



# **HATE CRIMES IN THE OSCE REGION - INCIDENTS AND RESPONSES**

ANNUAL REPORT FOR 2007

Warsaw, October 2008

## Foreword

In 2007, violent manifestations of intolerance continued to take place across the OSCE region. Such acts, although targeting individuals, affected entire communities and instilled fear among victims and members of their communities. The destabilizing effect of hate crimes and the potential for such crimes and incidents to threaten the security of individuals and societal cohesion – by giving rise to wider-scale conflict and violence – was acknowledged in the decision on tolerance and non-discrimination adopted by the OSCE Ministerial Council in Madrid in November 2007.<sup>1</sup>

The development of this report is based on the task the Office for Democratic Institutions and Human Rights (ODIHR) received “to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through ... its report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region”.<sup>2</sup> A comprehensive consultation process with governments and civil society takes place during the drafting of the report. In February 2008, ODIHR issued a first call to the nominated national points of contact on combating hate crime, to civil society, and to OSCE institutions and field operations to submit information for this report. The requested information included updates on legislative developments, data on hate crimes and incidents, as well as practical initiatives for combating hate crime.

I am pleased to note that the national points of contact provided ODIHR with information and updates on a more systematic basis. Since governments were given the opportunity to comment on the drafts in May and June, ODIHR was able to provide the most up-to-date and accurate information. The consultative process also included regular contact with civil-society organizations, as well as OSCE institutions and field operations.

ODIHR is committed to further enhancing the content of the report and providing more comprehensive information on the responses of OSCE states to violent acts of hate and intolerance. This was one of the motives that led ODIHR and the Finnish Chairmanship to organize a meeting with the national points of contact in June this year. The meeting provided an important forum to discuss future collaboration and to identify ways in which the quality and accuracy of the information contained in the report could be even more enhanced. I very much hope that future reports will build upon the existing good co-operation that ODIHR shares with the national points of contact and participating

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<sup>1</sup> OSCE Ministerial Council Decision No. 10/07, “Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding”, Madrid, 30 November 2007, <[http://www.osce.org/documents/mcs/2007/12/28629\\_en.pdf](http://www.osce.org/documents/mcs/2007/12/28629_en.pdf)>.

<sup>2</sup> OSCE Ministerial Council Decision No. 13/06, “Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding”, Brussels, 5 December 2006, <[http://www.osce.org/documents/mcs/2006/12/22565\\_en.pdf](http://www.osce.org/documents/mcs/2006/12/22565_en.pdf)>.

States, as the comprehensive nature and quality of our reporting are contingent upon the input we receive.

A number of positive responses and practical initiatives are emphasized in this report. While this list is not exhaustive, it is important to emphasize the value of these tools in the prevention, awareness-raising, and promotion of mutual respect and understanding. ODIHR hopes that these accomplishments will encourage governments and civil society to further strengthen their action in these fields. To this end, I also invite all participating States to review the first of the two ODIHR toolboxes for combating hate crime, which are presented at the end of this report. I would encourage participating States to seek our technical assistance and expertise in order to improve the implementation of OSCE commitments. We will continue to develop and refine these tools accordingly.

In conclusion, I wish to thank all our contributors, including those in governments, institutions, and civil society. Their effective responses to hate-motivated violence help in the fight against racism, xenophobia, anti-Semitism and other forms of intolerance and discrimination, including against Muslims, Christians, and members of other religions. I hope that our continued efforts will further promote a climate of greater respect and understanding.

Ambassador Janez Lenarčič  
ODIHR Director

## Executive Summary

This year's ODIHR report on hate crime in the OSCE region, summarized below, finds a continued pattern of brutal attacks on visibly identifiable groups, often intended to degrade or humiliate the victims. Many of the attacks coincided with religious holidays and/or prayer times. Another alarming development was the emergence of the Holocaust as a rhetorical means to threaten and offend Jews, underlined by frequent damage to Holocaust memorials. Hate-motivated incidents against Muslims, Christians, and other religious groups continued to be significantly under-reported and under-recorded, as were homophobic crimes. Those standing up to defend human rights also came under attack, with numerous hate crimes reported against activists and leaders of minority groups. Sporting events were particularly prone to acts of intolerance of a racist, anti-Semitic, or xenophobic nature. Perhaps most disturbing was a trend for high-ranking members of government and mainstream political parties to introduce prejudices against various such groups into the realm of public discussion.

On the basis of existing commitments, and through co-ordination with relevant OSCE executive structures, Decision No. 13/06 of the 2006 Ministerial Council encouraged ODIHR to:

- “continue to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through its Tolerance and Non-Discrimination Information System and its report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region”;
- “strengthen, within its existing resources, its early warning function to identify, report and raise awareness on hate-motivated incidents and trends and to provide recommendations and assistance to participating States, upon their request, in areas where more adequate responses are needed”.<sup>3</sup>

This second annual report is a continuation of ODIHR's task to serve as a collection point for information related to hate crimes, including legislation and statistics, and to raise awareness about existing responses to such crimes within OSCE participating States.

The aim of this report is to provide an overview of practical efforts and measures undertaken by governments and civil society to combat violent and non-violent manifestations of hate and to promote mutual respect and understanding.

An introductory note on terminology and methodology explains why specific terms and definitions are used and provides an explanation of the different types of sources ODIHR relied on to produce this report.

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<sup>3</sup> *Ibid.*

**Part I** is divided into two sections: legal developments and an overview of hate-crime data collected by OSCE participating States. The section on hate-crime legislation provides a summary of international and national developments reported in 2007. It also discusses the challenges that states face in ensuring effective implementation of legislation. The section on hate-crime data looks at patterns and developments related to the collection of, and reporting on, hate-crime data across the OSCE region. A summary of official government data is included, as well as data collected and reported by specialized bodies and inter-governmental and non-governmental organizations. This section also presents the continued challenges that states face in collecting comprehensive, accurate, and disaggregated data.

**Part II** identifies a range of violent, hate-motivated crimes and incidents, with a view to identifying and illustrating recurrent patterns and responses in OSCE participating States during 2007. Violent hate-motivated incidents include:

- racist and xenophobic incidents (including against Roma and Sinti and also migrants, national and visible minorities, refugees, and asylum seekers);
- anti-Semitic incidents;
- incidents based on intolerance and discrimination against Muslims;
- incidents related to intolerance and discrimination against Christians and members of other religions;
- homophobic incidents;<sup>4</sup>
- incidents against human-rights defenders active in the area of tolerance and non-discrimination.

**Part III** examines non-violent expressions of intolerance and the role that speeches, political campaigns, and websites played in provoking hostility, prejudice, and even violence across the OSCE region in 2007. In presenting examples of expressions and manifestations of hate and intolerance, these issues are discussed within a broader human-rights framework that acknowledges the fundamental right to freedom of expression and that also recognizes the significant differences in the ways that OSCE states deal with the issue of hate speech.

**Part IV** includes an overview of new measures and initiatives undertaken by governments, specialized bodies, and inter-governmental and non-governmental organizations to prevent and respond to hate crimes and incidents. Examples of new

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<sup>4</sup> It is important to note that there remains no clear consensus among OSCE participating States about the specific inclusion of this ground for discrimination within the OSCE commitments and that not all participating States officially recognize the category of “sexual orientation” within their national legislation. However, as part of its mandate to collect information and statistics on hate crimes and incidents based on “other forms of intolerance”, ODIHR has received a significant amount of information about homophobic hate crimes and incidents from OSCE states, inter-governmental organizations, and civil society. Based on its task to make the information it collects publicly available, ODIHR has chosen to include information on homophobic hate crimes and incidents in this report.

measures aimed at improving the collection of hate-crime data by law-enforcement authorities and at encouraging victims to report hate crimes and incidents are presented along with awareness-raising activities and campaigns initiated in order to promote mutual respect and understanding.

**Part V** contains a list of ODIHR tools available to support and assist OSCE participating States and civil society in strengthening their efforts to respond to and prevent hate crimes. Information on states that are currently using the available tools is also included.

The report also offers some analysis of new patterns of incidents, as well as the re-emergence of patterns similar to those reported in ODIHR's 2006 annual report on hate crime in the OSCE region. The common features and specific points apparent in the different patterns are also described within this report.

### **Summary of Observable Patterns in 2007**

While acknowledging that the different forms of intolerance share many features, OSCE Ministerial Council Decision No. 13/06 recognizes "the uniqueness of the manifestations and historical background of each form".<sup>5</sup> The report's structure also reflects this approach. However, it is important to emphasize that certain forms of intolerance in this report may be more visible than others due to the fact that, for some forms of intolerance, there is a greater availability of official and unofficial data and information, sometimes combined with an increased willingness by some communities to report the crimes and incidents they face.

One of the patterns highlighted in this report is that members of visibly identifiable groups who stand out from majority populations because of their religion or ethnicity were often the target of attack in 2007. Such groups included:

- migrants, foreign students, Roma, refugees and asylum seekers;
- citizens who are members of national minorities and other minority groups, as well as Roma communities;
- visibly identifiable Jews wearing religious dress and/or gathering to celebrate a religious holiday at a synagogue;
- individuals visually identifiable as Muslim, such as veiled Muslim women and imams wearing religious dress.

As in the previous year, many of the reported hate-motivated incidents in 2007 (including racist, xenophobic, anti-Semitic, anti-Muslim, anti-Christian, and homophobic attacks) involved extraordinary violence and were characterized by extreme brutality, frequently resulting in serious injury or death. In such instances, victims received multiple stab wounds, were beaten with blunt objects, or chased and hit by cars. Some of the incidents,

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<sup>5</sup> OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

including homophobic incidents, appeared expressly intended to degrade and humiliate the victims.

Another pattern repeated in 2007 was that many of the attacks were aimed at religious institutions and places of worship and, in several cases, coincided with religious holidays and/or prayer times:

- Religious Jews on their way to the synagogue were in several instances targets of anti-Semitic attacks and, in some countries, attacks on synagogues and congregants occurred during Jewish holidays such as Rosh Hashanah, Yom Kippur, and Hanukkah. Although believers and religious institutions were the target of such attacks, such incidents were not necessarily motivated only by a religious prejudice, but rather by anti-Zionist or racist views;
- Attacks against mosques and Muslim religious and cultural centres also continued to take place. In some instances, the timing of attacks against mosques coincided with religious holidays such as Ramadan/Eid al-Fitr and Friday prayers. In other cases, these incidents took place against a backdrop of increased anti-Muslim discourse and heightened opposition to the construction of mosques;
- Attacks on places of worship and premises belonging to religious or belief communities, including Orthodox, Catholic, and Protestant churches, as well as premises of Jehovah's Witnesses and Mormons, were also reported.

A significant number of hate crimes reported in 2007 were carried out by members of organized hate groups, often described as "neo-Nazi" or extreme nationalist organizations. Others involved more loosely organized youths, characterized as "skinheads" and adherents of racist and extreme nationalist ideologies. In some cases, extreme nationalist political movements, some modelled expressly on the political and paramilitary structures of the Third Reich, voiced a persistent message of racial supremacy and of hatred towards national and immigrant minorities.

In several instances last year, the Holocaust emerged as a prominent reference point in anti-Semitic incidents and acts of harassment and hate speech. References to the Holocaust were used as a rhetorical means to threaten and offend Jews. This pattern was also recognizable in the frequency of attacks aimed at damaging Holocaust memorials. These alarming developments ran counter to the increased efforts of OSCE participating States and civil society to promote and foster remembrance of the Holocaust.

Under-reporting and -recording remained an issue in 2007. For example, hate-motivated incidents involving migrants, particularly those without documents conferring residency status, are believed to be seriously under-reported and therefore under-recorded. Incidents against Christians are also considered to be under-reported in certain areas of the OSCE.<sup>6</sup>

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<sup>6</sup> Communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

This may be because of fear of reprisals or where religious or belief communities constitute a minority within society.

Hate-motivated incidents against Muslim communities also continued to be significantly under-reported and under-recorded due to the fact that law-enforcement officers in the majority of OSCE states do not register reported incidents against Muslims at all or only register them without details concerning motives. This problem was exacerbated by the fact that only a limited number of non-governmental organizations currently monitor and report publicly on incidents motivated by anti-Muslim bias. In some cases, incidents took place within a general social climate of increased intolerance or hostility. As in 2006, incidents against Muslims in 2007 were often 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. In several instances, Muslim immigrants continued to be portrayed as a threat to European identity.

Homophobic crimes are also deemed to be under-reported and under-recorded, as their victims often feel uncomfortable in reporting them due to perceived homophobic attitudes among law-enforcement staff and the belief that reported incidents will not be handled seriously. In 2007, reported homophobic violent incidents and crimes continued to occur in a climate that was often hostile or intolerant towards lesbian, gay, bisexual, and transgender (LGBT) people. Reported cases of homo- and transphobic bullying among minors demonstrate the climate of intolerance that LGBT communities across the OSCE region continue to face.

Numerous cases of hate crimes targeting human-rights defenders were again reported in 2007. Their victims included anti-racist and anti-fascist activists, leaders of minority groups, and activists promoting respect and equal rights for Roma, Sinti, and LGBT people. As in 2006, such hate-motivated crimes and incidents often took place during or after the participation of human-rights defenders in public events, marches, or demonstrations promoting tolerance.

Sporting events last year continued to be particularly prone to acts of intolerance of a racist, anti-Semitic, or xenophobic nature. A significant number of such hate-motivated incidents took place especially in the world of football. These included, for instance: racist and anti-Semitic chanting; Nazi salutes; racist insults and discourse; and vicious hate-motivated physical assaults before, during, and after matches.

Intolerant public discourse by high-ranking members of government, as well as by representatives of mainstream political parties, continued to provide stark examples of how racist, xenophobic, homophobic, anti-Muslim, and anti-Roma attitudes and prejudices are in danger of becoming an acceptable part of public discussion, in particular during election periods and by political and governmental figures.

## **Strengthened Responses to Hate Crime in 2007**

In an increased effort to strengthen their response to violent and non-violent manifestations of hate in 2007, many states, alone or in co-operation with civil-society groups, introduced new measures to combat hate crime and to promote mutual respect and understanding. These included establishing new bodies and mechanisms to improve the collection of hate-crime data and to increase reporting by victims of hate crimes and incidents. Increased training schemes for law-enforcement officials, public officials, and prosecutors were also reported in order to build capacity and awareness within OSCE states. In order to address hate-motivated discourse in the media and the political sphere, many awareness-raising and educational programmes were launched in order to promote greater mutual respect and understanding and inter-cultural/-faith dialogue. While strengthening responses to hate crimes is an ongoing process, these initiatives present important steps in combating intolerance and promoting mutual respect and understanding.

Another positive development noted in the report is the increased demand from government authorities for technical support in order to further strengthen their response to hate crimes and incidents. A chart is included at the end of this report that provides an overview of all ODIHR's tools and assistance programmes and the number of OSCE participating States that are currently implementing or utilizing them.

## Note on Terminology and Methodology

### *Terminology*

The term *hate crime* embodies the language first used at the 2003 Ministerial Council Meeting in Maastricht,<sup>7</sup> where all OSCE participating States committed themselves to maintain information and statistics on *hate crimes* and to report such information to ODIHR on a periodic basis.

OSCE states use different approaches to define what constitutes a hate crime. They may also include different bias grounds in their legislation, ranging from narrow definitions to broad ones. Sometimes, however, an open-ended definition such as “or any other ground” is also used.<sup>8</sup> Notwithstanding the lack of a universally accepted definition, in simple terms, a hate crime comprises two distinct elements. First, it is an act that constitutes an offence (or a misdemeanour) under criminal law. This first element is sometimes referred to as the “base offence”, “parallel offence”, or the “underlying offence”. Most countries tend to criminalize similar types of acts of violence. Second, in committing hate crimes, the perpetrator selects the target of the crime because of their membership or perceived membership of a particular group. The target may be one or more people, or it may be property. This second element is what differentiates hate crimes from ordinary crimes, and is sometimes referred to as “discriminatory selection” or “animus”.

Thus, in order to identify whether an act is a hate crime, it is not necessary to analyse whether hate is present; rather, it is necessary to focus instead on these two elements of a base crime committed with discriminatory selection. Thus, for instance, if a building is set on fire, this would constitute a hate crime if the reason it was selected was the fact that it was owned by a Roma family. Conversely, if it were set alight by arsonists who were not aware of, or did not care about, its ownership, it would not be considered a hate crime.

Having in mind the diverse terminology used in describing hate crimes in legislation throughout the OSCE region, ODIHR developed a working definition of a hate crime. This definition is conceptualized in a manner that enables ODIHR to respond effectively to its tasks while taking into account the diversity of participating States.

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<sup>7</sup> OSCE Ministerial Council Decision No. 4/03, “Tolerance and Non-discrimination”, Maastricht, 2 December 2003, <[http://www.osce.org/documents/mcs/2006/06/19330\\_en.pdf](http://www.osce.org/documents/mcs/2006/06/19330_en.pdf)>.

<sup>8</sup> *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006* (Warsaw: ODIHR, 2007), p. 81, <[http://www.osce.org/publications/odihr/2007/09/26296\\_931\\_en.pdf](http://www.osce.org/publications/odihr/2007/09/26296_931_en.pdf)>.

### **ODIHR's Working Definition of Hate Crime**

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

B) A group may be based upon a characteristic common to its members, such as real or perceived "race", national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.

*Note: 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.*

The term *hate-motivated incident* is also used throughout this report to encompass any incident or act – whether defined by national legislation as criminal or not – against people or property that involves a victim, premises, or target selected because of a real or perceived connection with, attachment to, affiliation with, support or membership of a group as described in Part B of the above definition. The term is broad and can thus cover a range of manifestations of intolerance, from low-level incidents motivated by bias to criminal acts.

The Ministerial Council decisions on tolerance and non-discrimination guide the use of specific terminology used in this report. In recent years, a number of commitments have been undertaken by the OSCE participating States to combat various forms of intolerance. Having in mind the decisions adopted by the Permanent Council and the Ministerial Council, the following terminology is used in the report:

- Racism, xenophobia and discrimination: Ministerial Council Decisions Nos. 6/02,<sup>9</sup> 4/03,<sup>10</sup> 12/04,<sup>11</sup> 10/05,<sup>12</sup> 13/06,<sup>13</sup> and 10/07,<sup>14</sup> and Permanent Council Decision No. 621;<sup>15</sup>

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<sup>9</sup> OSCE Ministerial Council Decision No. 6/02, "Tolerance and Non-Discrimination", Porto, 7 December 2002, <<http://tandis/documents/03547.pdf>>.

<sup>10</sup> OSCE Ministerial Council Decision No. 4/03, *op. cit.*, note 7.

<sup>11</sup> OSCE Ministerial Council Decision No. 12/04, "Tolerance and Non-Discrimination", Sofia, 7 December 2004, <[http://www.osce.org/documents/mcs/2004/12/3915\\_en.pdf](http://www.osce.org/documents/mcs/2004/12/3915_en.pdf)>.

<sup>12</sup> OSCE Ministerial Council Decision No. 10/05, "Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding", Ljubljana, 6 December 2005, <[http://www.osce.org/documents/mcs/2005/12/17441\\_en.pdf](http://www.osce.org/documents/mcs/2005/12/17441_en.pdf)>.

<sup>13</sup> OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

<sup>14</sup> OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 1.

- Anti-Semitism: Ministerial Council Decisions Nos. 6/02, 4/03, 12/04, 10/05, 13/06, 10/07, and Permanent Council Decision Nos. 607<sup>16</sup> and 621;
- Intolerance, discrimination and violence against Muslims: Ministerial Council Decisions Nos. 6/02, 12/04, 10/05, 13/06, 10/07, and Permanent Council Decision No. 621;
- Intolerance against Christians and members of other religions: Ministerial Council Decisions Nos. 10/05, 13/06, 10/07; and
- Other forms of intolerance: Ministerial Council Decisions Nos. 10/05, 13/06, and 10/07.

### *Methodology*

ODIHR has a mandate to collect information and closely follow and report on hate crimes in the OSCE region.<sup>17</sup> The present publication provides an account of the information submitted to, and collected by, ODIHR. This section briefly describes the methodology used in the report.

Despite repeated commitments in decisions of the Ministerial Council in 2005,<sup>18</sup> 2006,<sup>19</sup> and 2007<sup>20</sup> requiring OSCE participating States to strengthen their collection of hate-crime statistics and information, there remains, in many OSCE states, a lack of publicly available and comprehensive statistics, disaggregated according to bias motivation, offence type, and the outcome of reported hate crimes, such as prosecutions and sentencing. In the absence of such data, it is impossible to determine the frequency with which hate crimes occur in the OSCE region and generally whether hate crimes are on the rise and which groups are most vulnerable to attack.

**It is therefore important to underline that the lack of data and information in some participating States does not reflect an absence of hate crimes within their borders and that more information on hate crimes available in a specific country does not necessarily mean that that state faces more hate crimes than others, as the hate crimes in other countries may simply not be detected or reported.**

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<sup>15</sup> OSCE Permanent Council Decision No. 621, “Tolerance and the Fight against Racism, Xenophobia and Discrimination”, Vienna, 29 July 2004, <[http://www.osce.org/documents/pc/2004/07/3374\\_en.pdf](http://www.osce.org/documents/pc/2004/07/3374_en.pdf)>.

<sup>16</sup> OSCE Permanent Council Decision No. 607, “Combating Anti-Semitism”, Vienna, 22 April 2004, <[http://www.osce.org/documents/pc/2004/04/2771\\_en.pdf](http://www.osce.org/documents/pc/2004/04/2771_en.pdf)>.

<sup>17</sup> The following acts task ODIHR with conducting its work in this area: Ministerial Council Decisions Nos. 4/03 and 12/04, and Permanent Council Decisions Nos. 607 and 621.

<sup>18</sup> OSCE Ministerial Council Decision No. 10/05, *op. cit.*, note 12.

<sup>19</sup> OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

<sup>20</sup> OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 1.

ODIHR does not compile its own statistical data but relies on submissions from participating States and other sources. Incidents, responses, and good practices are collected from various actors that use different methodologies. Incidents selected for inclusion in this report do not provide an exhaustive list of violent manifestations of hate in the OSCE area but rather present an illustration of *recurrent patterns*.<sup>21</sup> Recurrent patterns are similarities that are detected in the data collected by, and submitted to, ODIHR, and that characterize a sufficient number of cases to be considered significant. These similarities can relate to the overall context in which the crimes are committed or to specific aspects (such as the perpetrators, the intensity, the type of offence, or the target of the offence). A recurrent pattern may be found within one or across multiple participating States. The recurrent patterns identified in this report refer to the year 2007.

In some instances, recurrent patterns are identified through clear statistical data or analysis conducted by secondary sources and duly substantiated. In other instances, they are based only on data obtained through media monitoring but nonetheless interpreted as significant enough to be considered a recurrent pattern.

The cases described in this report in reference to recurrent patterns are to be considered as examples given by ODIHR to illustrate a pattern and should not be interpreted as the only source of information ODIHR utilizes to make its assessment.

ODIHR uses both *primary and secondary sources* for its data collection. As *primary* sources, ODIHR relies on the information provided by participating States through the national points of contact (NPC) on combating hate crime.<sup>22</sup> The NPCs have been appointed by OSCE participating States to support ODIHR in its task to serve “as a collection point for information and statistics collected by participating States”.<sup>23</sup> Since 2004, ODIHR has issued annual calls to participating States to provide information as stipulated in the relevant Ministerial Council decisions.

There are significant differences in the content and form of data and information transmitted to ODIHR by participating States. In some instances, data and information include statistics and/or narrative reports on hate crimes and incidents, updates on the prosecution of cases, and information on the relevant legislative framework. In other cases, information submitted also provides examples of measures undertaken to prevent and combat hate crimes by governments, civil society, and specialized bodies.

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<sup>21</sup> Given the variations of legislative provisions, sources, and differences in data-collection systems/methodologies, including the lack of comprehensive and reliable hate-crime data, this report does not attempt to identify trends.

<sup>22</sup> There are currently more than 60 NPCs in 52 of the 56 OSCE participating States. For more information, refer to the Annex 2 of this report.

<sup>23</sup> OSCE Ministerial Council Decision No. 4/03, *op. cit.*, note 7.

Some participating States provide comprehensive information on all the categories mentioned in the paragraph above while others focus only on one category. The data submitted and collected may be quantitative and/or qualitative. Furthermore, statistical data may be provided on an annual basis or for a longer time frame. As elaborated further in this report, the systematic registration of hate crimes within OSCE participating States varies in terms of quality and quantity.

Non-governmental organizations (NGOs) and OSCE field operations also submit information to ODIHR. The information provided by field operations is treated as a primary source and is based on their country-specific knowledge and the co-operation they enjoy with government authorities and civil society.

In addition, OSCE institutions, in particular the High Commissioner on National Minorities and the Representative on the Freedom of Media, also provide information on good practices and their activities that is relevant for the report and which is treated as a primary source of information.

As *secondary* sources, ODIHR utilizes reports by international organizations, NGOs, and academic literature, as well as media outlets. Reports and data available from the European Union Agency for Fundamental Rights, the Council of Europe's European Commission against Racism and Intolerance, as well as the United Nations Office of the High Commissioner for Human Rights and the Committee on the Elimination of Racial Discrimination, are received and analysed in the framework of ODIHR's mandate to work in close co-operation with other international organizations.<sup>24</sup>

Reports by specialized NGOs, such as Human Rights First, Forum 18, the Sova Center for Information and Analysis, the Anti-Defamation League, Human Rights without Frontiers, Community Security Trust, and the European Roma Rights Centre are also used. Many of these actors compile annual reports on hate crimes such as, for example, the Hate Report Card published by Human Rights First, or shadow reports such as those issued by the European Network Against Racism.

Media sources are also used, as they provide relevant qualitative data describing the general context of violent manifestations of hate, as well as information on the details of incidents. They also offer information on possible reactions by governments, other authorities, and civil society, as well as possible follow-up to incidents by law-enforcement agencies and the judiciary. Sources such as BBC Monitoring offer daily

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<sup>24</sup> Ministerial Decision No. 10/07 tasks ODIHR to work closely with other international organizations, in particular the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI), and the European Monitoring Centre on Racism and Xenophobia (now the European Union Agency for Fundamental Rights). See OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 1.

coverage of tolerance and non-discrimination issues throughout the OSCE area and make daily monitoring of events possible. BBC Monitoring translates relevant articles that appear in the national and local print and electronic media throughout the OSCE area. As a standard practice, information collected through the media is checked with a number of different sources in order to verify its accuracy.

In some instances, the same data regarding an incident is found in primary and secondary sources and can be easily verified. In other cases, an incident may be reported only by media sources. ODIHR's approach has been to include these incidents in the report and to provide a possibility for government officials and civil society to verify the accuracy of the information when the draft report was circulated.

To keep the report down to a reasonable length, the incidents related by media sources have in most cases been summarized or edited. However, the original media sources have been referenced in footnotes, with hyperlinks to the specific stories wherever possible. Where not directly accessible, the general website address of the source organization is provided to aid verification and ensure that credit for reporting is attributed to the original author(s).

Verification of data and information is critical in ensuring the quality and accuracy of the information contained within this report. Through continuous dialogue, participating States, OSCE field operations, and NGOs are consulted in the drafting process and are given the opportunity to comment and provide feedback on the draft report. Information received from participating States also provides valuable data on responses and actions undertaken by authorities in addressing hate crimes and incidents.

## **PART I: Hate-Crime Data and Legislation**

This part of the report contains an overview of recent developments regarding hate-crime data and legislation in the OSCE region in 2007. This first section on hate-crime legislation provides an overview of international and national developments reported in 2007. It also discusses the challenges participating States face in ensuring effective implementation of legislation.

The second section on hate-crime data provides an overview of patterns and developments related to the collection of, and reporting on, hate-crime data across the participating States. A summary of official government data is included, as well as data collected and reported by specialized bodies and inter-governmental organizations and NGOs. The continued challenges that participating States face in collecting comprehensive, accurate, and disaggregated data are also presented in this section.

### *Hate-Crime Legislation*

Legislative provisions tend, by their nature, to be relatively stable; hence, there are few changes to report in terms of hate-crime legislation. However, the evolution of international standards and changes proposed to penal codes in a number of jurisdictions provide a basis for inferences about likely developments in national legislation across the whole OSCE region. These standards are composed of regional and international conventions, declarations, recommendations, and legal judgements.

Not all international conventions are universally accepted, and none of the regional instruments covers the entire OSCE region. Therefore, unlike decisions of the OSCE Ministerial Council, the standards promoted by other non-OSCE instruments and organizations are not binding on all 56 OSCE participating States. They are, however, included in this section due to the fact that the laws of many OSCE participating States are affected by developments in other international and regional organizations. It may also be helpful for those states that are not party to particular standards to be aware of the nature of the standards being promulgated in other forums.

The United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD) imposes duties on states to both create and implement legislation. The UN reports analysing implementation of the CERD standards are instructive and add another dimension to the international norms on hate-crime legislation.

Since the publication of ODIHR's 2006 hate-crimes report,<sup>25</sup> some OSCE states have amended their legislation,<sup>26</sup> while others have initiated proposals to do so. The public discussion around such proposals is, in itself, a positive sign of active engagement with the issues. By fostering a climate in which social values are scrutinized, it can raise awareness of hate crime and encourage better enforcement of the existing criminal law.

The European Union Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law (EU Framework Decision) passed a significant hurdle in 2007, having been approved by EU justice ministers. In addition, a number of significant judgements of the European Court of Human Rights (ECtHR) have extended the reach of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and given detail to states' Convention obligations in the area of hate crimes. While not all OSCE participating States are members of the EU or the Council of Europe, they do make up a significant proportion and are directly affected by these developments.

Legislation dealing with hate crime can take many forms, but, broadly speaking, there are three approaches available to all states. The first is to create *substantive offences*, where acts that are already crimes become a different, more serious offence because the victim was selected on the grounds of their membership of a protected group.

The second approach is *sentence enhancement*, where the charge before the court is the same as if there was no hate motivation, but the court must impose a higher penalty because of the motivation.

In the third approach, the law defines hate crimes and requires the collection of hate-crime statistics but does not affect the general criminal law. These approaches are described in more detail in ODIHR's 2006 hate-crimes report.<sup>27</sup>

## **International Legal Developments**

OSCE states have repeatedly reiterated their commitment to improving their response to hate crime, especially in the field of legislation. This commitment was given further impetus by international legal developments in 2007.

The UN CERD, in Article 4(a),<sup>28</sup> imposes requirements on ratifying states as to legislation relating to hate speech and crimes motivated by bias. Implementation of the

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<sup>25</sup> *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006*, *op. cit.*, note 8.

<sup>26</sup> An overview of participating States' hate-crime legislation is available at <[www.legislationline.org](http://www.legislationline.org)>.

<sup>27</sup> *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006*, *op. cit.*, note 8, pp. 80-81.

<sup>28</sup> It is important to note that 10 OSCE participating States have entered reservations or declarations to this article relating to protection of freedom of expression and assembly. See <<http://www2.ohchr.org/english/bodies/ratification/2.htm#reservations>>.

Convention is overseen by a UN Committee to which states must submit regular progress reports. The Committee considers and responds to these reports with recommendations for action. In 2007, the Committee considered reports from five OSCE states; the Committee's findings are noted at relevant points in the subsequent text.

The EU Framework Decision made a significant advance in April 2007 towards its aim of creating binding minimum provisions on criminal liability for disseminating racist and xenophobic statements, as well as greater harmonization throughout Europe. An agreement was reached on 20 April by the EU Council of Ministers of Justice on a text that was acceptable to all states.<sup>29</sup> This would require EU states to prohibit public incitement to violence and hatred, as well as the denial or gross trivialization of genocide out of racist or xenophobic motives. However, the text that was submitted to the European Parliament was amended by the Parliament on 29 November 2007.<sup>30</sup> The Framework Decision will therefore be re-considered through the appropriate EU mechanisms before it can be concluded.

The ECtHR continued to develop its jurisprudence on the duties of states when investigating hate crimes. Since its judgements are binding on 47 of the 56 OSCE states, this is a significant contribution to the development of international norms and standards. In 2007, it made two especially significant judgements relating to crimes committed on the grounds of racism, in the cases of *Šečić v. Croatia* and *Angelova and Iliev v. Bulgaria*. These cases took place in the context of the landmark 2005 ECtHR decision in *Nachova and Others v. Bulgaria*, described below.

The cumulative impact of these cases is that the ECtHR will now look beyond formal procedural matters to ensure that investigations are conducted fairly, and that the state has as great a duty to investigate hate-crime cases committed by private citizens as it does those committed by state agents. At the same time, the ECtHR does not consider special domestic legislation or explicit penalty-enhancing provisions for racist crimes to be a prerequisite for states to comply with their Article 14 obligations in cases of racist hate crime. While it is hard to quantify the impact of these cases on domestic legislation and policy, they provide a clear exposition of the need for states to take active steps to apply the equality norm in criminal law. It is notable that, in all these cases, the ECtHR impugned not the legislation but *the lack of enforcement* of legislation.

In the case of *Nachova and Others v. Bulgaria*, members of the military police shot and killed two unarmed Roma conscripts who had deserted the army. The police were heard using racist language at the time of the shooting. An investigation cleared the police of

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<sup>29</sup> "EU: Common Criminal Provisions Against Racism and Xenophobia", press release of the German presidency of the EU, 20 April 2007, <[http://www.eu2007.de/en/News/Press\\_Releases/April/0420BMJRassismus.html](http://www.eu2007.de/en/News/Press_Releases/April/0420BMJRassismus.html)>.

<sup>30</sup> See "Procedure file" on the "Legislative Observatory" section of the European Parliament's website, <<http://www.europarl.europa.eu/oeil/file.jsp?id=216962>>.

any wrongdoing. The Chamber judgement<sup>31</sup> found that there was a breach of Article 14 (non-discrimination) in conjunction with Article 2 (the right to life). In other words, there was a breach of the state's positive obligation to protect life, one aspect of which is to undertake a full and effective investigation. This lack of a proper investigation was discriminatory on the grounds of race.

The Grand Chamber,<sup>32</sup> to which the case was sent at the request of the Bulgarian government, did not conclude that the killings were racially motivated but noted that “the authorities had the additional duty to take all reasonable steps to unmask any racist motive in an incident involving the use of force by law enforcement agents”. By failing to investigate possible racial motives, the government breached its positive obligation in a discriminatory manner. This case commenced a series of judgements in which Article 14 of the Convention was applied to cases of attacks against Roma minorities in various countries. These cases were notable for the way the Court applied well-established norms under the Convention to racist violence for the first time.

The 2007 case of *Šečić v. Croatia*<sup>33</sup> was a landmark in the Court's jurisprudence, as it was the first time the court elaborated states' duties in the investigation and prosecution of hate crimes committed by private individuals. Mr. Šečić was attacked in 1999 by two men shouting racist abuse; the attackers fled the scene before police arrived. A number of similar attacks on Roma had occurred in that area. Police concluded that the attack on Mr. Šečić was committed by a known hate group. Despite witnesses giving details of a possible suspect, neither the suspect nor members of the hate group were questioned. The ECtHR found it unacceptable that, being aware that the attack was most probably induced by ethnic hatred, the police allowed the investigation to last for more than seven years without taking any serious steps to identify or prosecute the perpetrators. The substantial failures in the investigation included its excessive length and the failure to question key suspects or follow significant leads.

The Court concluded that the investigation failed to meet the requirements of Article 3 of the Convention (prohibition of inhuman and degrading treatment). With regard to the applicant's Article 14 discrimination claim, the Court explained that the principle first expounded in *Nachova and Others v. Bulgaria*, that states have an additional duty to take all reasonable steps to unmask any racial motive, was equally applicable to attacks perpetrated by private individuals. The Court reasoned that “treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would

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<sup>31</sup> *Nachova and Others v Bulgaria*, judgement of the ECtHR (First Session), 26 February 2004, <<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>>.

