads attacked an Israeli yeshiva graduate in April, stabbing him and hitting him over the head with a bottle, apparently because he was visibly Jewish. He was taken to the hospital and treated for injuries.⁶⁷ In a separate incident in Dnipropetrovsk, a group of some 30 skinheads reportedly attacked four Jewish boys.⁶⁸

Despite evidence of ongoing abuse against Roma, violent antisemitism, and attacks on members of other minorities, the government of Ukraine in May 2006 asserted that “all forms of discrimination based on race and nationality have been eliminated in Ukraine.” The statement was made in Ukraine’s periodic submission to the Convention on the Elimination of All Forms of Racial Discrimination (CERD), as a state party to the convention. At the same time, the government acknowledged that it was aware of international attention to the situation of Roma there, adding in a subsequent clause that “representatives of the Roma national minority are not always in agreement with this fact.”⁶⁹ The statement was made in its periodic submission in compliance with its obligations as a party to CERD.⁷⁰

Ukrainian President Viktor Yushchenko spoke out against racism and antisemitism on September 26 at a ceremony at the Babi Yar ravine, where more than 33,000 people were killed between September 29 and 30, 1941.⁷¹ The example of Babi Yar, he said, “should become a vaccine” against a renewal of “aggressive and bloody xenophobia.”⁷² Speaking at a conference the following day, he added: “I clearly and straightforwardly promise that there will never be ethnic intolerance and religious hatred in Ukraine. Like all Ukrainians, I refuse to accept and tolerate the slightest manifestation of xenophobia and antisemitism.” An estimated 100,000 people were killed at Babi Yar in the course of the 1941-1943 Nazi occupation of Ukraine.⁷³

United Kingdom

A dramatic surge of racist and religiously motivated violence followed the July 7, 2005 bombings in the London Underground and on a city bus. Hate crimes rose by as much as 600 percent in London in the month following these bombing, but then returned to pre-bombing levels. Overall in 2006, hate crimes in the United Kingdom continued at a high rate, despite significant efforts by the central government and independent police authorities to monitor and combat them.

In the United Kingdom, a dramatic surge of racist and religiously-motivated violence followed the July bombings of the London Underground and a city bus. The spike of violence diminished within weeks, but a high level of violence preceded the incidents and continues.⁷⁴

On July 7, 2005, coordinated bomb attacks by Muslim extremists on three of London's underground trains and a bus left 52 dead and 770 persons injured. Within three days of the incident, London Police recorded a backlash that included 68 religiously-related crimes, targeting mostly communities of South Asian origin. Scotland Yard reported that by August 3, religiously-motivated hate crimes had risen nearly 600 per cent in London since the July 7 bombing.⁷⁵ The crimes included verbal and physical attacks as well as criminal damage to property, including mosques. There were 273 incidents reported since the bombings compared to 41 over the same period (July 6 to August 1) the previous year.⁷⁶ Racist and religiously motivated crimes increased elsewhere in England and in Scotland as well, although the rate was less dramatic than in London. "Across the Central Belt, where the vast majority of Scottish Muslims live, race hate crimes have risen by nearly a third."⁷⁷

Overall in 2006, hate crimes in the United Kingdom continued at a high rate, despite significant efforts by central government and independent police authorities to monitor and combat them.

The Home Office and the Crown Prosecution Service produce annual statistics on police reports and prosecutions, respectively. Home Office statistics cover both reported incidents and registered offenses. Additionally, an annual national victim survey carried out under the auspices of the Home Office asks participants in England and Wales if they or a member of their household over 16 years of age have been the victim of a (hate) crime in the previous year. Comprehensive hate crime monitoring systems are operated by a number of independent police authorities, in particular, London's Metropolitan Police Service.

Further detailed statistical information on hate crimes is published annually by the Police Service of Northern Ireland.

The Home Office reported 57,902 racist incidents (no separate data was published on religiously aggravated incidents) and 37,028 racially or religiously aggravated offenses in England and Wales in 2004/2005, the latest period for which statistics are available. This was a moderate rise over 2003/2004 levels in which there were 54,286 incidents and 34,996 registered offenses.⁷⁸ In contrast, the British Crime Survey indicates that in 2003/2004 participants reported 206,000 "race and faith hate crimes." The figure dropped to 179,000 in the year 2004/2005 resulting in a 13 percent decrease.

Incidents in 2006 included the following murders:

- Khizar Hayat and Hamidullah Hamidi died as a result of an April firebomb attack on their shop in Kennington in South London. In May, a man was charged with the murders and with three other arson attacks.⁷⁹
- In August, Wei Wang, a 41-year-old Chinese asylum seeker died in hospital after being attacked outside his home in the Sighthill area of Glasgow, just three months after he was relocated there from London.⁸⁰
- In March, 18-year-old Christopher Alaneme, whose parents are from Nigeria, was attacked and stabbed while with white friends in the coastal town of Sheerness, and died almost immediately in what police considered a racist murder.⁸¹

In a number of high-profile incidents, exemplary sentences were handed down by U.K. courts in the course of the year. Two 19-year-old assailants were sentenced to 25 and 21 year imprisonments on charges of racially-aggravated murder for the July 2006 beating death in West Yorkshire of 41-year-old Mohammad Parvaiz, an Asian taxi driver. Two other younger teenagers were sentenced to 17 years imprisonment for participating in the attack.⁸²

In December 2005, sentences were handed down for the July 28, 2005 murder of 18-year-old Anthony Walker in Huyton, Merseyside. Walker, who was black, was waiting at a bus stop with his white girlfriend and a cousin when they were subjected to racist abuse. When they decided to move to another bus stop, they were pursued by a gang of youths into a park, where Walker was struck in the head with an axe. Two men were convicted of racially motivated murder and sentenced to minimum sentences of 24 and 18 years; the judge described the offense as "racist thuggery of a type that is poisonous to any civilized society."⁸³

In **Northern Ireland**, extremely high levels of hate crimes were reported throughout the past two years, including a major rise in racist violence. The Police Service of Northern Ireland in its latest annual survey reported 746 crimes of racist violence there between April 1, 2005 and March 31, 2006, a 17.7 percent rise over the same period the previous year. Nearly half of the incidents registered (47 percent) were crimes of violence against individuals, including 25 crimes of threat or conspiracy to murder, 238 woundings or assaults, 69 cases of intimidation or harassment, and 351 incidents of criminal damage.⁸⁴

The Northern Ireland statistics also for the first time provided a measure of faith/religion-based crimes, recording 78 offences (57 percent of them violent crimes), and sectarian offences, recording 1,470 offences (with 47.6 violent offences). Sectarian crimes relate to ongoing tensions between the majority Protestant communities and the Catholic minority.⁸⁵ A report by the anti-racism magazine *Searchlight* highlighted the new statistics, while stressing both the rise in the number of incidents and “the growing ferocity and systematic nature of these hate crime” in the same areas previously torn by violence between Protestant and Catholic communities.⁸⁶

Detailed guidelines concerning hate crimes published by the Home Office in the United Kingdom have noted that “[t]he majority of hate crimes goes unreported through lack of trust in the police service.” Measures to overcome these obstacles include improved “witness care,” and both public information campaigns and victim-friendly procedures to address underreporting of incidents.⁸⁷ The issue of under-recording of complaints is also addressed with the admonition that “it is important that recording of all such incidents is mandatory.” Other good practices published by the Home Office include procedures for handling threatening mail and related documentation as forensic exhibits.⁸⁸

Thematic Overview: Hate Crime Genres

Introduction

Race, ethnicity, and national origin have long been prominent among the driving forces behind hatred and intolerance. Racial and ethnic minorities have been under particular threat in many parts of Europe, with particularly lethal violence reported in areas of the former Soviet Union. People of African origin have been under particular threat there and elsewhere in Europe.

In the **Russian Federation**, people of African origin have been the object of some of the most persistent and serious attacks, with African students in particular subject to everyday threats of violence. Although there are a relatively small number of people of African origin in eastern Europe and Russia, they are among the most visible and thus most vulnerable of minorities.