<sup>32</sup> *Nachova and Others v. Bulgaria*, judgement of the ECtHR (Grand Chamber), 6 July 2005, <<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>>.

<sup>33</sup> *Šečić v. Croatia*, Chamber judgement, 31 May 2007, <<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>>.

be turning a blind eye to the specific nature of acts that are particularly destructive of fundamental rights”.

This case was followed soon after by *Angelova and Iliev v. Bulgaria*,<sup>34</sup> in which the Court considered the role of legislation in combating hate crime. Mr. Iliev was attacked and killed by a group of seven racist teenagers in 1996. The group was arrested within hours, and they made incriminatory statements admitting racial motivation for the attack. In April 1997, the investigator concluded that there was sufficient evidence to convict and the case should go to trial. By 2007, not one of the suspects had been brought before a court. The ECtHR noted that “where that attack is racially motivated, it is particularly important that the investigation is pursued with vigour and impartiality, having regard to the need to reassert continuously society’s condemnation of racism and to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of racist violence”.

Bulgaria’s penal provisions did not separately criminalize racially motivated assaults or provide explicit penalty enhancement relating to racist offences, but courts did have the power to impose a more severe sentence if the motive of the offender was particularly heinous. The ECtHR determined that it was not necessary to amend the legislation, and that other means could be employed to punish crimes committed with racist motives. In this instance, the state had failed to effectively investigate the death of Mr. Iliev promptly, expeditiously, and with the required vigour considering the racial motives of the attack.

Another Council of Europe body also commented on ways to improve policing and prosecutions of hate crimes. In June 2007, the European Commission on Racism and Intolerance adopted General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, providing authoritative guidelines on good practices for Council of Europe member states. Referring to the role of police in combating racist offences and monitoring racist incidents, it recommends measures:

- to ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account;
- to establish and operate a system for recording and monitoring racist incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences;
- to encourage victims and witnesses of racist incidents to report such incidents; and
- to adopt a broad definition of racist incidents.<sup>35</sup>

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<sup>34</sup> *Angelova and Iliev v. Bulgaria*, Chamber decision, 26 July 2007, <<http://cmiskp.echr.coe.int/tkp197/search.asp?skin=hudoc-en>>.

<sup>35</sup> “For the purposes of this Recommendation, a racist incident shall be: ‘any incident which is perceived to be racist by the victim or any other person.’” See ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, adopted by ECRI on 29 June 2007,

## National Legislative Initiatives

A number of initiatives to develop or strengthen existing hate-crime laws occurred over this reporting period. While many proposals either did not reach or failed to pass through the legislature, the fact that proposals were made is itself significant and provides a marker as to the direction in which particular jurisdictions will develop this issue.

Countries where legislation was passed or amended include: Belgium, Portugal, Monaco, the Russian Federation, the United Kingdom, and Latvia.

- The **Belgian** parliament adopted three new anti-discrimination laws (on gender, racism, and other grounds). The laws dated 10 May 2007 were published in the *Moniteur Belge* on 30 May 2007, and clearly define hate crimes. For some crimes (for instance, Article 405 of the Penal Code), aggravating circumstances are applicable.<sup>36</sup>
- In **Portugal**, Article 240 of the Penal Code was amended. Article 240-1 prohibits racist organizations and racist propaganda activities, as well as participation in such organizations or activities. Article 240-2 a) prohibits racist violence, while Article 240-2 b) makes it an offence to defame or insult a person on the grounds of their race, with the intention of inciting racial or religious hatred. The new law, which took effect on 15 September 2007, will include bias on the grounds of gender or sexual orientation in the existing crimes of encouraging or inciting hatred.<sup>37</sup>
- In **Monaco**, the authorities have enacted a law on freedom of public expression, which punishes incitement to racial hatred. This law does not amount to a hate-crime law, as it relates only to expression. In Monaco, the racist motivation of an act of violence is not regarded as an aggravating circumstance.<sup>38</sup>
- In the **United Kingdom**, legislation relating to hate crime exists in the Crime and Disorder Act 1998. This Act both creates a number of more serious “racially or religiously aggravated offences”, and also requires judges to impose an increased penalty for any other offences that are racially or religiously motivated. This is supplemented by recent legislation: the Racial and Religious Hatred Act 2006, which came into effect in October 2007,<sup>39</sup> makes it a criminal offence to use

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<[http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/3-general\\_themes/1-policy\\_recommendations/recommendation\\_n11/1-Recommendation\\_11.asp#TopOfPage](http://www.coe.int/t/e/human_rights/ecri/1-ecri/3-general_themes/1-policy_recommendations/recommendation_n11/1-Recommendation_11.asp#TopOfPage)>.

<sup>36</sup> Information provided to ODIHR by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008 and 20 June 2008.

<sup>37</sup> Information provided to ODIHR by the Prosecutor-General’s Office of Portugal, 13 March 2008.

<sup>38</sup> “Report on Monaco”, European Commission on Racism and Intolerance, 24 May 2007, <[http://www.coe.int/t/e/human\\_rights/ecri/1-ECRI/2-Country-by-country\\_approach/Monaco/Monaco\\_CBC\\_3.asp#TopOfPage](http://www.coe.int/t/e/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Monaco/Monaco_CBC_3.asp#TopOfPage)>.

<sup>39</sup> The Racial and Religious Hatred Act 2006 (Commencement No. 1), Order 2007, Office of Public Sector Information website, <[http://www.opsi.gov.uk/si/si2007/uksi\\_20072490\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20072490_en_1)>.

- threatening words or behaviour with the intention of stirring up hatred against any group of people because of their religious beliefs or their lack of religious beliefs.<sup>40</sup>
- Article 282 of the Criminal Code of the **Russian Federation** was amended in July 2007. The amendment creates the offence of incitement of hatred or enmity and abasement of human dignity, and adds this to the list of acts that come within the category of “extremist” offences.<sup>41</sup> As a result of the amendment, any crimes motivated by political or ideological hatred now qualify as extremist, and this category of offences are subject to much higher maximum penalties than similar acts that are not extremist. The law also provides that a petty offence that has been committed from motives of ethnic hatred may carry a penalty of up to five years’ imprisonment.<sup>42</sup> Many commentators have expressed concerns about the breadth of the wording of these provisions, and that they can be abused to stifle legitimate, peaceful freedom of expression; indeed, this clause has been used in a number of situations that could not be described as hate crimes.<sup>43</sup>
  - In **Latvia**, Article 48(1) of the Criminal Code, which provides for aggravating circumstances of crimes, was amended in 2006,<sup>44</sup> so that racial motivation is now an aggravating feature of a crime for sentencing. On 21 June 2007, the Criminal Code was amended, so that breaches of the principle of non-discrimination on the grounds of race, ethnic origin, or other ground defined by law, on more than two occasions in a one-year period, shall be a criminal offence.<sup>45</sup> Article 78 of the Criminal Code was replaced, so that Article 78-1 now provides criminal sanctions for actions intended to incite ethnic or racial hatred or enmity. Article 78-2 stipulates a maximum sentence of 10 years in prison where such actions are accompanied by violence, fraud, or threats or are subject to specified aggravating circumstances. These new provisions came into force in July 2007.<sup>46</sup>

Legislative amendments relating to hate crime were proposed by parliamentarians or others in a number of countries, but some failed to pass the legislature, while others were not even tabled.

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<sup>40</sup> The Racial and Religious Hatred Act 2006, Office of Public Sector Information website, <[http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060001\\_en\\_1](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060001_en_1)>.

<sup>41</sup> “Russian Federation: Freedom Limited - Freedom of Expression in the Russian Federation”, Amnesty International, February 2008, pp. 22 and 27, <<http://www.amnesty.org/en/library/info/EUR46/008/2008>>.

<sup>42</sup> “Intervention to the 2007 OSCE Human Dimension Implementation Meeting by the [International Helsinki Federation] and SOVA Center”, SovA Center for Information and Analysis website, 26 September 2007, <[xeno.sova-center.ru/6BA2468/6BB4254/9E20BF6](http://xeno.sova-center.ru/6BA2468/6BB4254/9E20BF6) - 41k>.

<sup>43</sup> “Anti-Extremist Legislation and Its Enforcement”, SOVA Center for Information and Analysis website, <<http://xeno.sova-center.ru/6BA2468/6BB4208/9D8E370dyn/content/article/2007/09/03/AR2007090300470.html>>.

<sup>44</sup> Amended in October 2006. Information provided to ODIHR by the Ombudsman Office of the Republic of Latvia, 19 March 2008.

<sup>45</sup> *Ibid.*

<sup>46</sup> Information provided by the Ombudsman Office of the Republic of Latvia, 19 March 2008.

- In the **United States**, federal law permits prosecution of individuals who use threats or force to interfere with a person who is engaging in a protected activity because of his “race, colour, religion or national origin”.<sup>47</sup> A bill was introduced that sought to amend the federal law to include crimes motivated by the victim’s actual or perceived gender, sexual orientation, gender identity, or disability. Most individual states in the United States have legislation that includes more bias types,<sup>48</sup> but the lack of a federal law affects how hate crimes are investigated and prosecuted at a national level. The bill was originally introduced under the title The Local Law Enforcement Hate Crimes Prevention Act 2007. The proposal was controversial and generated a great deal of public debate. In May 2007, the House of Representatives passed the bill under the title Matthew Shepard Act,<sup>49</sup> but on 10 December it failed to pass through Congress.<sup>50</sup>
- In **Liechtenstein**, Section 283 of the Criminal Code defines racial discrimination and, *inter alia*, criminalizes membership of racist organizations. A petition to amend this in order to criminalize Nazi symbols and racist insignia was under consideration in 2007.<sup>51</sup> The CERD Committee welcomed the petition,<sup>52</sup> but noted the absence of legislation to prohibit racist organizations in line with obligations under Article 4(b) of the Convention.
- In **Scotland, England, and Wales**, proposals were made by separate legislatures to include disabled and LGBT victims of bias-motivated crimes in the existing provisions on racially and religiously motivated crimes.<sup>53</sup> The “Sentencing of Offences Aggravated by Prejudice (Scotland) Bill” was introduced to the Scottish Parliament<sup>54</sup> in January 2008. In England and Wales, it was also proposed to extend the offences on incitement to hatred in Part III of the Public Order Act 1986 to include homosexual, bisexual, lesbian, transgender, and heterosexual people. This proposal was given effect by the Criminal Justice and Immigration Bill, which was given Royal Assent (passed through the legislature) on 8 May

<sup>47</sup> United States Code, Title 18, Section 245, <<http://www.usdoj.gov/crt/crim/245.htm>>.

<sup>48</sup> According to the Anti-Defamation League, 31 US states include sexual orientation, 27 include gender, 31 include disability, and 18 include some other form of bias within their hate-crimes law. See the state hate-crime statutory provisions provided by the Anti-Defamation League, February 2008, <[http://www.adl.org/99hatecrime/state\\_hate\\_crime\\_laws.pdf](http://www.adl.org/99hatecrime/state_hate_crime_laws.pdf)>.

<sup>49</sup> H.R. 1592: Local Law Enforcement Hate Crimes Prevention Act of 2007, GovTrack.us, <<http://www.govtrack.us/congress/bill.xpd?bill=h110-1592>>.

<sup>50</sup> “Caving in on Hate Crimes”, *The New York Times* website, 12 December 2007, <[http://www.nytimes.com/2007/12/10/opinion/10mon3.html?\\_r=1&ref=opinion&oref=slogin](http://www.nytimes.com/2007/12/10/opinion/10mon3.html?_r=1&ref=opinion&oref=slogin)>.

<sup>51</sup> Information provided to ODIHR by the Crime Investigation Department of the Liechtenstein Police, 4 March 2008.

<sup>52</sup> “Report of the Committee on the Elimination of Racial Discrimination”, United Nations, 70th (19 February-9 March 2007) and 71st (30 July-17 August 2007) sessions, paragraph 248, <[http://www.bayefsky.com/general/a\\_62\\_18\\_2007.pdf](http://www.bayefsky.com/general/a_62_18_2007.pdf)>.

<sup>53</sup> “Ministers back gay hate crime law”, BBC News website, 15 January 2008, <<http://news.bbc.co.uk/1/hi/scotland/7189064.stm>>; “Disabled hate crime law planned”, BBC News website, 6 November 2007, <[http://news.bbc.co.uk/1/hi/uk\\_politics/7081085.stm](http://news.bbc.co.uk/1/hi/uk_politics/7081085.stm)>.

<sup>54</sup> See the website of the Scottish Parliament <<http://www.scottish.parliament.uk/s3/bills/membersbills/index.htm>>.

2008. The new crime would include using threatening words, written material, or recordings that incite hatred on these grounds.<sup>55</sup>
- In **Germany**, there are comprehensive laws prohibiting membership and activities of prohibited extremist groups or unconstitutional organizations. These laws regulate organized neo-Nazi and other hate groups. However, these are not general hate-crime laws because they only relate to activities of prohibited groups or individuals linked to such groups. Thus, acts motivated by hate but not linked to such groups are prosecuted under the ordinary criminal law. A proposal was made in 2007 to broaden the law but was eventually not brought before the legislature. The parliament's legal committee has decided to send the draft law to the senate for consultation.<sup>56</sup>
  - In **Ireland**, findings of a study commissioned by the Department of Justice recommended a new criminal-law provision to the effect that courts that consider an offence to have been committed "with racial or religious hostility" must treat that hostility as an aggravating factor. The recommendation, released in March, concluded that: "This then ensures that a clear message is sent out that racist attacks are not tolerated by either society or the law, and that such attacks are punished accordingly without compromising the criminal law in any way."<sup>57</sup>
  - In **Bosnia and Herzegovina**, two proposals of relevance to hate crimes were developed. The first was a comprehensive draft law prepared by civil-society organizations on discrimination. Although pertaining mainly to civil law, the draft law also contained proposals to punish speech that encourages or incites national, ethnic, racial, or religious hatred or intolerance. A proposed law to ban negation, minimization, justification, or approval of the Holocaust, genocide, and crimes against humanity was an initiative emanating from a political party that was debated in parliament. After the debate, it was sent back for revisions by an all-party parliamentary committee, and is expected to be brought back to the legislature in 2008. In addition, there are concerns about the gap between the criminal codes of the Federation of Bosnia and Herzegovina and Republika Srpska (the two entities that comprise the state of Bosnia and Herzegovina). While the Federation of Bosnia and Herzegovina has penalty-enhancement provisions for crimes based on race, religion, ethnic or national origin, or language (as does the separately administered Brčko district), Republika Srpska does not.<sup>58</sup>
  - In **Moldova**, the Justice Ministry proposed a draft law on discrimination that includes provisions for sentence enhancement for offences committed on the

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<sup>55</sup> See the website of the UK Parliament < <http://services.parliament.uk/bills/2007-08/criminaljusticeandimmigration.html>>; "Inciting hatred against gays could lead to 7 years in prison", Times Online, 9 October 2007, <[www.timesonline.co.uk/tol/news/politics/article2617655.ece](http://www.timesonline.co.uk/tol/news/politics/article2617655.ece)>.

<sup>56</sup> Judge Dr. Andreas Stegbauer, "Der Gesetzentwurf zur Bekämpfung von hate crimes", *Neue Justiz*, No. 3, 2008, p. 108.

<sup>57</sup> "Overview: Hate Crime Report Card", Human Rights First, 2007, p. 38, <<http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-overview-2007.pdf>>.

<sup>58</sup> Communication to ODIHR from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008.

- grounds of social, national, racial, or religious hatred. The draft law was adopted by parliament, in its second reading, although amendments are under discussion.<sup>59</sup>
- The Justice Ministry in **Norway** is drafting a new Penal Code that will make provisions relating to Section 135a, which prohibits speech that is threatening or insulting or that incites hatred, persecution, or contempt on various grounds. The new code will also introduce a new sentence-enhancement provision. This will require courts to regard as an aggravating factor the motivation for the crime if it was on the grounds of “religion, national or ethnic origin, homosexual orientation, reduced physical or psychological ability or other circumstances related to groups of people requiring a special level of protection”.<sup>60</sup>

## **Enforcement of Legislation**

There remains a lively and relevant debate about the merits of hate-crime legislation both practically and conceptually. Even in states that have enacted hate-crime legislation, there is a debate about the scope and utility of hate-crime laws. Notwithstanding these larger questions, it is clear that even in the absence of specific legislation, states can make improvements in the way their law is applied, as noted by the European Court of Human Rights in *Angelova and Iliev v. Bulgaria*, as described above. **Thus, the most important element in combating hate crime is effective enforcement of the law by thorough investigation, prosecution, and punishment.**

It is difficult to demonstrate a lack of implementation, but there are some indicators that cases are occurring but failing to be recognized. An absence of data is therefore no grounds for complacency.

These indicators can be found in individual cases reported to NGOs (such as those reported herein) and in the nature of cases being submitted to the ECtHR. In addition, the European Union Monitoring Committee on Racism and Xenophobia (which became the European Union Agency for Fundamental Rights on 1 March 2007) collated and disseminated information on reported cases of hate crimes through its national focal points.<sup>61</sup> Taken together, these indicators show a significant divergence between the perception by victim groups and that of state authorities of the effectiveness of legal systems at identifying and properly pursuing such cases.

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<sup>59</sup> Communication to ODIHR from the OSCE Mission to Moldova, 19 March 2008.

<sup>60</sup> Information provided to ODIHR by the Royal Ministry of Justice and the Police of Norway, 3 March 2008; the text of section 135a is available on Legislationline, <<http://www.legislationline.org/?tid=218&jid=38&less=false>>.

<sup>61</sup> “Former EUMC”, European Union Agency for Fundamental Rights website, <[http://eumc.europa.eu/eumc/index.php?fuseaction=content.dsp\\_cat\\_content&catid=41f60ebfde76f](http://eumc.europa.eu/eumc/index.php?fuseaction=content.dsp_cat_content&catid=41f60ebfde76f)>.

Another significant indicator is the European Crime and Safety Survey, the results of which suggest far greater numbers of cases are occurring than do official statistics.<sup>62</sup> A European consortium conducted a sample survey among inhabitants of the European Union about their experiences with crime and law enforcement. The survey was carried out in 2005 in the then-15 member states of the EU, plus Poland, Hungary, and Estonia, and it was followed up with surveys in Bulgaria, Croatia, and Turkey. Published in 2007, it compares levels of crime across the EU, analyses how citizens feel about their safety, and reports citizens' concerns. It is the most comprehensive analysis of crime, security, and safety ever conducted in the EU, and, for the first time, it asked about experiences of hate crime. It found that, although on average across the countries surveyed, 3 per cent of people had been a victim of hate crime, immigrants<sup>63</sup> were particularly subject to hate crimes, with a 10 per cent chance of being targeted. That figure rises to 15 per cent for immigrants who perceive themselves as being religious. The survey found hate crimes running at above the EU average in Belgium, Luxembourg, the Netherlands, France, Denmark, and the United Kingdom, whereas the level of hate crimes was about average in Germany and Sweden.<sup>64</sup>

These figures suggest a much higher level of victimization than that demonstrated by national statistics. Where statistics are inadequate or non-existent, the official perception that hate crime is not a problem is often only dispelled by the emergence of extreme situations, such as urban unrest, large-scale inter-ethnic violence, or a high-profile case, by which time the problem will have become far harder to address.

The CERD Committee emphasized the need for improved implementation of the law in its reports regarding the former Yugoslav Republic of Macedonia, Kyrgyzstan, and Canada.<sup>65</sup>

In the former Yugoslav Republic of Macedonia, the Committee recommended that the police, lawyers, prosecutors, and judges receive training to improve the implementation of criminal-law provisions relating to racial discrimination.<sup>66</sup> The Committee expressed concern about the lack of a prompt and impartial investigation and prosecution of crimes against minorities, especially Roma, committed by the police. In Kyrgyzstan, the Committee noted that Articles 134, 299, and 373 of the Criminal Code apply to crimes based on racial discrimination, but these are seldom used. It recommended training those working within the criminal-justice system about these provisions. In its report on Canada,<sup>67</sup> the Committee noted that, although Article 718.2 of the Criminal Code

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<sup>62</sup> "The Burden of Crime in the EU: Research Report: A Comparative Analysis of the European Crime and Safety Survey (EU ICS) 2005", EUICS Consortium, 2005, p. 52 <<http://www.gallup-europe.be/euics/Xz38/default.htm>>.

<sup>63</sup> This is the term used in the report.

<sup>64</sup> Information provided to ODIHR by the Swedish National Council for Crime Prevention, 23 June 2008.

<sup>65</sup> "Report of the Committee on the Elimination of Racial Discrimination", United Nations, *op. cit.*, note 52.

<sup>66</sup> *Ibid.*, paragraph 282.

<sup>67</sup> *Ibid.*, paragraph 77.

establishes racial discrimination as an aggravating circumstance, there had been no steps to implement Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination. Further, it was concerned about the absence of legislation punishing racist violence in accordance with Article 4(a).

Although states have diverse legal provisions for dealing with hate-crime cases, there are similarities in the steps taken to ensure adequate implementation. This is unsurprising since a necessary precondition for effective application of the law is increased awareness on the part of police and prosecutors.

- In **Denmark**, Minister of Justice Lene Espersen instructed the state advocate to collect information and material as of 1 January 2007 on cases of hate crimes currently before the courts and the courts' decisions in these cases, and to present the findings of the review at the end of 2007.<sup>68</sup> The guidelines prescribed in Instruction No. 9/2006 require that the director of public prosecutions (DPP) be notified of police reports in violation of Section 266 B of the Criminal Code. The DPP must also be informed about cases where investigations that were commenced were stopped or where there was a refusal to commence investigation. In addition, all cases in which preliminary charges for violation of Section 266 B of the Criminal Code<sup>69</sup> have been raised must be submitted to the DPP for determination of the final charges. At the request of the Justice Ministry, the DPP sets up reporting requirements for decisions in cases relating to Section 81, paragraph 6 of the Criminal Code.<sup>70</sup>
- In the **Netherlands**, the Board of Procurators-General issued a new discrimination directive establishing guidelines for the investigation, prosecution, and sentencing of violations of laws involving acts of discrimination, including cases in which common crimes are committed with a discriminatory motive. Under the directive, sentences are to be enhanced by 25 per cent where there is hate motivation, although data is unavailable to show that this is being applied.<sup>71</sup> Further, in response to reports of sharp increases in hate crimes on the grounds of homosexuality, the Board sought to focus the attention of prosecutors on this. Hence, the guidelines for prosecutions involving discrimination have been brought again to the attention of all prosecutors' offices. The Public Prosecutor's Office has initiated discussions with a local NGO to consider whether further training on this issue is required.

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<sup>68</sup> "Country-by-Country: Hate Crime Report Card", Human Rights First, 2007, p. 19 <<http://www.humanrightsfirst.info/pdf/071217-discrim-hc-report-card-2007.pdf>>.

<sup>69</sup> Section 266 B creates an offence of making threatening, insulting, or degrading statements on account of a person's race, skin colour, national or ethnic origin, religion, or sexual orientation. Information provided to ODIHR by Denmark's Justice Ministry, 9 June 2008.

<sup>70</sup> This includes offences committed on the basis of the victim's race, colour, national or ethnic origin, religion, or sexual orientation.

<sup>71</sup> "Country-by-Country: Hate Crime Report Card", Human Rights First, *op. cit.*, note 68, pp. 50-54.

- In the **Czech Republic**, the Supreme State Prosecutor-General's Instruction No. 4/2006, on the punishment of criminal offences motivated by racial, national, political, or religious hatred (October 2006), made these crimes a priority for public prosecutors.<sup>72</sup> The CERD Committee, in its report on the Czech Republic, considered the application of Sections 260, 261, and 261(a) of the Criminal Code, which prohibit expressions of support for racist or other oppressive movements, or for Nazi or communist ideology.<sup>73</sup> The Committee was concerned that, by conflating ideas of hate crimes, racist propaganda, and genocide with that of the class struggle, the state weakens the fight against racial discrimination.<sup>74</sup> The Committee also urged increased steps to prevent racist concerts and to prosecute and punish those who organize them.
- In **Ukraine**, a number of steps have been taken to respond to an increase in cases of hate-motivated violence. It is difficult to track exact numbers, because many cases are recorded and prosecuted as hooliganism under the Criminal Code. In October, a special department dealing with xenophobia and ethnic intolerance was established within the Security Service. In addition, the Interior Ministry has founded special departments focused on preventing crimes related to racism, xenophobia, and discrimination. The Ministry also reported that, in several regions, joint operations aimed at preventing hate crime and identifying people involved in the distribution of leaflets and other materials fomenting national enmity were undertaken with the Security Service, and the Prosecutor-General's Office.<sup>75</sup>

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<sup>72</sup> "Country-by-Country: Hate Crime Report Card", Human Rights First, *op. cit.*, note 68, p.18.

<sup>73</sup> Czech Republic, Ministry of Foreign Affairs' website, <<http://www.mzv.cz/wwWo/mzv/default.asp?id=46561&ido=13925&idj=2&amb=3&prsl=true&poccl=5>>.

<sup>74</sup> "Report of the Committee on the Elimination of Racial Discrimination", United Nations, *op. cit.*, note 52, paragraphs 103-105.

<sup>75</sup> Information provided by the Kyiv National University of Internal Affairs, 24 April 2008. No further details of these operations are known.

## *Hate-Crime Data*

This section provides an overview of developments related to the collection of hate-crime data. In doing so, it draws upon official reports and data submitted to ODIHR by OSCE participating States, as well as information from specialized bodies and inter-governmental organizations and NGOs. The type of data collected and reported on by states varies significantly. While a number of countries provided ODIHR with information pertaining to specific incidents, few were able to provide comprehensive data. Where available,<sup>76</sup> data for 2007 is provided. In addition, if it was provided, information is given for the years 2005 and 2006.

*It is important to note that a high number of crimes or incidents recorded in a particular OSCE state does not necessarily indicate an epidemic of hate crime; rather, it may indicate comprehensive and accurate reporting that helps to inform appropriate actions and development of new policies by the authorities. Similarly, low figures on reported hate crimes do not necessarily correlate with low incidences of hate incidents, but may be indicative of weak and ineffectual data-collection efforts by state authorities.*

## **General Developments and Patterns**

There remains a wide divergence among OSCE states with respect to the scope and quality of data on hate crimes and incidents. According to the 2007 Hate Crime Report Card issued by Human Rights First,<sup>77</sup> the States providing the most extensive official data on hate-motivated crimes in the OSCE region were Canada, Finland, France, Germany, Sweden, the United Kingdom, and the United States.<sup>78</sup> When examining states in the European Union, only Finland and the United Kingdom have been identified as providing comprehensive official data on racist crime. According to a 2007 report of the European Union Agency for Fundamental Rights, the systems in Austria, the Czech Republic, Denmark, France, Germany, Ireland, Poland, Slovakia, and Sweden can be described as “good”.<sup>79</sup>

Within the OSCE region, the United States and Canada have detailed reporting mechanisms in place with respect to the victims of hate crimes that include

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<sup>76</sup> Even in those states where information is collected annually, data covering the year 2007 is usually not available until mid-2008.

<sup>77</sup> This report relies on government and civil-society reports, as well as information provided by inter-governmental organizations such as the European Union Agency for Fundamental Rights, the European Network Against Racism, the European Commission against Racism and Intolerance, and local NGOs. See “Overview: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 57; “Country-by-Country: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 68.

<sup>78</sup> “Country-by-Country: Hate Crime Report Card”, *Ibid.*, p. 10.

<sup>79</sup> “Report on Racism and Xenophobia in the Member States of the EU”, European Union Agency for Fundamental Rights, 2007, p. 121, <[http://fra.europa.eu/fra/material/pub/racism/report\\_racism\\_0807\\_en.pdf](http://fra.europa.eu/fra/material/pub/racism/report_racism_0807_en.pdf)>.

comprehensive and disaggregated statistics based on bias and offence type. Austria, the Czech Republic, and Germany report on crimes linked to right-wing extremism and provide information on the victims of these crimes. Sweden has a detailed reporting mechanism in place with respect to victims of hate crimes that includes comprehensive and disaggregated statistics based on bias and offence type.<sup>80</sup> Switzerland has a comprehensive data-collection system that registers individual cases and statistics on hate crimes, as well as the outcome of criminal prosecutions. The United Kingdom is the only country that reports both hate incidents and hate crimes, and it also provides detailed information on the criminal prosecution or dismissal of racial and religious hate crimes.

In many participating States, there is no statistical information on criminal prosecution. When data is provided, authorities generally link it only to specific cases and do not keep statistics on this issue.

Several states register hate crimes as violations of the Criminal Code (Croatia, the Czech Republic, and Slovakia) and may identify limited groups who are targets of hate crimes – these generally include racist or xenophobic and anti-Semitic attacks. Other countries register crimes according to three categories of racism, anti-Semitism, and xenophobia (Austria, France, Germany, Ireland, Italy). In Sweden, hate crimes are registered according to four categories of xenophobia, Islamophobia, anti-Semitism, and homophobia.<sup>81</sup> Canada, Switzerland, and the United States have monitoring systems in place to identify subcategories of victims.

Legal definitions of hate crime also differ between participating States, particularly in regard to what constitutes a hate crime or incident or the categories of victims. Some states report on acts of discrimination rather than racist violence, as this constitutes an offence under that state's criminal code. Others include acts of hate speech – such as incitement to discrimination or hatred, or Holocaust denial – or offences pertaining to membership of prohibited organizations.<sup>82</sup>

The political motivation of the offender is the determining factor in a number of countries that monitor the actions of offenders and report on the victims, although they do not register hate crime *per se*. Austria, the Czech Republic, Denmark, France, Germany, the Russian Federation, and Sweden<sup>83</sup> monitor crimes often perpetrated by right-wing

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<sup>80</sup> This includes xenophobic, Islamophobic, anti-Semitic, and homophobic hate crimes. Information provided by the Swedish National Council for Crime Prevention, 16 May 2008.

<sup>81</sup> *Ibid.*

<sup>82</sup> An example of this is Finland, which includes within the category of “racist crimes” discrimination, breach of honour, unlawful threats, damage to property, and (attempted) assaults.

<sup>83</sup> It should be noted, however, that the focus of Sweden's National Council for Crime Prevention differs somewhat from the Swedish Security Service, since it does not proceed from a white-power perspective, but rather focuses directly on hate crimes. The Swedish statistics on hate crime include crimes that are motivated by the offender's negative attitude towards skin colour, nationality or ethnic background, religious beliefs (Muslim or Jewish religion), or sexual orientation (homosexuality). Consequently, the offender's motive for

extremists. Reports are generally published by the security agencies within the Interior Ministry. The level of data on victims varies, with Germany providing comprehensive information on offences and victim groups.

Broad categories such as “xenophobia” or “racism”, which are often used in reporting, do not allow for the determination of whether the victims were, for example, asylum seekers, Roma, African students, migrants, or members of Muslim communities. Some of the countries using such reporting are, for instance, Denmark, Finland, France, Germany, Ireland, Italy, Poland, and Slovakia.<sup>84</sup> In addition, broad categories such as “faith-based hate crimes” may include attacks that are not exclusively faith-based but may also be, for example, motivated by racism, xenophobia, or anti-Semitism. In other cases when countries report on faith-based or religiously motivated hate crimes, it is often difficult to identify particular religious groups. Although the United States, Canada, Sweden,<sup>85</sup> and Switzerland register hate crimes against Muslims, the majority of OSCE states do not provide statistics with a detailed and disaggregated breakdown of hate crimes against particular religious minorities.

In spite of data-collection shortcomings in many countries, new initiatives have been introduced in some states to improve the registration and monitoring of data. Austria began registering hate crimes against Muslims in 2007, while Northern Ireland has begun tracking crimes against members of the transgendered community.

NGOs have continued to play an important role in monitoring and reporting incidents to law-enforcement officials and prosecutors, given their close contact with victim groups. This involvement has in many instances served to enhance the quantity and quality of official data and reports. Non-governmental information and data can also contribute to a more comprehensive account of incidents, which, if included in public governmental reports and data, can play an important role in assuring victims and communities affected by hate crimes of increased acknowledgement and awareness of their situation.

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committing a crime determines whether or not the crime is a hate crime, not the criminal offence itself. Information provided by the Swedish National Council for Crime Prevention, 16 May 2008.

<sup>84</sup> In addition to the general categories of “racism” or “xenophobia”, a number of the countries in this list also provide information on anti-Semitism and/or violence against other groups such as LGBT groups.

<sup>85</sup> It should be noted that, in Sweden’s statistics, hate crimes are divided into four categories: crimes with xenophobic, Islamophobic, anti-Semitic, or homophobic motives. Thus, hate crimes on two particular religious groups – Muslims and Jews – are recorded. Information provided by the Swedish National Council for Crime Prevention, 16 May 2008.

## National Developments

The OSCE states mentioned below have monitoring systems in place that, to varying degrees, allow for the disaggregation of data into categories based upon violation of the criminal code and the political or bias motivation of the offender. At the time this report was drafted, hate-crime data from other participating States had not been made publicly available, had not been collected, or had not yet been provided to ODIHR. As a result, the following overview of national developments related to hate-crime data cannot be considered as a comprehensive overview of developments in all 56 participating States. Where possible, based on information available to ODIHR,<sup>86</sup> increases or decreases in the number of hate crimes and incidents between 2007 and previous years are noted.

- During 2007, no hate crimes were detected in **Andorra**. While there are some hate-motivated groups, their activities are known and followed by the police.<sup>87</sup>
- In 2007, the **Armenian** police did not register any cases related to hate crime and reported that, due to the rarity of incidents, no special statistics are collected.<sup>88</sup>
- The Federal Agency for State Protection and Counter-Terrorism of the **Austrian** Interior Ministry produces an annual security report. Within the framework of right-wing extremism, the government reported a total of 371 criminal incidents or acts<sup>89</sup> in 2007, an increase over the 240 reported in 2006. The majority of offences are perpetrated by right-wing extremists (280 in 2007 and 204 in 2006); however, more detailed information on the victims is unavailable. Anti-Semitic offences rose to 15 in 2007 from eight cases in 2006. Forty-eight xenophobic offences were registered, which represents an increase over the 28 cases reported the previous year. In addition, the government reported two cases of crimes against Muslims and 26 “other” incidents in 2007. Of the total cases, 369 involved violations of the Prohibition Statute, while 251 involved “other” violations of the Penal Code.<sup>90</sup>

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<sup>86</sup> For more information on hate-crime legislation, statistics, practices and initiatives, and national points of contact, see Annex II of this report.

<sup>87</sup> Communication to ODIHR from the Permanent Mission of the Principality of Andorra, 23 May 2008.

<sup>88</sup> Information provided by the Ministry of Foreign Affairs of Armenia, 6 June 2008.

<sup>89</sup> An incident or act may comprise violations of numerous laws. If, for instance, right-wing extremists are wearing Nazi uniforms or insignia and physically assault a foreigner, this one act would include a violation of the Prohibition Statute (related to the outlawing of National Socialism) and the Insignia Act, and it would be treated as a physical assault as part of a xenophobic attack.

<sup>90</sup> Other acts in violation of the Penal Code could refer to various acts of violence. In addition to the Prohibition Statute, other violations included in the report are violations of Section 283 of the Penal Code (hostile incitement), the Insignia Act, Art. IX, para. 1, No. 4, Introductory Act to the Laws on Administrative Procedure (spreading National Socialist ideology) and the Media Act; see *Verfassungsschutzbericht 2007* (Vienna: Bundesministerium für Inneres, 2007), <<http://www.bmi.gv.at/downloadarea/staatsschutz/BVT%20VSB%202007%2020070724%20Onlineversion.pdf>>; information provided by the Interior Ministry of Austria, 7 March 2008.