On April 7, 2006 in St. Petersburg, a gunman shot Lampsar Samba, a student from Senegal, with a hunting rifle as he left a night club with a group of other African students. The weapon, emblazoned with a swastika, was found near the scene of the crime.⁸⁹ Just a few weeks before, on March 25, also in St. Petersburg, nine-year old Lilian Sisoko, a Russian citizen of mixed heritage (the daughter of an ethnic Russian woman and a Malian man), was stabbed in the neck and ear three times by two young men as she was entering her apartment building. She managed to get back to her apartment, where her parents called for an ambulance in which she was rushed to the hospital.⁹⁰

In **Ukraine**, men of African origin were murdered in at least two apparent hate crimes in 2006, including Dr. Godknows Miemi, an oil company worker of Nigerian

origin, in October, and a Gambian student Lamin Jarjue, who was killed in December.⁹¹ In the wake of Dr. Godknows Miemi's murder, Pastor Sandey Adelazha, a Protestant minister in Kiev, told the press that "African embassies receive complaints every week from their citizens who have been attacked."⁹²

In **Poland's** northern city of Olsztyn, at least four men attacked Moroccan actor Abdel M. on July 22, 2006 at an antiracism festival, hitting him over the head with a bottle and stabbing him repeatedly. Abdel M., a member of the Migrator troupe of refugee actors, had just finished a performance about the life of refugees in Poland when he was attacked. The attackers reportedly told him they attacked him because "you are dark, you are black" and "there are too many foreigners."⁹³

Polish Radio cited Olsztyn police commissioner Jolanta Szymulewska Ozioro as denying claims of a racist attack. "The four men in custody didn't belong to any specific organization like skins or any nationalist groups. They have criminal records and are known to police. According to our investigation it doesn't seem at the moment that it was a racial attack."⁹⁴

The Cameroonian head of the troupe of actors described his own experience of increasing "violent, bitter attacks on foreigners," in particular people of African origin. "I have been here for two years. The situation is getting more and more [serious] because personally I have been attacked on several occasions. I have met some of my friends, some of them who are black, and they have been complaining that they have been attacked by racists."⁹⁵

In **Belgium**, in the city of Bruges, on the night of May 6, 2006, five right-wing skinheads viciously attacked

Raphaël Mensah, a 50-year-old Parisian artist of Togolese descent and his 37 year-old Belgian friend, Alain Bouillon, who was also wounded. According to Bouillon “the skinheads weren’t after money, they went after us because my friend has the wrong skin color.” Mensah’s wallet was reportedly recovered on the crime scene with the 150 euros he carried on him still in it.⁹⁶ Mensah spent two months in a coma, and died in a Paris hospital in April 2007. The Belgian judicial system is waiting for the results of an autopsy to determine if Mensah’s death was a result of the beating. The three individuals in detention in connection with the attack may be charged with murder.⁹⁷

In **Germany**, on April 18, 2006, in the lead up to the World Cup an attack in Potsdam left a German citizen of Ethiopian descent, Ermyas Mulugeta, in a coma for more than a month. Thousands took part in street protests in the wake of the incident, which brought the threat of racist violence against some of the hundreds of thousands of expected foreign visitors to the forefront of German public life.⁹⁸ International attention was guaranteed when former government spokesman Uwe-Karsten Heye, who now chairs an antiracism organization, warned of “no-go areas” for World Cup visitors in the state of Brandenburg and elsewhere “where I would not advise anyone with a different skin color to go,” adding: “They would probably not get out alive.”⁹⁹

In the **United States**, violent attacks against racial minorities continue to comprise a majority of all hate crimes. According to the FBI’s annual Hate Crime Statistics, more than 50 percent of all hate incidents constituting crimes since 2002 have been motivated by animus towards the victim’s race.¹⁰⁰ The current threat of violence facing racial minorities is a modern extension of a dark history of hate-motivated violence and bigotry against non-white persons in the United States. Both official and unofficial statistics continue to underscore this threat. According to the FBI’s annual hate crime statistics, African-Americans continue to be the most vulnerable to hate-motivated violence. In 2005, of the 4,895 victims of race-motivated incidents, 67.9 percent were victims of “anti-black bias.”¹⁰¹ This statistic mirrors those from previous years, where anti-black violence comprised roughly two-thirds of all race-motivated incidents tabulated by the FBI.¹⁰²

- In Palm Springs, California, on April 5, 2007, a female white supremacist gang member allegedly beat and stabbed a 20-year-old black man and a 20-year-old black woman with a knife behind a local Starbucks, leaving both victims with multiple stab wounds. The female victim suffered two collapsed lungs. Authorities believe the attacker was motivated by racial animus towards the victims.¹⁰³

- In Long Beach, California, in May 2005, a 66-year-old landlord beat a 17-year-old African-American girl with a garden hose. The beating reportedly followed weeks of harassment and intimidation against the victim and her father. The landlord allegedly yelled racial slurs towards the two on a routine basis, and hung a stuffed-monkey with a noose around its neck on the family’s banister, with a sign that read “I.M. LYNCHED.”¹⁰⁴ In March 2007, a jury found the suspect guilty of assault and battery and upheld hate crime charges against her based in part on her use of racial slurs.¹⁰⁵
- In Lacy, Washington, on January 26, 2007, three United States Army Rangers from Fort Lewis beat a 36-year-old African-American man outside a bar while hurling racist epithets during the assault. The suspect suffered bruises and cuts and was briefly hospitalized before being released. The three attackers were arrested for second-degree assault and were charged with malicious harassment under Washington State’s hate crime statute.¹⁰⁶

The situation of other groups that face particular threats of discriminatory violence are described in more detail further below, in the thematic overview section. They include Jews and Muslims, who confront virulent combinations of racism and religious intolerance, the Roma and Sinti, a minority present in most European nations, and minority Christian faiths in the Russian Federation, Turkey, and the Central Asian republics. In addition, we address the reality of disability-based discrimination and violence, and the phenomenon of violence motivated by bias founded on sexual orientation, often known as homophobia. Separate “companion surveys” cover in greater depth antisemitism, Islamophobia, and homophobia.

Antisemitism

Antisemitism, a particularly pernicious form of racism and religious intolerance, has persisted at a high level throughout Europe and North America, while tending to surge in response to international events involving Israel. Attacks that are directly tied to the Middle East conflict are an important part of this picture, with some political groups indiscriminately targeting Jews everywhere for violence as if proxies for Israel. Europeans and immigrants alike have invoked the Middle East conflict to demonize Jews as a people and to incite racist violence against individual Jews regardless of their views on or relationship to Israel. Terrorist attacks such as the Istanbul synagogue bombings of November 2003 have illustrated the potential extremes of violence intended to give voice to enmity towards Israel.

More recently, a gunman directed automatic rifle-fire at an Oslo synagogue, **Norway's** largest, on September 29, 2006. Four men arrested for the attack were subsequently held on multiple charges, including terrorism, and were accused also of plotting the assassination of the Israeli ambassador and bombings of the Israeli and U.S. embassies.¹⁰⁷ The synagogue attack occurred in the context of the Israel-Hezbollah conflict, and followed months of incidents in which the synagogue was targeted in part as a means to express hatred for Israel.¹⁰⁸ It was daubed with graffiti, the community's cantor was physically attacked, and in one incident captured on security cameras, a man defecated on the synagogue steps and then broke two windows with stones.¹⁰⁹

In 2006 as in previous years, antisemitic discourse concerning Israel has often been a major factor in antisemitic violence. The blurring of criticism of a nation or a government into racism and religious intolerance is a common feature in times of armed conflict and heightened international tensions, particularly when building upon deep foundations of hatred and prejudice. But this convergence and merging of ancient prejudices and political animosity has been particularly widespread and acute with regard to Israel, and has become a persistent feature of antisemitic discourse. This form of discourse becomes racism and religious hatred, and antisemitism, when critics of Israel vilify and demonize Jews as a people, and every Jew everywhere. As a British community organization noted, this is often the case:

Messages that start out as attacks on alleged Israeli policy or behavior often conclude with abuse of, or threats to, all Jews, the wish that all Jews were dead, claims of Jewish conspiracy or the accusation that Jews killed Christ. The antisemitism is compounded if the incident is targeted at a Jewish person or institution – such as a synagogue – that is then held responsible for the alleged actions of the Israeli government. This charge of collective responsibility and collective guilt, whereby every Jew in the world is supposedly answerable for the behavior of every other Jew, is one of the fundamental building blocks of all racism.¹¹⁰

But modern antisemitism is multifaceted and deep-rooted, a combination of racism and religious intolerance, and cannot be viewed as a transitory side-effect of the conflict in the Middle East. Antisemitic incitement and violence in Europe and North America both predated the Middle East conflict and continues to flourish based on centuries old sources of hatred and prejudice. The age-old demonization of Jews as a people, not least as supposed world conspirators and as scapegoats for both ancient and modern ills, remains a powerful underlying factor in the irrational hatreds of antisemitism today.

The growing nationalist extremist movements of Europe are steeped in the most primitive ideologies of antisemitism, and share a hatred and commitment to violence toward both Europe's Jewish communities and Muslim and other minorities. Often, an antisemitic attack will have no apparent link to organized extremist movements, but will be no less lethal for being a random assault by ordinary people steeped in antisemitism. In Kiev, the capital of **Ukraine**, for example, a group of young men shouting antisemitic slogans and brandishing bottles attacked three Orthodox Jewish men on December 16, 2006, injuring one severely, as well as a passerby who came to their aid. The three had just left a service at a synagogue in the city's Podol district.¹¹¹

Sometimes violence against Jews forms part of a larger pattern of racism, notably in European football (soccer) violence. On the night of November 23, 2006, in the aftermath of a match in **France** between Paris Saint-Germain and Israel's Tel Aviv Hapoel on the outskirts of Paris, some 150 local fans shouting "kill the Jews," and "the dirty Jew must die" attacked 25-year-old Yanniv Hazout, a Frenchman who is Jewish.¹¹² The incident received national and international prominence in part because a black police officer, Antoine Granomort, rushed to Hazout's aid—and one alleged attacker was killed. Granomort reportedly first used teargas to fend off kicks and punches from the mob and then fired his revolver, killing one of the alleged attackers.¹¹³

"The crowd hurled insults – 'dirty Jew,' 'dirty negro' and monkey cries – and raised Nazi salutes," the state prosecutor, Jean-Claude Marin, said afterward.... According to [former Interior Minister] Sarkozy, some fans shouted, "Death to the Jew!" before attacking Hazout. When the crowd began kicking and beating Granomort and apparently threatened to kill the fan he was protecting, he fired his service revolver, killing 25-year-old Julien Quemener, a home-appliance technician, and wounding 26-year-old Mounir Boujaer, a truck driver....

The response of senior public authorities was to stress the importance of eradicating racism and antisemitism in football. Then-Interior Minister Nicolas Sarkozy, demanded action even if meant barring spectators. After meeting with soccer officials and representatives of fans, he told the press "We prefer to see stands that are empty than full of unwanted people." "We no longer want racists, Nazi salutes, monkey noises in stadiums. Soccer is not war."¹¹⁴

The multiple strands of ancient and modern antisemitism can also come together in particular surges of violence, when perpetrators motivated by the traditional hatreds of antisemitism associated with the European extreme right make common cause with minority populations concerned with the Middle East.

Events that set these particular surges in motion may mean different things to different people, but combine to reinforce preexistent prejudices and hatred.¹¹⁵

Violence against Muslims

Anti-immigrant bias and xenophobia and old-fashioned racism have been major contributing factors to the modern phenomenon of anti-Muslim discrimination and violence. Often termed Islamophobia, this combination of racism and religious intolerance has been fueled by government policies and practices and by partisan politics. Popular concerns over national security, cultural integrity, economic prosperity, and religious homogeneity are all underlying factors in this newly potent form of xenophobia.

The rise of racist and religious violence against Muslims in Europe has occurred in tandem with the adoption of anti-immigrant political platforms by both fringe and mainstream political movements that are charged with racism. This new climate of chauvinism and xenophobia has made immigrants and those of immigrant origin particularly vulnerable to scapegoating for a broad range of social ills and political dilemmas. A result has been heightened anxiety and rising violence against racial, ethnic, and religious minorities and a new climate of exclusion. Citizens and non-citizens alike who are identified as Muslims have in particular been disparaged, discriminated against, and singled out for violence.

In western Europe, the attribution of acts of terrorism to Islamist extremists has continued to be a pivotal factor in backlash violence based on race and religion, targeting people who are perceived to be linked by reason of kinship, religion, nationality, or ideology with the perpetrators of the atrocities. Again, the racist principle was invoked to arbitrarily hold people responsible for the actions of others, related to them only by the color of their skin, their religion, or their national origins.

Racist violence against people of Middle East or Asian origin who are thought rightly or wrongly to be Muslims builds upon preexistent racism and xenophobia that is both exacerbated and given an outlet in times of public distress over terrorist outrages. Crimes now seen to be fueled by Islamophobia may often be almost indistinguishable with the racist violence that occurred against the same minority communities in the past in which religion was but a minor factor.

A distinction between racism and Islamophobia is often an artificial one, as the two generally tend to blur together in the reality of modern Europe. Yet Islamophobia is a new and potent factor in the modern stew of

racism and anti-immigrant bias. As a recent report by the European Monitoring Centre on Racism and Xenophobia (EUMC) noted, “[d]iscrimination against Muslims can be attributed to Islamophobic attitudes, as much as to racist and xenophobic resentments, as these elements are in many cases inextricably intertwined.”¹¹⁶ (In March 2007 the EUMC became the E.U. Agency for Fundamental Rights (FRA)).

The true number of hate crimes committed against Muslims in Europe, and members of minorities often mistaken for Muslims, is unknown. Even where governments themselves monitor and report hate crimes, there is broad acceptance that such crimes are both underreported and often, when reported, unrecorded.

Monitoring of discrimination against Muslims is still not a priority in most of the countries of the OSCE. Only the United Kingdom and the United States systematically record data on anti-Muslim crimes, although some official French data is also available. Elsewhere, the norm is that police either do not register reported incidents, register incidents without the details from which a motive of hatred and prejudice can be identified, or register incidents in the general category of xenophobic violence. Even where hate crimes are systematically registered, anti-Muslim crimes that involve the double discrimination of racism and religious prejudice may be recorded as single bias incidents motivated by either racism or anti-Muslim bias, the real level of violence against Muslims accordingly understated.

Underreporting is often particularly acute when a minority community lacks confidence in public authorities, or ready access to public complaints channels. These are problems confronted both by Muslim nationals of many countries as well as recent immigrants. Immigrants of uncertain status in their countries of residence may in particular suffer discrimination and violence in silence, having no means to seek public support without risking further abuse from police or the threat of deportation.¹¹⁷ Facilities for third-party reporting, through which victims and their families can recur to a trusted organization or to a civil agency as an intermediary with public authorities, have been established in the United Kingdom but are available in few other countries.

A December 2006 EUMC report on Muslims in the European Union concluded that the incidence of Islamophobia in the E.U.’s then 25 countries, from verbal threats to physical attacks on people and property, was both under-documented and underreported. It points out that just one E.U. country, the United Kingdom, publishes criminal justice data that

identifies Muslims as victims of hate crimes. The report lists scores of cases of hate crimes against Muslims, ranging from attacks on mosques to assaults on women wearing Islamic headscarves.¹¹⁸

The EUMC report highlights the importance of responding constructively to the stereotypes and generalizations that surround any discussion of Europe's Muslim minorities.

A series of events such as the September 11 terrorist attacks against the US, the murder of Theo van Gogh in the Netherlands, the Madrid and London bombings and the debate on the Prophet Mohammed cartoons have given further prominence to the situation of Muslim communities. The central question is how to avoid stereotypical generalizations, how to reduce fear and how to strengthen cohesion in our diverse European societies while countering marginalization and discrimination on the basis of race, ethnicity, religion or belief.¹¹⁹

An August 2006 report by the Organization for Security and Cooperation in Europe's (OSCE's) Office for Democratic Institutions and Human Rights (ODIHR) also addressed both contemporary manifestations of anti-Muslim discrimination and violence and its roots.

Hatred and intolerance towards Muslims has increasingly been given expression through violent physical attacks, burning or vandalism of mosques and Islamic schools, verbal harassment and threats, and calls for Muslims to be deported or expelled from Europe. Incidents against Muslims are fuelled by a combination of racism, hostility towards Islam and its adherents, powerful anti-immigrant sentiment and the association of Muslims and Islam with terrorism.¹²⁰

The perpetrators of anti-Muslim discrimination are often inspired by virulently nationalist, chauvinist, and racist ideologies that make little distinction between the minorities that are the object of their hatred. Those who espouse violent anti-immigrant views may find their prejudices exacerbated with regard to immigrants of the Muslim faith, but the fusion of racism and religious intolerance may in practice express a more generalized hatred of the "other" who stands out as different. This generalized intolerance may be expressed in multiple ways. The desecration of graves reported in Allied military cemeteries in Europe in recent years, for example, has involved the daubing of swastikas on and systematic smashing of both Muslim and Jewish tombstones.¹²¹

Similarly, in recent incidents expressions of anti-Muslim hatred and violence were sometimes also accompanied by antisemitic screeds. In the **United Kingdom**, a British National Party supporter was sentenced to five years imprisonment for daubing antisemitic and racist graffiti on a Swindon mosque—including "Pakistanis

and Jews go back to Auschwitz" – and then firebombing it in August 2006.¹²²

Antisemitic and anti-Muslim incidents in the **Russian Federation** coincided on at least one occasion. On the night of September 23, 2006 in Yaroslavl, a group described as skinheads attacked a mosque during a service marking the beginning of Ramadan, throwing rocks and Molotov cocktails at the building and smashing the windows of nearby parked cars before police came to the scene. The same night, the eve of the Jewish New Year, a group of young men chanting antisemitic slogans attacked the synagogue in Khabarovsk with rocks and bricks, breaking windows.¹²³

In **France**, the beginning of Ramadan was similarly marked on September 23 by a series of attacks on mosques. In Quimper, in the northwest, a mosque was set alight and seriously damaged in an arson attack. Its walls were also daubed with six swastikas in what was said to have been the fourth time the mosque was targeted. On the same weekend, a mosque in Carcassonne, in the southwest, was painted with the slogans "France for the French," "Arabs get out," and "Death to Islam."¹²⁴

Official French statistics continue to identify the preponderance of incidents of racist violence as involving "anti-Maghrebine" violence and threats—hate crimes against people of North African origin (antisemitic incidents are recorded separately). In 2006, the limited record of racist violence continued to be mostly of attacks on the predominantly Muslim Maghreb community, with 42 incidents (66 percent of the total) (no further information was provided on the targets of the 22 violent incidents involving "other victims of racism"). Eleven incidents were identified as expressly Islamophobic, targeting places of worship, monuments, and individuals, contrasting with the 13 incidents registered as Islamophobic in 2005.