- In **Canada**, the Canadian Centre for Justice Statistics collects and publishes hate-crime statistics at the national level, although not all police departments report. Hate-crime statistics from municipal departments are available<sup>91</sup> from the individual department's website. The Canadian government has standardized the categories required of all police registering hate crimes. The general categories are further divided into sub-categories. The bias categories include race/ethnicity,<sup>92</sup> religion,<sup>93</sup> sexual orientation,<sup>94</sup> language, disability, sex, age, other factors, and "unknown". The report on hate crimes in Canada was published under the Nationally Standardized Data Collection on Hate-Motivated Crime Initiative.<sup>95</sup> The report is based primarily on 2006 police-reported data, as well as data obtained through a special supplemental survey funded by the Department of Canadian Heritage. According to the report, in 2006, police services covering 87 per cent of Canada's population reported 892 hate-motivated crimes, of which six in 10 were motivated by race/ethnicity. Another one-quarter of hate crimes were motivated by religion and one in 10 by sexual orientation. Among the 220 hate crimes reported by police to be motivated by religion, offences against the Jewish faith were the most common, accounting for almost two-thirds (63%) of religion-based incidents. Another 21 per cent were against Muslims (Islam) and 6 per cent against Catholics.<sup>96</sup> Statistics Canada also undertakes a General Social Survey, inviting respondents to self-report on their own perceptions of hate-crime victimization. Reports on visible minorities and victimization and on sexual orientation and victimization have been published in order to provide detailed information with regard to hate-crime victimization and particular identity communities.<sup>97</sup>
- The **Czech Republic** monitors hate crimes within the context of extremism. Crimes are registered according to the Criminal Code violation, differentiating between crimes of violence and non-violent hate speech, including defamation and incitement to hatred. In the past two years, extremist crimes registered by the

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<sup>91</sup> For example, see "2006 Annual Hate/Bias Crime Statistical Report", Toronto Police Service, Hate Crime Unit, 2007, <<http://www.torontopolice.on.ca/publications/files/reports/2006hatecrimereport.pdf>>; "Annual Statistical Report 2002 - 2006: Statistical Summary", Calgary Police Service, <[http://www.calgarypolice.ca/news/pdf/Annual\\_Statistical\\_Report\\_2006.pdf](http://www.calgarypolice.ca/news/pdf/Annual_Statistical_Report_2006.pdf)>.

<sup>92</sup> This includes Aboriginals, Arab/West Asian, black, East and South Asian, white, multiple races/ethnicities, other race/ethnicity, unknown race/ethnicity.

<sup>93</sup> This includes Catholic, Jewish, Muslim, other religion, unknown religion.

<sup>94</sup> This includes bisexual, heterosexual, homosexual, other sexual orientation, unknown sexual orientation.

<sup>95</sup> See Mia Dauvergne, Katie Scrim, and Shannon Brennan, "Hate Crime in Canada", Canadian Centre for Justice Statistics, June 2008, <<http://www.statcan.ca/english/research/85F0033MIE/85F0033MIE2008017.pdf>>.

<sup>96</sup> *Ibid.*

<sup>97</sup> Samuel Perreault, "Visible Minorities and Victimization", Canadian Centre for Justice Statistics, 2008, <<http://www.statcan.ca/bsolc/english/bsolc?catno=85F0033M2008015>>; Diane L. Beauchamp, "Sexual Orientation and Victimization", Canadian Centre for Justice Statistics, 2008, <<http://www.statcan.ca/bsolc/english/bsolc?catno=85F0033M2008016>>.

police have been on the decline, from 248 crimes in 2006 to 196 crimes in 2007.<sup>98</sup> Fifteen per cent of the total crimes were violent.<sup>99</sup> Of these, there was one murder, 11 crimes involving serious bodily injury, and 18 involving violence against an individual or group. No violent anti-Semitic crimes were reported. There were 18 anti-Semitic offences involving cases of suppressing human rights, defamation, and incitement to hatred. Detailed information is also provided on the perpetrators of extremist crimes.<sup>100</sup>

- The Security Intelligence Service in **Denmark** receives reports from police districts about criminal offences and incidents that may be believed to have a racist and religious background and are directed at foreign nationals, as well as reports on racist and religiously motivated crimes. At the request of the Justice Ministry, the director of public prosecutions (DPP) establishes reporting requirements for decisions in cases committed on the basis of the victim's race, colour, national or ethnic origin, religion, or sexual orientation, applying Section 81, para. 6, of the Criminal Code. In 2007, the DPP received 10 such cases, in eight of which the court ruled that the crime was committed, wholly or partly, on the basis of the victim's race, colour, national or ethnic origin, religion, or sexual orientation. The other two cases were dismissed.<sup>101</sup>
- In **Finland**, police officers are required to register a crime as a racist offence when it is perpetrated against a person because he or she differs from the perpetrator with regard to race, skin colour, nationality, or ethnic background. In case of ambiguity about the motivation in a particular case, law-enforcement officials must record it as a racist case. In 2006, the Interior Ministry reported the filing of 748 suspected racist crimes, including violent cases and discriminatory denial of services.<sup>102</sup> Of these cases, 40 per cent were assaults or attempted assaults. The number of offences represented an increase from previous years. In 2005, police registered 669 crimes with a suspected racist motive, an increase over the 558 registered incidents in 2004 (110 were assault and battery). Over half of the victims were Finnish; foreign victims were most often Turks, Somalis, and Iranians. The majority of assault victims were men (73%), whereas women were most often the victims of discrimination.<sup>103</sup>
- The Interior Ministry of the **former Yugoslav Republic of Macedonia** reported a criminal charge in accordance with Article 319 of the Criminal Code (incitement

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<sup>98</sup> Information provided by the Interior Ministry of the Czech Republic, 6 March 2008.

<sup>99</sup> Violent hate crimes are covered under the following sections of the Criminal Code: 196 (violence against an individual or a group of people), 221 and 222 (intentional, serious physical injury), and 219 (murder).

<sup>100</sup> Information provided by the Interior Ministry of the Czech Republic, 6 March 2008.

<sup>101</sup> Information provided by the Justice Ministry of Denmark, 9 June 2008.

<sup>102</sup> At the time of writing this report, data for 2007 was not available.

<sup>103</sup> Tanja Noponen, "Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2006", Police College of Finland, see English abstract, p. 73, <[http://www.poliisiammattikorkeakoulu.fi/poliisi/bulletin.nsf/bydate/C5A0ED542A369D79C225731C003B9178/\\$file/Tiedotteita%2062\\_Rasismi%202006.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/bulletin.nsf/bydate/C5A0ED542A369D79C225731C003B9178/$file/Tiedotteita%2062_Rasismi%202006.pdf)>. Also see "Racist Crimes Continue to Increase," YLE website, 31 July 2007, <<http://www.yle.fi/news/left/id66215.html>>.

- to national, racial or religious hatred, discord, or intolerance). Three criminal charges were reported under Article 137, relating to a breach of citizens' equality. No information on court proceedings was available.<sup>104</sup>
- The Office of the Prosecutor-General of **Georgia** reported an increased number of investigations of cases involving violations of freedom of religion. In 2007, 36 cases were reported compared to 23 in 2006. The majority of cases were related to persecution of Jehovah's Witnesses and Hare Krishna community members. In eight of these cases, the investigation was terminated, eight were directed to court, and in five cases a decision was rendered. The remaining cases are under investigation. Georgia's Interior Ministry reported that 10 crimes were committed in breach of Article 142 of the Criminal Code (violation of equality of individuals), of which four cases were solved; 11 crimes were related to Article 155 (illegal interference in the performance of religious rites), of which one case was solved; and seven crimes related to Article 156 (persecution), with two cases solved.<sup>105</sup>
  - In **Germany**, the State Security Division of the Federal Office for the Protection of the Constitution (under the control of the Interior Ministry) publishes an annual report based on data provided by the Federal Criminal Police Office. Crimes are categorized by the political motivation of the perpetrator. Extremist crimes and crimes of violence are subsections of the categories "right-wing offences" and "left-wing offences". Within the category "right-wing political crimes", a further disaggregation occurs into anti-Semitic and xenophobic crimes, as well as crimes against left-wing opponents and "other". The system allows for a differentiated registration of the characteristics of perpetrators, crimes, and victims.<sup>106</sup> According to data for 2007, 980 right-wing, violent, extremist crimes were recorded in Germany (slightly down from 1,047 such crimes in 2006). There were 59 violent right-wing anti-Semitic crimes in Germany in 2007 (43 in 2006). Of the 294 acts of violence against victims associated with the left (302 in 2006), 266 involved bodily injury (263 in 2006).<sup>107</sup> In the above-mentioned annual report, crimes are disaggregated into hate speech and violent crimes.<sup>108</sup>
  - The **Hungarian** government provided statistics on the number of hate crimes between 2004 and 2007 committed in violation of Section 174/B of its Criminal

<sup>104</sup> Information provided by the Ministry of Foreign Affairs of the former Yugoslav Republic of Macedonia, 26 June 2008.

<sup>105</sup> Information provided by the Justice Ministry of Georgia, 2 May 2008.

<sup>106</sup> While at the level of local police, data is collected on crimes perpetrated against the LGBT community, data on crimes against homosexuals as a distinct category is not published by the Interior Ministry in its annual report of the Office for the Protection of the Constitution.

<sup>107</sup> Information provided by Germany's Interior Ministry, 26 June 2008.

<sup>108</sup> In 2006, there were 1,047 violent right-wing crimes (958 in 2005). In the same year, there were 391 registered cases of property damage (445 in 2005), 150 cases of coercion or threats (90 in 2005), 12,627 illegal propaganda activities (10,881 in 2005), 14 cases of cemeteries being desecrated (30 in 2005), and 3,368 (2,957 in 2005) cases of other criminal offences, especially incitement to hatred. See *Verfassungsschutzbericht 2006* (Berlin: Bundesministerium des Innern, 2007), <[http://www.verfassungsschutz.de/de/publikationen/verfassungsschutzbericht/vsbericht\\_2006](http://www.verfassungsschutz.de/de/publikationen/verfassungsschutzbericht/vsbericht_2006)>.

- Code, relating to offences against members of national, ethnic, racial, or religious groups. The number of incidents increased slightly over the period from 2004 to 2007 (2004, seven; 2005, seven; 2006, eight; 2007, nine). The statistics disaggregate homicides and battery<sup>109</sup> that have a “malicious motive”, thus making the offence a hate crime. Hate-motivated homicides constituted less than 10 per cent of all homicides and decreased from 25 cases in 2004 to eight in 2007. However, while the number of charges of battery fell as a whole across the country in the past two years (11,827 in 2006 and 11,454 in 2007), battery as a hate crime rose from 155 charges in 2006 to 182 in 2007.<sup>110</sup>
- In **Iceland**, there were no hate-crime convictions in 2007. A case from 2007 is still being investigated and is pending a decision.<sup>111</sup>
  - Data provided by the Permanent Mission of **Italy** to the OSCE indicates that, in 2007, a total of 148 crimes were reported. Crimes were described as motivated by racism (52), xenophobia (42), and anti-Semitism (54).<sup>112</sup>
  - In **Latvia**, authorities reported that, from 2000 to 2007, there were 48 criminal cases related to racial or national hatred. Twenty-five cases were sent to prosecutors’ offices and six cases were re-classified, while in eight cases pre-trial investigation was initiated. In 2007, 16 cases related to national and racial hatred were recorded based on Section 78 of the Criminal Law. This includes four cases committed on racial grounds. Four cases were reclassified, in two of them pre-trial investigation was initiated, two were processed, and six cases were dismissed.<sup>113</sup>
  - **Liechtenstein** reported three incidents in 2007, two of which involved the painting of swastikas on the walls of public places and on the posters of the Liechtenstein Refugee Association. The third incident involved a skinhead attack on young Albanians during a public party, which resulted in injuries.<sup>114</sup> From 2004 to 2006, the national police reported four offences motivated by racist, xenophobic, or other aggravating circumstances to the prosecution services.<sup>115</sup>
  - In **Lithuania**, 36 pre-trial investigations were commenced for incitement of hatred based on Article 170 of the Criminal Code, while three were initiated for discrimination under Article 169. The majority of the incitement cases related to public statements on the Internet. Of these, 21 pre-trial cases were for violations of human rights related to nationality, 15 related to sexual orientation, and four to race. Eighteen offences were recorded against Jews, with one each against Polish,

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<sup>109</sup> A battery can be either a simple or an aggravated assault. Information from Hungary’s Ministry of Foreign Affairs to ODIHR, 5 March 2008.

<sup>110</sup> Information provided by Hungary’s Foreign Ministry, 5 March 2008.

<sup>111</sup> Information provided by the national commissioner of the Icelandic police, 20 June 2008.

<sup>112</sup> Communications from the Permanent Mission of Italy to the OSCE, 3 August 2007, 25 October 2007, and 7 March 2008.

<sup>113</sup> Information provided by the Ombudsman Office of the Republic of Latvia, 19 March 2008.

<sup>114</sup> Information provided by the Crime Investigation Department of the Liechtenstein Police, 4 March 2008.

<sup>115</sup> Information provided by the Liechtenstein Working Group against Racism, Anti-Semitism and Xenophobia, 10 September 2006.

- Roma, and Chechen individuals. The authorities noted a rise in the number of pre-trial investigations for incitement in past years (from two in 2005 to 36 in 2007) due to enhanced action by the law-enforcement institutions. In 2007, 13 cases were referred to court. All individuals in these cases were prosecuted for incitement of intolerance under Article 170 of the Criminal Code.<sup>116</sup>
- **Kazakhstan** reported three cases of “medium gravity” and two cases of torture based on the grounds of social, national, racial, or religious hatred. Thirty-six cases of incitement to religious, national, social or racial hostility and hostility towards an individual’s origin were reported. No murders were recorded.<sup>117</sup>
  - **Poland** identified no cases related to Article 118 of the Criminal Code specifying threat to life or murder during 2007. Ten cases were reported by the police in accordance with Article 119, specifying the use of violence or unlawful threat. Eighty-two cases of promoting fascist ideas or incitement to hatred under Article 256 were recorded by the police, as were 33 cases of public insults related to Article 257.<sup>118</sup>
  - In **Romania**, the Inspectorate-General of the Police did not register any cases related to hate crimes. The Supreme Council of Magistracy identified nine cases of “in-service abuse”. Two individuals were sentenced to jail, while in seven cases the sentence was suspended. Nine cases were recorded under Government Emergency Ordinance No. 31/2002, which prohibits fascist, racist, or xenophobic organizations and symbols and the promotion of cults. In three cases, exemption from criminal investigation was recorded, while the remaining six cases were dropped.<sup>119</sup>
  - The Interior Ministry of the **Russian Federation** recorded 170 criminal cases initiated according to Article 282 of the Criminal Code (incitement to national, racial, or religious hatred) in 2007. The breakdown of these cases include 22 murders (21 cases in 2006), eight “deliberate inflictions of moderate harm to health” (21 in 2006), three cases of torture (three also in 2006), and two “deliberate inflictions of severe harm to health” (the same as 2006).<sup>120</sup> In the first half of 2007, the Prosecutor-General’s Office reported 6,354 responses related to violations of the law on racial relations and combating hate crimes, and 108 criminal cases were initiated.<sup>121</sup>
  - The Interior Ministry of the **Republic of Serbia** provided statistics on inter-ethnic, inter-religious, and racially motivated incidents. The number of incidents increased from 276 in 2006 to 325 in 2007. The largest number of offences involved graffiti (127 in 2007), followed by desecration of religious sites (57), verbal provocations (44), and physical assaults (38). The category “damage to

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<sup>116</sup> Information provided by Lithuania’s Interior Ministry, 6 March and 22 May 2008.

<sup>117</sup> Communication from the Permanent Mission of the Republic of Kazakhstan to the OSCE, 1 April 2008.

<sup>118</sup> Information provided by Poland’s Ministry of Interior and Administration, 13 March and 23 May 2008.

<sup>119</sup> Information from Romania’s Justice Ministry, 5 March 2008.

<sup>120</sup> Communication from the Permanent Mission of the Russian Federation to the OSCE, 4 April 2008.

<sup>121</sup> *Ibid.*

- property” is subdivided into damage to property of Albanian minorities (eight), damage to property of Roma minorities (three), and damage to property of other minorities (eight).<sup>122</sup>
- In the **Slovak Republic**, police statistics for 2006 registered 188 racially motivated crimes, including violent crimes, a rise from 121 cases in 2005. Figures for 2007 were not available.<sup>123</sup>
  - In **Slovenia**, in 2007, law-enforcement officials filed eight criminal reports on the grounds of reasonable suspicion that a criminal offence of stirring up hatred, strife or intolerance in violation of Article 300 of the Criminal Code had been committed. According to information from the Slovenian Police, one suspected case of uttering hate speech in a public place was reported. A large number of reported criminal offences of hate speech distributed by e-mail or the Internet were recorded and investigated.<sup>124</sup>
  - Since 2006, **Sweden’s** National Council for Crime Prevention has been instructed by the government to produce hate-crime statistics.<sup>125</sup> As noted earlier, hate crimes are divided in Sweden into four sub-categories: crimes with xenophobic, Islamophobic, anti-Semitic, or homophobic motives. There is also an additional category for hate crimes that are ideologically motivated (e.g., right-wing-motivated crimes). In 2006, more than 3,000 hate-motivated crimes were identified: 67 per cent were motivated by xenophobia, 4 per cent by anti-Semitism, 21 per cent were classified as homophobic, and almost 8 per cent as hate crimes against Muslims.<sup>126</sup> Nine per cent of reported hate-motivated crimes were also identified as ideologically motivated.<sup>127</sup>
  - In **Switzerland**, between 1996 and the end of 2006, authorities received 355 reports related to the anti-racism regulations under Article 261 of the Penal Code.<sup>128</sup> The Foundation against Racism and anti-Semitism noted a total of 117 hate and discriminatory offences in 2007. Among these, there were 15 reported physical attacks, 12 attacks on property, five arson attacks, and six cases of

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<sup>122</sup> Other offences and the number of registrations include fights in public (11), anonymous threats (two), desecration of tombs (17), and other recorded incidents (10). Information provided by the Agency of Human and Minority Rights of the Government of the Republic of Serbia, 6 March 2008.

<sup>123</sup> “Neo-Nazism on the Rise in Eastern Europe”, Deutsche Press Agentur, as reported on the Internet Centre Anti-Racism Europe (ICARE) website, 23 January 2008, <<http://www.icare.to/article.php?id=13215&lang=en>>; “Slovak police charge teenagers after racist attack”, Agence France Presse, as reported on Haaba.com, 23 November 2007, <<http://www.haaba.com/tags/cuba?q=node/51878>>.

<sup>124</sup> Information provided by the Office for Religious Groups of the Government of Slovenia, 6 March 2008.

<sup>125</sup> Previously, since the early 1990s, the Swedish Security Service had conducted annual studies of reported offences related to the white-power movement. Information provided by the Swedish National Council for Crime Prevention, 16 May 2008.

<sup>126</sup> See “Hate crime” on the website of the Swedish National Council for Crime Prevention, <[http://www.bra.se/extra/pod/?action=pod\\_show&id=1&module\\_instance=11](http://www.bra.se/extra/pod/?action=pod_show&id=1&module_instance=11)>; “Country-by-Country: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 68.

<sup>127</sup> Information provided by the Swedish National Council for Crime Prevention, 16 May 2008.

<sup>128</sup> Communication from the Swiss Delegation to the OSCE, 16 April 2008.

threats.<sup>129</sup> The Federal Commission against Racism keeps records of all cases and statistical data on perpetrators and victim groups.

- The Home Office in the **United Kingdom**<sup>130</sup> releases annual reports providing extensive data on the number of hate-motivated incidents and crimes reported to the police.<sup>131</sup> Simultaneously, it also publishes statistics on the number of hate-motivated incidents and crimes reported. The British Crime Survey<sup>132</sup> points to an increase in hate crimes (during 2005-2006, 407 racist incidents were recorded by the police, a rise of 4 per cent over the previous year, while there were 41,382 racially or religiously aggravated offences representing a 12 per cent increase from the previous year). In contrast, the British Crime Survey indicates that the number of hate incidents is falling (from 206,000 incidents in 2003-2004 and 179,000 in 2004-2005). This anomalous pattern could indicate that hate-motivated crimes are in fact decreasing while, at the same time, victims are reporting the incidents more often to the police.<sup>133</sup> In March 2006, the Metropolitan Police Service began registering crimes against Muslims separately from faith-based<sup>134</sup> hate crimes. Of the total of 605 faith-based hate crimes, 188 were against Muslims. The total number of faith-based hate crimes in 2005-2006 was slightly lower than in the previous year.<sup>135</sup> In 2006-2007, police reported 28,485 cases of racially or religiously motivated harassment, 4,350 hate crimes without injury, and 5,619 hate crimes in which someone was injured. There were also 3,565 cases of criminal damage related to hate crimes. In Scotland (which has separate authorities from England and Wales), 1,022 racist incidents were registered in two regions during the monitoring year (May 2006-April 2007); this doubled the number recorded previously.<sup>136</sup> In the Strathclyde region covering the large city of

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<sup>129</sup> *Ibid.*; “Rassistische Vorfälle in der Schweiz: Eine Chronologie und eine Einschätzung – Zusammenfassung 2007”, Stiftung gegen Rassismus und Antisemitismus, <[http://chrono.gra.ch/chron/chron\\_detail\\_entry.asp?jahr=2007](http://chrono.gra.ch/chron/chron_detail_entry.asp?jahr=2007)>.

<sup>130</sup> *Crime in England and Wales 2006/2007* (London: Home Office, July 2007), 4th edition, <<http://www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf>>; “Racist and Religious Incident Monitoring: Annual Report 2006 – 2007”, Crown Prosecution Service, December 2007, <<http://www.cps.gov.uk/publications/docs/rims06-07.pdf>>. The reports for 2007-2008 are expected around the same time in 2008.

<sup>131</sup> The quality of the data differs from one police jurisdiction to the next, with the London Metropolitan Police providing the most detailed data.

<sup>132</sup> The British Crime Survey is a national victimization survey that asks the public about their experiences with crime. It is based on interviews with a wide sample of people and identifies patterns of victimization and crimes that were not reported to police. The numbers of racist incidents reported in the survey are therefore much higher than the incidents reported to, and recorded by, the police.

<sup>133</sup> This could be the result of active campaigning on the part of police in the United Kingdom for victims to report hate crimes.

<sup>134</sup> While the United Kingdom government refers to the term “faith” hate crime, the OSCE refers to hate crimes based upon religious beliefs.

<sup>135</sup> Data obtained from the Violent Crime Directorate, Metropolitan Police Service, on 24 April 2007.

<sup>136</sup> The report cites statistics from the areas of Lothian and Borders. See Wilma Riley, “Rise in race crimes linked to attacks on Poles”, *The Scotsman* website, 28 June 2007, <<http://thescotsman.scotsman.com/edinburgh/Rise-in-race-crimes-linked.3299508.jp>>.

Glasgow, police reported a 7.5 per cent increase over the previous year, and an almost 20 per cent rise over 2002-2003 levels. Police identified 31 incidents as possible backlash violence after terror attacks on Glasgow Airport in May; there were 258 reported racial attacks that month, with an average figure of around 200 such incidents a month.<sup>137</sup>

- In the **United States**, the Federal Bureau of Investigation (FBI) registers hate crimes<sup>138</sup> and disaggregates statistics by type of crime<sup>139</sup> and bias motivation (based on race, religion, sexual orientation, ethnicity/national origin, and disability), victims (individuals, businesses, institutions, or society as a whole), offenders (the number of offenders and, when possible, the race of the offender or offenders as a group), and the location.<sup>140</sup> The bias-motivation categories are broken down further into sub-categories.<sup>141</sup> Preliminary figures released by the FBI indicated that, in 2007, law-enforcement agencies reported a decrease of 1.4 per cent in the number of violent crimes (murder, forcible rape, robbery, and aggravated assault) brought to their attention in 2007 when compared with figures reported for 2006. The number of property crimes (burglary, larceny-theft, and motor-vehicle theft) fell by 2.1 per cent from 2006. Figures for 2007 indicate that arson attacks decreased 7 per cent in 2007 over 2006 figures.<sup>142</sup>

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<sup>137</sup> “Incidents of racism rise by one-fifth”, *The Scotsman* website, 28 June 2007, <<http://news.scotsman.com/tacklingracism/scotland/Incidents-of-racism-rise-by.3691602.jp>>.

<sup>138</sup> Even this report provides only a partial picture of hate crimes in the United States. Reporting to the FBI is voluntary and less than 17 per cent of the 17,546 police departments provide the FBI with hate-crime statistics. The remainder reported no hate crimes in their jurisdiction. See the section “Hate Crime by Jurisdiction” on the FBI’s website “2006 Hate Crime Statistics”, <<http://www.fbi.gov/ucr/hc2006/jurisdiction.html>>.

<sup>139</sup> Of the 5,449 crimes classified as crimes against the person, 46 per cent were classified as intimidations, almost 32 per cent as simple assaults, and 21.6 per cent as aggravated assaults. Three hate crimes involved murder and non-negligent-manslaughter offences, and five involved forcible rapes. Of the 3,593 hate-crime property offences, the majority, 81 per cent, involved acts of vandalism/damage or destruction. The remaining property offences included robbery, burglary, larceny-theft, motor-vehicle theft, and other crimes. See Table No. 4, “Offense Type by Bias Motivation, 2006”, on the FBI’s website “2006 Hate Crime Statistics”, <<http://www.fbi.gov/ucr/hc2006/table4.html>>.

<sup>140</sup> See the section “About *Hate Crime Statistics, 2006*” on the FBI’s website “2006 Hate Crime Statistics”, <<http://www.fbi.gov/ucr/hc2006/aboutthes.htm>>.

<sup>141</sup> “Race” includes anti-white, anti-black, and anti-American Indian/Alaskan native, anti-Asian/Pacific Islander, anti-multiple races; “religion” includes anti-Jewish, anti-Catholic, anti-Protestant, anti-Islamic, anti-other religion, anti-multiple religions, group, anti-atheism/agnosticism/etc.; “sexual orientation” includes anti-male homosexual, anti-female homosexual, anti-homosexual, anti-heterosexual, anti-bisexual; “ethnicity/national origin” includes anti-Hispanic, anti-other ethnicity/national origin; “disability” includes anti-physical and anti-mental. For statistics in each of these categories, see Table No. 1, “Incidents, Offenses, Victims and Known Offenders by Bias Motivation, 2006”, on the FBI’s website “2006 Hate Crime Statistics”, <<http://www.fbi.gov/ucr/hc2006/table1.html>>.

<sup>142</sup> “Crime in the United States: Preliminary Annual Uniform Crime Report, January through December”, FBI website, 9 June 2008, <<http://www.fbi.gov/ucr/2007prelim/>>.

- In **Uzbekistan**, law-enforcement agencies reported an absence of crimes committed on racial grounds.<sup>143</sup>

Few governments report on criminal-justice proceedings and prosecutions against violent hate-crime offenders. When such statistics are available, they show, in some instances, a discrepancy between the number of hate-crime incidents and offences reported to police, suspects arrested, and those prosecuted and convicted.

- In the **Czech Republic**, the police solved 119 criminal offences (60.7% of all extremist crimes), resulting in the prosecution of 181 people, a decrease over the previous two years from 242 people in 2006 and 269 in 2005. There was also a decline in both the number of recorded crimes and the number of prosecutions. The government also provided information on the number of dismissals and the outcome of other cases handled by the prosecution service.<sup>144</sup> Convictions are reported according to violations of the Criminal Code. In 2006, the courts handed down convictions on the following charges: 21 people were convicted for violence against a group of people or an individual (26 in 2005); two people were convicted for uttering dangerous threats (two in 2005); and five were convicted for causing serious physical injury (one in 2005).<sup>145</sup>
- The government of **Italy** reported that 40 offenders were “denounced” and 11 others arrested.<sup>146</sup>
- In **Switzerland**, the Commission fédérale contre le racisme (Federal Commission Against Racism) reported that, in 2006, of the 28 cases that went to court on charges related to discrimination, a vast majority (24 cases) led to a guilty verdict. However, it was also noted that, of the 49 cases that were reported, 21 were dismissed and did not lead to prosecutions.<sup>147</sup>
- The government of the **Republic of Serbia** reported on measures taken by the authorities against those involved in inter-ethnic and inter-religious incidents. Fifty-three misdemeanours and 143 criminal charges were submitted in 2007; 124 people were charged. It is not clear from the data how many people were convicted.<sup>148</sup>

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<sup>143</sup> Information provided to the OSCE Project Co-ordinator in Uzbekistan by Uzbekistan’s Ministry of Foreign Affairs, 20 March 2008.

<sup>144</sup> Information provided by the Interior Ministry of the Czech Republic, 6 March 2008.

<sup>145</sup> “Information on the Issue of Extremism in the Czech Republic in 2006”, Interior Ministry of the Czech Republic, Security Policy Department, 2007, <<http://aplikace.mvcr.cz/archiv2008/dokument/2007/extrem06en.pdf>>.

<sup>146</sup> Communications from the Permanent Mission of Italy to the OSCE, 3 August 2007, 25 October 2007, and 7 March 2008.

<sup>147</sup> “Cas jugés et jugements entrés en force”, on the website of the Commission fédérale contre le racisme, 31 December 2006, <<http://www.ekr-cfr.ch/ekr/db/00586/00650/index.html?lang=fr>>.

<sup>148</sup> Information provided by the Agency of Human and Minority Rights of the Government of the Republic of Serbia, 6 March 2008.

- The **United Kingdom** provides extensive criminal-justice data on the arrest and prosecution of hate-crime offenders. Statistics released by the Crown Prosecution Service (CPS) indicate the number of cases dismissed or taken to trial, as well as the outcome of the proceedings and sentencing. The report “Racist and Religious Incident Monitoring: Annual Report 2006 – 2007”, issued by the CPS, shows an increase in prosecutions over the previous year for racist offences but a decline in prosecutions for religiously aggravated offences. Prosecutions for racially aggravated offences rose by 23 per cent over the previous year, and 84 per cent of all defendants presented to the CPS were prosecuted.<sup>149</sup> Religiously aggravated cases declined by 37.2 per cent. The CPS prosecuted 22 defendants of the 27 defendants that it received.<sup>150</sup> The number of defendants received and prosecuted has increased steadily since 1999-2000.
- The **United States** Department of Justice provides information on the prosecution of high-profile hate-crimes cases, including sentences handed down by the courts. In 2007, 189 defendants were convicted under all the federal criminal civil-rights statutes (181 in 2006). However, this number relates to all civil-rights violations, which includes other offences such as excessive use of force and human trafficking.<sup>151</sup> The data on hate crime cannot be disaggregated from these figures. The Department of Justice “charged nearly 15 per cent more defendants with civil-rights violations from 2001 to 2007 than compared to 1994 through 2000”.<sup>152</sup>

### Data Collected by Specialized Bodies and Civil Society

In the OSCE region, a number of specialized bodies collect statistics and report on general cases of discrimination, racism, and incidents of bias-motivated violence.

- In **Belgium**, the Centre for Equal Opportunities and Opposition to Racism (CEOOR) is an autonomous federal public service tasked with the implementation of the provisions of the Anti-Racism Law. Data released by the CEOOR provides information on violent hate crimes based upon violations of particular sections of the penal code.<sup>153</sup> In 2007, the CEOOR recorded nine acts of harassment and 25

<sup>149</sup> Of 9,145 defendants processed by the CPS, 7,694 defendants, or 84 per cent, were prosecuted.

<sup>150</sup> The majority (48.6 per cent) of prosecutions were for public-order offences, but 13.7 per cent were for racially aggravated assault, 4.1 per cent for racially aggravated damage, and 7.1 per cent for racially aggravated harassment. For a further breakdown of other crimes not labelled racially aggravated, but still prosecuted as a racist hate crime, see “Racist and Religious Incident Monitoring: Annual Report 2006 – 2007”, Crown Prosecution Service, *op. cit.*, note 130.

<sup>151</sup> Communication from the United States Mission to the OSCE, 15 July 2008.

<sup>152</sup> Data was provided for fiscal, rather than calendar, years. See “Fact Sheet: Hate Crimes and Prosecution of Civil Rights Violations”, United States Department of Justice, 2007, <[http://www.usdoj.gov/opa/pr/2007/November/07\\_crt\\_921.html](http://www.usdoj.gov/opa/pr/2007/November/07_crt_921.html)>.

<sup>153</sup> Incidents recorded by the police reflect violations of the country’s discrimination laws and deal principally with discrimination and incitement to discrimination, hatred, or violence. It is impossible to extract crimes of violence from official data.

hate-crime cases.<sup>154</sup> It records data on anti-Semitic incidents separately. In 2007, there were 17 incidents of verbal aggression, nine of vandalism, and no incidents of violence. In 2006, there were 14 cases of verbal aggression, three of vandalism, and three of violence.<sup>155</sup>

- **France's** Interior Ministry reports cases of hate crimes to the National Consultative Commission on Human Rights (CNCDDH). Crimes are disaggregated into anti-Semitic offences and xenophobic and racist offences. In 2006, 20 incidents involved injury to victims of "immigrant origin", while 30 injuries occurred to persons "of or perceived to be of the Jewish confession".<sup>156</sup> While the CNCDDH recorded an increased number of anti-Semitic acts (from 99 in 2005 to 134 in 2006), with both the number of attacks and threats against individuals increasing, in contrast, the statistics on xenophobic and racist offences declined in 2006 (from 88 in 2005 to 64 in 2006). People of North African origin are identified as those most affected by racist acts, accounting for 66 per cent of all racist acts and 69 per cent of all racist threats.<sup>157</sup>

There are also various NGOs that collect data and information on hate crimes.

- In **Austria**, ZARA (Zivilcourage und Anti-Rassismus-Arbeit) publishes an annual report that documents individual cases of racist incidents in the country.<sup>158</sup> In 2006, ZARA registered 1,504 racist incidents; 1,148 of these occurred in public places. Many incidents involved racist graffiti. The report does not disaggregate cases according to acts of violence or by the characteristics of the victims of violence.
- In **Belgium**, MRAX (Mouvement contre le racisme, l'anti-sémitisme et la xénophobie) received 14 complaints related to intolerance against Muslims, two anti-Semitic complaints, and one complaint affecting a member of the Sikh community.<sup>159</sup>
- In **Canada**, the Jewish organization B'nai Brith Canada released its 2007 report on anti-Semitic incidents this year.<sup>160</sup> A number of other NGOs collect information on hate crimes, without reporting on it publicly. For instance, the

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<sup>154</sup> Information provided by the CEOOR, 20 June 2008.

<sup>155</sup> Information provided by the CEOOR, 6 March 2008. 2006 data obtained from *Jaarverslag 2006* (Brussels: CEOOR, 2007), <[http://www.diversiteit.be/?action=publicatie\\_detail&id=4&thema=2](http://www.diversiteit.be/?action=publicatie_detail&id=4&thema=2)>.

<sup>156</sup> See the chapter on France in "Country-by-Country: Hate Crime Report Card", Human Rights First, *op. cit.*, note 68.

<sup>157</sup> *Ibid.*, citing "La Lutte Contre le Racisme et la Xénophobie: Rapport d'activité 2006", CNCDDH, Section I, p. 12.

<sup>158</sup> "Racism Report 2006: Case Report on Racist Incidents and Structures in Austria", ZARA, 2007, <<http://www.zara.or.at/materialien/rassismus-report/racism-report-2006.pdf>>.

<sup>159</sup> Information provided by the CEOOR, 6 March 2008.

<sup>160</sup> *2007 Audit of Antisemitic Incidents: Patterns of Prejudice in Canada* (Toronto: League for Human Rights of B'nai Brith Canada, 2008), <<http://www.bnaibrith.ca/publications/audit2007/audit2007.html>>.

- Council on American-Islamic Relations Canada (CAIR) has a report form for reacting to anti-Muslim hate crimes.<sup>161</sup>
- In **Germany**, a number of NGOs register and document right-wing attacks and acts of violence.<sup>162</sup> Their data is reported to them by victims and derived from media monitoring. They also obtain information on extreme-right attacks from journalists, representatives of the police, and the office of the public prosecutor.<sup>163</sup> The statistics generated by these NGOs often differ from the statistics generated by the police and presented in the report by the Federal Office for the Protection of the Constitution. Official government statistics for Berlin and the states of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, and Thuringia reported 462 violent crimes with a right-wing extremist background (422 crimes in 2005); NGOs registered 819 in the same period (694 in 2005). Official statistics fall far below those registered by NGOs, but also show a 9.5 per cent increase. Statistics provided by NGOs show an 18 per cent increase. NGOs usually report higher numbers of hate crimes. However, only in the state of Thuringia are official statistics higher than those reported by NGOs.<sup>164</sup>
  - In the **Netherlands**, the Anne Frank House together with the University of Leiden produce a regular report on racial violence and violence incited by the extreme right.<sup>165</sup> Acts of violence<sup>166</sup> are disaggregated according to victim group. Violent hate crimes are at one of their lowest levels (265) since 2003 (206). Anti-Semitic violence fell from 41 incidents in 2005 to 35 in 2006, anti-Islam violence also declined from 70 incidents to 62; violence against asylum seekers was cut by half

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<sup>161</sup> See “Report Form”, Council on American-Islamic Relations Canada website, <[http://www.caircan.ca/rpt\\_hatact.php](http://www.caircan.ca/rpt_hatact.php)>; information provided by the Department of Justice Canada, Canadian Centre for Justice and Statistics, the Department of Canadian Heritage, and the Canadian Human Rights Commission, 6 June 2008.

<sup>162</sup> Data was provided by the following NGOs: Reach Out (Berlin); Opferperspektive (Brandenburg); Lobbi (Mecklenburg-Vorpommern); Mobile Beratung für Opfer rechtsextremer Gewalt und Beratungsstelle für Opfer rechtsextremer Gewalt im Multikulturellen Zentrum in Dessau (Sachsen-Anhalt.); AMAL und RAA Leipzig und Dresden (Sachsen.); Thüringer Hilfsdienst für Opfer rechtsextremer Gewalt (Thuringia); information is also published on the website of the NGO Opferperspektive at <<http://www.opferperspektive.de/Home/611.html>>.

<sup>163</sup> *Beraten, Informieren, Intervenieren* (Berlin: Koordinator der CIVITAS-geförderten Beratungsstellen für Opfer rechtsextremistischer Staf-und Gewalttaten, 2003), <[http://www.jugendstiftung-civitas.org/downloads/beraten\\_informieren\\_intervenieren.pdf](http://www.jugendstiftung-civitas.org/downloads/beraten_informieren_intervenieren.pdf)>.

<sup>164</sup> Opferperspektive reports that, due to staffing problems in the NGO in that state, the responsible organization was unable to investigate and provide assistance to victims of right-wing violence with the intensity that this service was provided by NGOs in other states.

<sup>165</sup> The seventh report on racism and extremism disaggregates offences by type and by the “ethnic characteristics” of the victim: “anti-Semitic”, “anti-Islam”, “anti-immigrant/asylum-seeker”, and “anti-white”. This report is limited to crimes perpetrated by the extreme right, and not hate-motivated crimes in general. *Monitor Racisme & Extremisme Racistische Extremrechts Geweld in 2006* (Amsterdam: Anne Frank Stichting, Leiden University, 2006), <<http://www.annefrank.org/content.asp?PID=756&LID=2>>.

<sup>166</sup> These include threats, bomb threats, physical confrontations, vandalism, arson, assault, illegal possession of fire arms, bombings and homicide.

(from six incidents to three), while anti-white violence decreased from 11 incidents to six in 2006.

- The SOVA Center for Information and Analysis provides information on hate crimes in the **Russian Federation**. Its annual report for 2007 mentions that, in the period from 1 January to 30 November, 546 people were attacked, which included 57 fatalities.<sup>167</sup> According to the Moscow Bureau for Human Rights, 230 xenophobic attacks were reported. At least 317 people were injured, and there were 74 fatalities. The highest numbers were reported in Moscow and the Moscow region.<sup>168</sup>
- In **Spain**, S.O.S. Racismo registered 79 cases of racist violence in 2005 (up from 71 the previous year).<sup>169</sup> The main victims of racist aggression were Roma, South Saharan Africans, and individuals from the Maghreb countries, particularly Morocco, Algeria, and Tunisia. The Movement Against Intolerance documents acts of racist aggression and the existence of racist groups in more than 170 urban areas. The organization estimates that more than 75 hate crimes were committed in Spain between 1992 and 2005, and over 70 groups, with a total membership of between 11,000 and 15,000, encourage this sort of violence.<sup>170</sup>

A number of NGOs collect data on hate crimes and incidents against **specific groups**. Some organizations focus on anti-Semitic or religiously motivated hate crimes or crimes targeting the LGBT population.

- Organizations tracking anti-Semitic hate crimes provide comprehensive coverage in a number of participating States. Almost all organizations reporting on anti-Semitic incidents provide a breakdown by specific offence, including assaults, harassment, hate speech, and desecration/destruction of property. The Community Security Trust tracks anti-Semitic hate crimes in the United Kingdom. In Austria, the Forum gegen Antisemitismus (Forum Against Anti-Semitism) reported a total of 62 anti-Semitic incidents in 2007.<sup>171</sup> The Centre for Information and

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<sup>167</sup> The figures also reflect an increase over the 541 victims of hate-based attacks, including 55 racist murders, in 2006. See “Statistics of Racist and Neo-Nazi Crimes in Russia. January – November 2007”, SOVA Center for Information and Analysis, 30 November 2007, <<http://xeno.sova-center.ru/6BA2468/6BB41EE/A37FD75>>.

<sup>168</sup> Information provided by the Moscow Bureau for Human Rights, 26 June 2008.

<sup>169</sup> The latest year for which public figures were available is 2005 (79 cases compared to 71 cases in 2004). Information obtained from the FRA Infobase (Spain, Racism, All Categories), <<http://www.fra.europa.eu/factsheets/front/factSheetPage.php?keyword=racism&categorySearch=-2&countrySearch=5&country=5>>.

<sup>170</sup> The Movement Against Intolerance issued a special report on racist violence in 2006 called “El mapa del odio en España”. Information provided on the FRA InfoBase at <<http://www.fra.europa.eu/factsheets/front/factSheetPage.php?keyword=racism&categorySearch=-2&countrySearch=5&country=5>>.

<sup>171</sup> While some of these included hate-speech offences, there were incidents of anti-Semitic slurs or threats (12), vandalism/destruction of property (two), physical assault (one), and graffiti (28). Information provided by the Forum gegen Antisemitismus, 7 March 2008.

- Documentation on Israel in the Netherlands, the Executive Committee of Community Monitoring<sup>172</sup> in Belgium, the Representative Council of Jewish Institutions in France, and The Mosaic Religious Community in Denmark provide trends and detailed information on anti-Semitic incidents in their respective countries. The League for Human Rights of B'nai Brith in Canada and the Anti-Defamation League in the United States provide comprehensive statistics on the levels of anti-Semitic incidents in their respective countries. The Anti-Defamation League also reports on selected anti-Semitic incidents around the world.<sup>173</sup> The Stephen Roth Institute reports that, among OSCE participating States, the countries with the highest number of registered violent anti-Semitic hate crimes in 2006 were the United Kingdom (136), France (97), Canada (74), Germany (38), Ukraine (34), Russia (30), the United States (24), and Belgium (15).<sup>174</sup>
- Few organizations systematically monitor hate crimes against religious groups. Local and national organizations that have made an attempt to monitor violence against Muslims include the CAIR and the American-Arab Anti-Discrimination Committee (ADC) in the United States. In 2005, the CAIR reported a total of 153 complaints of anti-Muslim hate crimes (up 8.6 per cent over the previous year) in addition to 1,972 civil-rights complaints (1,522 in 2004) involving discriminatory treatment, violence, and harassment.<sup>175</sup> Other attempts by NGOs to monitor violence against Muslims have been made but fail to provide consistent monitoring or public data. The United Kingdom Muslim Safety Forum provides statistics to the Metropolitan Police (which are not made public), while the Islamic Human Rights Commission began but discontinued monitoring hate crimes.
  - Public official data on homophobic hate crimes is limited to the United States, Northern Ireland, Sweden,<sup>176</sup> and some police departments in the United Kingdom and Canada. Statistics by NGOs are often limited to certain regions or cities in a particular country. SOS homophobie publishes reports on homophobia in France.

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<sup>172</sup> The Executive Committee of Community Monitoring (Bureau Exécutif de Surveillance Communautaire) and the Co-ordination Committee of the Jewish Community of Antwerp (Coördinatie Comité van de Joodse Gemeenten van Antwerpen) are addressing the issue of hate crimes by allowing and encouraging victims of anti-Semitic hate crimes to report or file a complaint online. Their reports and publications are available at <[www.antisemitisme.be](http://www.antisemitisme.be)>.

<sup>173</sup> “Global Anti-Semitism: Selected Incidents Around the World in 2007”, Anti-Defamation League website, <[http://www.adl.org/Anti\\_semitism/anti-semitism\\_global\\_incidents\\_2007.asp](http://www.adl.org/Anti_semitism/anti-semitism_global_incidents_2007.asp)>.

<sup>174</sup> “Antisemitism Worldwide 2006: General Analysis”, Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, Tel Aviv University, 2007, <<http://www.tau.ac.il/Anti-Semitism/asw2006/gen-analysis.pdf>>.

<sup>175</sup> This represents the highest number of Muslim civil-rights complaints ever reported to the CAIR in its 12-year history. See “The Status of Muslim Civil Rights in the United States 2006: The Struggle for Equality”, CAIR website, <<http://www.cair.com/CivilRights/CivilRightsReports/2006Report.aspx>>.

<sup>176</sup> In Sweden, in 2006, some 3,620 police reports were identified containing hate-motivated crimes. Six hundred eighty-five reports (21 per cent) were related to homophobic offences. Homophobic hate crimes declined in numbers between 2004 and 2005 and increased by approximately 20 per cent in 2006. Information provided by the Swedish National Council for Crime Prevention, 16 May 2008.

In its 2007 annual report on homophobia, the organization reported on 1,332 incidents, representing a 10 per cent increase over 2005. Physical assaults increased by 17 per cent over the 2005 figures and represent 12 per cent of the total number of incidents reported in 2006.<sup>177</sup> In Germany, MANEO, a project against violence against gays, monitors homophobic violence in Berlin reported by victims or the police to the organization. In 2005, the last year for which statistics are available, the organization reported 197 cases of anti-gay violence in the city.<sup>178</sup>

## Challenges in Data Collection

While some participating States have established comprehensive systems to monitor and collect data on hate crimes and incidents, the majority of states continue to face a number of challenges in the collection of such data.

*Lack of legislation defining violent hate crimes as an aggravating factor or as separate offences:* Currently, 19 states lack any type of legislation clearly defining violent bias-motivated crimes.<sup>179</sup> With or without adequate hate-crime legislation, common crimes with a bias element may be registered in general crime statistics; however, it is often impossible to extract hate crimes from these crime statistics.<sup>180</sup>

*Lack of a central focal point for data collection:* The absence of a centralized authority or office for data collection hinders the production of national statistics. Compilation of information may only occur at the municipal or regional level, and no state-level data may be available.

*Failure to record and classify the hate element of crimes:* As the front-line responders to hate crime, if law-enforcement officers are not able to recognize and record crimes with a hate motivation, these crimes will only be registered as common crimes in violation of the criminal code.<sup>181</sup> Training and an adequate system for recording and classifying hate crimes enable law-enforcement officials to identify when crimes are hate-motivated, regardless of legislation. In limited jurisdictions in Belgium and the Netherlands, the

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<sup>177</sup> SOS homophobie press release, “SOS homophobie publie son Rapport annual 2007 sur l’homophobie”, 15 May 2007, <[http://www.sos-homophobie.org/index.php?menu=1&menu\\_option=12&news=75#chap75](http://www.sos-homophobie.org/index.php?menu=1&menu_option=12&news=75#chap75)>.

<sup>178</sup> Bastian Finke, “Maneo-Report 2005”, Maneo, March 2006, <<http://www.maneo.de/pdf/Maneo-Report2005.pdf>>.

<sup>179</sup> For a complete list of participating States and the type of legislation in place to address violent bias-motivated crimes (either as a specific offence, an express general aggravating factor, or as an aggravating factor in specific common crimes), see “Overview: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 57, p. vi.

<sup>180</sup> See *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives* (Warsaw: ODIHR, 2005), p. 27, <[http://www.osce.org/publications/odihr/2005/09/16251\\_452\\_en.pdf](http://www.osce.org/publications/odihr/2005/09/16251_452_en.pdf)>. This publication describes the problem of the inability to demonstrate how offences are distributed across different bias categories.

<sup>181</sup> *Ibid.*

police have developed systems to identify violent hate crimes within police reports. Despite the existence of a mechanism for recording incidents of a racist nature in Cyprus, the police did not comply with the recommendation by the ombudsman to enter a particular incident as a racist incident.<sup>182</sup> In Germany, where there is no legislation recognizing hate crimes as such, police still monitor and collect data on specific types of hate crimes perpetrated by right- and left-wing extremists.

*Under-reporting:* Hate-crime victims may often fail to report their case, as they may fear reprisal, they may distrust the police, or they may believe that their complaint will not be taken seriously. Therefore, many crimes may never reach the authorities for the purpose of registration. This may be particularly true for vulnerable groups such as migrants or LGBT persons. Law-enforcement officials in the United Kingdom estimate that most racist and religious hate crimes and as much as 90 per cent of homophobic crime goes unreported because victims are too frightened or embarrassed to report it.<sup>183</sup> Victimization surveys<sup>184</sup> can provide an indication of the magnitude of the problem and reporting behaviour among hate-crime victims. Information presented in the US Department of Justice's National Crime Victim Survey shows that individuals reported an average total of 191,000 hate crimes a year between 2000 and 2003, whereas the FBI<sup>185</sup> reported between 6,000 and 10,000 crimes.<sup>186</sup> If these victimization surveys are accurate, the real level of hate crime would be about 20 to 30 times higher than the numbers released in the FBI's official hate-crime report.<sup>187</sup> The same picture emerges in the United Kingdom, where official police reports in 2005-2006 identified only 60,407 racist incidents and 41,382 racially or religiously aggravated offences, whereas the British Crime Survey estimated that there were around 139,000 racially motivated incidents.

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<sup>182</sup> Cyprus Ombudsman File No. A.K.P.37/2005, "Improving Recording of Racist Crimes", Cyprus, Agency for Fundamental Rights, <<http://raxen.fra.europa.eu/1/webmill.php?id=32795>>.

<sup>183</sup> "Hate Crime: Delivering a Quality Service – Good Practice and Tactical Guidance", Home Office and the Association of Chief Police Officers, United Kingdom, 2005, <<http://www.acpo.police.uk/asp/policies/Data/Hate%20Crime.pdf>>. NGOs in Germany report a greater number of victims of right-wing violence than the government does. In Lithuania, the government also recognizes that victims do not always file police reports, citing two cases that were covered in the news but failed to show up in police statistics. Information provided by Lithuania's Interior Ministry, 6 March 2008.

<sup>184</sup> Victimization surveys aim to reach a representative sample of people in a city or country to determine the level of victimization within a given year.

<sup>185</sup> The FBI is mandated to report annually on hate crimes in the United States. The data contained in FBI reports is submitted on a voluntary basis by police departments. In 2006, the FBI reported statistics submitted by 16.7 per cent of the nation's law-enforcement agencies. According to the FBI, the "remaining 83.3 per cent of the participating agencies reported that no hate crimes occurred in their jurisdictions". See "Hate Crime by Jurisdiction", FBI, *op. cit.*, note 138.

<sup>186</sup> Caroline Wolf Harlow, "Hate Crime Reported by Victims and Police", Bureau of Justice Statistics, US Department of Justice, 2005, <<http://www.ojp.usdoj.gov/bjs/pub/pdf/hcrvp.pdf>>.

<sup>187</sup> See "Report: FBI Hate Crime Statistics Vastly Understate Problem", *Intelligence Report*, Winter 2005, Southern Poverty Law Center website, <<http://www.splcenter.org/intel/intelreport/article.jsp?aid=586>>.

*Lack of funds and expertise for the purpose of establishing a monitoring and registration system:* A lack of funding and expertise to create a monitoring and registration system and to provide personnel training on data collection may contribute to the absence of monitoring and data-collection mechanisms.

*Lack of disaggregated data:* Without disaggregated data, it is difficult to determine which groups are the most vulnerable. The most detailed disaggregation provides data on various subcategories of bias motivation by individual crime. Information is provided on the high-risk groups that can become targets of hate crimes. Canada and the United States currently provide this level of detail. In ODIHR's 2006 annual report on hate crime, the need for disaggregation of hate-crimes data by bias motivation, offence type, official follow-up, and outcome was noted.<sup>188</sup>

*Absence of a comprehensive data-collection system:* Even when hate crimes are registered, hate incidents with low levels of violence are often not reported to official channels and are therefore rarely recorded.<sup>189</sup> The United Kingdom registers both hate incidents and hate crimes, and the FBI includes destruction/damage/vandalism and intimidation in its annual statistical report. NGOs often report on a wider variety of hate activities that include both incidents and crimes.

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<sup>188</sup> *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006, op. cit.*, note 8.

<sup>189</sup> While such incidents may not reach the level of a criminal violation, they are still a barometer for discrimination and tension in a society.

## **PART II: Violent Manifestations of Hate**

This section identifies a range of violent hate-motivated crime and incidents, with a view to identifying and illustrating patterns and responses in OSCE participating States during 2007. This is neither a comprehensive account of the facts in individual cases nor an exhaustive review of the nature and extent of hate-motivated violence. The aim is to set out representative incidents that serve to illustrate emerging patterns and responses to such incidents by governments and civil society.

The violent hate-motivated incidents covered in this section include:

- racist and xenophobic incidents (including against Roma and Sinti and also migrants, national and visible minorities, refugees and asylum seekers);
- anti-Semitic incidents;
- incidents based on intolerance and discrimination against Muslims;
- incidents related to intolerance and discrimination against Christians and members of other religions;
- homophobic incidents;
- incidents against human-rights defenders active in the area of tolerance and non-discrimination.

The selection of incidents is limited by the amount of readily available information through public sources and through the information submitted to ODIHR. While every effort has been made to provide uniform coverage across the OSCE area, there is inevitably more information available on hate-motivated incidents and responses of the participating States where the information is received on a regular basis. Media reports and information submitted by, and collected from, inter-governmental organizations and NGOs were used to supplement official information.

## *Racism and Xenophobia*

Throughout the year, minority communities in many OSCE states suffered frequent incidents of hate-motivated violence by both ordinary citizens and by members of organized hate groups. In a continuing pattern, members of visible, identifiable groups were often the target of attacks. As in 2006, migrants were among those subjected to particularly frequent and violent attacks. This violence occurred in the context of ongoing xenophobic campaigns in the media, on the Internet, and through public discourse. People belonging to national minorities and other minority groups faced ongoing hostility and violence, often fuelled by deep-seated prejudices unique to the national context and to particular groups. This was in particular the situation of Roma communities.

In some of the reported incidents, racist murders (in which people were attacked because of their real or perceived race, colour, descent, or national origin), included targeted killings of people in their homes, attacks on people in the street and public places by roving groups, and in some areas seemingly opportunistic attacks in which assailants searched in and around public-transit conveyances and stations for visible minorities.

Another observable pattern in 2007 involved the continuation of violence directed at recent migrants from the newer member states of the expanded European Union.<sup>190</sup> Hate-motivated violence in the United States also reflected a new discourse of fear and public antipathy towards immigrant populations that has been taken up by public officials, political leaders, and sectors of the mass media. Rising violence was reported in particular against the large population of Hispanic origin, both citizens and non-citizens, as well as both legal and undocumented immigrants.<sup>191</sup> A study conducted by the

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<sup>190</sup> “Report on Racism and Xenophobia in the Member States of the EU”, European Union Agency for Fundamental Rights, *op. cit.*, note 79.

<sup>191</sup> “The Year in Hate”, Southern Poverty Law Center, 10 March 2008, <<http://www.splcenter.org/intel/intelreport/article.jsp?aid=886>>. This report observes a 35 per cent rise in hate crimes “against Latinos” between 2003 and 2006, based on national hate-crime statistics released by the FBI, and a rise in the number of hate groups as a factor in rising anti-immigrant violence. Also listen to “Latino Hate Crimes on Rise”, a report prepared for National Public Radio’s “All Things Considered” programme, 23 December 2007, <<http://www.npr.org/templates/player/mediaPlayer.html?action=1&t=1&islist=false&id=17563862&m=17563847>>. This report cites an FBI spokesperson confirming the above-mentioned 35 per cent rise in hate crimes against Latinos. The National Council of La Raza (NCLR) quotes the FBI’s 2006 report on hate-crime statistics, stating that Hispanics constituted 62.8 per cent of victims of crimes motivated by a bias towards the victims’ ethnicity or national origin. Statistics also show that “there has been a steady growth of anti-Hispanic hate crimes since 2004, with the number of victims increasing by 25 per cent”. See the NCLR’s factsheet “Hate Crimes Against Latinos on the Rise – 2008”, NCLR website, <<http://www.wecanstopthehate.org/uploads/FS-HateCrmAgnsLatinos08-FNL.pdf>>. Furthermore, the FBI highlighted in its 2006 report on hate-crime statistics that more than 52 per cent of all victims of hate crime in the United States were targeted because of their race. See “Hate Crime Statistics 2006”, Federal Bureau of Investigation, November 2007, <<http://www.fbi.gov/ucr/hc2006/victims.html>>; “Hate Crime in the U.S., New Stats and a Continuing Mission”, Federal Bureau of Investigation, 19 November 2007, <<http://www.fbi.gov/page2/nov07/hatecrime111907.html>>.

Canadian Centre for Justice Statistics showed that race/ethnicity emerged as the most common motivation for committing hate crimes. In 2006, about six in 10 police-reported hate crimes were motivated by race/ethnicity.<sup>192</sup> In some participating States, extreme nationalist political movements, some modelled expressly on the political and paramilitary structures of the Third Reich, have voiced a persistent message of racial supremacy and of hatred towards national and immigrant minorities.

The evolving nature of hate-motivated violence was again reflected by the continued severity and cruelty of violent attacks on people, either individually or in groups. As in 2006, many of the attacks in 2007 were of extraordinary violence. Some victims received multiple stab wounds or were beaten with blunt objects.

In several cases reported in 2007, racially motivated crimes and incidents were carried out by members of organized hate groups, often described as neo-Nazi or extreme nationalist organizations, as well as by more loosely organized youths characterized as “skinheads” and adherents of racist and extreme nationalist ideologies. Organized attacks on human-rights defenders and on those who are identified with minority-rights issues have frequently been attributed to such groups, as have systematic attacks on members of visible minorities on public transport and in public spaces.

As indicated in reports for 2006,<sup>193</sup> racist and xenophobic crimes of violence continued to be characterized by extreme brutality, frequently resulting in serious injury or death. Many incidents submitted to ODIHR highlighted this phenomenon for 2007.

- In **Germany**, in an incident on 19 August, eight Indian nationals who were attending a festival in the eastern town of Mügeln were attacked and severely beaten by a mob of young men shouting “foreigners out”. The same night, in Guntersblum, a Sudanese and an Egyptian were attacked, with the Sudanese man requiring hospitalization for a head injury. Two men were reportedly subsequently detained for the latter attack.<sup>194</sup> German Chancellor Angela Merkel condemned the attack in Mügeln, declaring that “it is not acceptable for people in German cities to be chased through the streets and beaten”. A government spokesman added that such incidents were harmful to Germany’s image

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<sup>192</sup> Dauvergne *et al.*, *op. cit.*, note 95.

<sup>193</sup> The European Network Against Racism and Human Rights First both identified an overall increase in the brutality of hate-motivated attacks throughout Europe and the former Soviet Union in recent years. See “Racism in Europe: ENAR Shadow Report 2006”, European Network Against Racism, <[http://cms.horus.be/files/99935/MediaArchive/national/europe2006\\_EN.pdf](http://cms.horus.be/files/99935/MediaArchive/national/europe2006_EN.pdf)>; also see “Hate Crimes: 2007 Survey”, Human Rights First, <<http://www.humanrightsfirst.info/pdf/07601-discrim-hate-crimes-web.pdf>>.

<sup>194</sup> Police said two right-wing extremists were detained on 24 August who confessed to the 19 August attack on the Sudanese man and the Egyptian. See “More Racist Attacks Reported Across Germany”, DW-World.de, 27 August 2007, <<http://www.dw-world.de/dw/article/0,2144,2754348,00.html>>.

abroad.<sup>195</sup> In November, a Leipzig court handed down the first conviction for the mob attack in Mügeln and fined a man who admitted to making “xenophobic comments” during the attack 1,800 euros.<sup>196</sup> Two other perpetrators subsequently received fines for shouting xenophobic slogans, including “Germany is for the Germans” and “foreigners out”. A fourth suspect, charged with leading the mob, was convicted of racial incitement and property damage. He was sentenced to eight months’ imprisonment.<sup>197</sup> A special 16-member police task force had been set up to investigate the incident.<sup>198</sup>

- In the **Russian Federation**, racist and xenophobic murders were reported on an almost weekly basis, with multiple killings sometimes reported in a single incident. In a January 2008 report, the SOVA Center for Information and Analysis reported 63 lethal racist attacks in 2007, a rise over the 44 fatal racist attacks and 61 deaths in 2006. The total of known victims of racist violence, excluding the North Caucasus and incidents of inter-ethnic clashes, reached 632 in 2007, compared to 564 in 2006.<sup>199</sup> On 26 February, an ethnic Ingush man died in hospital after being attacked and severely beaten near a metro station in Moscow. The man headed the energy commission of the Russian Federation’s Republic of Ingushetia, and Ingush authorities portrayed the attack as a hate crime. A Moscow prosecutor’s spokeswoman said it would consider hate motivation in its investigations.<sup>200</sup> On 28 February, an ethnic Buryat bank worker was reportedly pursued by a group of youths in Moscow and stabbed to death: an official of the Russian Federation’s Republic of Buryatia said he had been stabbed 26 times. No

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<sup>195</sup> *Ibid.* Also see Kate Connolly, “Jewish leader sounds alarm after racist attack”, *The Guardian* website, 23 August 2007, <<http://www.guardian.co.uk/world/2007/aug/23/germany.thefarright>>.

<sup>196</sup> “Sentence in Racist Attack Slammed for Leniency”, Spiegel Online, 27 November 2007, <<http://www.spiegel.de/international/germany/0,1518,519973,00.html>>.

<sup>197</sup> “Man to Serve 8 Months for ‘Racial Incitement’”, Spiegel Online, 5 December, 2007, <<http://www.spiegel.de/international/germany/0,1518,521515,00.html>>.

<sup>198</sup> David Gordon Smith, “Zero Tolerance for ‘Everyday Racism’”, Spiegel Online, 21 August 2007, <<http://www.spiegel.de/international/germany/0,1518,501049,00.html>>.

<sup>199</sup> The Moscow-based SOVA Center for Information and Analysis has stressed that its coverage of incidents is far from comprehensive, and that the numbers can be expected to increase as further information emerges concerning events in 2007. At the same time, the numbers reflect what the authors describe as the unexplained failure of Russian mass media to report a single instance of hate crime between mid-May and mid-September. Galina Kozhevnikova, “Radical Nationalism and Efforts to Counteract It in 2007”, SOVA Center for Information and Analysis, 14 March 2008, <<http://xeno.sova-center.ru/6BA2468/6BB4208/AC15D1E>>.

<sup>200</sup> The president of Ingushetia, Murat Zyazikom, said that the killing showed that “there are attempts to destroy the native tradition of respecting people of different nationalities, of tolerance”. Public officials said that the victim was attacked because of his dark skin: “What other explanation can there be if a person gets bashed in the head more than 30 times ... If they wanted to rob him, they would have hit him a couple times over the head and taken his money. But they beat him unconscious and didn’t even touch his valuables.” See “Official Beaten to Death in Moscow”, *Bigotry Monitor*, Vol. 7, No. 9, 2 March 2007, <<http://www.fsmonitor.com/stories/030207BM.shtml>>.

progress was reported in the case.<sup>201</sup> At a press briefing during a visit to Azerbaijan in October, Moscow's deputy mayor, Lyudmila Shvetsova, described racial tensions in Moscow as "acute", and declared that "we should instill tolerance in the public's mind".<sup>202</sup>

- In **Ukraine**, a number of lethal attacks were reported against immigrants and foreign students. On 31 March, assailants killed a citizen of Bangladesh, stabbing him many times. Police said they would investigate a possible motive of ethnic hatred. On 3 June, in Kyiv, an Iraqi national was found dead near a metro station with multiple stab wounds. A week later, police said four people had been detained in relation to the killing.<sup>203</sup>
- In the **United Kingdom**, serious incidents included a number of deliberate killings, as well as others causing grievous injury. On 1 March, in Aylesbury, two men wearing ski-masks broke into the home of a family of mixed Moroccan-Algerian and British descent, and beat the couple with a spade. Both were knocked unconscious, and the husband died on 12 March.<sup>204</sup> On 13 May, in Garston, four assailants shouted racial epithets while attacking 21-year-old Marlon Moran. The four were armed with a metal bar, a cleaver, sticks, and knives. Moran died of a stab wound to the stomach. The family protested against continuous racial harassment and threats in the months after the murder and the arrests of four suspects. In November, a Liverpool court tried the four suspects for Moran's murder. The prosecutor held that the incident was a racist attack and that the incident "happened against a background of persistent racial and other abuse which was directed towards the Moran family and Marlon in particular by the defendants". Charged with murder, and described in the judgement as "racist" and "dangerous", one of the assailants was convicted of the lesser charge of manslaughter but ordered to be jailed for life, while the three others were released.<sup>205</sup> On 11 June, in Halifax, a 19-year-old soldier drove a Range Rover through the town centre, shouting racist abuse and hitting three people of South Asian origin in what police said would be investigated as a possible racist attack.

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<sup>201</sup> "Neo-Nazis Suspected in Murder of Ethnic Buryat", *Bigotry Monitor*, Vol. 7, No. 10, 9 March 2007, <<http://www.fsmonitor.com/stories/030907BM.shtml>>.

<sup>202</sup> "Racial Tensions in Moscow on Brink of Explosion, Says Deputy Mayor", *Bigotry Monitor*, Vol. 7, No. 39, 12 October 2007, <<http://www.fsmonitor.com/stories/101207BM.shtml>>.

<sup>203</sup> "Antisemitism and Xenophobia Spreads in Ukraine: Kyiv Monitor Compiles a List of Incidents", *Bigotry Monitor*, Vol. 7, No. 23, 22 June 2007, <<http://www.fsmonitor.com/stories/062207BM.shtml>>.

<sup>204</sup> Arifa Akbar, "Tribute to 'modern Muslim' murdered at home", *The Independent* website, 31 March 2007, <<http://www.independent.co.uk/news/uk/crime/tribute-to-modern-muslim-murdered-at-home-442557.html>>.

<sup>205</sup> A court subsequently heard that one of the assailants initiated the attack by shouting "Come on you're getting it, you black b\*\*\*\*\* you are getting killed today", and then throwing a metal bar at him. The same individual was held to have then stabbed Moran in the stomach with a kitchen knife, resulting in his death. Thomas Martin, "Marlon Moran killing was 'racist attack'", *Liverpool Echo* website, 16 November 2007, <<http://www.liverpoolecho.co.uk/liverpool-news/local-news/2007/11/16/marlon-moran-killing-was-racist-attack-100252-20114898/>>; Ben Rossington, "Marlon Moran's family endure racist threats", *Liverpool Echo* website, 31 January 2008, <[http://www.liverpoolecho.co.uk/liverpool-news/local-news/2008/01/31/marlon-moran-s-family-endure-racist-threats-100252-20417560](http://www.liverpoolecho.co.uk/liverpool-news/local-news/2008/01/31/marlon-moran-s-family-endure-racist-threats-100252-20417560/)>.

An 18-year-old man was hit while on a sidewalk, and left with head injuries and was blinded in one eye. Two others were hit by the car and seriously injured. The perpetrator pleaded guilty to four counts of gross bodily harm, one of actual bodily harm, and dangerous driving.<sup>206</sup>

Successful prosecutions for high-profile hate-motivated murders were reported in a range of countries, although, in some cases, they were based on charges like hooliganism that did not take into account racist or other motivations.

- In **Belgium**, Hans Van Themsche was sentenced in October to life imprisonment for the murder of a Malian *au pair* and a 2-year-old white Belgian girl in her care, as well as for the attempted murder of a Turkish woman in October 2007.<sup>207</sup> This was the first conviction in Belgium for a racist murder and for discrimination by association in respect of the murder of the child.
- In Riga, **Latvia**, two men described as neo-Nazis were convicted of hooliganism for attacking a Brazilian woman with a bottle while shouting “go home”. Their three- and two-year sentences were suspended.<sup>208</sup>
- In the **Russian Federation**, successful prosecutions were reported in 16 regions for killings reported as hate-motivated, although hate motivation was not taken into account in all cases. In January, a court sentenced four teenagers to between 4 1/2 and seven years’ imprisonment for the murder of a Russian citizen of Vietnamese descent in April 2006, ruling that the act had been motivated by ethnic hatred.<sup>209</sup> A Yekaterinburg court in February found five teenagers guilty of murder driven by ethnic hatred in an October 2005 case in which a 21-year-old Jewish man was beaten, dragged to a cemetery, and stabbed to death with a metal cross. Four of them were sentenced to between five and seven years’ and the other to 10 years’ imprisonment in a penal colony.<sup>210</sup>
- On 8 May, the Brussels Court of Appeal sentenced five men for a 27 August 2006 racist attack on a young man of Slovak origin, who was severely beaten, stabbed, and left to die.<sup>211</sup> The initial sentence of the trial court was appealed as inadequate by **Belgium’s** Centre for Equal Opportunities and Opposition to Racism,<sup>212</sup> and

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<sup>206</sup> Joe Shute, “Soldier admits horror on Halifax streets in 4x4”, *Halifax Courier* website, 7 November 2007, <<http://www.halifaxcourier.co.uk/news/Road-rampage-driver-admits-GBH.3454498.jp>>.

<sup>207</sup> “Overview: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 57, p. 42; also see *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006*, *op. cit.*, note 8.

<sup>208</sup> “Riga Racists Get Suspended Sentences”, *Bigotry Monitor*, Vol. 7, No. 22, 15 June 2007, <<http://www.fsumonitor.com/stories/061507BM.shtml>>.

<sup>209</sup> Four other youths who were under the age of 14 at the time were not subject to criminal sanctions. “Four Russian Teenagers Sentenced for Killing Vietnamese Man”, *Bigotry Monitor*, Vol. 7, No. 4, 26 January 2007, <<http://www.fsumonitor.com/stories/012607BM.shtml>>.

<sup>210</sup> “Five Teenagers Jailed for Killing Jewish Man”, *Bigotry Monitor*, Vol. 7, No. 6, 9 February 2007, <<http://www.fsumonitor.com/stories/020907BM.shtml>>.

<sup>211</sup> The five were sentenced to five years’ imprisonment, with a period of probation of 2 1/2 years. Information provided by Belgium’s Centre for Equal Opportunities and Opposition to Racism, 6 March 2008.