The breakdown of the 64 serious racist acts registered in France in 2006 (again, excluding antisemitic offences) includes two bombings, eight arson attacks, and 34 cases of assaults on individuals. The targets included five mosques that were attacked with explosives or arson. Three mosques were the object of vandalism as were four cemeteries or monuments. Crimes characterized as *menaces* included those involving graffiti and "minor vandalism," with 21 such incidents targeting mosques, 19 schools, and three cemeteries.¹²⁵

In its December 2006 report on discrimination against Muslims in Europe, the EUMC stressed that as "[d]ata collection on anti-Muslim incidents is not obligatory," French police databases "contain only a partial account of reports where the victim's origin or religion – as

Muslim – might be noted: 131 such incidents were reported in 2004 and 65 in 2005.”¹²⁶

In the **United Kingdom**, the July 7, 2005 London bombings triggered a wave of backlash violence against Muslims and people perceived to be Muslims, particularly in the weeks immediately after. Two weeks after the attacks, the Muslim Safety Forum, which works closely with the police monitoring the total number of incidents, said the total number of “religiously-related” attacks reported across London rose 500 percent compared with the same period last year. These attacks ranged from verbal abuse and spitting, to property damage, arson attacks, and murder. Nine mosques were attacked, a garage firebombed, people were assaulted in the street, and windows were broken in homes.¹²⁷ Among the more serious personal assaults was the attempted murder of 21-year-old Zana Osman, an Iraqi Kurdish asylum seeker who was stabbed 11 times, with wounds to his back, face, neck, chest, and abdomen.¹²⁸

Violence based on Religious Intolerance

Hate crimes motivated by antisemitic and anti-Muslim bias, as well as bias towards other minority religions often take the form of attacks on places of worship, on religious leaders, and on individuals who are targeted for their faith while moving to or from places of worship. Religious dress or symbols can also be the basis for bias attacks.

Attacks on symbols of a particular group can also take the form of desecration, including by public displays intended to disparage and denigrate both members of particular faiths and the religions itself. More commonly, the vandalism of synagogues and mosques is accompanied by the destruction or desecration of religious articles and revered texts as well as the daubing of antisemitic or anti-Muslim slogans. In **Spain**, in the town of Soria, on January 26, 2006, a group publicly burned a copy of the Koran and threw other religious books in a trash can outside a mosque.¹²⁹

In many parts of the former Soviet Union, state-sponsored hostility toward religions considered “non-traditional” continued to be reflected in a refusal to register religious congregations as religious bodies, the denial of permits to build places of worship, the disruption of services in private homes or rented premises, and a policy of indifference toward attacks on members of these independent congregations.

In the **Russian Federation**, official intolerance has been paralleled by the actions of extreme nationalist

movements founded upon ideologies combining ethnic and religious chauvinism. The slogan “Russia for the Russians” has had both an ethnic and a religious dimension, and fueled the persecution of members of non-Orthodox believers. Members of so-called “non-traditional” Protestant and other faiths have been particular targets of abuse, even as antisemitism has been a unifying factor among nationalist groups.

On April 23, 2006, in Spassk in southern Siberia some 20 young people attacked the congregation of the Reconciliation Pentecostal Church as a children’s Easter concert was about to begin, causing injuries requiring hospitalization for some as well as damaging electronic equipment. Attackers reportedly seized a microphone and denounced the congregation as “sectarians” and “demons,” and declared that only Orthodox Easter was to be celebrated in Spassk. Police at the scene reportedly stood by and did nothing to halt the attack.¹³⁰

In **Serbia**, assailants reportedly attacked a Hare Krishna devotee in front of his home in Jagodina on the night of June 17-18, 2006, injuring him with three stab wounds and by carving a cross on his head. The victim, who had suffered a previous attack in 2005, was hospitalized.¹³¹ Extremists claiming to defend the Serbian Orthodox Church attacked the churches of other faiths on numerous occasions in 2006. The religious freedom organization Forum 18 has documented many of the cases:

One black spot is the town of Backa Palanka, where Seventh-day Adventist and Pentecostal churches have faced graffiti, arson and stone-throwing attacks and a Jehovah’s Witness was assaulted. A newly-built Catholic church in Smederevo has faced three attacks in the past year, while Nazarene, Orthodox, Lutheran, Muslim and Mormon sites have also been attacked. On 6 September a new Islamic faculty being prepared in Novi Pazar was vandalized.¹³²

Forum 18 also reported that Serbia’s Jehovah’s Witness community has recently sued the Serbian state for “failure to prosecute those who boasted of burning down a Jehovah’s Witness Kingdom Hall in 1999.”¹³³

In **Turkey**, in February 2006, a young man approached Rev. Andrea Santoro, a 61-year-old Catholic priest, as he prayed in his church and shot and killed him, reportedly shouting a religious slogan to justify the killing.¹³⁴ Police said he subsequently confessed to the crime and said the killing was religiously motivated: related to the publication of Danish cartoons that were offensive to Islam and the Prophet Mohammed. Also in February, a group of young men assaulted a Franciscan priest in Izmir, who was not seriously harmed, in what also appeared to be a religiously motivated attack. The attacks occurred at the time of international

protests over the publication by major European media of caricatures of the prophet Mohammed and were widely attributed to this.¹³⁵ In July, Father Pierre Brunissen, a French national, was attacked in the street in the port of Samsun and wounded with a knife.¹³⁶

In **Uzbekistan**, on December 18, 2006, four attackers severely beat a member of a Pentecostal church in the capital, Tashkent, not long after the broadcast on state-run television of two widely viewed programs that demonized Protestant faiths. The attacks come in the context of longstanding state policies to limit the practice of Islam to an “official” religion of state-sponsored mosques, while subjecting to police raids, arrests, and prosecutions worshippers of independent Muslim congregations as well as members of Jehovah’s Witness and Protestant faiths.¹³⁷

Violence against Roma and Sinti

The murder of 500,000 Roma and Sinti in the Holocaust was “an experience that is burned deep in the collective memory of the Roma and Sinti minorities,” writes Romani Rose, the chairman of the Central Council of German Sinti and Roma, but “is still barely acknowledged by the majority in their countries of nationality.”¹³⁸ The *Porrajmos*—literally “the Devouring”—is the Romani word for the Holocaust. Centuries of prejudice against Roma and Sinti were reinforced by anti-“gypsy” laws of exclusion long before the Third Reich.¹³⁹ Often described as Europe’s largest ethnic minority, Roma and Sinti suffer discrimination and violence as part of longstanding patterns of racism and social marginalization by both the state and civil society.

Although the Roma and Sinti, like other minorities, are victims of the broad trend of racist violence throughout much of Europe, they disproportionately face the menace of violent abuse by public authorities themselves. Data on hate crimes targeting Roma and Sinti is largely unavailable, in contrast to often detailed reporting on racist violence at the hands of police authorities. Reporting on individual cases of abuse, however, regularly illustrates patterns of abuse in which combinations of state and private violence combine to terrorize and intimidate Roma communities, to exact vigilante vengeance for crimes associated with individual Roma, or to expel Roma families from their homes in towns and villages in many parts of Europe.

Although violence against Roma is most frequently reported in eastern Europe and in the countries of the former Soviet Union, hate crimes and police brutality against Roma are also a phenomenon in western Europe. In **Belgium**, a group of men described as

skinheads reportedly attacked two young Roma men in the town of Tirlmont (Tienen) on August 26, 2006, kicking and beating them. Eighteen-year-old Peter Danyi, a Roma of Slovak origin who had lived in Belgium for ten years, was reportedly stabbed four times, but survived after emergency medical intervention. Some 250 Roma and supporters demonstrated there in solidarity on September 2.

Three alleged assailants were reportedly detained, although local authorities initially discounted charges of racism. Eddy Poffé, the newly elected mayor, reportedly told the press that “Tirlmont is not a racist town, and we have no problems here.” His predecessor, Marcel Logist, told the press: “I doubt that this was a racist act. This was just a scuffle between young people.”¹⁴⁰ Peter Danyi’s sister responded to a question on what had provoked the attack:

In fact, nothing caused it. Except a clearly racist attitude of “chase the foreigner.” ... We knew the same thing in Slovakia when we were younger. The young people always had to be alert for places where there were skinheads. Also we avoided these places. Or then, if they came in the district, we stayed inside.¹⁴¹

A climate of repression and racist violence contributes to the effect of formal policies of some national and local authorities to deny Roma the enjoyment of rights to education, employment, and access to social services. Roma in many parts of Europe continue to be threatened by pogroms intended to drive whole communities from their homes, with houses firebombed and threatening mobs backed by police.

In the **Slovak Republic**, the public response to racist attacks on Roma families sometimes portrayed the violence as the product of tit for tat attacks by Roma and skinhead groups where each was equally to blame. In September 2006, a group of two dozen skinheads in Orlova attacked the home of a Roma family on a housing estate, injuring four residents, including a 15-year-old girl whose head was cut. The next day, according to police spokesmen, two Roma men attacked two Slovak girlfriends of the skinheads in retaliation: the Roma were subsequently detained. Police said the men shouted racist insults at the girls, while holding weapons, but that no physical violence occurred. Police spokesmen said “attackers from both camps” would be prosecuted, and five skinheads and the two Roma men were subsequently charged with “defamation of race and nation, rioting and bodily harm.”¹⁴²

The Slovak courts also acted in 2006 in a case of racist assault against a Roma couple carried out three years before. Three young men had been accused of entering the couple’s apartment “under the pretext of

being policemen” and then assaulting both, permanently injuring the eye of a pregnant woman who was struck with a cobblestone, and stabbing her husband. A local court had given the perpetrators suspended sentences in January 2004, which generated wide scale protests. The case was reopened on appeal and in August 2006 verdicts were handed down: one was sentenced to three years and three months imprisonment, a second to three years of imprisonment, while a third was given a three year suspended sentence.¹⁴³

In the **Russian Federation**, there have been numerous incidents in which Roma families have been harassed and subjected to violence, often with the complicity of local authorities, with a view to driving them from their homes and communities.

- In the Siberian town of Iskitim, Roma families have been subjected to repeated violent attacks. In a series of incidents there in 2004 and early 2005, assailants attacked Roma homes with a dozen or more arson attacks, forcibly expelling Roma families. A new round of violence followed the return of part of the Roma population to Iskitim late in 2005. On November 10, 2005, the home of the Zaikova family was firebombed in a renewed series of attacks. Angela Zaikova, an eight-year old Roma girl, was set alight in her bed and died in hospital soon afterward with burns over most of her body. Her mother was also terribly burned.
- In the city of Volzhsky in the Volgograd region, on April 13, 2006, a group of 10 to 20 youths armed with metal poles and wooden stakes attacked a group of eight Roma near their home. They killed one member of the local Roma community, Grigory Markenkov, and Galina Ponamareva, an ethnic Russian who was visiting, while seriously injuring a 14-year-old girl and an 80-year-old woman.¹⁴⁴ In contrast to other incidents, Volzhsky police detained nine suspects in the crime soon afterwards, and charges were brought of murder with racist motives against two men, with lesser charges not involving racist motives brought against the others.¹⁴⁵ A jury was selected on April 10, 2007 and subsequently began hearing sides in the case.¹⁴⁶

- In Belgorod, in late September 2006, a district court convicted eleven young men on charges of hooliganism, aggravated assault with a racist motive, and forming an extremist group (the “Belgorod National Corps”) in relation to an attack on a Roma family a month earlier on August 25. Sentences ranged from five years for the leader of the group, a former student at the Belgorod police academy, and from one and a half to four years for his co-defendants.¹⁴⁷ The charges were based on an attack on the home of the Nikolaenkos family on the outskirts of the town:

Acting with malicious forethought, the extremists placed a sign reading “Road Closed” on the Nikolaenkos’ street in order to isolate their home from any witnesses. They then threw a firebomb and a smoke canister into the house and waited until the family members came out. The teenage son of the home’s owner ran out first and was stabbed multiple times, including once in the neck. His father and mother were then beaten with metal rods (the mother’s arm was broken in three places). The attackers were arrested within a week.¹⁴⁸

According to the prosecution, the men were part of an extremist group formed expressly to force non-Russians from the city. Defense lawyers argued that the attack was not motivated by racism, however, but was intended to punish the Roma family for “drug dealing”—in line with a common anti-Roma stereotype of criminality that is widely promoted in the Russian Federation. Police investigators confirmed that the allegations against the family were groundless.¹⁴⁹

In the **Ukraine**, discrimination against Roma was also reported to include large scale racist violence by public authorities, notably in the course of mass roundups and house searches that target Roma alone. In its December 2006 report, the European Roma Rights Center (ERRC) concluded that “police throughout Ukraine have failed to protect Roma from extreme forms of violence, including pogroms. When such acts have taken place, police and prosecutors and judicial authorities have failed to provide due remedy to victims. These failures are long-standing.”¹⁵⁰ The same source attributes the violence against Roma in the Ukraine to a combination of factors, including public authorities that are tolerant of expressions of hatred, racist discourse in the public sphere, the involvement of police in human rights abuses of Roma, and impunity for perpetrators.¹⁵¹

The ERRC submission to the Committee on the Elimination of Racial Discrimination (CERD), the U.N. body that monitors compliance by states parties to the Convention on the Elimination of All Forms of Racial

Discrimination, described a background to violence and hatred that included state support for racist stereotypes of Roma, reinforced by widely known discrimination and violence by police and public authorities, including mass round-ups and house-to-house searches that target every Roma family in a locality.¹⁵²

Incidents reported in 2006 include:

- On April 29, six men shouting “dirty gypsy” beat Romani Albert Kondi with metal bars near his home in Uzhgorod in the Zakarpattia region. The attackers told him “we’ll destroy all of you” if he did not hand over his valuables. A woman who came to his assistance was also injured, a bottle broken over her head.¹⁵³ Although a formal complaint was made to the police, investigations were reported suspended in June 2006.¹⁵⁴
- In May, in the village of Grebenki, in the Kyiv region, a non-Roma man was killed in a fight by a Roma, leading the family of the dead man to gather supporters within the village to seek vengeance against the Roma community as a whole. The group approached village authorities “to declare their intention to forcibly expel all Roma from the village and to burn their houses down.” The mayor reportedly stopped the mob action, but agreed to take other measures with a view to driving the Roma from Grebenki, including cutting electricity to the Roma homes.¹⁵⁵

Notwithstanding evidence to the contrary, the government of the Ukraine, in May 2006, asserted in a formal statement that observance of the rights and freedoms guaranteed in the Ukraine “confirms that all forms of discrimination based on race and nationality have been eliminated in Ukraine.”¹⁵⁶ At the same time, the government was aware of international attention to the situation of Roma there, adding in a subsequent clause that “representatives of the Roma national minority are not always in agreement with this fact.”¹⁵⁷ The statement was made in Ukraine’s periodic submission to Committee on the Elimination of Racial Discrimination, as a state party to the convention.

In **Slovenia**, the forced expulsion of a large Roma extended family was reported, when Roma on the edge of the village of Ambrus, near the capital Ljubljana, were threatened by a mob after a non-Roma was injured in a fight. On October 23, 2006, hundreds of villagers gathered, in the presence of police, and called for violence to expel the Roma from the area; the meeting was broadcast on national television.¹⁵⁸ A mob went to the Roma settlement shouting “gypsies out,” according to press reports.¹⁵⁹ Fires were set, and the over 30 Roma, mostly members of the Strojna family, fled. One of them was quoted declaring that “They were

building bonfires on our land and shouting that if we don’t move out, they will bomb us and crucify our children.”¹⁶⁰ One villager, pensioner Joze Lindic, reportedly told a reporter “Some 600 of us gathered near their house. We wanted to burn and destroy everything but we came too late, the police were already deployed.”¹⁶¹

In the face of mob action, the Roma fled into the forest, where they remained sheltering under plastic tarps for several days. On attempting to return to their homes on October 28, under police protection, they were again turned away by some 200 villagers who asserted that they would never be allowed to return. Police subsequently barred access to the former homes of the Roma, and the Roma were relocated to refugee housing. National authorities sought to relocate the Roma permanently out of the Ambrus area, but faced further protests from local people where relocation was considered. In November, the Council of Europe’s Human Rights Commissioner, Thomas Hammarberg, visited Slovenia and criticized the forced relocation as “unacceptable.” He called upon both political and religious leaders to speak out against xenophobia and racism, declaring that: “They have a particular obligation to stand up for human rights and tell people that minorities also have rights and that mob activities against minorities cannot be tolerated.”¹⁶²

In late November 2006, after continuing international protests, a strong police escort facilitated the return of most of the Strojna family to their compound outside Ambrus after three months sharing three rooms in an army barracks in Postojna. Some one hundred villagers gathered nearby but were kept away by a strong police presence. An attempt to return the previous week was thwarted when some 1,000 villagers blocked their path.¹⁶³

Violence based on Sexual Orientation

Bias crimes motivated by sexual orientation, like those motivated by antisemitism, hatred of Roma and Sinti, and disability bias have antecedents in the Holocaust. Nazi campaigns to exterminate Jews and the Roma and Sinti were accompanied by a program called “Operation T4,” designed to annihilate the disabled, and by the persecution and murder of tens of thousands of Europeans identified as homosexuals.