<sup>212</sup> The CEOOR was a civil party to the case because of the racist motive of the attack.

the Court of Appeal ruled that the racist motive behind the attack was an aggravating circumstance.<sup>213</sup>

## Roma and Sinti

Cases of hate-motivated violence against Roma and Sinti also continued to take place across the OSCE region in 2007.

- On 10 September, in the southern **Russian** republic of Ingushetia, a Roma man and his two sons were shot dead by unidentified gunmen who managed to escape. According to the preliminary investigation, the murders were racially motivated.<sup>214</sup>
- After a visit to **Italy** in 2007, the UN special rapporteur on contemporary forms of racism issued a report noting an increasing level of racism, discrimination, and violence taking place against Roma and Sinti. The report describes at least 16 cases of violence against Roma living in camps or settlements, while 12 of these acts involved arson.<sup>215</sup>
- On 29 May, in the town of Záhorská Ves, **Slovakia**, a Roma family were victims of a racist attack. Five masked men dressed in black looking like police commandos raided the shelter where the family was sleeping. According to the family's lawyer, the men were armed with wooden clubs and iron rods and shouted "Police! Get up, gypsies!" before beating them, including a mother and child, and destroying all the furniture inside the shelter. The family had been victims of violence on several prior occasions. In one such instance, their house was burned down and a child was doused in petrol and set alight.<sup>216</sup>
- In **Bulgaria**, in August, an investigation was conducted by the Bulgarian Helsinki Committee into the murder of a Roma boy from the city of Samokov. The monitors from the Bulgarian Helsinki Committee believed that the murder was racially motivated,<sup>217</sup> but no further information is available about the case.
- In **Serbia**, in February, the Minority Rights Center took legal action against a group of youths who attacked a Roma settlement with stones and bottles, shouting "We will

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<sup>213</sup> Information provided by the CEOOR, 6 March 2008.

<sup>214</sup> "Family of three shot dead in Ingushetia, south Russia", Romea.cz, 11 September 2007, <[http://www.romea.cz/english/index.php?id=detail&detail=2007\\_537](http://www.romea.cz/english/index.php?id=detail&detail=2007_537)>.

<sup>215</sup> "Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Doudou Diène, on His Mission to Italy (9-13 October 2006)", United Nations special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/4/19/Add.4, 15 February 2007, <<http://www2.ohchr.org/english/issues/racism/rapporteur/visits.htm>>.

<sup>216</sup> "Sarközy family suffers another attack at hands of masked assailants", *The Slovak Spectator* website, 31 May 2007, <<http://www.spectator.sk/articles/view/27793>>.

<sup>217</sup> "BHC scrutinizes the investigation into the murder of Roma boy in Samokov", Bulgarian Helsinki Committee, 28 August 2007, <<http://www.bghelsinki.org/index.php?module=news&id=705>>.

burn you up, Gypsies! We will move you out.” As a result of the attack, a young Roma man was injured and spent 13 days in hospital.<sup>218</sup>

In 2007, there were also continued reports that, in addition to the unwarranted stops and searches of people perceived to be Roma, the police often used unnecessary force, and resorted to what may be viewed as inhuman and degrading treatment. The Open Society Justice Initiative funded research in Bulgaria, Spain, and Hungary on police use of ethnic-profiling practices (this refers to actions initiated by the police that treat people differently solely on the basis of their real or assumed race, ethnicity, religion, or national origin, rather than responding to the behaviour of an individual, a suspect description, or other information). The research was able to show the existence of discriminatory police practices when dealing with ethnic and national minorities in these participating States – in particular the negative impact on Roma.<sup>219</sup>

- In July, in the village of Zanea, **Romania**, approximately 30 people were either beaten or wounded by rubber bullets (among them women, children, as well as sick and elderly persons), while a police rapid-intervention unit enforced arrest warrants on indicted people from Zanea. Two young girls, aged 12 and 14, were hospitalized with injuries sustained from rubber bullets used during the intervention. Roma victims claim that they were physically and verbally harassed, being called “stinking Gypsies” by police officers.<sup>220</sup> In response to this incident, an internal investigation was launched and a letter of reprimand was issued to the chief of the rapid-intervention unit for not following regulations concerning the proper use of rubber bullets. The Prosecutor’s Office is continuing its investigation into the legality of the intervention and use of weapons. In addition, five complaints against the police officers involved in the incident have been filed by Roma victims and are at different trial stages.<sup>221</sup>

## Migrants, Asylum Seekers, and Refugees

Migrants and other foreign nationals, particularly those belonging to visible minorities, and their homes and property continued to be particular subjects of racist violence, although incidents involving migrants, particularly those without documents conferring residency status, were believed to be seriously under-reported. Hundreds of attacks on migrants and immigrants were reported in a wide range of participating States. These

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<sup>218</sup> “A Rom brutally beaten up because of nationality”, Minority Rights Center, 21 February 2007, <[http://www.mrc.org.yu/index\\_e.php?id\\_tekst=46&sta=saopstenja](http://www.mrc.org.yu/index_e.php?id_tekst=46&sta=saopstenja)>.

<sup>219</sup> “Report on Racism and Xenophobia in the Member States of the EU”, European Union Agency for Fundamental Rights, *op. cit.*, note 79; *I Can Stop and Search Whoever I Want: Police Stops of Ethnic Minorities in Bulgaria, Hungary, and Spain* (New York: Open Society Institute, 2007). For more details of Roma and police-abuse cases, visit the website of the European Roma Rights Centre, <<http://www.errc.org>>.

<sup>220</sup> “Field Visit on Police and Roma relations”, ODIHR, 12-15 November 2007, <[http://www.osce.org/documents/odihr/2008/02/29832\\_en.pdf](http://www.osce.org/documents/odihr/2008/02/29832_en.pdf)>.

<sup>221</sup> Information provided by Romania’s Justice Ministry, 23 May 2008.

ranged from everyday attacks by neighbours to organized, systematic, and often repeated attacks by organized hate groups. Responses ranged from prompt police action and arrests, followed by charges under hate-crime or extremist-activity statutes, all the way to public efforts to deny racist motivations in attacks.

- In Avelgem, **Belgium**, on the night of 28 September, a group of some 30 individuals described as skinheads pursued two people of foreign origin into a local cafe. The doormen, the owners, and some clients defended the two and prevented the attackers from entering. Police pursued the attackers, and reportedly arrested six people.<sup>222</sup>
- In Athens, **Greece**, some 25 assailants described as neo-Nazis attacked a house shared by Pakistani migrants on 1 December, injuring five people, including one severely. The attackers reportedly broke windows and kicked in a door and attacked the inhabitants with clubs and crowbars. In a press conference to denounce the attack, a lawyer for the migrant community in Athens described an escalation in racist violence “to an extent unknown in previous years, with a constant string of incidents”.<sup>223</sup>
- In November, in Košice, **Slovakia**, three attackers shouting neo-Nazi slogans beat to the ground and kicked a 16-year-old girl of Slovak and Cuban origin. Police said the attack was clearly motivated by the girl’s skin colour, and was the fifth similar attack in Košice in 2007. Two young men were charged with assault and support of movements for the suppression of basic human rights.<sup>224</sup>
- On 7 October, in **Spain**, a man attacked a 16-year-old Ecuadorian girl on a Barcelona commuter train, punching her and kicking her in the head, while hurling racist insults and demanding that she “go back to her own country”. A video recording of the incident received national attention when broadcast and led to the arrest of the assailant, who was charged with racially aggravated assault. At a press conference on 26 October, Spain’s vice president and minister of the presidency, María Teresa Fernández de la Vega, stressed the government’s condemnation of the assault, and declared that it had made it a priority to combat assaults and aggression in particular, “if there is any racist or [xenophobic]

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<sup>222</sup> Information provided by the CEOOR, 6 March 2008.

<sup>223</sup> Police reportedly came almost an hour after the attack, and according to one migrant “their first question was whether we had residence permits”. Police reportedly urged the injured men not to file formal complaints, but co-operated after the incident received television news coverage. See “Rights activists say Greek neo-Nazis increasing attacks on migrants”, *International Herald Tribune* website, 5 December 2007, <[http://www.iht.com/articles/ap/2007/12/05/europe/EU-GEN-Greece-Racist-Attack.php?WT.mc\\_id=rssap\\_news](http://www.iht.com/articles/ap/2007/12/05/europe/EU-GEN-Greece-Racist-Attack.php?WT.mc_id=rssap_news)>.

<sup>224</sup> “Neo-Nazism on the Rise in Eastern Europe”, “Slovak police charge teenagers after attack”, *op. cit.*, note 123. Further attacks were reported in Trnava, Slovakia, on a British citizen of African origin and a Roma couple in Detva. Slovak police and the Interior Ministry reportedly declared that the incidents were not racially motivated. See “Attacks on Roma not racist: Slovaks”, *The Budapest Times* website, 17 September 2007, <[http://www.budapesttimes.hu/index.php?option=com\\_content&task=view&id=654&Itemid=26](http://www.budapesttimes.hu/index.php?option=com_content&task=view&id=654&Itemid=26)>.

- element”.<sup>225</sup> The incident prompted national and international protests, including anti-racism demonstrations in Barcelona, Madrid, and Valencia.<sup>226</sup>
- On 4 May, in Newburyport, **United States**, a man shouting racist epithets against his neighbours, Brazilian immigrants, smashed the windows of their car and apartment. A suspect was detained by police at the scene and charged with a series of offences, including property damage with a view to intimidation. The Massachusetts law providing additional penalties where victims are targeted based on their race, colour, religion, national origin, sexual orientation or disability was also invoked.<sup>227</sup> Also in the United States, anti-immigration rhetoric was accompanied by violence against people of Hispanic origin, both citizens and non-citizens, as well as those who support immigrant rights. On 4 May, arsonists in Gaithersburg set fire to an immigrant assistance centre run by Casa de Maryland. The attack came after repeated threats.<sup>228</sup> On 30 September, arsonists in Avon Park set fire to the home of a man of Hispanic origin, spray-painting insults on the garage wall.<sup>229</sup> On 8 October, arsonists in Omaha set fire to two vehicles owned by a family of Hispanic origin. Their cars were vandalized and spray-painted with the slogans “white power” and a swastika.<sup>230</sup> Prosecutions were also brought for specific threats of violence: on 18 April, in Flagstaff, a man submitted a written statement to a local newspaper threatening to shoot people at an event popular with Mexican-Americans and immigrants, the Mexican holiday Cinco de Mayo. FBI agents arrested the man on charges of sending a threatening interstate communication.<sup>231</sup>

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<sup>225</sup> For a transcript of the press conference, see “Conferencia de prensa de la Vicepresidenta primera y Portavoz del Gobierno, y del Ministro de Asuntos Exteriores, después de la reunión del Consejo de Ministros”, on the website of the Spanish government, Madrid, 26 October 2007, <[http://www.la-moncloa.es/consejodeministros/ruedas/\\_2007/cmpr20071026.htm](http://www.la-moncloa.es/consejodeministros/ruedas/_2007/cmpr20071026.htm)>.

<sup>226</sup> Jesús García, “El agresor de la joven ecuatoriana dice que iba ‘muy borracho’”, *El País* website, 24 October 2007, <[http://www.elpais.com/articulo/espana/agresor/joven/ecuatoriana/dice/iba/borracho/elpepiesp/20071024elpepinac\\_23/Tes](http://www.elpais.com/articulo/espana/agresor/joven/ecuatoriana/dice/iba/borracho/elpepiesp/20071024elpepinac_23/Tes)>; “Security video catches man in racist attack against girl on train in Barcelona”, *International Herald Tribune* website, 22 October 2007, <[http://www.iht.com/articles/ap/2007/10/22/europe/EU-GEN-Spain-Racist-Attack.php?WT.mc\\_id=rssap\\_news](http://www.iht.com/articles/ap/2007/10/22/europe/EU-GEN-Spain-Racist-Attack.php?WT.mc_id=rssap_news)>; “Cientos de personas se manifiestan por toda España contra el racismo”, *El País* website, 27 October 2007, <[http://www.elpais.com/articulo/sociedad/Cientos/personas/manifiestan/toda/Espana/racismo/elpepusoc/20071027elpepusoc\\_2/Tes](http://www.elpais.com/articulo/sociedad/Cientos/personas/manifiestan/toda/Espana/racismo/elpepusoc/20071027elpepusoc_2/Tes)>.

<sup>227</sup> Nick Pinto, “Port man charged with hate crime against Brazilians”, *The Daily News of Newburyport* website, 9 May 2007, <[http://www.newburyportnews.com/punews/local\\_story\\_129093959?page=1](http://www.newburyportnews.com/punews/local_story_129093959?page=1)>.

<sup>228</sup> Brentin Mock, “Immigration Backlash: Violence Engulfs Latinos”, Southern Poverty Law Center, October 2007, <[http://www.splcenter.org/intel/news/item.jsp?site\\_area=1&aid=292](http://www.splcenter.org/intel/news/item.jsp?site_area=1&aid=292)>.

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.*

<sup>231</sup> The statement threatened to attack a Cinco de Mayo event and made reference to the attack at Virginia Tech University that had taken place a few days earlier. A collection of firearms were found in the suspect’s home. Larry Hendricks, “Web threat suspect jailed until after Cinco de Mayo”, *Arizona Daily Sun* website, 1 May 2007, <<http://www.azdailysun.com/articles/2007/05/01/news/local/doc463777743b1d0302791547.tx>>.

- In the **Russian Federation**, many attacks were reported in northern cities on ethnic Azeris, Kyrgyz, Tajiks, Uzbeks, Armenians, Georgians, Chechens, and others from the Caucasus and the Central Asian republics, among them both Russian citizens and foreign nationals. In mid-April, a group of eight assailants described as neo-Nazis attacked three Kyrgyz migrant workers in the suburbs of Moscow with axes, hammers, and knives, killing one. Police said they had detained three suspects, and had found extremist literature in their homes. In the first week of May, unknown assailants in Moscow beat to death two citizens of Tajikistan and badly injured a third. Two students detained as suspects reportedly confessed to the crime, and prosecutors said that it might be prosecuted as a hate crime.<sup>232</sup> On 24 May, in Stavropol, a Chechen student was killed, and at least eight others were injured in a clash between migrants from the Caucasus and members of Stavropol's Slavic majority population. Police said several hundred young men armed with metal rods, baseball bats, and knives took part in the fighting. Police and prosecutors maintained that there was no element of ethnic hatred behind the violence.<sup>233</sup> A Russian court in March convicted two men of hooliganism for an attack on an Azeri bartender in Kondopoga that triggered mass racial violence there in 2006. Following the attack, a group of Chechens, called in by the bartender to defend the restaurant staff, killed two ethnic Russians. This in turn triggered reprisals in which a mob burned businesses owned by people from the Caucasus.<sup>234</sup>
- In February, the United Nations special rapporteur on contemporary forms of racism reported on his mission to **Italy**, noting that the number of cases of racial discrimination registered by the national anti-discrimination body, the National Office for the Fight against Racial Discrimination (UNAR), "does not fully represent the reality as illegal migrants are afraid to report their situation".<sup>235</sup> In explaining the situation, the rapporteur cited a lack of awareness about UNAR's legal assistance to victims.<sup>236</sup>

The enlargement of the European Union, with its free movement of people, has brought new incidents of intolerance and violence in a number of EU member states.

- On 2 November, a masked gang in Rome, **Italy**, attacked three Romanians with metal bars and knives, causing serious injuries, in one of a series of attacks

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<sup>232</sup> "Two Tajiks Killed in Moscow", *Bigotry Monitor*, Vol. 7, No. 19, 11 May 2007, <<http://www.fsumonitor.com/stories/051107BM.shtml>>.

<sup>233</sup> "Ethnic Clashes Lead to Three Deaths in Stavropol", *Bigotry Monitor*, Vol. 7, No. 22, 15 June 2007, <<http://www.fsumonitor.com/stories/061507BM.shtml>>.

<sup>234</sup> "Two Jailed for Attacking Azeri", *Bigotry Monitor*, Vol. 7, No. 13, 30 March 2007, <<http://www.fsumonitor.com/stories/033007BM.shtml>>. See *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006*, *op. cit.*, note 8, p. 20.

<sup>235</sup> "Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Doudou Diène, on His Mission to Italy (9-13 October 2006)", *op. cit.*, note 215.

<sup>236</sup> *Ibid.*

- against immigrants after national outrage over the murder of a naval captain's wife.<sup>237</sup>
- In the **United Kingdom**, immigrant workers from Eastern Europe have increasingly been the object of racist assaults, in particular in Northern Ireland and Scotland. In Scotland, where acts of racist violence continued to rise in 2007, police identified a trend of increasing attacks on immigrants from Eastern Europe, and in particular Poland.<sup>238</sup> On 8 June in Belfast, Northern Ireland, a court sentenced a man to five years' imprisonment for an arson attack on a house occupied by seven Polish migrant workers. Although the accused told police when arrested that the "Poles shouldn't be here", the judgement concluded that "this was not a racist attack as such".<sup>239</sup>

In a number of participating States, foreign students have been among the principal targets of racist violence, particularly when they stood out as highly visible minorities. Foreign university students were particular targets of the organized violence of extreme nationalist groups, with serious assaults reported on a regular basis.

- In September, in Tartu, **Estonia**, several individuals threw stones at a dark-skinned French student in what the head of an association of foreign students said was part of a larger problem of neo-Nazi violence. A local police officer denied this, however, maintaining that incidents involving foreign students in the past two years had been limited to a few cases of "robbery, fights, or insults".<sup>240</sup>
- In **Lithuania**, in April, the Lithuanian Christian College in Klaipeda reportedly announced that it had contracted a security firm following four attacks on foreign students there and ongoing threats by neo-Nazis.<sup>241</sup>
- In the **Russian Federation**, numerous attacks on foreign students were reported. On 4 February, in St. Petersburg, three young men "resembling skinheads" attacked a 35-year-old post-graduate student who was a native of Cameroon at a metro station. The victim required hospitalization for his injuries. Prosecutors said the crime would be investigated as an act of hooliganism.<sup>242</sup> In Voronezh, three

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<sup>237</sup> "Overview: Hate Crime Report Card", Human Rights First, *op. cit.*, note 57, p. iv.

<sup>238</sup> Richard Elias, "Incidents of racism rise by one fifth", *The Scotsman* website, 20 January 2007, <<http://news.scotsman.com/tacklingracism/scotland/Incidents-of-racism-rise-by.3691602.jp>>; "Hardly an asylum seeker haven?", BBC News website, 4 March 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/scotland/6314057.stm](http://news.bbc.co.uk/2/hi/uk_news/scotland/6314057.stm)>.

<sup>239</sup> *The Queen v. Ryan Kenneth McBride*, Belfast Crown Court, 8 June 2007, <[http://www.courtsni.gov.uk/NR/rdonlyres/97E40D2D-0560-4414-BCBB-B2942FEFFC57/0/j\\_j\\_HARC5857Final.htm](http://www.courtsni.gov.uk/NR/rdonlyres/97E40D2D-0560-4414-BCBB-B2942FEFFC57/0/j_j_HARC5857Final.htm)>.

<sup>240</sup> "Estonian Neo-Nazis Attack French Student", *Bigotry Monitor*, Vol. 7, No. 36, 21 September 2007, <<http://www.fsumonitor.com/stories/092107BM.shtml>>.

<sup>241</sup> "Attacks on Foreign Students up in Lithuanian City", *Bigotry Monitor*, Vol. 7, No. 18, 4 May 2007, <<http://www.fsumonitor.com/stories/050407BM.shtml>>.

<sup>242</sup> Just half an hour later, at a station two metro stops away, assailants repeatedly stabbed a young Moldovan woman of Roma origin in the chest and shoulder. "Two Non-Slavs Attacked in St. Petersburg Metro", *Bigotry Monitor*, Vol. 7, No. 6, 9 February 2007, <<http://www.fsumonitor.com/stories/020907BM.shtml>>.

- foreign students were attacked between 10 and 12 March. A regional prosecutor said nine assailants armed with wooden clubs attacked and seriously injured a Yemeni student at Voronezh State University in what appeared to be a racist assault; three men attacked a Nigerian medical student; and police reported a further attack on an Iraqi student by three teenagers.<sup>243</sup> On 27 March, in Zelenograd, a group of some 30 assailants described as neo-Nazis attacked a group of Korean students, injuring four. In July, in St. Petersburg, a neo-Nazi gang of 17 attacked a university student from Tatarstan, who died of stab wounds. A video surveillance camera showed him being tortured with broken bottles before having his stomach slashed open with a knife.<sup>244</sup> Two suspects described as neo-Nazis were arrested in St. Petersburg in March, following an attack on a Moroccan and a British student there. The same weekend, another Moroccan student was reported stabbed.<sup>245</sup>
- In **Ukraine**, attacks on foreign students led to serious injury and deaths. On 9 March in Simferopol, a group attacked five Indian students at a medical institute. Police denied that the attackers were neo-Nazis.<sup>246</sup> Foreign students were reportedly attacked in Kharkov on 18 March after university students held a campus torchlight march shouting the slogan: “One race! One nation!” This was the third such demonstration followed by racist violence there.<sup>247</sup> On 17 May, in Kyiv, assailants beat and kicked a student from Lebanon, causing injuries that required hospitalization. Local youths in Ukraine were also repeatedly involved in violent clashes in which foreign students reportedly responded to racist abuse. On 31 May, a fight broke out in the main square of Luhansk between foreign students and local residents, with several dozen of the participants armed with knives, metal pipes, bottles, and stones. Most of the students were from India and the Middle East. No arrests were reported, although a number of people were hospitalized.<sup>248</sup> On 4 November, a clash was reported in Zaporizhzhia between predominantly Indian medical students and some 300 local youths. The incident reportedly followed attacks on Indian students the day before. Police broke up the fight, but two people were hospitalized with injuries. Police characterized the incident as involving “minor hooliganism” and said charges would probably not be brought. The head of the medical school, however, told the press that attacks

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<sup>243</sup> “Surge of Attacks on Foreigners Throughout Russia”, *Bigotry Monitor*, Vol. 7, No. 11, 16 March 2007, <<http://www.fsumonitor.com/stories/031607BM.shtml>>.

<sup>244</sup> “Neo-Nazi Gang of 17 Kills Tatar Student in St. Petersburg”, *Bigotry Monitor*, Vol. 7, No. 27, 20 July 2007, <<http://www.fsumonitor.com/stories/072007BM.shtml>>.

<sup>245</sup> “Neo-Nazis Attack Two Foreign Students”, *Bigotry Monitor*, Vol. 7, No. 13, 30 March 2007, <<http://www.fsumonitor.com/stories/033007BM.shtml>>.

<sup>246</sup> “Racist Crime Surges in Ukraine”, *Bigotry Monitor*, Vol. 7, No. 16, 20 April 2007, <<http://www.fsumonitor.com/stories/042007BM.shtml>>.

<sup>247</sup> *Ibid.*

<sup>248</sup> “Antisemitism and Xenophobia Spreads in Ukraine: Kyiv Monitor Compiles a List of Incidents”, *Bigotry Monitor*, *op. cit.*, note 203.

on foreign students, especially Indians, had increased.<sup>249</sup> On 26 April, Ukraine's Education Ministry issued a statement expressing concern about attacks on foreign students by youths belonging to neo-fascist or skinhead groups.<sup>250</sup> In October, Kyiv police reported the detention of four suspects in the 28 December 2006 murder of a student from Gambia and for an attack on an Iranian student on 14 August 2007.<sup>251</sup>

Anti-immigrant bias was expressed with particular severity in ongoing attacks on refugees and asylum seekers. Hostility and violence towards these groups was particularly acute where resettlement policies have led to high concentrations of asylum seekers in particular towns or cities, with asylum seekers often housed together in particular areas of public housing. Refugees and asylum seekers often stand out for both their ethnicity and their religion, and they may face further hostility as a consequence of perceptions of political developments tied to their areas of origin. As with other attacks on migrants and members of visible minorities, attacks on refugees and asylum seekers were actively promoted and reportedly perpetrated both by individuals and by organized hate groups.

- In Oxford, **United Kingdom**, an unknown assailant stabbed to death a 26-year-old Afghan refugee in mid-March. Four suspects were detained for investigation.<sup>252</sup> In Scotland, police monitors have reported a particularly high level of violence towards refugees and asylum seekers.<sup>253</sup> The majority of Scotland's asylum seekers are concentrated in Glasgow, mostly in high-rise public housing, where many face everyday violence. A Scottish government study described the levels of racial harassment as "shocking".<sup>254</sup>
- In Kyiv, **Ukraine**, an Iraqi asylum seeker was murdered in an apparent racist attack on 3 June. In a press briefing on 8 June, a spokesman for the UN High Commissioner for Refugees (UNHCR) expressed extreme concern at an increasing trend in "the number and seriousness of racist attacks against asylum seekers, refugees, and other foreigners in Ukraine". The UNHCR said its office in Kyiv was receiving, "on a regular basis, first-hand reports of racially motivated incidents, unprovoked attacks, beatings, verbal insults and other acts of

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<sup>249</sup> "More Violence Against Minorities in Ukraine", *Bigotry Monitor*, Vol. 7, No. 49, 28 December 2007, <<http://www.fsmonitor.com/stories/122807BM.shtml>>; "More Anti-Minority Violence Reported in Ukraine", FSUMonitor.com, 2 January 2008, <<http://www.fsmonitor.com/stories/010208Ukraine2.shtml>>.

<sup>250</sup> "Third Report on Ukraine", European Commission against Racism and Intolerance, adopted 29 June 2007, made public on 12 February 2008, CRI(2008)4, <[http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/ukraine/Ukraine%20third%20report%20-%20cri08-4.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/ukraine/Ukraine%20third%20report%20-%20cri08-4.pdf)>.

<sup>251</sup> "Kyiv Police Detain Four Youths in Connection with Racist Murder", *Bigotry Monitor*, Vol. 7, No. 39, 8 October 2007, <<http://www.fsmonitor.com/stories/101207BM.shtml>>.

<sup>252</sup> Akbar, *op. cit.*, note 204.

<sup>253</sup> Elias, *op. cit.*, note 238; "Hardly an asylum seeker haven?", BBC, *op. cit.*, note 238.

<sup>254</sup> BBC, *op. cit.*, note 238; Stephen Stewart, "Asylum seekers targeted by gangs", BBC News website, 2 March 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/scotland/6292747.stm](http://news.bbc.co.uk/2/hi/uk_news/scotland/6292747.stm)>.

xenophobia against refugees and asylum seekers in different regions of Ukraine”.<sup>255</sup> By the end of 2007, the UNHCR had received reports from asylum seekers of 17 incidents in Kyiv alone of beatings and other serious abuse.<sup>256</sup>

Members of national minorities and other long-standing minority communities were in many areas the object of virulent political discourse during 2007 and the victims of persistent violence. Serious violence was reported in particular where conflicts occurred in the past and where interethnic tensions persist today. Incidents in public spaces such as restaurants or bars, from perceived insults to fights, led in some cases to pogrom-like retaliation against minority communities. In a number of cases, leaders of organized hate groups sought to provoke continuing violence by travelling to the scene of inter-ethnic clashes and calling for retaliatory violence against minority populations.

- In a report on **Finland**, the European Commission against Racism and Intolerance (ECRI) drew attention to continuing racist attacks targeting, in particular, Roma (by Finnish nationals and non-nationals), immigrants of Somali origin, and members of Finland’s Russian-speaking minority. The ECRI expressed concern that, Russian-speakers had also been the targets of violence, in at least one case resulting in death, and that the racist motivation of these acts had not always been adequately dealt with by the police. “Racist bullying of Russian-speaking children at school” was also frequently reported.<sup>257</sup>
- Attacks on members of ethnic minorities in **Kosovo** continued to be reported, including attacks on buses travelling to Serb-majority towns and cities, homes, and religious sites. On 23 March, a Serb-owned house in Mitrovica/Mitrovicë was attacked with a bomb that shattered most of its windows; a second bomb failed to explode.<sup>258</sup>
- On 20 April, in Simferopol, **Ukraine**, young men wearing neo-Nazi insignia attacked three homes of Crimean Tatars. Although one of the assailants was caught and turned over to police, authorities insisted that there was no evidence of extremist involvement.<sup>259</sup>

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<sup>255</sup> “Ukraine: UNHCR concerned by rise in attacks on asylum seekers, refugees”, UNHCR website, 8 June 2007, <<http://www.unhcr.org/news/NEWS/4669266f2.html>>.

<sup>256</sup> “Concern over the murder of an asylum seeker in Ukraine”, UNHCR website, 1 February 2008, <<http://www.unhcr.org/news/NEWS/47a304432.html>>.

<sup>257</sup> “Third report on Finland”, European Commission against Racism and Intolerance, adopted on 15 December 2006, made public on 24 May 2007, CRI(2007)23, <[http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/finland/finland\\_cbc\\_3.asp#P413\\_71093](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/finland/finland_cbc_3.asp#P413_71093)>.

<sup>258</sup> “Bomb attack on Kosovo Serb house in divided town”, BBC Monitoring Europe website, 24 March 2007, original source: RTS 1 TV.

<sup>259</sup> “Tension Rises between Crimean Tatars and Neo-Nazis”, *Bigotry Monitor*, Vol. 7, No. 18, 4 May 2007, <<http://www.fsmonitor.com/stories/050407BM.shtml>>. In its 2007 report on Ukraine, ECRI expressed concern at frequent “skinhead violence against members of the Tatar and Jewish communities” as a regular occurrence, particularly high tensions between Crimean Tatars and ethnic Russians, and said there had been “little action” by police. It said it was regrettable that some politicians, authorities, and religious leaders had

Despite the efforts of governmental authorities and NGOs and sports federations, racism and xenophobia remain widespread in many sporting venues, in particular in and around football stadiums.<sup>260</sup>

- On 26 March, **Lithuanian** fans unfolded a banner with “Welcome to Europe” written over a map of Africa painted in the colours of the French flag (blue, white, red)<sup>261</sup> during a pre-Euro 2008 football game between Lithuania and France.
- In June, the European football governing body, UEFA, announced disciplinary proceedings against the **Serbian** Football Association for racist chants from their fans and the conduct of their players during the under-21 Football World Cup match between England and Serbia on 16 June.<sup>262</sup> Another incident occurred during the Belgrade derby between Partizan and Crvena Zvezda in October 2007, when racist insults were directed towards Crvena Zvezda’s Ibrahim Gay. Partizan and its fans were penalized by the Serbian Football Association who announced that they would play one game without spectators.<sup>263</sup>
- In **Bosnia and Herzegovina**, a number of incidents took place during football games throughout 2007. On 19 July, during a UEFA Cup match in Mostar between Zrinjski (Bosnia and Herzegovina) and Partizan (Serbia), violent clashes erupted after some Partizan fans attacked police and chanted slogans glorifying two indicted war criminals, Ratko Mladić and Radovan Karadžić. They also made reference to war crimes committed at Srebrenica and Ovčara and threatened the fans of Zrinjski with the same fate. Incidents continued after the game, and the police were forced to intervene and throw tear gas in order ensure that Partizan fans could leave Mostar, as bottles, stones, and other items were thrown towards the buses. Around 10 fans were injured in the clashes.<sup>264</sup> Partizan was subsequently disqualified from the UEFA Cup and fined 30,056 euros.<sup>265</sup> Violent clashes also erupted between supporters of Croatia and those of Bosnia and Herzegovina before and during an international friendly game between teams from the two countries on 22 August.<sup>266</sup>

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failed to act responsibly, by fanning the flames of ethnic hatred. “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250.

<sup>260</sup> For example, LICRA’s annual survey of French municipalities highlighted that 90 per cent of all incidents identified by respondent municipalities took place in or around football stadiums. See “Rapport d’Activités 2007 de la Commission Sport”, Ligue Internationale Contre le Racisme et l’Antisémitisme (LICRA), 22 February 2008), p. 8,

<[http://www.licra.org/news/pdf/get\\_file.php?file\\_name=licra\\_sport\\_rapport\\_d\\_activit\\_s\\_2007.pdf](http://www.licra.org/news/pdf/get_file.php?file_name=licra_sport_rapport_d_activit_s_2007.pdf)>.

<sup>261</sup> *Ibid.*, p. 11; information provided by Lithuania’s Interior Ministry, 6 March 2008.

<sup>262</sup> “Serbia face sanction in racism row”, CNN.com, 18 June 2007,

<<http://edition.cnn.com/2007/SPORT/football/06/18/uefa.probe/index.html>>.

<sup>263</sup> Communication to ODIHR from the OSCE Mission to Serbia, 14 March 2008.

<sup>264</sup> Information provided by Bosnia and Herzegovina’s Security Ministry, 11 March 2008.

<sup>265</sup> “Partizan disqualified from UEFA Cup”, UEFA website, 7 August 2007,

<<http://www.uefa.com/competitions/uefacup/news/kind=1/newsid=568390.html>>.

<sup>266</sup> Information provided by Bosnia and Herzegovina’s Security Ministry, 11 March 2008.

- In **Belgium**, a player from the KV Tienen team lodged a formal complaint against the referee following a football match between KV Tienen and Eupen on 22 September, during which the referee allegedly called the player a “filthy nigger”.<sup>267</sup>
- In the **United Kingdom**, in October, prior to a football match at Spotland Stadium in Rochdale, a group of football fans approached a couple of South Asian origin and insulted and spat repeatedly on the 64-year-old woman, and then pushed her 73-year-old husband to the ground and kicked him in the face. The incident has been under investigation as a racist attack.<sup>268</sup>

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<sup>267</sup> Information provided by the CEOOR, 6 March 2008.

<sup>268</sup> A police spokesman, who said witnesses were being sought, said the incident “appears to be a totally unprovoked attack on an elderly couple by a large group of football fans with the aggravating factor of racial comments”. See Helen Johnson, “Football yobs’ racist attack on old couple”, *Rochdale Observer* website, 9 October 2007, <[http://www.rochdaleobserver.co.uk/news/s/1019024\\_football\\_yobs\\_racist\\_attack\\_on\\_old\\_couple](http://www.rochdaleobserver.co.uk/news/s/1019024_football_yobs_racist_attack_on_old_couple)>.

## *Anti-Semitism*

In 2007, Jewish individuals and communities were threatened, assaulted, and physically harmed in numerous anti-Semitic attacks. Just like previous years, synagogues, Jewish cemeteries, community institutions, and Holocaust memorials were damaged and desecrated all across the OSCE region. While the significance of a prevalent anti-Zionist discourse is emphasized in reports dealing with global anti-Semitism,<sup>269</sup> international actors have also noted that the high number of anti-Semitic incidents in the OSCE region continues to be associated with the existence of neo-Nazi extremism.<sup>270</sup> Inspired by a glorification of the Nazi regime and anti-Semitic ideologies, neo-Nazis target Jewish people, especially wherever and whenever they are physically identifiable as such. The Holocaust was a prominent theme and reference in such attacks in 2007, either denied and trivialized in order to offend or abused in order to threaten. In addition, manifestations of anti-Semitism at the centre of society continued to have an effect on the daily life of Jewish individuals and communities, disrupting their participation in the religious, cultural, social, and political life within OSCE States.<sup>271</sup> In 2007, religious Jews were attacked on their way to the synagogue, in some cases during religious holidays; Jewish students were assaulted in educational contexts; Jewish and Israeli teams were confronted with anti-Semitic threats during sporting events; and Jewish residents were harassed in their neighbourhoods.

The available examples of anti-Semitic verbal abuse, as well as observable patterns in public discourse, point to the persistence of anti-Semitic stereotypes and sentiments not only in extremist circles, but occasionally also in mainstream society.<sup>272</sup> According to the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, “the rise of both old and new forms of anti-Semitism must be

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<sup>269</sup> “Contemporary Global Anti-Semitism: A Report Provided to the United States Congress”, United States Department of State, March 2008, <<http://www.state.gov/documents/organization/102301.pdf>>; see the presentation “Anti-Semitism 2007: Forecast and Ways to Combat It”, The Coordination Forum for Countering Antisemitism, 2008, <<http://www.antisemitism.org.il/upload/ppt/Anti-Semitism%202007%20Eng.pps>>.