Although homosexuals are no longer forced to wear pink triangles or openly targeted for extermination, sexual orientation is still a basis for stigmatization and oppression, often with the open support of government

at some level and by influential political and religious organizations.

Bias today towards those distinguished by their minority sexual orientation is vigorously promoted by both extremist and mainstream political and religious leaders across much of Europe and North America. Continuing violence motivated by hatred and prejudice based on sexual orientation, though largely unseen, is an intimidating day to day reality for gay men and lesbians, bisexual and transgender people in many parts of many countries.

Discrimination by reason of sexual orientation, often termed homophobia, embraces prejudices against gay men and lesbians and bi-sexual and transgender individuals, as well as those perceived to have these attributes. This form of discrimination also extends to gender identity bias, in which individuals are targeted for violence on the grounds that they do not conform to gender stereotypes in their appearance or in behavior.

Few of the OSCE participating States track and provide statistics on crimes motivated by sexual orientation bias. **Canada, Sweden, the United Kingdom, and the United States** are the countries where such monitoring is most developed, although only Sweden and the United States produce official statistics nationwide.

Victims of hate crimes driven by homophobia often face particular cultural or social obstacles to reporting attacks and threats. Attacks on lesbian, gay, bisexual, or transgender (LGBT) people may go unreported because to do so would expose an individual's sexual orientation, possibly bringing about further abuse. LGBT people may both fear additional victimization and have little confidence that the criminal justice system will act appropriately in response to criminal complaints.

Notwithstanding obstacles, incidents of homophobic hate crimes are regularly reported in the media and in reports by nongovernmental organizations in many parts of Europe and in North America. While data for all but a few countries is insufficient to determine whether levels of violence are rising or in decline, incident reports provide some basis to conclude that homophobic violence is both frequent in incidence and often of particular brutality.

- In **Portugal**, on February 22, 2006, a group of boys attacked and killed a homeless, Brazilian transgender woman in the city of Oporto, leaving her body to be found in a water-filled pit. The boys, who confessed to the crime, were found to have previously harassed and intimidated the victim. Although Portuguese criminal law defines some forms of bias as aggravating circumstances in the

commission of homicide and assault, this does not explicitly extend to gender identity and was not invoked in the course of the prosecution of this case.¹⁶⁴

- In the **United States**, on February 2, 2006, an 18-year-old man entered a bar in New Bedford, Massachusetts, asked a bartender whether it was a "gay bar," and then attacked men there at random, first with a hatchet and then with gunfire. One man suffered deep cuts on his head and was shot in the face, and two others were shot in the back and chest. The assailant then fled the bar and later the state, and died on February 6 following a shootout with Arkansas police who tried to arrest him. At the time, police were investigating the assault as a hate crime.¹⁶⁵

Other attacks were reported in the context of actions aimed at securing the rights of LGBT persons, in particular through public demonstrations often described as "Gay Pride" marches. Gay pride parades and other events organized in a number of countries in 2006 confronted anti-gay diatribes from political leaders, poor police protection, and serious acts of violence against those taking part in the parades and events. Criminal justice officials generally responded inadequately to the violence, making some arrests, but following through with few if any criminal prosecutions of the individuals responsible for the violence.

- In the **Russian Federation**, mobs of skinheads, extreme nationalists, and Russian Orthodox believers chanting homophobic slogans attacked participants and observers at Moscow gay pride events on May 27. The harassment and physical assaults plagued activists both in a ceremony at the Tomb of the Unknown Soldier in Alexander Gardens and a subsequent rally outside the Moscow Mayor's office. The events went forward despite active opposition from Moscow's mayor and from Orthodox Christian, Jewish, and Muslim religious leaders there. Among those who were attacked and injured as police stood by was Volker Beck, a German member of parliament.¹⁶⁶
- In **Romania**, over a thousand people protested the Bucharest Gay Pride parade on June 3, with violent attacks injuring at least ten marchers; others were hurt as crowds who lined the route pelted the several hundred marchers with eggs, stones, and plastic bottles. Police provided only limited protection to the marchers, but made some fifty arrests of anti-gay protesters.¹⁶⁷
- In **Latvia's** capital Riga, on July 22, anti-gay demonstrators hurled feces and eggs at gay rights activists and their supporters who were leaving a

church service there on Saturday. Dozens of protesters had gathered outside the Anglican church in Riga where gay activists were attending a service that served as an alternative to a gay pride parade which authorities has banned.¹⁶⁸

- In **Estonia**, on August 13, some 20 anti-gay protesters armed with sticks and stones attacked the estimated 500 marchers in a Gay Pride Parade in Tallinn, injuring some twelve marchers.¹⁶⁹

Violence based on Disability Bias

In a few countries, legislation providing for sentence enhancement for bias crimes includes disability-based bias in these provisions. In its October 2006 report, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) stressed "an increased need for participating States to collect data on hate crimes and violent incidents against people with disabilities...." The report states that preliminary research "suggests that a disabled person is at least one and a half times more likely to be the victim of assault or abuse than other people of similar age and gender."¹⁷⁰ As in the case of the double discrimination of racism and gender, gender and disability bias, too, frequently took the form of sexual violence.

Teasing or taunting disabled persons because of their physical or mental conditions often graduates into the torment of intimidation and physical violence. Often only violent physical assaults in public places will attract the attention and assistance of the public and of law enforcement, while even such actions that terrorize the disabled may be treated as minor offences. Most hate crimes against the disabled may never be reported, as they occur largely out of sight in private homes and institutions. Even the most serious crimes against the disabled, from systematic beatings to rape to burnings with cigarettes, when carried out by those responsible for their care, may never reach the criminal justice system if carried out in custodial situations. When they become known, they are often characterized as "abuse," not crimes.¹⁷¹

Crimes may be written off as abuse, or little more than teasing or pranks, even when seriously harming a disabled person. An example cited by one authority occurred in a school setting: "the schoolmates of an 18-year old North Carolina high school student with a developmental disability soaked his lunch in cleaning fluid and watched him eat it." The victim was poisoned and required hospitalization, but the incident was not treated as a crime. "Abuse is a ubiquitous metaphor for experiences of disability oppression," adds this author.¹⁷² The disabled, like others, may also be the object of discrimination on multiple grounds, doubly

victimized because of their gender, their ethnic origins, or their religion.

That disability-based bias crime is among the least likely to be reported has been repeatedly shown in the limited data available. In the **United States**, the Leadership Conference on Civil Rights has observed that these hate crimes are rarely reported to law enforcement, as "the victim may be ashamed, afraid of retaliation, or afraid of not being believed," or reliant upon caregivers to do so, who do not. In the latter case, caregivers themselves may be responsible for serious crimes. Even when crimes are reported, the disability dimension may not be investigated or recorded.¹⁷³ These observations are reflected in the low numbers reported in the FBI's annual crime reports. In 2005, the latest survey available, the FBI reported 53 disability-based offenses, with 54 victims nationwide. Of these, 21 victims were targeted because of physical disabilities and 33 for mental disabilities.¹⁷⁴ Just 0.7 percent of the total of 7,160 hate crime incidents were classified as disability-based in 2005.

While the annual crime reports are important as an acknowledgment that disability-based crime is a part of the larger crime picture in the United States, the system has been criticized for severely underestimating the scale of these offences. Critics have noted, for example, that even hate crimes that receive national attention may not be registered as such in the crime reports police jurisdictions submit to the FBI. Hate crimes expert Jack Glaser, of the University of California at Berkeley, cites analysis showing that "disability hate crimes are not just underreported, they are virtually unreported. The number of media stories outnumber the statistics."¹⁷⁵

The crimes that dropped out of the statistics include what is generally considered the first disability-based hate crime to go to trial in the United States: the 1999 assault in Middletown, New Jersey on a man with cognitive disabilities who was "kidnapped, choked, beaten, burned with cigarettes, taped to a chair, his eyebrows shaved, and ultimately abandoned in a forest." The prosecutor opened the case by declaring that the accused had "tormented this mentally disabled man because of his disability"; seven of the accused were sentenced to long prison terms.¹⁷⁶ But the case did not appear in the Uniform Crime Reports as a hate crime.¹⁷⁷

In the **United Kingdom**, prosecution of disability hate crimes is relatively new, as provisions of the Criminal Justice Act of 2003 for increasing sentences for crimes against disabled people where these are aggravated by bias became law only in April 2005. The act covers England and Wales. Similar provisions were enacted in