<sup>270</sup> Doudou Diène, UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, “Racism, Racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action”, 21 August 2007, p. 13, <<http://www2.ohchr.org/english/bodies/hrcouncil/6session/reports.htm>>; “Anti-Semitism 2007”, *ibid*.

<sup>271</sup> Several NGOs report on this phenomenon. See, for example, *2007 Audit of Antisemitic Incidents*, League for Human Rights of B’nai Brith Canada, *op. cit.*, note 160; “Antisemitic Incidents Report 2007”, The Community Security Trust, February 2008, <<http://www.thecst.org.uk/docs/Incidents%5FReport%5F07.pdf>>; “Rapport sur l’antisémitisme en Belgique pour l’année 2007”, Antisemitisme.be, 14 February 2008, <[http://www.antisemitisme.be/site/event\\_detail.asp?eventId=676&catId=36&language=FR](http://www.antisemitisme.be/site/event_detail.asp?eventId=676&catId=36&language=FR)>.

<sup>272</sup> See, for example, “Third report on Slovenia”, European Commission against Racism and Intolerance, adopted on 30 June 2007, published 13 February 2008, p. 24, <[http://www.coe.int/t/e/human\\_rights/ecri/1-ECRI/2-Country-by-country\\_approach/Slovenia/Slovenia\\_CBC\\_3.asp#TopOfPage](http://www.coe.int/t/e/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Slovenia/Slovenia_CBC_3.asp#TopOfPage)>; Melanie Phillips, “Britain’s Anti-Semitic Turn”, *City Journal*, Autumn 2007, <[http://www.city-journal.org/html/17\\_4\\_anti-semitism.html](http://www.city-journal.org/html/17_4_anti-semitism.html)>; “Antisemitism Worldwide 2006: General Analysis”, Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, *op. cit.*, note 174, p. 3 and p. 5.

acknowledged”.<sup>273</sup> The rapporteur explains that “the tenacity and extent of anti-Semitism in European societies is demonstrated, directly or insidiously, both in statements by politicians, particularly in pre-election sparring, and in texts and publications that perpetuate old stereotypes”.<sup>274</sup> In line with this observation, the Parliamentary Assembly of the Council of Europe observed that anti-Semitism “appears in a variety of forms and is becoming relatively commonplace, to varying degrees, in all Council of Europe member states”.<sup>275</sup> In a resolution on combating anti-Semitism, the Parliamentary Assembly of the OSCE noted and deplored “the continuing intellectualization of anti-Semitism ... in academic spheres, particularly through publications and public events at universities”.<sup>276</sup>

The available information suggests that documentation and follow-up mechanisms to anti-Semitic incidents are in place in many OSCE states. Investigations and prosecutions of anti-Semitic incidents often yield results. Responses also include increased security measures and efforts to reach out to Jewish communities. In addition, awareness-raising measures and educational efforts are under way in many countries (see Part IV of this report, Measures to Prevent and Combat Hate Crimes).

In some OSCE participating States, data-collection mechanisms, whether official or unofficial, have been set up.

- Some participating States – such as **Austria, Germany, and the Czech Republic** – collect data on criminal offences categorized as anti-Semitic as part of their overall monitoring of the activities and criminal offences perpetrated by neo-Nazi movements.<sup>277</sup>
- Others – e.g., **Belgium and the Netherlands** – focus on complaints filed with specialized anti-discrimination bodies. In Belgium, for example, these include acts of verbal aggression, anti-Semitic letters received, and vandalism.<sup>278</sup>
- In the **United States**, the State Department is tasked with documenting and combating acts of anti-Semitism globally, in accordance with the Global Anti-Semitism Review Act of 2004. Drawing on information received from US embassies, Jewish communities, and civil society, the State Department published a report in March on

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<sup>273</sup> Doudou Diène, UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, “Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled ‘Human Rights Council’”, 12 January 2007, p. 15, <<http://www2.ohchr.org/english/bodies/hrcouncil/4session/reports.htm>>.

<sup>274</sup> *Ibid.*

<sup>275</sup> Council of Europe, Parliamentary Assembly, Resolution 1563 (2007), “Combating anti-Semitism in Europe”, Strasbourg, 27 June 2007, <<http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/ERES1563.htm#1>>.

<sup>276</sup> “Kyiv Declaration”, OSCE Parliamentary Assembly, 5-9 July 2007, p. 36, <<http://www.oscepa.org/Publications/Declarations>>.

<sup>277</sup> “Anti-Semitism: Summary overview of the situation in the European Union 2001-2007”, European Union Agency for Fundamental Rights working paper, January 2008, p. 3, <[http://fra.europa.eu/fra/material/pub/AS/Antisemitism\\_Overview\\_Jan\\_2008\\_en.pdf](http://fra.europa.eu/fra/material/pub/AS/Antisemitism_Overview_Jan_2008_en.pdf)>.

<sup>278</sup> Information provided by the CEOOR, 6 March 2008.

global anti-Semitism, in accordance with this mandate.<sup>279</sup> In addition, hate-crime statistics are provided by the FBI.

- Non-governmental and community-based organizations provide systematically collected unofficial and semi-official statistics and analyses of anti-Semitic incidents in some countries, such as **Austria, Belgium, Canada, France, the Russian Federation, the United Kingdom, and the United States**. The cumulative collection of data through co-operation between different organizations or between the government and communities is one of the good practices pursued in some participating States. In France and the United Kingdom, Jewish community organizations have established close co-operation with governments, thus providing for more comprehensive data-collection efforts and for a greater degree of trust.

The European Union Agency for Fundamental Rights notes that “sufficient and comparable data are not available to calculate an overall trend”.<sup>280</sup> Tendencies can, however, be observed in some countries where comparative data is available or where comprehensive analyses have been made, including by civil society. The official and unofficial data that was made available to ODIHR suggests that there was an increase in the number of anti-Semitic criminal offences recorded in Austria<sup>281</sup> and the Czech Republic,<sup>282</sup> as well as in the number of complaints filed in Belgium.<sup>283</sup> The German Interior Ministry noted that the number of right-wing violent anti-Semitic events increased.<sup>284</sup>

Unofficial data also points to an increase in Canada, where 1,042 incidents, including 28 violent cases and 699 acts of harassment, were reported to the League for Human Rights of B’nai Brith. This marks an increase of 11.4 per cent from 2006.<sup>285</sup> In the Russian Federation, the SOVA Center reported an increase in the number of violent incidents from four cases in 2006 to nine in 2007, while recording fewer incidents of vandalism, 32 in total, than in 2006.<sup>286</sup>

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<sup>279</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269.

<sup>280</sup> “Anti-Semitism: Summary overview of the situation in the European Union 2001-2007”, European Union Agency for Fundamental Rights, *op. cit.*, note 277, p. 18.

<sup>281</sup> Information provided by Austria’s Interior Ministry, 7 March 2008. In addition, the Forum against Anti-Semitism recorded a total number of 62 anti-Semitic incidents in 2007. Information provided by the Forum against Anti-Semitism, 4 March 2008.

<sup>282</sup> Information provided by the Czech Republic’s Interior Ministry, 6 March 2008.

<sup>283</sup> “Anti-Semitism: Summary overview of the situation in the European Union 2001-2007”, European Union Agency for Fundamental Rights, *op. cit.*, note 277, p. 5. Community organizations recorded a total of 69 anti-Semitic incidents in Belgium, which marks the highest number since 2001, although the number of violent incidents decreased by 75 per cent in 2007. “Rapport sur l’antisémitisme en Belgique pour l’année 2007”, Antisemitisme.be, *op. cit.*, note 271.

<sup>284</sup> Information provided by Germany’s Interior Ministry, 26 June 2008.

<sup>285</sup> *2007 Audit of Antisemitic Incidents*, League for Human Rights of B’nai Brith Canada, *op. cit.*, note 160.

<sup>286</sup> Kozhevnikova, *op. cit.*, note 199. There are various unofficial reports dealing with anti-Semitism in the Russian Federation. Recording 101 incidents as opposed to 181 in 2007, the Russian Jewish Congress reported a decline in the number of anti-Semitic incidents in 2007. These figures include four incidents of violence and 29 acts of vandalism. See “Antisemitizm v Rossii v 2007 godu”, Russian Jewish Congress website, February 2008, <<http://www.antisemitizmu.net/site/site.aspx?STID=293867&SECTIONID=170979&IID=458839>>.

While the number of anti-Semitic incidents declined in some participating States, they remained, however, at high levels.

- In **France**, the National Commission on Human Rights reported that 386 anti-Semitic acts were registered in 2007, a 23.5 per cent decline in comparison with 2006.<sup>287</sup> French community organizations also noted a decrease in the number of incidents to 256 cases, 143 of which were categorized as violent acts, including vandalism, and the other 113 as threats, including the public distribution of hate literature.<sup>288</sup>
- In the **United Kingdom**, the Community Security Trust (CST) recorded 547 anti-Semitic incidents in 2007, which, though an 8 per cent decrease on 2006, is still the second-highest annual total since the CST started monitoring such incidents in 1984.<sup>289</sup> Civil-society reports suggest that there were fewer “trigger events” in the Middle East in 2007. This might explain why, in France and the United Kingdom, the number of incidents recorded by civil society was not as high as in 2006, when the number of anti-Semitic incidents seemed to have increased during the Israel-Lebanon conflict.<sup>290</sup>
- In the **United States**, the number of anti-Semitic incidents recorded by the Anti-Defamation League declined for the third consecutive year, to a total of 1,460 in 2007.<sup>291</sup>
- The Permanent Mission of **Italy** to the OSCE informed ODIHR that 54 anti-Semitic crimes occurred there in 2007. No comparative data was available.<sup>292</sup>
- In Sweden, the National Council for Crime Prevention identified 134 anti-Semitic hate crimes in 2006. Anti-Semitic hate crimes decreased between 2004 and 2005, only to increase by approximately 20 per cent in 2006.<sup>293</sup>

Based on the detailed analyses and overviews provided by other international organizations and civil society, a number of observable patterns can be identified.

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<sup>287</sup> “Moins d’actes racistes, mais plus violents”, *Libération* website, 28 March 2008, <<http://www.liberation.fr/actualite/societe/318111.FR.php>>.

<sup>288</sup> Information provided by the Representative Council for Jewish Institutions in France and the Jewish Community Protection Service, 28 February 2008.

<sup>289</sup> “Antisemitic Incidents Report 2007”, The Community Security Trust, *op. cit.*, note 271, p. 4.

<sup>290</sup> *Ibid.*, p. 13; “Anti-Semitism: Summary overview of the situation in the European Union 2001-2007”, European Union Agency for Fundamental Rights, *op. cit.*, note 277, p. 18; information provided by the Representative Council for Jewish Institutions in France and the Jewish Community Protection Service, 28 February 2008.

<sup>291</sup> “2007 Audit of Anti-Semitic Incidents”, Anti-Defamation League website, March 2008, <[http://www.adl.org/main\\_Anti\\_Semitism\\_Domestic/Audit\\_2007.htm](http://www.adl.org/main_Anti_Semitism_Domestic/Audit_2007.htm)>.

<sup>292</sup> Communications to ODIHR from the Permanent Mission of Italy to the OSCE, 3 August 2007, 25 October 2007, 7 March 2008.

<sup>293</sup> Information provided by the Swedish National Council for Crime Prevention, 23 June 2008.

Anti-Semitism continues to be associated with neo-Nazi movements. Through violent attacks and by frequently daubing public sites, private homes, Jewish community institutions, and Holocaust memorials with swastikas and other symbols that spread anti-Semitism and glorify the Nazi regime, neo-Nazi movements continued to attack, threaten, and offend Jewish communities throughout the OSCE region.

- On 27 January, two men shouted Nazi slogans at the local rabbi and his son as they were leaving the synagogue in Bratislava, **Slovakia**.<sup>294</sup> A police official stated the two relatively young assailants were subsequently charged with promoting fascism.<sup>295</sup>
- On 10 March, skinheads attacked a Hasidic Jew in Zhytomir, **Ukraine**, according to an NGO website. The attackers first cursed him and then started beating the man, who called the police for help.<sup>296</sup> In its recent report on Ukraine, the European Commission against Racism and Intolerance expressed concern about frequent manifestations of skinhead violence that also targets Jewish communities in big cities and in Crimea.<sup>297</sup> The Commission noted that police tend to classify such anti-Semitic incidents as hooliganism and urged “Ukrainian authorities to ensure that adequate measures are taken to punish those who commit acts of anti-Semitic violence and vandalism”.<sup>298</sup>
- On 11 June, the eve of the Day of Russia, skinheads attacked members of the Jewish community in Ivanov, **Russian Federation**, hitting them from behind with beer bottles. Armed with a gas pistol and a knife, they shouted, “Russia for Russians”, “Death to Jews”, and “Jews have robbed Russia”.<sup>299</sup> Several people rushed to the scene to break up the group. It was reported that police treated the incident as a hate crime and subsequently arrested two skinheads, who were charged with inciting racial and religious hatred.<sup>300</sup>
- On 5 September, a large swastika and other neo-Nazi symbols and slogans, including “White Power”, were painted on the house of an elderly Jewish couple in

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<sup>294</sup> “Jewish rabbi attacked verbally in Slovakia”, BBC Monitoring, 29 January 2007, original source: CTK news agency, Prague, in English, 29 January 2007.

<sup>295</sup> “Rabbi Myers attacked”, *The Slovak Spectator* website, 30 January 2007, <<http://www.spectator.sk/articles/view/26466>>.

<sup>296</sup> “Ukraine – An Attack on a Jew in Zhitomir”, The Coordination Forum for Countering Antisemitism website, 10 March 2007,

<[http://www.antisemitism.org.il/eng/events/21380/Ukraine\\_%E2%80%93\\_An\\_Attack\\_on\\_a\\_Jew\\_in\\_Zhitomir](http://www.antisemitism.org.il/eng/events/21380/Ukraine_%E2%80%93_An_Attack_on_a_Jew_in_Zhitomir)>.

<sup>297</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 30.

<sup>298</sup> *Ibid.*, p. 25.

<sup>299</sup> “Anti-Semitism in today’s Russia (2006-2007)”, Moscow Bureau for Human Rights, <<http://antirasizm.ru/english.php>>; “Antisemitizm v Rossii v 2007 godu”, Russian Jewish Congress, *op. cit.*, note 286.

<sup>300</sup> “Police Nabs Two Skinheads Who Attacked Jews”, *Bigotry Monitor*, Vol. 7, No. 22, 15 June 2007, <<http://www.fsmonitor.com/stories/061507BM.shtml>>; “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

- Bowmanville, **Canada**.<sup>301</sup> The vandals also smashed holes in the walls and ceiling of the house. Regional police, investigating the incident as an act of mischief, explained that the matter was not treated as a hate crime due to the lack of definite evidence as to motivation.<sup>302</sup>
- On 25 September, a man who had previously been charged for an attack on an immigrant on the occasion of Hitler’s birthday was arrested for vandalizing a Jewish cemetery in Lisbon, **Portugal**, with anti-Semitic slogans. The suspect, reportedly a member of the neo-Nazi movement National Front was in possession of weapons.<sup>303</sup> On 6 October, government ministers, parliamentarians, and Muslim, Christian, and Bahai religious leaders participated in a demonstration in solidarity with the Jewish community. Portugal’s parliament subsequently condemned the desecration of the cemetery.<sup>304</sup>

Another observable pattern in 2007 was that anti-Semitism also manifests itself in less-organized forms and is revealed in everyday contexts. Violent attacks and cases of aggressive verbal abuse continued to target visibly identifiable Jews in public places. Even if these attacks were not necessarily motivated by religious prejudice, but primarily by racist and anti-Zionist views or inspired by a belief in anti-Semitic conspiracy theories, Jews wearing religious dress and/or gathering to celebrate a religious holiday at their synagogue were vulnerable targets. Apart from believers, Jewish and Israeli people were attacked on the street, on public transport, in residential neighbourhoods, and in recreational and educational settings in spontaneous manifestations of anti-Semitism.

- In January, after a couple had moved into a new house in Palm Beach, **United States**, a neighbour sprayed insecticide in their faces and shouted “You people are Jew bastards”.<sup>305</sup>
- In late March, a Jewish teenager was beaten up by an anti-Semitic neighbour in Sulyaevskii, **Russian Federation**. The boy had to be hospitalized with a broken nose and head injuries and subsequently feared returning to his village. The Jewish community notified the regional prosecutor’s office.<sup>306</sup>

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<sup>301</sup> *2007 Audit of Antisemitic Incidents*, League for Human Rights of B’nai Brith Canada, *op. cit.*, note 160.

<sup>302</sup> “Canada– anti-Semitic graffiti on home in Bowmanville”, The Coordination Forum for Countering Antisemitism website, 6 February 2007, <[http://www.antisemitism.org.il/eng/events/24157/Canada-anti-Semitic\\_graffiti\\_on\\_home\\_in\\_Bowmanville](http://www.antisemitism.org.il/eng/events/24157/Canada-anti-Semitic_graffiti_on_home_in_Bowmanville)>; *2007 Audit of Antisemitic Incidents*, League for Human Rights of B’nai Brith Canada, *op. cit.*, note 160.

<sup>303</sup> “Overview: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 57, p. 15; “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 78.

<sup>304</sup> “Portugal– A Demonstration of Identification with the Jewish Community Following the Desecration of the Cemetery in Lisbon”, The Coordination Forum for Countering Antisemitism website, 6 October 2007, <[http://www.antisemitism.org.il/eng/struggle/25036/Portugal%E2%80%93A\\_Demonstration\\_of\\_Identification\\_with\\_the\\_Jewish\\_Community\\_Following\\_the\\_Desecration\\_of\\_the\\_Cemetery\\_in\\_Lisbon](http://www.antisemitism.org.il/eng/struggle/25036/Portugal%E2%80%93A_Demonstration_of_Identification_with_the_Jewish_Community_Following_the_Desecration_of_the_Cemetery_in_Lisbon)>.

<sup>305</sup> “2007 Audit of Anti-Semitic Incidents”, Anti-Defamation League, *op. cit.*, note 291.

<sup>306</sup> “Antisemitizm v Rossii v 2007 godu”, Russian Jewish Congress, *op. cit.*, note 286; “Anti-Semitism in today’s Russia (2006-2007)”, Moscow Bureau for Human Rights, *op. cit.*, note 299.

- On 22 April, a Jewish student in Wolverhampton, **United Kingdom**, was chased and punched by a group of youths who made anti-Semitic comments. British police arrested six of the perpetrators, who were later released with a police caution on 16 May.<sup>307</sup> Overall, 282 attacks targeted Jewish people in public places in the United Kingdom in 2007. In 189 cases, visibly identifiable Jews were attacked, 78 of them in incidents involving violence.<sup>308</sup> Of the 114 incidents of assault or extreme violence recorded by the CST, 99 attacks were characterized as “random, opportunistic attacks on Jewish people in public places”.<sup>309</sup> In addition, congregants were attacked in 64 incidents.<sup>310</sup>
- On 12 May, an Orthodox Jew from the United Kingdom visiting Antwerp, **Belgium**, was insulted by a group of men who threatened him from within their car, as he was walking on the pavement.<sup>311</sup> On 23 June, a group of visibly identifiable Jews were walking on the streets of Antwerp, when the passengers in a car verbally abused them and threw eggs at them. A complaint was filed with the police.<sup>312</sup> The Belgian police have created a special diversity unit, where incidents can be reported anonymously, so as to facilitate contacts between the Orthodox community and local authorities.<sup>313</sup>
- On 20 May, an identifiably Jewish boy was attacked when leaving a train in Berlin, **Germany**. The assailant and a group of youngsters had yelled anti-Semitic remarks at the victim before the attack.<sup>314</sup> The boy filed a complaint with the police.<sup>315</sup>
- The Union of Councils for Jews in the Former Soviet Union testified in a hearing with the United States Commission on Security and Cooperation in Europe about a series of attacks on Jews, mainly on rabbis, reported in Zhytomir and other **Ukrainian** cities in the summer of 2007. In their testimony, they noted that most of these attacks took place near a synagogue or Jewish community centre and appear to have been well-planned. The victims were all religiously observant and thus visible Jews.<sup>316</sup> For example, on 9 July, a group of young people made an attempted attack on the chief rabbi of Zhytomir, who was protected by the synagogue guard.

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<sup>307</sup> “Antisemitic Incidents Report 2007”, The Community Security Trust, *op. cit.*, note 271, p. 7.

<sup>308</sup> *Ibid.*, p. 4.

<sup>309</sup> *Ibid.*, p. 4.

<sup>310</sup> *Ibid.*, p. 6.

<sup>311</sup> Communication to ODIHR from the CEOOR, 6 March 2008.

<sup>312</sup> “Rapport sur l’antisémitisme en Belgique pour l’année 2007”, Antisemitisme.be, *op. cit.*, note 271, p. 10.

<sup>313</sup> *Ibid.*, p. 2.

<sup>314</sup> “Germany– Jewish youth attacked in Berlin”, The Coordination Forum for Countering Antisemitism website, 4 May 2007, <[http://www.antisemitism.org.il/eng/events/23002/Germany-Jewish\\_youth\\_attacked\\_in\\_Berlin](http://www.antisemitism.org.il/eng/events/23002/Germany-Jewish_youth_attacked_in_Berlin)>.

<sup>315</sup> “Chronik antisemitischer Vorfälle 2007”, Amadeu Antonio Stiftung website, <<http://www.amadeu-antonio-stiftung.de/die-stiftung-aktiv/gegen-as/antisemitismus-heute/chronik-antisemitischer-vorfaelle/chronik-antisemitischer-vorfaelle-2007>>.

<sup>316</sup> See “Hate Crimes, Rule of Law and Foreign Policy Concerning the Russian Federation, Ukraine and Belarus”, a briefing paper in support of the testimony given by Micah H. Naftalin and Nickolai Butkevich to the Commission on Security and Cooperation in Europe, Union of Councils for Jews in the Former Soviet Union, 6 November 2007, <<http://www.fsmonitor.com/stories/UCSJHateCrimesBriefingPaper.pdf>>.

The youths shouted, “Give us this Jew! We will kill him!”<sup>317</sup> Police arrived after the assailants had left. On 6 August, a rabbi and his wife were attacked near the Zhytomir synagogue by two men with shaved heads, and they required subsequent medical treatment.<sup>318</sup> Police were investigating the attack. On 27 September, attackers waited for a rabbi to leave the synagogue in Zhytomir and sprayed noxious gas in his face.<sup>319</sup> In Sevastopol, a rabbi was attacked on his way to the synagogue on 30 September,<sup>320</sup> and, on 5 October, several men beat the chief rabbi after prayers, shouting anti-Semitic slogans. He was hospitalized with a broken nose.<sup>321</sup> Rabbi Ariel Chaikin, the Chabad movement’s chief rabbi of Ukraine, wrote to Ukrainian officials that Jews, “feel they are in danger” in Zhytomir. He reported that Jews were “constantly threatened ... insulted on the street, and people throw things at them”.<sup>322</sup> With no official monitoring system of anti-Semitic incidents in Ukraine,<sup>323</sup> President Viktor Yushchenko held a meeting with the state prosecutor-general to discuss anti-Semitic criminal offences, during which he also underlined that he wanted to present “a clear position of the Ukrainian state regarding offences concerned with manifestations of anti-Semitism”.<sup>324</sup>

- On 21 July, a young man wearing a yarmulke was attacked as he crossed the road in Paris, **France**. The assailant left his car to attack the victim with the metal part of a vacuum cleaner and verbally abused him as a “dirty Jew”.<sup>325</sup> On 28 August, the magistrates court in Paris categorized it as an anti-Semitic attack and handed down a three-month prison sentence plus a six-month suspended sentence to the defendant.<sup>326</sup>

In several countries, attacks on synagogues and congregants seemed to occur during Jewish festivals, especially during the high Jewish holidays of Rosh Hashanah, Yom Kippur, and Hanukkah.

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<sup>317</sup> Information provided by the Anti-Defamation League Ukraine, 7 March 2008.

<sup>318</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 14; “Antisemitic Violence Continues in Zhitomir, Ukraine”, *Bigotry Monitor*, Vol. 7, No. 30, 10 August 2007, <<http://www.fsumonitor.com/stories/081007BM.shtml>>.

<sup>319</sup> Information provided by the Anti-Defamation League Ukraine, 7 March 2008.

<sup>320</sup> *Ibid.*

<sup>321</sup> Yael Branovsky, “Thugs attack Rabbi in Ukraine”, *ynetnews.com*, 30 September 2007, <<http://www.ynetnews.com/articles/0,7340,L-3454857,00.html>>. The Anti-Defamation League says this incident occurred on 28 September 2007. See “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

<sup>322</sup> “Hate Crimes, Rule of Law and Foreign Policy”, Union of Councils for Jews in the Former Soviet Union, *op. cit.*, note 316.

<sup>323</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 6.

<sup>324</sup> “Yushchenko holds meeting on anti-Semitism”, Jewish Telegraphic Agency website, 18 November 2007, <<http://jta.org/cgi-bin/iowa/breaking/105372.html>>.

<sup>325</sup> “Le BNVCA salue la decision du Tribunal de Paris qui condamne un agresseur antijuif a 9 mois de prison”, Bureau National de Vigilance contre l’Antisémitisme website, 28 August 2007, <<http://www.sosantisemitisme.org/communiqu.asp?ID=90>>.

<sup>326</sup> *Ibid.*; “Anti-Semitism: Summary overview of the situation in the European Union 2001-2007”, European Union Agency for Fundamental Rights, *op. cit.*, note 277, p. 9.

- On 28 January, one day after International Holocaust Memorial Day and on the day of a centennial celebration at the Beth Israel Synagogue in Edmonton, **Canada**, hate messages reading, “Get out” and “This means not welcome” were written on the door of the synagogue.<sup>327</sup> According to Kanata Intercultural, this hate crime was committed in broad daylight and was designed to disrupt the celebrations, which were also attended by the premier of Alberta and the mayor of Edmonton.<sup>328</sup> During Passover, on 3 April, a Jewish community centre was firebombed in Montreal. Police reportedly investigated and decided not to call the fire a hate crime.<sup>329</sup> The federal government has reportedly developed a programme aimed at providing communities at risk with special security grants.<sup>330</sup>
- On 13 September, during Rosh Hashanah, chocolate was used to paint a swastika and anti-Semitic graffiti that read “Germany to the Germans” on the synagogue in Paderborn, **Germany**.<sup>331</sup> Police have taken up an investigation.<sup>332</sup>
- On 15 September, a group of Jews walking down a street, observing Rosh Hashanah in New Haven, **United States**, were approached by people who threw a rock at them and insulted them with anti-Semitic slogans.<sup>333</sup> A representative of the city said at the time that police investigating the incident had not made any arrests.<sup>334</sup>
- On 21 September, in **France**, nine individuals threw rocks at a group of 25 people wearing yarmulkes who were walking down a street.<sup>335</sup> A complaint was filed and the police were called. On the occasion of Rosh Hashanah, President Nicolas Sarkozy stated: “I can confirm to you my determination to fight more than ever against any form of racism, anti-Semitism, exclusion and intolerance.”<sup>336</sup> In parallel to the high Jewish holidays, a total of 24 incidents were recorded by community institutions in France in September.<sup>337</sup>

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<sup>327</sup> “Combating Hate and Bias Crime and Incidents in Alberta: Current responses and recommendation for the future”, Kanata Intercultural, July 2007, p. 11, <<http://www.kanataint.ca/hatecrimereport.pdf>>.

<sup>328</sup> *Ibid.*

<sup>329</sup> “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173; *2007 Audit of Antisemitic Incidents*, League for Human Rights of B’nai Brith Canada, *op. cit.*, note 160.

<sup>330</sup> *Audit of Antisemitic Incidents, ibid.*

<sup>331</sup> “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

<sup>332</sup> “Synagoge mit Schokoladen-Hakenkreuz beschmiert”, *netzzeitung.de*, 13 September 2007, <<http://www.netzeitung.de/politik/deutschland/739190.html>>.

<sup>333</sup> “USA – group of Jewish people assaulted in racist attack”, The Coordination Forum for Countering Antisemitism website, 15 September 2007, <[http://www.antisemitism.org.il/eng/events/24229/USA\\_-\\_group\\_of\\_Jewish\\_people\\_assaulted\\_in\\_racist\\_attack](http://www.antisemitism.org.il/eng/events/24229/USA_-_group_of_Jewish_people_assaulted_in_racist_attack)>.

<sup>334</sup> “New Haven, CT – Hate Crime against group of Jews on Rosh Hashana”, *Voz Iz Neias* website, 16 September 2007, <<http://www.vosizneias.com/2007/09/16/new-haven-ct-hate-crime-against-jews-on/>>.

<sup>335</sup> Information provided by the Representative Council for Jewish Institutions in France and the Jewish Community Protection Service, 28 February 2008.

<sup>336</sup> “Sarkozy determined to fight anti-Semitism”, *European Jewish Press* website, 13 September 2007, <<http://www.ejpress.org/article/20071>>.

<sup>337</sup> Information provided by the Representative Council for Jewish Institutions in France and the Jewish Community Protection Service, 28 February 2008.

- The Community Security Trust in the **United Kingdom** recorded 78 incidents in September, a disproportionately high number. Thirty-five incidents took place in the context of the high Jewish holidays Rosh Hashanah and Yom Kippur.<sup>338</sup> As part of the partnership between the police and the CST, joint patrols of volunteers and police officers provided extra reassurance to the community on the Sabbath and during festivals.<sup>339</sup> The CST also issued a publication called “A Police Officer’s Guide to Judaism” to assist police.<sup>340</sup>
- On 7 December, police arrested three neo-Nazis who had disrupted a Hanukkah candle-lighting ceremony in Budapest, **Hungary**. The men were part of a right-wing demonstration supposedly designed to disturb the religious ceremony. They were equipped with anti-Semitic posters and reportedly also made anti-Israel statements. The Hungarian prime minister, Ferenc Gyurcsány, condemned the incident. Authorities pressed charges against the suspects.<sup>341</sup>
- On 8 December, vandals damaged a ritual candlestick that was on display in the central square of Cherkasy, **Ukraine**, during Hanukkah. They also damaged a poster reading “Happy Hanukkah” and removed a spotlight. After this incident, a 24-hour police guard was put on the site.<sup>342</sup>

Not all attacks or threatened attacks on synagogues occurred during religious holidays.

- On 18 March, the Voronezh synagogue was vandalized with swastikas and anti-Semitic slogans. **Russian** authorities reportedly accused a man with ties to the neo-Nazi movement of having committed this hate crime. According to the Anti-Defamation League, the suspect was charged with vandalism. In addition, the hate-crimes statute was applied in this case once the suspect had admitted to the attack.<sup>343</sup> The Russian Jewish Congress recorded attacks against synagogues in Astrakhan, Vladivostok, Voronezh, and Tomsk.<sup>344</sup>
- On 24 May, the Hekhal Hanes synagogue in Geneva was seriously damaged by a fire. More than 40 fire-fighters were needed to extinguish the blaze. After an initial investigation, police believe it to have been caused by arson.<sup>345</sup> On 20 June, a member of the Swiss parliament requested a government opinion on the frequency

<sup>338</sup> “Antisemitic Incidents Report 2007”, The Community Security Trust, *op. cit.*, note 271, p. 4.

<sup>339</sup> “Annual Review. Antisemitism and Jewish Communal Security in Britain 2007”, The Community Security Trust, February 2008, p. 8.

<sup>340</sup> “A Police Officer’s Guide to Judaism”, The Community Security Trust, January 2008, 3rd edition, <<http://www.thecest.org.uk/index.cfm?content=7&Menu=7>>.

<sup>341</sup> “Hungary– Riots During a Hanukkah Candle Lighting Ceremony in Budapest”, The Coordination Forum for Countering Antisemitism website, 7 December 2007, <[http://www.antisemitism.org.il/eng/events/26625/Hungary%E2%80%93\\_Riots\\_During\\_a\\_Hanukkah\\_Candle\\_Lighting\\_Ceremony\\_in\\_Budapest](http://www.antisemitism.org.il/eng/events/26625/Hungary%E2%80%93_Riots_During_a_Hanukkah_Candle_Lighting_Ceremony_in_Budapest)>.

<sup>342</sup> Information provided by the Anti-Defamation League Ukraine, 7 March 2008.

<sup>343</sup> “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

<sup>344</sup> “Antisemitizm v Rossii v 2007 godu”, Russian Jewish Congress, *op. cit.*, note 286.

<sup>345</sup> “Rassistische Vorfälle in der Schweiz. Eine Chronologie und eine Einschätzung”, Stiftung gegen Rassismus und Antisemitismus, *op. cit.*, note 129.

of anti-Semitic crimes targeting Jewish institutions in **Switzerland**. She also noted that religious minorities were increasingly faced with intolerance.<sup>346</sup>

The way in which anti-Semitism disrupts the life of Jewish communities in OSCE participating States can further be illustrated by the fact that anti-Semitism continues to be expressed in educational settings. Various incidents of verbal abuse and harassment took place in schools and on campuses in 2007.

- On 2 and 6 February, threatening phone calls were received at a Jewish school in Montreal, **Canada**. The caller said that a bomb had been placed in the school. The school had to be evacuated.<sup>347</sup> On 11 May, a 16-year-old Hasidic Jew was attacked on his way home from school in Outremont. The police arrested the perpetrator shortly thereafter. He now faces an assault charge.<sup>348</sup> Overall, B'nai Brith recorded 82 incidents in school settings in 2007.<sup>349</sup>
- On 25 February, a smoke bomb was thrown through the window of a Jewish nursery school in Berlin, **Germany**. It was also vandalized with swastikas and anti-Semitic graffiti that read "Auschwitz", "Sieg Heil", and other insults.<sup>350</sup> The German chancellor, Angela Merkel, condemned the attack and promised that police would do everything possible to identify the perpetrators. She stated that "every attack on a Jewish institution is an assault on our democracy".<sup>351</sup> On 28 February, the German interior minister, Wolfgang Schäuble, visited the nursery school for a special prayer service held in promotion of tolerance.<sup>352</sup>
- In the **United Kingdom**, the CST reported that Jewish schools and pupils were attacked in 47 incidents in 2007.<sup>353</sup> Thirty-one of these incidents targeted Jewish students on their way to or from school.<sup>354</sup> On 19 July, for example, a girl was alone in the playground of a Jewish school in Manchester, when two men shouted, "Look at the Jewy girl", "Change your religion or else...", and "Run off before we kill

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<sup>346</sup> *Ibid.*

<sup>347</sup> "Canada– A Threatening Phone Call to a Jewish School in Montreal", The Coordination Forum for Countering Antisemitism website, 2 February 2007, <[http://www.antisemitism.org.il/eng/events/22921/Canada%E2%80%93\\_A\\_Threatening\\_Phone\\_Call\\_to\\_a\\_Jewish\\_School\\_in\\_Montreal](http://www.antisemitism.org.il/eng/events/22921/Canada%E2%80%93_A_Threatening_Phone_Call_to_a_Jewish_School_in_Montreal)>; "Canada– Threats to Jewish Schools in Montreal", The Coordination Forum for Countering Antisemitism website, 6 February 2007, <[http://www.antisemitism.org.il/eng/events/22922/Canada%E2%80%93\\_Threats\\_to\\_Jewish\\_Schools\\_in\\_Montreal](http://www.antisemitism.org.il/eng/events/22922/Canada%E2%80%93_Threats_to_Jewish_Schools_in_Montreal)>.

<sup>348</sup> "Canada – Attack in Outremont", The Coordination Forum for Countering Antisemitism website, 11 May 2007, <[http://www.antisemitism.org.il/eng/events/22143/Canada\\_-\\_Attack\\_in\\_Outremont](http://www.antisemitism.org.il/eng/events/22143/Canada_-_Attack_in_Outremont)>.

<sup>349</sup> *2007 Audit of Antisemitic Incidents*, League for Human Rights of B'nai Brith Canada, *op. cit.*, note 160.

<sup>350</sup> "Smoke bomb thrown into Jewish kindergarten in Berlin", European Jewish Press website, 26 February 2007, <<http://www.ejpress.org/article/14511>>.

<sup>351</sup> "Merkel verurteilt Anschlag auf jüdischen Kindergarten", Spiegel Online, 1 March 2007, <<http://www.spiegel.de/politik/deutschland/0,1518,469408,00.html>>.

<sup>352</sup> *Ibid.*

<sup>353</sup> "Antisemitic Incidents Report 2007", The Community Security Trust, *op. cit.*, note 271, p. 4.

<sup>354</sup> *Ibid.*

- you!” The perpetrators then threw stones at the girl.<sup>355</sup> The CST and Maccabi GB have responded to these incidents by organizing safety training in schools. In 2007, over 8,000 teenagers participated in this programme.<sup>356</sup> In addition, there were 59 incidents against Jewish students, academics, and other student bodies at British universities.<sup>357</sup>
- In the **United States**, the Anti-Defamation League reported that a total of 227 anti-Semitic incidents were recorded in middle and high schools in 2007, a rise from the 193 such incidents in 2006.<sup>358</sup> In September, for example, students in Santa Barbara, California, drew a swastika on a Jewish student’s arm and made anti-Semitic remarks.<sup>359</sup> Elsewhere on campuses in 2007, 94 anti-Jewish incidents reportedly took place, as opposed to 88 in 2006.<sup>360</sup> On 19 April, for example, two days after Holocaust Remembrance Day, a large black swastika was discovered on a Jewish fraternity house at Penn State University.<sup>361</sup> Members of the fraternity reported anti-Semitic remarks being made by members of other fraternities in the week before the attack. State college police reportedly investigated the incident.<sup>362</sup>
  - On 9 October, a 14-year-old student at a Jewish school was assaulted by a group of boys after class in **France**. He was hit on the head with a stick and kicked. Police reportedly arrested two of the attackers.<sup>363</sup>
  - On 2 December, when children at a Jewish school in Antwerp, **Belgium**, were approaching a school bus, the driver shouted: “Why didn’t the Nazis kill you all?” The Jewish community of Antwerp subsequently wrote to the transport company and also reported the case to the CEOOR.<sup>364</sup>
  - In December, police arrested four neo-Nazi youths in the Bryansk Oblast, **Russian Federation**, suspected of having been involved in five separate attacks on the Jewish Or Avner school, over a period of six weeks.<sup>365</sup> The youths had shattered eight of the school’s nine windows while screaming neo-Nazi slogans at students. The suspects were charged with hooliganism motivated by ethnic hatred.<sup>366</sup>

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<sup>355</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 77.

<sup>356</sup> “Annual Review. Antisemitism and Jewish Communal Security in Britain 2007”, The Community Security Trust, *op. cit.*, note 339, p. 11.

<sup>357</sup> “Antisemitic Incidents Report 2007”, The Community Security Trust, *op. cit.*, note 271, p. 4.

<sup>358</sup> “2007 Audit of Anti-Semitic Incidents”, Anti-Defamation League, *op. cit.*, note 291.

<sup>359</sup> *Ibid.*

<sup>360</sup> *Ibid.*

<sup>361</sup> *Ibid.*

<sup>362</sup> Rossilynne Skena, “Swastika found on Jewish frat”, The Daily Collegian Online, 19 April 2007, <<http://www.collegian.psu.edu/archive/2007/04/04-19-07tdc/04-19-07dnews-13.asp>>.

<sup>363</sup> “France – A Jewish Pupil Attacked”, The Coordination Forum for Countering Antisemitism website, 9 October 2007,

<[http://www.antisemitism.org.il/eng/events/25251/France\\_%E2%80%93\\_A\\_Jewish\\_Pupil\\_Attacked](http://www.antisemitism.org.il/eng/events/25251/France_%E2%80%93_A_Jewish_Pupil_Attacked)>.

<sup>364</sup> “Rapport sur l’antisémitisme en Belgique pour l’année 2007”, Antisemitisme.be, *op. cit.*, note 271, pp. 1-2.

<sup>365</sup> Kozhevnikova, *op. cit.*, note 199; “Neo-Nazis Attack Jewish School in Bryansk Five Times”, *Bigotry Monitor*, Vol. 7, No. 48, 21 December 2007, <<http://www.fsmonitor.com/stories/122107BM.shtml>>.

<sup>366</sup> *Bigotry Monitor*, *ibid.*

Football and sports in general are another context where the safe and active participation of Jewish people, groups, and organizations in social life is increasingly endangered by anti-Semitism.

- On 25 April, in the **Russian Federation**, fans displayed a poster reading “Happy Holocaust!” and other anti-Semitic slogans during a football match between Maccabi and Alyans in the Vnukovo settlement near Moscow.<sup>367</sup> Five individuals were arrested and charged with inciting ethnic hatred.<sup>368</sup>
- During a game between Wurzen and Chemnitz on 17 May, the fans of the local team of Wurzen, **Germany**, started insulting their opponents by shouting, “We are building a subway from Chemnitz to Auschwitz.” The goalkeeper of the visiting team was called a “Jewish pig”, and further insults were yelled. The referee provided the police with a special report.<sup>369</sup> In June, a fine, suspensions, and point deductions were ordered by a sports court.<sup>370</sup>
- Before and during a football match between Lazio Rome and Livorno in **Italy**, in May, Lazio fans chanted phrases such as “Lucarelli Jews” and “Livoresi Jews” in the direction of the Livorno players and fans. A group holding a banner with the Celtic cross appeared in the stadium, putting the match at risk of being suspended. During a break, Lazio officials tried to intervene, and the supporter that had showed the banner was officially denied access to future sporting events.
- On 25 August, supporters of the football club Basel were taking a train to attend a football match in Luzern, **Switzerland**, when they started shouting, “We are building a train from Luzern to Auschwitz” and “Sieg Heil” while showing the Hitler salute. The scenes were recorded with a hidden camera, but, in November, prosecutors stopped investigating the case, as the perpetrators could not be identified.<sup>371</sup>
- On 13 October, in the **Czech Republic**, fans of the team of Sparta Prague were calling rival fans of Slavia “Jews, Jews!”<sup>372</sup> Czech television cut off the sound as soon as the shouting started and it was also stressed by the TV company that all Sparta’s games would be boycotted, should these insults continue.<sup>373</sup>

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<sup>367</sup> Kozhevnikova, *op. cit.*, note 199.

<sup>368</sup> “Russian football fans charged over anti-Semitic incident”, BBC Monitoring, 29 August 2007, original source: Ekho Moskvyy radio, Moscow, in Russian, 29 August 2007.

<sup>369</sup> Heike Baldauf, “Judenhass in der Kinderliga”, Spiegel Online, 31 May 2007, <<http://www.spiegel.de/politik/deutschland/0,1518,485723,00.html>>.

<sup>370</sup> John Mann, Johnny Cohen, “Antisemitism in European Football: A Scar on the Beautiful Game”, 2008, <<http://www.johnmannmp.com/publications>>.

<sup>371</sup> “Rassistische Vorfälle in der Schweiz. Eine Chronologie und eine Einschätzung”, Stiftung gegen Rassismus und Antisemitismus, *op. cit.*, note 129.

<sup>372</sup> “The Czech Republic – Antisemitic Shouts during a Soccer Match in Prague”, The Coordination Forum for Countering Antisemitism website, 13 October 2007, <[http://www.antisemitism.org.il/eng/events/26334/The\\_Czech\\_Republic\\_%E2%80%93\\_Antisemitic\\_Shouts\\_during\\_a\\_Soccer\\_Match\\_in\\_Prague](http://www.antisemitism.org.il/eng/events/26334/The_Czech_Republic_%E2%80%93_Antisemitic_Shouts_during_a_Soccer_Match_in_Prague)>.

<sup>373</sup> “Anti-Semitic chants could kick soccer off-air”, Jewish Telegraphic Agency website, 11 October 2007, <<http://jta.org/cgi-bin/iowa/breaking/104594.html>,595,700>.

- Addressing the issue of anti-Semitism in football, including in the **United Kingdom**, where insults such as “Spurs are on their way to Auschwitz – Hitler is going to gas them again!” are reported to be frequent,<sup>374</sup> a British member of parliament, John Mann, published an overview of anti-Semitism in football in Europe in 2008.<sup>375</sup>

References to anti-Zionist views and to the Middle East conflict were a frequent aspect of anti-Semitic attacks in 2006.<sup>376</sup> In 2007, Jewish and Israeli individuals, organizations, and communities continued to be taken as a placeholder for the policies of the Israeli government.<sup>377</sup>

- In **Belgium**, a complaint was filed with a criminal court in response to an incident that took place on 28 January during a football match against Israel. A Belgian supporter had displayed the Hamas flag during the game, shouting in Arabic, “Death to the Jews”, “Jihad”, “Death to Sharon”, “All the Jews to the gas chambers”. The match had to be interrupted. The court ruled that “the attitude of the supporter was abusive of the religious and cultural solidarity of the Arab Muslim community with the Palestinian people”.<sup>378</sup> The offender was sentenced to 100 hours of labour or seven months of subsidiary imprisonment for racial hatred. The CEOOR, the civil party, received a symbolic 1 euro as compensation for the damages inflicted on democratic society.<sup>379</sup>
- A young Israeli was attacked during his vacation in Kos, **Greece**, in May 2007. The assailants shouted anti-Semitic and anti-Israel remarks at him and punched and kicked the boy, who suffered head injuries. Greek police caught three of the attackers, who were identified by the victim.<sup>380</sup>
- In early May, 12 neo-Nazis disturbed a public event about Israel in Munich, **Germany**, by mounting the stage and yelling “Jews, get out of Palestine”. After showing the Hitler salute, they displayed the flag of Iran.<sup>381</sup> Police arrested the perpetrators and subsequently claimed that two of them were well-known neo-Nazi extremists. They were charged with inciting hatred and disseminating illegal symbols.<sup>382</sup>

<sup>374</sup> Anna Kessel, “Alive and unchecked: A wave of anti-Jewish hate”, *The Observer* online, 28 October 2007, <[http://football.guardian.co.uk/News\\_Story/0,,2200772,00.html](http://football.guardian.co.uk/News_Story/0,,2200772,00.html)>.

<sup>375</sup> Mann and Cohen, *op. cit.*, note 370.

<sup>376</sup> *Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006*, *op. cit.*, note 8, p. 26.

<sup>377</sup> Diène, “Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled ‘Human Rights Council’”, *op. cit.*, note 273, p. 15; also see “Third report on Finland”, European Commission against Racism and Intolerance, *op. cit.*, note 257, p. 14.

<sup>378</sup> Information provided by the CEOOR, 6 March 2008.

<sup>379</sup> *Ibid.*

<sup>380</sup> “Anti-Semitism: Israeli attacked in Greece”, ynetnews.com, 10 May 2007, <<http://www.ynet.co.il/english/articles/0,7340,L-3456470,00.html>>.

<sup>381</sup> “Chronik antisemitischer Vorfälle 2007”, Amadeu Antonio Stiftung, *op. cit.*, note 315.

<sup>382</sup> “Neonazis stürmen Bühne”, *Süddeutsche Zeitung* website, 5 May 2007, <<http://www.sueddeutsche.de/muenchen/artikel/886/112774>>.

Politicians and observers continue to express concern about an anti-Zionist climate that may form the background of violent attacks motivated by anti-Semitism. For example, the Italian president condemned anti-Semitism, “even when it masquerades as anti-Zionism”, on the occasion of the UN International Day of Commemoration in memory of the victims of the Holocaust, marked on 25 January 2007.<sup>383</sup> Responding to the enquiry of some members of parliament, the German government noted that right-wing extremists often latch on to critical remarks made about the Israeli government by politicians or the mainstream press. In doing so, they usually turn the criticism into an expression of anti-Semitism by making all Jews responsible for actions of the Israeli government.<sup>384</sup> The Parliamentary Assembly of the OSCE also referred to the context in which such attacks take place by expressing concern “at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions”.<sup>385</sup>

At the same time, the Holocaust emerged as a frequent reference in anti-Semitic incidents and insults in 2007. These included acts of harassment and hate speech in which references to the Holocaust were used as a rhetorical means to threaten and offend Jews.

- At the beginning of the year, graffiti daubed on the walls of a restroom in the law faculty at the University of Vienna, **Austria**, read: “Hunting season has begun once more. It is Jew season.”<sup>386</sup>
- On 4 January, an anti-Semitic statement was recorded on the telephone voicemail of the Dublin Hebrew Congregation in **Ireland**: “You Jews ... should be put in ovens ...”<sup>387</sup>
- On 1 February, a self-proclaimed Holocaust-denier attacked Holocaust survivor and Nobel peace prize laureate Elie Wiesel in San Francisco, **United States**. The man fled after Wiesel called for help.<sup>388</sup> On 16 February, law-enforcement officials arrested a 22-year-old man who was subsequently charged with committing a hate

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<sup>383</sup> See “Discorso del Presidente della Repubblica Giorgio Napolitano alla Celebrazione del ‘Giorno della Memoria’”, on the president’s website, 25 January 2007, <<http://www.quirinale.it/Discorsi/Discorso.asp?id=32021>>.

<sup>384</sup> “Antwort der Bundesregierung auf die Große Anfrage der Abgeordneten Ulla Jelpke, Petra Pau, Sevim Dağdelen, weiterer Abgeordneter und der Fraktion DIE LINKE”, website of the German Interior Ministry, 14 March 2007, p. 56, <[http://www.bmi.bund.de/cln\\_012/nn\\_1027810/Internet/Content/Common/Anlagen/Themen/Parlamentarisch es/Gro\\_\\_Anfrage\\_\\_Rechtsextremismus,templateId=raw,property=publicationFile.pdf/Gro\\_Anfrage\\_Rechtsextremismus.pdf](http://www.bmi.bund.de/cln_012/nn_1027810/Internet/Content/Common/Anlagen/Themen/Parlamentarisch%20es/Gro__Anfrage__Rechtsextremismus,templateId=raw,property=publicationFile.pdf/Gro_Anfrage_Rechtsextremismus.pdf)>.

<sup>385</sup> “Kyiv Declaration”, OSCE Parliamentary Assembly, *op. cit.*, note 276, p. 36.

<sup>386</sup> “Newsletter”, Forum gegen Antisemitismus website, September 2007, <[http://www.fga-wien.at/index.php?option=com\\_docman&task=cat\\_view&gid=15&Itemid=34](http://www.fga-wien.at/index.php?option=com_docman&task=cat_view&gid=15&Itemid=34)>.

<sup>387</sup> “Ireland – Abusive telephone call”, The Coordination Forum for Countering Antisemitism website, 4 January 2007, <[http://www.antisemitism.org.il/eng/events/27104/Ireland\\_%E2%80%93\\_Abusive\\_telephone\\_call](http://www.antisemitism.org.il/eng/events/27104/Ireland_%E2%80%93_Abusive_telephone_call)>.

<sup>388</sup> “Suspect named in attack on Nobel laureate”, CNN.com, 16 February 2007, <<http://edition.cnn.com/2007/US/02/16/wiesel.attacked/index.html>>.

- crime. Police reported that the suspect had claimed responsibility for the attack on a website.<sup>389</sup>
- On 25 February, the words, “Hitler was right” and “Gas the Jews” were found on a war memorial in Troon, **United Kingdom**.<sup>390</sup> Police arrested two men who were charged with inflicting damage on the memorial.<sup>391</sup> According to the CST, 24 per cent of the incidents that occurred in London in 2007 drew on neo-Nazi imagery, while 10 per cent made reference to the Middle East. In Manchester, 17 per cent made reference to neo-Nazi discourse and 2 per cent to the Middle East.<sup>392</sup>
  - On 23 March and 1 April, a Jewish woman in Brussels, **Belgium**, received threats that read: “It’s a pity that Hitler did not finish his work. But we are going to finish it. Long live the Aryan race.” The letter also threatened them by saying she and her partner would be killed like their “ancestors in the ’40s in Dachau, Bergen”.<sup>393</sup>
  - On 15 August, a Jewish family residing in Amstelveen, **the Netherlands**, received an envelope that contained a caricature of a stereotypical Jew standing behind a barbed-wire fence. The picture read, “Hurray for the Nazi SS”.<sup>394</sup> ECRI expressed concern that “anti-Semitic insults and expressions have tended to become a feature of everyday life” in the Netherlands. “Different aspects of the Holocaust are reportedly questioned in everyday situations, such as in schools.”<sup>395</sup>
  - The data available for **France** points to an increase in the number of references made to the Holocaust in the context of anti-Semitic incidents. The notion that the Nazis “did not finish the job” was increasingly used.<sup>396</sup>

The prominence of the theme of the Holocaust in contemporary manifestations of anti-Semitism in the OSCE region was also underlined by the frequency of attacks damaging Holocaust memorials. This phenomenon runs counter to the increased efforts of OSCE participating States and civil society to promote and foster remembrance of the Holocaust.<sup>397</sup>

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<sup>389</sup> *Ibid.*

<sup>390</sup> “Antisemitic Incidents Report 2007”, The Community Security Trust, *op. cit.*, note 271, p. 9.

<sup>391</sup> Information provided by the Community Security Trust, 7 May 2008.

<sup>392</sup> “Antisemitic Incidents Report 2007”, The Community Security Trust, *op. cit.*, note 271, p. 19.

<sup>393</sup> “Rapport sur l’antisémitisme en Belgique pour l’année 2007”, Antisemitisme.be, *op. cit.*, note 271, p. 15.

<sup>394</sup> “The Netherlands – Hate Male [sic] Received in Amstelveen”, The Coordination Forum for Countering Antisemitism website, 15 August 2007,

<[http://www.antisemitism.org.il/eng/events/23822/The\\_Netherlands\\_%E2%80%93\\_Hate\\_Male\\_Received\\_in\\_Amstelveen](http://www.antisemitism.org.il/eng/events/23822/The_Netherlands_%E2%80%93_Hate_Male_Received_in_Amstelveen)>.

<sup>395</sup> “Third Report on the Netherlands”, European Commission against Racism and Intolerance, adopted 29 June 2007, published 12 February 2008, p. 27, <[http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/netherlands/Netherlands%20third%20report%20-%20cri08-3.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/netherlands/Netherlands%20third%20report%20-%20cri08-3.pdf)>.

<sup>396</sup> Information provided by the Representative Council for Jewish Institutions in France and the Jewish Community Protection Service, 28 February 2008.

<sup>397</sup> For an overview, see “Holocaust Memorial Days in the OSCE Region: An overview of good governmental practices”, ODIHR, January 2008, <[http://www.osce.org/documents/odihhr/2008/01/29395\\_en.pdf](http://www.osce.org/documents/odihhr/2008/01/29395_en.pdf)>.

- On 18 February, vandals desecrated a local Holocaust memorial, as well as over 300 Jewish graves, in Odessa, **Ukraine**, stencilling them with red swastikas and the inscription: “Congratulations on the Holocaust”.<sup>398</sup> Foreign Ministry officials condemned this vandalism and asserted that “the Ukrainian authorities will make all efforts to promptly [solve] this crime”.<sup>399</sup> On 12 March, law-enforcement officials arrested three young men who reportedly made a confession.<sup>400</sup> On 10 August, the District Court of Odessa sentenced all three defendants to two years in prison. One of the defendants, a 20-year-old student, was allegedly inspired by neo-Nazi literature.<sup>401</sup> President Viktor Yushchenko noted the disturbing increase in anti-Semitic vandalism over the last few years and requested that the prosecutor-general, the Security Services chief, and the interior minister take measures to arrest and punish vandals.<sup>402</sup>
- On 9 March, a memorial commemorating the rescue of the Bulgarian Jews during the Holocaust was defaced with a swastika and anti-Semitic graffiti in Plovdiv, **Bulgaria**. The memorial had been vandalized before. The incident reportedly occurred against the background of the opening of an exhibition. The head of the Jewish community called on the authorities to investigate the incident.<sup>403</sup>
- On 9 May, wreaths and flowers that the Jewish community had laid at the Holocaust memorial in the centre of Brest, **Belarus**, were burned. The memorial had previously been vandalized in November 2006 and February 2007. The case was reported to the police, who took up criminal proceedings.<sup>404</sup> The memorial was again attacked and smeared with black paint on 26 October, when the attackers destroyed the decoration and burned the flowers laid at the site. Police arrested suspects and sent the case to court.<sup>405</sup> Other investigations yielded different outcomes. On 19 March, Belarusian police suspended a probe into an act of vandalism targeting the Yama Holocaust memorial on 12 November 2006. The perpetrators had left anti-Semitic leaflets behind. On 19 March, the Minsk Police

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<sup>398</sup> “Monument to Holocaust victims, 240 Jewish Graves Defaced”, The Federation of Jewish Communities of the CIS website, 21 February 2007, <<http://www.fjc.ru/news/newsArticle.asp?AID=479762>>.

<sup>399</sup> “Ukrainian Foreign Ministry condemns vandalism at Jewish cemetery”, BBC Monitoring, 21 February 2007, original source: Interfax-Ukraine news agency, in Russian, 21 February 2007.

<sup>400</sup> Information provided by the Anti-Defamation League Ukraine, 7 March 2008. The Anti-Defamation League reports that this took place on 20 March. See “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

<sup>401</sup> Information from the Anti-Defamation League Ukraine to ODIHR, 7 March 2008; “Odessa Court Sentences Vandals of Jewish Cemetery”, FsuMonitor.com, 10 August 2007, <<http://www.fsumonitor.com/stories/081007Ukraine.shtml>>.

<sup>402</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 25.

<sup>403</sup> “Bulgaria– Desecration of a Memorial in Plovdiv”, The Coordination Forum for Countering Antisemitism website, 9 March 2007, <[http://www.antisemitism.org.il/eng/events/22988/Bulgaria%E2%80%93Desecration\\_of\\_a\\_Memorial\\_in\\_Plovdiv](http://www.antisemitism.org.il/eng/events/22988/Bulgaria%E2%80%93Desecration_of_a_Memorial_in_Plovdiv)>.

<sup>404</sup> “Holocaust Memorial attacked in western Belarus”, BBC Monitoring, 21 May 2007, original source: Belapan news agency, Minsk, in English, 21 May 2007.

<sup>405</sup> “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

- Department stated that the organization Belaya Rus Aryan Resistance Front, which had authored the leaflet, was not a registered organization in Belarus. It was also announced that the police had not identified the perpetrators.<sup>406</sup>
- In July, vandals desecrated a small Holocaust memorial and burned an Israeli flag at the site in Berlin, **Germany**. The damage was discovered by police on 10 July during a routine inspection. Law-enforcement officers investigated the incident as a politically motivated crime.<sup>407</sup>
  - In December, the Holocaust memorial located in Yerevan, **Armenia**, was defaced with a swastika sprayed on the stone. The Jewish community informed the police and local government officials of the incident. A senior adviser to then-Armenian President Robert Kocharian denounced the act as “a provocation”.<sup>408</sup>
  - On 19 December, the so-called memorial of names, which contains a list of 137 local victims of the Nazi regime in Villach, **Austria**, was vandalized in a case of sheer destruction. The memorial had previously been destroyed in March 2003, June 2004, April 2006, and August 2007, and was usually restored thanks to donations and civil-society initiatives. The Austrian police are reportedly still investigating the case.<sup>409</sup>

Cemetery desecrations were one of the most frequent manifestations of anti-Semitism that occurred across the region and often targeted one of the few traces left behind from the communities that were killed during the Holocaust. In many cases, the perpetrators were presumed to be neo-Nazis.

- On 25 January, vandals damaged an olive tree that marks the site of an 18th-century Jewish cemetery in Arezzo, **Italy**. The attackers cut off the branches and left posters demanding the liberation of Erich Priebke, the commander of an SS unit during World War II who was convicted of war crimes in Italy in 1996. The mayor condemned the deed.<sup>410</sup>
- In May, at least 70 headstones and five benches were overturned, urns were emptied, and a swastika etched onto a mausoleum at a Jewish cemetery in Chicago, **United States**.<sup>411</sup> Local police investigated the incident.<sup>412</sup>

<sup>406</sup> “Belarusian police suspend probe into vandal attack on Holocaust memorial”, BBC Monitoring, 19 March 2007, original source: Belapan news agency, Minsk, in English, 19 March 2007.

<sup>407</sup> “In Berlin geschändet”, *Die Tageszeitung* website, 12 July 2007, <<http://www.taz.de/nc/1/archiv/print-archiv/printessorts/digi-artikel/?ressort=in&dig=2007%2F07%2F12%2Fa0149&src=GI&cHash=b498ed9abc>>.

<sup>408</sup> Michael Freund, “Vandals deface Holocaust memorial in Armenia”, *The Jerusalem Post* website, 23 December 2007,

<<http://www.jpost.com/servlet/Satellite?cid=1196847408736&pagename=JPost%2FJPArticle%2FShowFull>>.

<sup>409</sup> Information provided by the NGO Erinnern Villach, 17 March 2008.

<sup>410</sup> This episode is described on the website of Italy’s Osservatorio sul Pregiudizio antiebraico contemporaneo, 27 January 2007,

<[http://www.osservatorioantisemitismo.it/scheda\\_evento.asp?number=1028&idmacro=1&n\\_macro=2&idtipo=59](http://www.osservatorioantisemitismo.it/scheda_evento.asp?number=1028&idmacro=1&n_macro=2&idtipo=59)>.

<sup>411</sup> “2007 Audit of Anti-Semitic Incidents”, Anti-Defamation League, *op. cit.*, note 291.

- Also in May, attackers destroyed more than 20 tombstones at an old Jewish cemetery in Chernihiv, **Ukraine**.<sup>413</sup> Investigators were sent to the site. The case was investigated under Article 297 of the Ukrainian Criminal Code, which prohibits the desecration of graves and was deemed to be applicable here.<sup>414</sup>
- **Russian** police arrested seven youths accused of knocking down 43 gravestones in a Jewish cemetery in Klinty. They were charged with “mocking the bodies of the dead and the places of their burial”.<sup>415</sup>
- On 28 June, a Jewish cemetery was vandalized in Mogilyov, **Belarus**. Upon being called to the site, a local law-enforcement officer told the Jewish community that a windstorm might have brought down the tombstones.<sup>416</sup>
- On 16 July, 25 gravestones were knocked over in a recently restored cemetery in Bohumin, **Czech Republic**. The town’s spokesperson announced that the attackers, if caught, would be charged with vandalism and disrupting public order. The mayor promised to help repair the damage, to install a camera to monitor the site, and also to send more police patrols to the cemetery.<sup>417</sup>
- On 5 August, around 100 gravestones were desecrated in the Jewish cemetery of Czestochowa, **Poland**. The letters “SS”, swastikas, and the slogan “Jews out” were spray-painted on the gravestones. Police are still investigating the case.<sup>418</sup>
- On 11 August, 70 gravestones were knocked over in a Jewish cemetery in Ihringen, **Germany**. Five days later, police arrested four suspected right-wing extremists, who admitted to having vandalized the graveyard. German law-enforcement agencies had set up an eight-person team to lead the investigation.<sup>419</sup>

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<sup>412</sup> See the press release by the Anti-Defamation League, “ADL Decries Chicago Cemetery Vandalism”, 15 May 2007, <[http://www.adl.org/PresRele/ASUS\\_12/5052\\_12.htm](http://www.adl.org/PresRele/ASUS_12/5052_12.htm)>.

<sup>413</sup> “Jewish cemetery in north Ukraine vandalized”, BBC Monitoring, 24 May 2007, original source: UNIAN news agency, Kyiv, in Ukrainian, 24 May 2007.

<sup>414</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 10.

<sup>415</sup> “7 Youths Detained on Charges of Vandalizing Jewish Cemetery”, *Bigotry Monitor*, Vol. 7, No. 21, 25 May 2007, <<http://www.fsumonitor.com/stories/052507BM.shtml>>.

<sup>416</sup> “Jewish Cemetery Vandalized in Belarus”, *Bigotry Monitor*, Vol. 7, No. 25, 6 July 2007, <<http://www.fsumonitor.com/stories/070607BM.shtml>>.

<sup>417</sup> “Jewish cemetery vandalized in Czech town”, BBC Monitoring, 16 July 2007, original source: CTK news agency, Prague, in English, 16 July 2007.

<sup>418</sup> “Global Anti-Semitism”, Anti-Defamation League, *op. cit.*, note 173.

<sup>419</sup> “Arrests in desecration of German Jewish cemetery”, Jewish Telegraphic Agency website, 20 August 2007, <<http://jta.org/cgi-bin/iowa/breaking/103697.html>,595,700>.

## *Intolerance against Muslims*

During 2007, hatred and intolerance towards Muslims was expressed through violent physical attacks against individuals; arson attacks and vandalism of mosques, Islamic schools, and cemeteries; verbal harassment and threats; and calls for Muslims to be deported or expelled from Europe. Crimes and incidents against Muslims were fuelled by a combination of racism, hostility towards Islam and its adherents, anti-immigrant sentiment, and the association of Muslims and Islam with terrorism.<sup>420</sup> Individuals visually identifiable as Muslim, such as veiled Muslim women and imams wearing religious dress, as well as mosques, Islamic centres, and Muslim schools, were the primary targets of anti-Muslim attacks throughout the OSCE region in 2007.<sup>421</sup> In addition, during Islamic religious holidays, the anniversaries of 11 September and the London and Madrid bombings, and following new terrorist assaults or threats, attacks against Muslims increased both in terms of frequency and intensity.<sup>422</sup> Moreover, 2007 witnessed the emergence of grassroots organizations and pan-European networks that demonstrated their hostility to the presence of Muslims and their culture in Europe through various protests, particularly focusing on the construction of mosques.<sup>423</sup> In many instances, violent manifestations of hatred against Muslims took place within a generally intolerant social climate that, in some instances, portrayed Muslims as unwilling to integrate and rejecting the values of human rights and democracy.<sup>424</sup>

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<sup>420</sup> In the European Union Fundamental Rights Agency's 2008 report on addressing the needs of Muslim communities, it was suggested that, as a result of a series of developments, including 9/11, the London and Madrid terrorist attacks, the murder of Theo Van Gogh, and publication of caricatures depicting the Prophet Mohammed in Denmark, Muslims with different backgrounds have increasingly faced anti-Muslim prejudice, discrimination, and vilification. See "Community cohesion at local level: addressing the needs of Muslim Communities - Examples of local initiatives", European Union Agency for Fundamental Rights, 2008, p. 14, <[http://fra.europa.eu/fra/material/pub/muslim/LCN\\_EN.pdf](http://fra.europa.eu/fra/material/pub/muslim/LCN_EN.pdf)>.

<sup>421</sup> "Report on the situation of Muslim and Arab peoples in various parts of the world", United Nations special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E/CN.4/2006/17, 13 February 2006, <[http://ap.ohchr.org/documents/dpage\\_e.aspx?s=99](http://ap.ohchr.org/documents/dpage_e.aspx?s=99)>.

<sup>422</sup> For example, Human Rights First reported that, in France, a series of attacks on mosques marked the beginning of Ramadan. "Hate Crimes: 2007 Survey", Human Rights First, *op. cit.*, note 193, p. 21; see "Report on the situation of Muslim and Arab peoples in various parts of the world", *ibid.*

<sup>423</sup> "1<sup>st</sup> OIC Observatory Report on Islamophobia –May 2007-March 2008", Organization of the Islamic Conference, 2008, p. 18, <<http://www.oic-oci.org/oicnew/is11/english/Islamophobia-rep-en.pdf>>.

<sup>424</sup> In his recent report, the United Nations special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance emphasized that Muslims are often perceived as incompatible with so-called Western values and represented a threat to national values and social cohesion. The rapporteur also argued that, as a result, political discourse in Europe has mainly focused on convincing Muslim immigrants that they should be totally assimilated into the culture of host countries by abandoning their own cultural and religious identity and traditions. See "Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, on the manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights", 21 August 2007, A/HRC/6/6, <<http://domino.un.org/UNISPAL.nsf/3822b5e39951876a85256b6e0058a478/e218497a128230aa8525734f0049ba57!OpenDocument>>. It should be noted that, on some occasions, calls for the collective deportation and expulsion of Muslims have also been made. In 2007, for example, on "The Savage Nation", a radio

Hate crimes and incidents motivated by anti-Muslim bias tend to be particularly under-recorded and under-reported; therefore, the true number of hate crimes against Muslims in the OSCE region is still largely unknown. Until 2007, only the United States, the United Kingdom, and Sweden<sup>425</sup> published criminal-justice data specifically identifying Muslims as victims of hate crime or aggravated offences. In 2007, Austria also started to collect and publish statistical data on hate crimes motivated by anti-Muslim bias. However, even where anti-Muslim crimes are officially registered, those that involve multiple grounds of bias may be reported as single-bias incidents motivated by either racism or religious bias, leaving the real level of violence against Muslims unknown. Apart from the three countries mentioned, the law-enforcement authorities in other jurisdictions either do not register reported incidents against Muslims at all, register them without providing details concerning motives, or register them in the general categories of xenophobia or racism.<sup>426</sup> Muslim communities' lack of confidence in public authorities is another factor causing under-reporting of hate crimes against them.<sup>427</sup> Unofficial data is also largely unavailable, since only a limited number of NGOs currently monitor, record, and report publicly on incidents motivated by anti-Muslim bias.

Sufficient and comparable data is not available to calculate overall trends in relation to hate crimes against Muslims throughout the OSCE region. Tendencies can, however, be observed in some participating States where data is available or where country-specific analyses have been made, including by the Council of Europe. The official and unofficial data that was made available to ODIHR suggests the following:

- Available statistics for some participating States indicate that, in recent years, there has been a dramatic increase in hate crimes against Muslims. For instance, according to the information provided by the Collective Against Islamophobia in France, hate incidents against Muslims in **France** increased by 25 per cent in 2007 in comparison with 2006. This unofficial data also suggests that the increase in 2007 relates primarily to attacks targeting individuals (48 per cent), rather than to those targeting mosques, schools, and associations, or the use of hate speech against Muslims, etc.<sup>428</sup> In the **United States**, the number of anti-Muslim hate

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show aired in the United States, the host made defamatory comments about the religious symbols of Islam, including Mecca, the Koran, and the burqa and suggested deportation of all Muslims. "National Radio Host Goes on Anti-Muslim Tirade", Council on American-Islamic Relations website, 11 January 2007, <<http://www.cair.com/ArticleDetails.aspx?ArticleID=23608&&name=n&&currPage=1&&Active=1>>.

<sup>425</sup> Information provided by the Swedish National Council for Crime Prevention, 23 June 2008.

<sup>426</sup> This has also been reflected in the language used by public officials or human-rights defenders when they condemn hate-motivated attacks against Muslims. On many occasions, where victims are both Muslims and visible minorities or of immigrant origin, they employed the terms "xenophobic" or "racist" attacks, even sometimes without mentioning the possibility that there might be also a religious bias behind the motivation of these attacks.

<sup>427</sup> "Hate Crimes: 2007 Survey", Human Rights First, *op. cit.*, note 193, p. 20.

<sup>428</sup> Information provided by the Collective Against Islamophobia in France, 14 February 2007.