Northern Ireland, in the Criminal Justice (No. 2) (Northern Ireland) Order of 2004, which came into force in September 2004 after extensive surveys of disability based crime. The Northern Ireland act establishes a statutory requirement for judges to treat racist, sectarian, sexual orientation, and disability bias as an aggravating fact in sentencing.¹⁷⁸

Hate crime statistics published by the Police Services of **Northern Ireland** for the 2005/2006 monitoring year covered 38 incidents of disability-based hate crime, including 21 assaults and woundings.¹⁷⁹ The proportion of violent crime in disability-based offenses, 63.2 percent, was higher than in crimes classed as racist (45.7 percent of 746), faith/religion (57.7 percent of 78 crimes), or in crimes classed as sectarian (47 percent of 1,470 offences), and exceeded only in homophobic crimes (68.2 percent of 148 offences). There were 33 offences of wounding or assault, 4 of threat or conspiracy to murder, and 27 of criminal damage. Violent crimes are defined as crimes against the person, sexual offenses, and robbery.¹⁸⁰

In **Scotland** a high incidence of hate crimes targeting the disabled was revealed in a survey by the Disability Rights Commission (DRC) and Capability Scotland, the leading disability organization there. A Working Group on Hate Crime set up by the Scottish Executive recommended similar legislation, and a draft hate crimes statute was approved by the executive.¹⁸¹ More than a year later, however, the act had yet to be submitted to the Scottish Assembly, and Scotland still lags behind other parts of the United Kingdom in protection against hate crimes.

In February 2007, the Crown Prosecution Service, which covers **England** and **Wales**, published a policy to explain how it will prosecute cases of disability hate crimes. In drawing up the policy, the CPS invited representatives of disability organizations to join a steering group, where they could offer their expertise and views, and also consulted with disabled people. In a statement, Director of Public Prosecutions Kenneth Macdonald stressed that the courts “can now pass a higher sentence when we prosecute a case as a disability hate crime,” and that when disabled persons are victims of crimes aggravated by hostility towards their disability, “our prosecutors will work with the police to find evidence of this.”¹⁸²

The disabled themselves have been among the strongest advocates for action against hate crimes, including through such organizations as Scotland’s Capability Scotland, and through media run by and for disabled people. The BBC’s website “Ouch!” (Its stated aim is “to reflect the lives of disabled people right here and now in the third millennium.”) includes first person

accounts from those who have suffered such attacks, and how they cope. Liz Ball, who is deaf and blind and who works in London, recounts being assaulted upon leaving an underground station, her attackers stealing only her white and red cane and the notebook she uses to communicate, and describes what it meant to her.¹⁸³

Hate Crimes and Human Rights Defenders

Human rights defenders and others who speak out against hate crimes or support the rights of minority communities have often themselves been the victims of violent attacks.¹⁸⁴ In a number of countries, members of extremist organizations have targeted members of antiracist organizations for violence. Those who lead and take part in parades and events in support of equal rights for the LGBT community have also been subject to violent backlashes for their actions. Those under threat include young people targeted for intimidation, violence, and even murder because they speak out against racism and intolerance.

Some criminal justice systems, in what should be included in compilations of “best practices,” have expressly recognized as hate crimes the targeting of individuals for their support of the rights of minorities, without themselves being members of these groups. In the **United States**, the Federal Bureau of Investigation’s guidelines on hate crimes data collection cover situations in which “The victim was engaged in activities” promoting equal rights. Examples given include: “[t]he victim was a member of the NAACP (National Association for the Advancement of Colored People) or participated in gay rights demonstrations.” The guidelines stress that a hate crime can be identified when the victims are not members of the targeted groups, but rather are members of “an advocacy group supporting the precepts of the victim group.”¹⁸⁵

Other hate crimes guidelines for law enforcement give explicit attention both to those targeted for their activism or others attacked for their close association with particular groups. British guidelines, for example, refer to hostility based on membership of a particular racial or religious group, while noting that “membership” includes “association with members of that group.”¹⁸⁶

The working definition of hate crimes adopted by the ODIHR usefully incorporates similar language:

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

Part B) A group may be based upon their real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.¹⁸⁷

In practice, human rights defenders, young and old, are frequently the object of intimidation and violence based on prejudice and hatred, whether or not they are members of minorities with which they are associated. Examples of such attacks include the June 19, 2004, murder in St. Petersburg, in the **Russian Federation**, of Nikolai Girenko, then perhaps the leading expert on extremism and racist incitement in Russia. Human rights defenders who monitor the discriminatory treatment of minorities in the context of ongoing hostilities, such as the Chechnya conflict, face both government action to restrict or punish their activities and the threat of private violence.

In many countries where immigrants and asylum seekers have been particular targets for racist violence, individuals and organizations that speak out against racism and anti-immigrant bias have themselves become targets for violence. In **Cyprus**, on March 31, 2007, extreme nationalists attacked the Nicosia headquarters of the nongovernmental organization Action for Equality, Support and Antiracism, better known for its acronym KISA. The walls and doors of the offices were spray-painted with swastikas and the nationalist slogan “Zito to ethnos” (“Long live the nation”). The incident followed an attack by some 30 young extreme nationalists, who are known for attacks on Turkish Cypriots, on an event that brought together members of Cyprus’ ethnic Greek and ethnic Turkish populations.¹⁸⁸ KISA provides daily support and legal advice to immigrants and refugees and is the Cyprus affiliate of the European Network Against Racism (ENAR).

In June 2006, Amnesty International spoke out about a pattern of arson attacks against “persons and organizations which have spoken out against racism in **Malta**.” The Jesuit community there, it said, had become a particular target for its work to denounce racism and defend the rights of “migrants, refugees and asylum-seekers,” not least for its role as the anti-racist focal point for Malta of the European Monitoring Centre on Racism and Xenophobia (EUMC).¹⁸⁹ In one attack on March 13, just days after the publication of an EUMC report addressing racism in Malta, seven cars at the Jesuit Community Center were set alight. Also in March, arsonists attacked the home of a poet shortly after his launch of a new book promoting tolerance and the rights of refugees. In May 3, the front door of the editor of the Maltese weekly *Malta Today* was set alight, shortly after its publication of a major editorial denouncing racism; and on May 13, arsonists carried

out a similar attack on the home of a journalist on the same paper who had written and spoken on racism and immigration.¹⁹⁰

In **Poland**, on May 16, 2006, an anti-racist activist was stabbed and nearly killed near his home in Warsaw. The Anti-Defamation League reported on this attack, which “was widely regarded as connected with the neo-Nazi Web site ‘Redwatch,’ operated by the Polish branch of the Blood and Honor network, which had published the activist’s name on its list of ‘enemies.’”¹⁹¹

In **Germany**, a subset of the incidents registered by federal authorities as extremist political violence are categorized as right-wing violence targeting left-wing political activists: although some of these cases also fall within a category of hate crimes motivated by anti-racist action or by association with minorities and minority issues, official monitoring is not known to make this distinction.¹⁹²

Similarly, in our recent report on hate crimes in the **Russian Federation**, *Minorities Under Siege*, we noted that young people who speak out against racist violence through music and groups that call themselves anti-Fascist are increasingly themselves the victims.¹⁹³ The murder of 20-year-old student, musician, and anti-racist activist Timur Kacharava in St. Petersburg, on November 13, 2005, is a recent example of the targeting of activists who fight discrimination outside of the framework of traditional human rights organizations.

Endnotes

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- ² "Mosgorsud prigovoril Alexandra Koptseva k 13 godam," Lenta.ru, March 27, 2006, available at <http://lenta.ru/news/2006/03/27/koptsev1/> (accessed on May 9, 2007). On March 27, a judge found Koptsev guilty of attempted murder with a motive of religious hatred, deliberate infliction of grievous bodily harm, but acquitted him of inciting hatred. He was sentenced to 13 years in prison. On June 20, Russia's Supreme Court overturned the conviction on the basis of appeals by both the prosecution and the defense. The defense had appealed the original sentence on the grounds that it was excessively harsh. The prosecution appealed the judge's decision to not include incitement charges in the final verdict. On September 15, the Moscow city court convicted Koptsev additionally of incitement. He was sentenced to 16 years in a high security prison. "Supreme Court Overturns Conviction of Synagogue Slasher," UCSJ, Bigotry Monitor, Volume 6, Number 22, June 23, 2006, citing Itar-Tass and "Koptsev priznan vinovnym v razzhiganii mezhnatsional'noi rozni. Srok nakazaniya uvelichen do 16 let," NEWSru.com, September 15, 2006, available at: <http://www.newsru.com/russia/15sep2006/koptsev.html> (accessed on May 9, 2007).
- ³ "Eight Men Stabbed in Moscow Synagogue," UCSJ, Bigotry Monitor, Volume 6, Number 2, January 13, 2006.
- ⁴ The attacks, in the port city of Antwerp on May 11, 2006, were just the most lethal of a series of racist attacks there in the lead-up to Belgium's first ever regionally organized municipal elections. Antwerp, where the municipal elections were fiercely contested by the Flemish Interest Party (*Vlaams Belang*), an extreme nationalist party campaigning on an anti-immigrant platform, was the scene of the greatest number of racist and related incidents in Belgium in the course of the year. "18-Year Old 'Far-Right' Belgian Shot and Apprehended for Racially Motivated Series of Killings," *Race Relations*, available at <http://racerelements.about.com/b/a/257444.htm> (accessed on July 25, 2006). European Parliament president Josep Borrell said the succession of attacks "shows that the step from xenophobic talk to crime is, unfortunately, possible."
- ⁵ "Belgium's Surge in Hate Crime: A Link Between Xenophobic Sentiment and Criminal Action?," *Race Relations* available at <http://racerelements.about.com/b/a/257446.htm> (accessed July 25, 2006).
- ⁶ "It is but reasonable that among crimes of different natures those should be most severely punished, which are the most destructive of the public safety and happiness." Justice William Blackstone.
- ⁷ Remarks by Daniela Petkovic, Ministry of Interior of the Republic of Croatia, at an OSCE Expert Meeting on Best Practices in Combating Antisemitism, Berlin, November 20-21, 2006.
- ⁸ On March 27, 2007, the International Day for the Elimination of Racial Discrimination, Human Rights First issued a public letter to German Chancellor Angela Merkel, calling on her to use the occasion of Germany's presidency of the European Union to advocate for stronger hate crime laws in the E.U., while enhancing Germany's own legislation to better combat this violence.
- ⁹ European Monitoring Center on Racism and Xenophobia (EUMC), "Annual Report 2006," page 97.
- ¹⁰ See Human Rights First, "Everyday Fears," pp. 47-49.
- ¹¹ See, for example, Community Security Trust, "Antisemitic Incidents Report 2006," p.14.
- ¹² After a barman was attacked, two ethnic Russian men were killed and others were seriously injured at the hands of ethnic Chechen men associated with the owner. For an account of the initial incident, see "Ckaika' na krovi," *Petrozavodsk stolitsa*, September 5, 2006.
- ¹³ The head of the Movement Against Illegal Immigration (DPNI) Alexander Belov, traveled to Kondopoga expressly to speak at the rally, and was subsequently the object of an investigation on incitement of hatred charges. "V Karelii vzbuzhdeno ugovnoe delo protiv

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- ¹⁶ Associated Press, “Police: Seattle shooting suspect ambushed teen Muslim man held on \$50 million bail after deadly attack on Jewish center,” MSNBC, July 29, 2006, available at <http://www.msnbc.msn.com/id/14082298/> (accessed May 8, 2007),
- ¹⁷ EUMC, “The Impact of the July 7 Bombings on Muslim Communities in the E.U.,” page 4
- ¹⁸ David Jones, “March of the World Cup Nazis,” *Daily Mail*, May 27, 2006, available at http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=388008&in_page_id=1770 (accessed October 25, 2006); and “Germany’s Far-Right Rolls Up its Sleeves,” *Deutsche Welle*, October 17, 2006, available at <http://www.dw-world.de/dw/article/0,2144,2214527,00.html> (accessed November 28, 2006).
- ¹⁹ “Kiev Skinheads Murder Nigerian,” *FSU Monitor*, November 7, 2006, citing the Kiev newspaper *Gazeta po-kievski*, November 2, 2006.
- ²⁰ Ibid.
- ²¹ “Racist Thugs Condemned for Weekend Attacks on Homes,” *Belfast Telegraph*, September 25, 2006.
- ²² “Mob Smashes Windows of Apartments Housing Refugees from Myanmar, Two men held after racist attack in Kotka,” *Helsingin Sanomat*, August 28, 2006.
- ²³ Commission Nationale Consultative des Droits de l’Homme (CNCNDH), “*La Lutte Contre le Racisme et la Xénophobie: Rapport d’activité 2006*,” Section I, p. 12, available at: <http://lesrapports.ladocumentationfrancaise.fr/BRP/074000226/0001.pdf> (accessed on March 27, 2007).
- ²⁴ Ibid, pp. 12, 34.
- ²⁵ Ibid, p. 12.
- ²⁶ Ibid, p. 12.
- ²⁷ Ibid, p. 13.
- ²⁸ Ibid, p. 35.
- ²⁹ Ibid, p. 32.
- ³⁰ Ibid, p. 12.
- ³¹ For a critique of this terminology, see “Everyday Fears,” pp. 74-81.
- ³² CNCNDH “*Évolution de la violence raciste visant les immigrés d’origine maghrébine depuis 1996*” (chart), p. 37.
- ³³ CNCNDH, Section II, p. 148. The Direction générale de la police nationale, under the authority of the Ministry of Interior, provide data on offences through a centralized uniform crime reports system, the Système de traitement des infractions constatées, STIC. The STIC is operated by the Direction Centrale des Renseignements Généraux, DCRG. In recent years, documentation tools have been created to identify indicators of motive relative to hate crimes, although it is not known whether guidelines in this regard have been made public. The 2006 CNCNDH report has identified STIC indicators such as “the scene of the crime (a synagogue, mosque, church, etc.), the profession of the perpetrator or of the victim (member of the clergy, pastor, rabbi, etc), the modus operandi (the throwing of an incendiary device, etc)” in order to allow a more accurate statistical projection. See also EUMC, “Muslims in the European Union: Discrimination and Islamophobia,” p. 18.)
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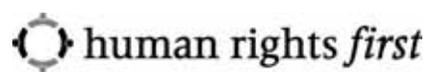
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- ⁴⁶ "World Cup Highlights Germany's Racist Hotspots," *Deutsche Welle*, May 3, 2006.
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- ⁴⁸ *Ibid.*
- ⁴⁹ "Neo-Nazi Crime Doubles in Berlin, Police Chief Says," *Expatica News*, December 8, 2006, citing *Deutsche Presse-Agentur*.
- ⁵⁰ Other members of the Central Council of Jews criticized the statement as an exaggeration. "German Jewish Leader Says Right-wing Violence Recalls 1930s," *Deutsche Welle*, October 25, 2006, available at: <http://www.dw-world.de/dw/article/0,2144,2214527,00.html> (accessed November 28, 2006).
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- ¹⁸⁴ Human rights defenders are people who – individually or in association with others – strive to promote and protect human rights. They are community leaders and educators, grassroots activists and lawyers, journalists and doctors, union organizers and students, depending on the context. See The U.N. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, G.A. res.53/144, annex, 53 U.N. GAOR Supp., U.N. Doc. A/RES/53/144 (1999).
- ¹⁸⁵ U.S. Department of Justice, Federal Bureau of Investigation (FBI), “Hate Crime Data Collection Guidelines, Uniform Crime Reporting,” October 1999 (revised), available at: <http://www.fbi.gov/ucr/hatecrime.pdf> (accessed on March 10, 2004).
- ¹⁸⁶ An offence may be defined as racially or religiously aggravated if, “the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.” “‘Membership,’ in relation to a racial or religious group, includes association with members of that group.” See: Definitions of Racist Incidents and Crimes, in Statistics on Race and the Criminal Justice System – 2005, A Home Office publication under section 95 of the Criminal Justice Act 1991, available at: <http://www.homeoffice.gov.uk/rds/pdfs06/s95race05.pdf> (accessed on July 25, 2006).
- ¹⁸⁷ ODIHR notes that the working definition “was developed by the ODIHR, with input from law enforcement experts from seven OSCE participating States for use within the curriculum of the pilot Law Enforcement Officer Programme on Combating Hate Crime. This working definition takes national differences into account, such as differences in legislation, resources, approach, and needs, and thus allows each State to amend the definition as it sees fit.” ODIHR, “Challenges and Responses to Hate-Motivated Incidents in the OSCE Region,” p. 7.
- ¹⁸⁸ John Leonidou, “Extremists target KISA,” Cyprus Mail, April 1, 2007, available at <http://www.cyprus-mail.com/news/main.php?id=31623> (accessed on April 5, 2007).
- ¹⁸⁹ “Attacks Against Anti-Racists Must End—Amnesty International,” Malta Media Online, June 9, 2006. See also “Annus Horribilis Marks Malta’s Descent to Racist Depths,” Malta Today, July 30, 2006, reporting on a report on Malta by the European Network Against Racism, ENAR.
- ¹⁹⁰ Ibid.
- ¹⁹¹ Anti-Defamation League, “Poland: Democracy and the Challenge of Extremism,” September 2006, available at: http://www.adl.org/main_International_Affairs/poland_challenge_of_extremism.htm (accessed on April 12, 2007).
- ¹⁹² See Germany, Federal Ministry of the Interior, “Annual Report 2005 on the Protection of the Constitution, 2005.”
- ¹⁹³ Human Rights First, “Minorities Under Siege: Hate Crimes and Intolerance in the Russia Federation,” June 26, 2006.



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