- incidents reflected a more than fivefold increase between 2005 and 2006, from 29 to 156.<sup>429</sup>
- Some of the available statistics suggest that hate crimes against Muslims represent a growing proportion of the category of religiously motivated hate crimes. In the **United Kingdom**, for example, although the number of hate crimes against Muslims fell slightly between 2005-06 and 2006-07 (from 18 to 17 incidents), because other religiously motivated hate crimes fell even more, the proportion of those against Muslims increased from 41.9 per cent to 63 per cent of the category.<sup>430</sup>
  - Some NGOs provide information on particular types of hate crimes against Muslims. For instance, the SOVA Center for Information and Analysis reported a 50 per cent decrease in acts of vandalism against Muslim buildings and installations in the **Russian Federation** from 2006 to 2007.<sup>431</sup> However, it does not provide any statistical data on physical or verbal attacks against Muslim individuals or those who are perceived as Muslims.
  - Moreover, in its country-specific reports, ECRI analyses the trends in hate crimes against Muslims in some participating States. For instance, in its third report on **the Netherlands**, it reported “a perceived increase in racial violence and anti-Muslim sentiments”, and noted, “the central role played by the extreme right in this phenomenon”.<sup>432</sup> It also pointed out in its third report on **Ukraine** that, in Crimea, “hate-motivated violence targeting primarily Muslim Crimean Tatars increased and that more measures are necessary to ensure peaceful coexistence among different communities living in that region”.<sup>433</sup>

The monitoring of hate crimes against Muslims in 2007 reveals the continued brutality and violent nature of such attacks.

- On 29 January, in Harpenden, **United Kingdom**, three young men attacked a Sikh supermarket manager, thinking that he was a Muslim. They punched the victim to the ground and kicked him several times, leaving him with a fractured

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<sup>429</sup> At the time that this report was being drafted, there was no available official data concerning 2007. See Table No. 1, “Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2006”, on the FBI’s website “2006 Hate Crime Statistics”, *op. cit.*, note 139, <<http://www.fbi.gov/ucr/hc2006/table1.html>>; see “Hate Crime – 1995” on the FBI’s website, <<http://www.fbi.gov/ucr/hatecm.htm>>.

<sup>430</sup> “Racist and religious Incident Monitor, Annual Report 2005-2006”, Crown Prosecution Service, p. 52, <<http://www.cps.gov.uk/publications/docs/rims05-06.pdf>>; “Racist and Religious Incident Monitoring: Annual Report 2006 – 2007”, Crown Prosecution Service, *op. cit.*, note 130, p. 51.

<sup>431</sup> The SOVA Center reports that such acts of vandalism decreased from 11 to four in the last two years. See the section “Islamophobia” in Kozhevnikova, *op. cit.*, note 199.

<sup>432</sup> “Third Report on the Netherlands”, European Commission against Racism and Intolerance, *op. cit.*, note 395, p. 30 and p. 36.

<sup>433</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 30.

- cheekbone.<sup>434</sup> The court found two of the perpetrators guilty of racially aggravated bodily harm and the other guilty of affray for his part in the violence.<sup>435</sup> On 15 December, in Dewsbury, a group of teenagers stabbed to death a Muslim student as he was waiting on a railway platform. It was reported by media that police were investigating the case to determine whether the attack was racially motivated.<sup>436</sup> The court remanded two teenagers, aged 18 and 17, and charged them with the murder of the Muslim student.<sup>437</sup>
- On 13 August, a video of an execution-style killing of two Muslim migrants – a Dagestani and a Tajik national – by a “militant wing” of the National Socialist Party of Russia was posted on the Internet. One of the victims is shown apparently being beheaded and the other shot in front of a red-and-black swastika flag in an unidentified forest.<sup>438</sup> The family of the Dagestani victim identified their son. However, police have not yet found the victims’ bodies or the murderers.<sup>439</sup> On 18 October, in Yekaterinburg, **Russian Federation**, a group of men reportedly made an unprovoked, barbaric attack on a Muslim woman, waiting for a trolleybus. One of the attackers allegedly shouted, “I hate all of you non-Russians!” and another forced alcohol into the victim’s mouth when she fell down. In the meantime, the third perpetrator stabbed her in one eye with a 10-centimeter-long metal device. Despite medical treatment, she lost the eye. No arrests were made.<sup>440</sup>
  - On 24 August, in Magdeburg, **Germany**, an Iraqi man had a dog set upon him and was then beaten with a baseball bat at a tram stop.<sup>441</sup>
  - On 15 September, in Long Island, **United States**, two men brutally attacked a Muslim woman while she was opening her shop. Shouting anti-Muslim insults, the attackers slammed her head on a counter, smashed it with a hammer, and also sliced her face, neck, back, and chest with a knife and box-cutter. They also scrawled anti-Muslim messages on her mirrors and robbed the shop. The victim claimed she had also received threatening phone calls prior to the incident. The

<sup>434</sup> “Manager victim of a racist attack”, BBC News website, 30 January 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/england/6314197.stm](http://news.bbc.co.uk/2/hi/uk_news/england/6314197.stm)>.

<sup>435</sup> “Man convicted of racist attack”, EDP24 website, 9 February 2007, <<http://new.edp24.co.uk/content/news/story.aspx?brand=EDPOnline&category=News&tBrand=edponline&tCategory=news&itemid=NOED08%20Feb%202007%2018%3A59%3A24%3A900>>.

<sup>436</sup> “17-year-old Muslim murdered in racist attack,” *The Muslim News* website, 25 January 2008, <<http://www.muslimnews.co.uk/paper/index.php?article=3323>>.

<sup>437</sup> “Youths remanded over stab murder”, BBC News website, 18 December 2007, <<http://news.bbc.co.uk/1/hi/england/bradford/7149701.stm>>.

<sup>438</sup> Luke Harding, “Student arrested over Russian neo-Nazi ‘execution’ video”, *The Guardian* website, 15 August 2007, <<http://www.guardian.co.uk/politics/2007/aug/15/thefarright.russia>>.

<sup>439</sup> Michael Schwartz, “Family identifies son in Russian beheading video”, *International Herald Tribune* website, 9 June 2008, <<http://www.ihf.com/articles/2008/06/09/europe/russia.php>>.

<sup>440</sup> “Yekaterinburg Racists Knock Out Muslim Woman’s Eye”, Coalition Against Hate website, 26 October 2007, <<http://www.coalitionagainsthate.org/2007/10/26/yekaterinburg-racists-knock-out-muslim-womans-eye>>.

<sup>441</sup> “More Racist Attacks Reported Across Germany”, DW-World.de, *op. cit.*, note 194.

- police confirmed that calls of aggravated harassment were reported at the Old Brookville Police Department and that investigators were determining whether the robbery and those calls were linked.<sup>442</sup>
- A particularly alarming incident in 2007 was the uncovering of explosive chemicals stockpiled by a former British National Party (BNP) council candidate, in preparation for a future civil war that he believed would take place as a result of uncontrolled immigration policies. On 1 August, the court cleared the defendant of conspiracy to cause explosions as there was no agreement on the verdict. After pleading guilty to possession of the chemicals, the defendant was jailed for 2 1/2 years.<sup>443</sup> In a related case, on 19 April, Nick Griffin, the leader of the BNP, reportedly accused many British Muslims of following a form of Islam aiming at a “world-wide caliphate” and advocating a “ruthless, aggressive imperialism”, adding that this would eventually result in a civil war in the country.<sup>444</sup>

In 2007, attacks against Muslim individuals included physical and verbal assaults against those who are visually identifiable as Muslims, such as veiled Muslim women, imams, and worshipers in or around places of worship. Intolerance against the visible appearance of Muslim culture in the public sphere has adversely affected many Muslims and runs counter to the increased efforts of OSCE participating States to protect freedom of religion or belief and promote inter-cultural and inter-faith dialogue.

In a number of cases, Muslim women wearing headscarves were targeted, with attackers frequently forcing them to remove their headscarves. Muslim women were also physically and verbally attacked in other ways, mainly because they were wearing headscarves and were visibly identifiable as Muslims.<sup>445</sup>

- On 13 January, a man tried to rip off the veil of a Muslim woman while shouting anti-Muslim insults at her in Southampton, **United Kingdom**. The police said that the attack was particularly degrading for the victim and that they would deal with

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<sup>442</sup> “Long Island Muslim woman victim of hate crime”, Islamophobia Watch website, 17 September 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/9/17/long-island-muslim-woman-victim-of-hate-crime.html>>; “Police Probing ‘All Avenues’ in Bias Attack”, MakeHeadline.Com, 27 September 2007, <<http://makeheadline.blogspot.com/2007/09/wvns-muslim-americans-face-increasing.html>>.

<sup>443</sup> It was reported that the anti-fascist magazine *Searchlight*, which monitors the BNP, found the sentence too merciful, arguing that “if this had been a group of Muslims, they would have been looking at a far longer sentence”. See Duncan Campbell, “Ex-BNP council candidate is jailed for stockpiling explosive chemicals”, *The Guardian* website, 1 August 2007,

<<http://www.guardian.co.uk/politics/2007/aug/01/thefarright.politics>>.

<sup>444</sup> “Griffin predicts civil war between Muslims and non-Muslims”, *The Times* Online, 19 April 2007, <<http://www.timesonline.co.uk/tol/news/politics/article1672185.ece>>.

<sup>445</sup> These incidents should be taken into account within the context of public discourse around proposals to ban headscarves in public on the grounds that they are a symbol of oppression and of a lack of willingness to integrate into host societies.

people who abuse or assault anyone in such ways.<sup>446</sup> In April, in North Wales, a group of teenagers harassed a Muslim woman walking in the street and ripped off her veil while shouting anti-Muslim and racist slurs. One of the assailants received an 18-week suspended prison sentence on 2 November.<sup>447</sup> On 16 May, in Meersbrook, a Muslim woman wearing a headscarf was hospitalized following an attack by a 15-year-old girl shouting racist and anti-Muslim insults. Police arrested a juvenile as a suspect, and after interrogation, released her on police bail.<sup>448</sup> On 12 April, in Glasgow, an Algerian woman, wearing a headscarf, and her 1-year-old son were both attacked by a group of young men who stoned and physically assaulted them. During the attack, one of the perpetrators allegedly tried to sexually abuse the victims. Police initiated investigations as a case of assault, taking into account that it might be a hate crime.<sup>449</sup> On 7 November, in the centre of Oldham, a man allegedly followed a Muslim woman and shouted at her to take off her veil, while kicking her car. He was eventually arrested on suspicion of committing a hate crime and later released on police bail, pending further inquiries.<sup>450</sup>

- On 1 May, in Malmo, **Sweden**, a bus driver prevented a Muslim woman wearing a niqab (a form of Islamic headdress that covers the face) from boarding a bus. The woman also alleged that she was mocked by the driver. The driver argued that this was the first instance of anyone in a niqab ever entering his bus and claimed that it caused him discomfort. After the incident, the bus company decided not to extend the driver's contract.<sup>451</sup>
- In **Belgium**, a far-right councillor verbally assaulted 30 veiled Muslim women attending a local council meeting, making anti-Muslim derogatory remarks and asking them to leave the meeting. The women had come to the council to protest against a ban on religious symbols for Lokeren municipal personnel.<sup>452</sup>

Intolerance against Muslims also manifested itself in the form of physical attacks against imams and their property, as well as against those attending mosques. In some cases, these attacks appeared expressly intended to degrade and humiliate.

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<sup>446</sup> "Racist attacker tried to rip veil off Muslim woman", *thisishampshire.net*, 13 January 2007, <[http://www.thisishampshire.net/news/hampshirenews/display.var.1121585.0.racist\\_attacker\\_tried\\_to\\_rip\\_veil\\_off\\_muslim\\_woman.php](http://www.thisishampshire.net/news/hampshirenews/display.var.1121585.0.racist_attacker_tried_to_rip_veil_off_muslim_woman.php)>.

<sup>447</sup> "Thug who ripped off Muslim's veil spared jail", *Daily Post* website, 2 November 2007, <<http://www.dailypost.co.uk/news/north-wales-news/2007/11/02/thug-who-ripped-off-muslim-s-veil-spared-jail-55578-20051330>>.

<sup>448</sup> "Isma beaten by racist, 15", *The Star* website, 16 May 2007, <<http://www.thestar.co.uk/news?articleid=2878108>>.

<sup>449</sup> "Asylum seeker and baby sexually attacked", *The Herald* website, 12 April 2007, <<http://www.theherald.co.uk/news/news/display.var.1322667.0.0.php>>.

<sup>450</sup> "Take your bloody veil off", *Asian Image* website, 7 November 2007, <[http://www.asianimage.co.uk/display.var.1813570.0.take\\_your\\_bloody\\_veil\\_off.php](http://www.asianimage.co.uk/display.var.1813570.0.take_your_bloody_veil_off.php)>.

<sup>451</sup> "Bus driver sacked after Muslim veil incident", *The Local* website, 2 May 2007, <<http://www.thelocal.se/7171/20070502>>.

<sup>452</sup> Information provided by the CEOOR, 6 March 2008.

- In Kostroma, **Russian Federation**, an imam and his pregnant wife, who were visibly identifiable as Muslims by their clothing, were verbally assaulted and physically attacked by two young men. Following the attack, the men were detained.<sup>453</sup>
- On 14 June, Muslim children leaving the South Woodford Muslim Community Centre in London, **United Kingdom**, were attacked with eggs and stones. The attackers desecrated the centre, which is also used as a mosque, and left bacon on the doorstep. The centre's imam stated that anti-Muslim hatred was caused by leaflets condemning Islam distributed in the area by the BNP.<sup>454</sup> On 11 July, two people urinated on worshippers' shoes and clothes during prayer at the Bath Islamic Centre. The North East Somerset Racial Equality Council stated that this was an attack intended to have a psychological impact on the victims. Police arrested two suspects on 3 September.<sup>455</sup> On 10 August, an imam was attacked in London's Regents Park Mosque by a man who punched him repeatedly in the face and then tried to gouge his eyes out with his fingers. The Muslim Council of Britain issued a strong statement, emphasizing "a growing anti-Muslim climate." Strathclyde Police also confirmed an increase in race crimes against Muslims in 2007.<sup>456</sup>
- On 5 August, vandals who attacked a mosque in Segrate, **Italy**, also set fire to the imam's car. The fire caused damage to the mosque, but no one was injured. The incident followed the previous month's high-profile arrest of an imam accused of "leading a terrorism school out of his mosque in Perugia".<sup>457</sup>
- On 28 August, in Corsica, **France**, bullets fired at an imam's car damaged both the car and the door of the prayer house in front of which it was parked. The same building had been reportedly set ablaze on 17 March.<sup>458</sup>
- On 12 November in Lausanne, **Switzerland**, a gunman fired on a dozen worshipers at an Islamic centre. Police reported that one person was seriously injured.<sup>459</sup>

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<sup>453</sup> "In Kostroma, Youths Assault Imam and Pregnant Wife", *Bigotry Monitor*, Vol. 7, No. 18, 4 May 2007, <<http://www.fsumonitor.com/stories/050407BM.shtml>>.

<sup>454</sup> Megan Reynolds, "Muslims under attack at centre", Your Local Guardian website, 14 June 2007, <[http://www.guardian-series.co.uk/redbridgenews/news/display.var.1469474.0.muslims\\_under\\_attack\\_at\\_centre.php](http://www.guardian-series.co.uk/redbridgenews/news/display.var.1469474.0.muslims_under_attack_at_centre.php)>.

<sup>455</sup> "Racist thugs urinated on worshippers' belongings in mosque", *The Daily Mail* website, 3 September 2007, <[http://www.dailymail.co.uk/pages/live/articles/news/news.html?in\\_article\\_id=479683&in\\_page\\_id=1770](http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=479683&in_page_id=1770)>.

<sup>456</sup> "Imam seriously injured in bloody attack at Regent's Park mosque", *The Daily Mail* website, 12 August 2007, <[http://www.dailymail.co.uk/pages/live/articles/news/news.html?in\\_article\\_id=474881&in\\_page\\_id=1770](http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=474881&in_page_id=1770)>; Karima Hamdan, "A Study in Calculated Savagery", Ummah Pulse website, 14 August 2007, <[http://ummahpulse.com/index.php?option=com\\_content&task=view&id=182&Itemid=37](http://ummahpulse.com/index.php?option=com_content&task=view&id=182&Itemid=37)>.

<sup>457</sup> "Vandals burn imam's car outside Milan mosque", Online India, 6 August 2007, <<http://news.oneindia.mobi/2007/08/07/408212.html>>.

<sup>458</sup> "Fired at imam's car on French island of Corsica", BBC Monitoring, 28 August 2007.

There were also many physical and verbal attacks carried out against Muslim individuals that were not premeditated, but were apparently spontaneous acts carried out by individuals or small groups, in some cases inspired by the general climate of intolerance against Muslims.

- On 2 June, in Hamburg, **Germany**, a neo-Nazi shot a Turkish man while the victim was arguing with his German girlfriend. Police arrested the assailant and found a rifle and several pictures of Hitler in his home.<sup>460</sup>
- On 9 July, in Cheltenham, **United Kingdom**, a Muslim man was attacked, insulted, and drenched with alcohol. The police, describing the incident as a cowardly and unprovoked attack, said that the assailants thought that the victim was linked to terrorism purely based on his physical appearance.<sup>461</sup>
- On 2 August, in Perm, **Russian Federation**, a group of sailors destroyed a butcher's shop attached to the local mosque, hitting the butcher and a saleswoman.<sup>462</sup>

In 2007, attacks against mosques and Muslim religious and cultural centres continued to take place, in some cases against a backdrop of increased anti-Muslim discourse and heightened opposition to the construction of mosques. Various far-right anti-Muslim groups, neo-Nazis, and some local religious leaders launched campaigns to block the construction of mosques in many Western cities, including Berlin, Cologne, Munich, Frankfurt, Amsterdam, Antwerp, London, Fareham, Rome, Milan, and Marseille.<sup>463</sup>

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<sup>459</sup> “1<sup>st</sup> OIC Observatory Report on Islamophobia –May 2007-March 2008”, Organization of the Islamic Conference, *op. cit.*, note 423 , p.42; “A gunman used a military assault rifle to fire on a dozen worshippers at an Islamic centre at the Swiss city of Lausanne”, Islam Online, 14 November 2007, <<http://www.islamonline.com/news/newsfull.php?newid=56927>>.

<sup>460</sup> “Almanya’da bir Türk’e ırkçı saldırı”, *Sabah* online, 3 June 2007, <<http://arsiv.sabah.com.tr/2007/06/03/haber,5C66D090AD834EBDBEECE565BEF4D7B6.html>>.

<sup>461</sup> “Muslim victim of racist attack”, BBC News website, 9 July 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/england/gloucestershire/6285176.stm](http://news.bbc.co.uk/2/hi/uk_news/england/gloucestershire/6285176.stm)>.

<sup>462</sup> Kozhevnikova, *op. cit.*, note 199, p. 7.

<sup>463</sup> “The politics of mosque-building”, *The Economist* website, 30 August 2007, <[http://www.economist.com/world/international/displaystory.cfm?story\\_id=9725332](http://www.economist.com/world/international/displaystory.cfm?story_id=9725332)>; “Campaigns for ban on mosques across Europe”, *The Guardian* website, 11 October 2007, <<http://www.guardian.co.uk/world/2007/oct/11/thefarright.religion>>; “Fascists protest against new mosque in Antwerp”, Expatica, 5 October 2007, <<http://www.expatica.com/be/main.html>>; “As a mosque rises, a dispute flares in Berlin”, *The Boston Globe* website, 9 January 2007, <[http://www.boston.com/news/world/europe/articles/2007/01/09/as\\_a\\_mosque\\_rises\\_a\\_dispute\\_flares\\_in\\_berlin](http://www.boston.com/news/world/europe/articles/2007/01/09/as_a_mosque_rises_a_dispute_flares_in_berlin)>; “Fascist protest against mosque in Fareham”, Islamophobia Watch website, 2 September 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/9/2/fascists-protest-against-mosque-in-fareham.html>>; “German neo-Nazis stage mosque protest”, European Jewish Press website, 20 October 2007, <<http://www.ejpress.org/article/21046>>.

- In the Lombardy region of **Italy**, eight mosques were attacked by vandals in 2007.<sup>464</sup> In an interview with the Italian newspaper *Corriere della Sera*, the head of Milan's counter-terrorism team noted the alarming spread of these sorts of violent actions and the growing climate of intolerance in the country. He suggested these attacks were designed to threaten the Muslim community.<sup>465</sup>
- On 2 November, in Stafford, **United States**, vandals broke windows and spray-painted insults on a mosque's walls, causing damage to the building. Following the police investigation, three high-school students were charged, one of whom received five years' probation. In response, community leaders gathered to discuss the incident, and school officials were receptive to a proposal for a new programme on cultural understanding.<sup>466</sup> During 2007, many other mosques were attacked in the United States: in Antioch, Tampa, and New Jersey, mosques were fire-bombed,<sup>467</sup> while the windows of the Bakersfield mosque, the Karbala Center, and two nearby mosques in Michigan were broken by vandals.<sup>468</sup> Vandals also spray-painted the walls of a Detroit mosque.<sup>469</sup>
- In the **United Kingdom**, vandals daubed racist and anti-Muslim graffiti and swastikas on the walls of the mosques in Barking, Ipswich, Carlisle, and Swindon.<sup>470</sup> In the latter case, a BNP sympathizer received a five-year sentence for the desecration and attempted arson.<sup>471</sup> Moreover, on 6 April, a Nottingham mosque was severely damaged in a fire. Police initiated an investigation into a

<sup>464</sup> "Italy: Eighth mosque attacked in northern region of Lombardy", *The Muslim News* website, 25 October 2007, <<http://www.muslimnews.co.uk/news/news.php?article=13466>>.

<sup>465</sup> "Italy: Head of Milan Counterterrorism team discusses recent attacks on mosques", BBC Monitoring, 11 August 2007.

<sup>466</sup> "Report on Incidents of Discrimination in Educational Institutions", American-Arab Anti-Discrimination Committee Research Institute, p. 14.

<sup>467</sup> "CAIR calls for hate crime investigation in California mosque arson", Islamophobia Watch website, 14 August 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/8/14/cair-calls-for-hate-crime-investigation-in-california-mosque.html>>; "Mosque burns; arson suspected", *St Petersburg Times* website, 13 April 2007, <[http://www.sptimes.com/2007/04/13/Hillsborough/Mosque\\_burns\\_arson\\_su.shtml](http://www.sptimes.com/2007/04/13/Hillsborough/Mosque_burns_arson_su.shtml)>; "Muslim Group Wants Bias Probe of NJ Mosque Fire", beliefnet.com, 23 January 2007, <[http://www.beliefnet.com/story/210/story\\_21008\\_1.html](http://www.beliefnet.com/story/210/story_21008_1.html)>.

<sup>468</sup> "Bakersfield mosque attack investigated as hate crime", Islamophobia Watch website, 10 October 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/bakersfield-mosque-attack-investigated-as-hate-crime.html>>; "Karbala Center", Muslim Media Network, 25 January 2007, <<http://muslimmedianetwork.com/mmn/?p=659>>. 0

<sup>469</sup> "Detroit mosque vandalized", Muslim Media Network, 25 January 2007, <<http://muslimmedianetwork.com/mmn/?p=659>>.

<sup>470</sup> "Vandals target Barking mosque", Islamophobia Watch website, 1 August 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/racist-vandals-target-barking-mosque.html>>; "Racist graffiti plagues Ipswich", *The Suffolk Evening Star* website, 15 November 2007, <<http://www.eveningstar.co.uk/content/eveningstar/news/story.aspx?brand=ESTOnline&category=News&tBrand=ESTOnline&tCategory=News&itemid=IPED15%20Nov%202007%2010%3A36%3A37%3A910>>; "Mosque is daubed with racist graffiti", Islamophobia Watch website, 18 February 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/category/far-right-racists?currentPage=21>>.

<sup>471</sup> "Racist jailed for arson attack on mosque", thisiswiltshire.com, 6 January 2007, <<http://archive.thisiswiltshire.co.uk/2007/1/6/296148.html>>.

- suspected arson attack.<sup>472</sup> In a separate incident, bottles were thrown through the windows of the Central Scotland Islamic Centre while worshippers were praying inside.<sup>473</sup>
- In May and November, members of the La Union Mosque community of Malaga, **Spain**, discovered racist and anti-Muslim graffiti on the walls of the mosque. The community sought to avoid raising the visibility of some far-right groups and refrained from pressing charges against them.<sup>474</sup>
  - On 3 May 2007, vandals desecrated two mosques in Silistra, **Bulgaria**, by hanging pig heads onto their doors.<sup>475</sup>
  - On 26 June, in Prijedor, Republika Srpska, **Bosnia and Herzegovina**, the Čaršijska mosque, a listed national monument, was vandalized. The perpetrator was arrested and sentenced to six months' imprisonment for inciting national, racial, or religious hatred. Also in Prijedor, another mosque was vandalized while the premises of the Islamic religious community were robbed. An investigation was ongoing. Despite several attacks on religious objects and ethnic-related incidents, the chief of police stated that these incidents were insignificant. In another incident, in Vlasenica, Republika Srpska, the recently reconstructed mosque was attacked. Another police investigation was ongoing.<sup>476</sup>
  - Two Molotov cocktails were thrown at the Selimiye Mosque in Haarlem, **the Netherlands**, on 22 July. Witnesses saw the suspects ride off on motorbikes. In follow-up to the incident, police searched the area and found the remains of two petrol-filled bottles and a rag. The Selimiye Mosque in Reinalda Park was also attacked on 12 July. Windows were broken and racist slogans painted on the walls.<sup>477</sup>
  - On 7 August, in **Kosovo**, two mosques in Gazimestan and Shkabaj were set on fire. Both mosques were listed as monuments of Kosovo's cultural heritage. The cases were under police investigation.<sup>478</sup>
  - In Lindau, **Germany**, neo-Nazis painted racist and anti-Muslim graffiti and swastikas on a mosque on 11 December. Police initiated an inquiry for incitement of hatred against Muslims.<sup>479</sup>

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<sup>472</sup> "Mosque imam fears fire was arson", BBC News website, 6 April 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/england/nottinghamshire/6532317.stm](http://news.bbc.co.uk/2/hi/uk_news/england/nottinghamshire/6532317.stm)>.

<sup>473</sup> "Attack on Central Scotland Islamic Centre", Islamophobia Watch website, 13 March 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/3/13/attack-on-central-scotland-islamic-centre.html>>.

<sup>474</sup> Information from the Comisión Islámica de España, 29 February 2008.

<sup>475</sup> "Bulgaria: International Religious Freedom Report 2007", Bureau of Democracy, Human Rights, and Labor, United States Department of State, 2007, <<http://www.state.gov/g/drl/rls/irf/2007/90168.htm>>.

<sup>476</sup> Communication to ODIHR from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008.

<sup>477</sup> "Molotov cocktails thrown at mosque", DutchNews.nl, 23 July 2007, <[http://www.dutchnews.nl/news/archives/2007/07/molotov\\_cocktails\\_thrown\\_at\\_mo.php](http://www.dutchnews.nl/news/archives/2007/07/molotov_cocktails_thrown_at_mo.php)>.

<sup>478</sup> "Kosovo mosque torched", BBC Monitoring, 9 August 2007.

<sup>479</sup> "Neo-Nazi graffiti defaces mosque in Germany", The Earth Times website, 11 December 2007, <<http://www.earthtimes.org/articles/show/156694.html>>.

It was also observed that the timing of attacks against mosques often coincided with Muslim religious holidays such as Ramadan/Eid al-Fitr and Friday prayers.

- On 3 August, in Bradford, **United Kingdom**, a fire damaged a local mosque just before Friday prayers. The imam of the mosque said a children's club had finished just an hour before the attack. The police initiated an investigation.<sup>480</sup>
- On 8 September, in Balashikha, **Russian Federation**, a group of unknown individuals broke the windows of a Muslim prayer-house while the worshippers were inside after Friday prayers.<sup>481</sup> On 12 October, during the sermon delivered on Eid al-Fitr, the chief mufti of Russia expressed his concerns about the spread of extremist groups advocating ethnic and religious intolerance.<sup>482</sup> According to a survey done by the SOVA Center, vandalism of Russia's mosques fell from 11 incidents in 2006 to seven in 2007.<sup>483</sup>
- On 15 September, in Corpus Christi, **United States**, shots were fired at a local mosque during the holy month of Ramadan. Investigators considered the incident a hate crime.<sup>484</sup>
- On 21 September, in Trebinje, **Bosnia and Herzegovina**, a man urinated on the gate of a mosque. He was charged with a misdemeanour offence punishable by a fine. The incident, which occurred during the Islamic holy month of Ramadan, was widely reported in the media.<sup>485</sup>

Apart from mosques, vandals also targeted Muslim burial places or Muslim sections of mixed cemeteries.

- On 2 April, vandals desecrated the Muslim section of Cottingley Cemetery in the **United Kingdom**, by digging up graves, removing memorial plaques, and throwing rubbish over the graves. The incident was widely publicized in the media. Police said that the damage was being treated as a hate incident because it seemed to be confined to the Muslim section of the cemetery.<sup>486</sup>
- On 19 April, Nazi slogans and swastikas were daubed on about 50 graves in the Muslim section of a French World War I cemetery near Arras, **France**. The then-French president, Jacques Chirac, stated that the desecration "was an unspeakable

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<sup>480</sup> "Mosque fire treated as suspicious", BBC news website, 3 August 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/england/bradford/6930363.stm](http://news.bbc.co.uk/2/hi/uk_news/england/bradford/6930363.stm)>.

<sup>481</sup> "Muslim prayer house near Russian capital in another 'racist' attack", BBC Monitoring, 8 September 2007.

<sup>482</sup> "Russian chief mufti worried about spread of ethnic intolerance", BBC Monitoring, 24 August 2007.

<sup>483</sup> Kozhevnikova, *op. cit.*, note 199, p. 7.

<sup>484</sup> David Kassabian, "Police investigate shots fired at local mosque", caller.com, 15 September 2007, <<http://caller.com/news/2007/sep/15/police-investigate-shots-fired-at-local-mosque/>>.

<sup>485</sup> Communication to ODIHR from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008.

<sup>486</sup> Katie Baldwin, "Vandals wreck Muslim graves", *Yorkshire Evening Post* website, 2 April 2007, <<http://www.yorkshireeveningpost.co.uk/news/Vandals-wreck-Muslim-graves.2218060.jp>>.

- act that scars the conscience”. The two presidential candidates at the time, Segolène Royal and Nicolas Sarkozy, also condemned the vandalism.<sup>487</sup>
- On 19 April, in Kurgan, **Ukraine**, 19 gravestones were toppled in a Muslim cemetery, and a swastika was painted nearby.<sup>488</sup>

While mosques, religious/cultural centres, and cemeteries were the most frequently targeted sites, other types of property associated with Muslim individuals or institutions were also damaged.

- In July, in San Antonio, **United States**, vandals wrote racist and anti-Muslim graffiti on two cars, while damaging one of the vehicles. The car owners, originally from Egypt, said the vandalism followed an incident in which eggs had been thrown at their home.<sup>489</sup> On 6 July, in Tampa, unknown people set fire to a Bosnian Muslim family’s home and sprayed-painted anti-Muslim and anti-Arab offensive words. The Council on American-Islamic Relations condemned both incidents and called on the FBI to investigate them as possible hate crimes.<sup>490</sup>
- On 27 August, in Trinak/Dikenli, Burgaz, **Bulgaria**, a racist group calling itself the “BulgAryans” vandalized a Turkish fountain that was built in memory of three Muslims who were executed by the previous regime. The vandals spray-painted derogatory and offensive words, targeting particularly the Movement of Rights and Freedoms, a political party established by members of the Turkish and Muslim minorities of Bulgaria.<sup>491</sup>
- In an incident in Antwerp, **Belgium**, vandals attacked a sandwich bar owned by Muslims, smashing furniture and equipment, and painting racist and xenophobic insults on the walls. Police opened an inquiry, taking into account racist motivation as an aggravating circumstance in the case.<sup>492</sup>
- On 3 December, in Dundee, **United Kingdom**, vandals scratched the words “teddy bear” on three vehicles owned by people of Asian origin. Police opened an

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<sup>487</sup> “French Muslim graves desecrated”, BBC News website, 19 April 2007, <<http://news.bbc.co.uk/1/hi/world/europe/6573669.stm>>.

<sup>488</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 30.

<sup>489</sup> “Florida Muslim Home Torched By Arsonists”, Council on American-Islamic Relations, 12 July 2007, <<http://www.cair-florida.org/ViewArticle.aspx?Code=pr&ArticleID=796>>.

<sup>490</sup> *Ibid.*

<sup>491</sup> “Bulgaristan’da Türk çeşmesini ırkçı saldırı”, Zaman Online, 31 August 2007, <<http://www.zaman.com.tr/haber.do?haberno=582468>>; YouTube, “BulgAryans” 27 August 2007, <[http://www.youtube.com/BulgAryans?&session=0f3rNfUWgHJShirfBjmaOkViTHa11AbAHf2SVAkRU16DturGAiFL7C-Wwg9QP-GoPS9qsPnid8It-NcgAkDc2jeZj2Jcv2uwOJOEasLlt\\_4dcT4SvLAUM3rSw5NOzU2eqInwbUNiFJVia0di6Xq8-aCJ2cHXkSM3aodW\\_oAHgezUSMGBQM5aEVh7X-m8teVluxICTsJlxgGdjlOwEJFfbOJxz4HQPNEkv9tOmOHojq3MdrwuJ0RHoxnXp8KiakBbRmLUve9kTTBGhh6v556SL0p57zZ1WSAtxMSh5x1BAE=>](http://www.youtube.com/BulgAryans?&session=0f3rNfUWgHJShirfBjmaOkViTHa11AbAHf2SVAkRU16DturGAiFL7C-Wwg9QP-GoPS9qsPnid8It-NcgAkDc2jeZj2Jcv2uwOJOEasLlt_4dcT4SvLAUM3rSw5NOzU2eqInwbUNiFJVia0di6Xq8-aCJ2cHXkSM3aodW_oAHgezUSMGBQM5aEVh7X-m8teVluxICTsJlxgGdjlOwEJFfbOJxz4HQPNEkv9tOmOHojq3MdrwuJ0RHoxnXp8KiakBbRmLUve9kTTBGhh6v556SL0p57zZ1WSAtxMSh5x1BAE=>)>.

<sup>492</sup> Information from the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

inquiry into a hate-motivated act of vandalism, which was linked to the case of a British teacher who was jailed in Sudan for letting her students name a teddy bear after the Prophet Muhammad.<sup>493</sup>

Hatred against Muslims has also frequently manifested itself in attacks against Muslim schools and students. In many incidents, Muslim schools were vandalized and Muslim students were physically attacked or verbally harassed by their schoolmates. The following snapshot of incidents reflects this pattern in 2007.

- On 15 January, a Muslim school in Montreal, **Canada**, was stoned. The mayor of Saint-Laurent issued a press release strongly condemning “any act that aims to intimidate or harm an individual or group because of their religious beliefs or cultural background”.<sup>494</sup> In addition, the Muslim Council of Montreal expressed concern about the timing of the attack, which came in the midst of a media debate about “reasonable accommodation” for religious communities in Quebec.<sup>495</sup> A survey in Canada that was reported on 19 January revealed that racism and intolerance against Muslims were growing on campus. The director of Human Rights and Equality Services, which conducted the survey, stated that they had been tracking an alarming number of racist and anti-Muslim incidents ranging from derogatory statements to physical violence.<sup>496</sup> On 6 August, in Mississauga, Ontario, two teenage boys vandalized a Muslim high school while 100 people were praying in the school mosque. They rode up on bicycles and threw a “foot-wide slab of concrete” through a window. A few weeks earlier, it was reported that boys on bicycles threw a rock through the windshield of a car in the parking lot. Police launched investigations into both incidents, but no arrests were made.<sup>497</sup>
- In mid-April, in Lipetsk, the **Russian Federation**, four people assaulted and verbally abused two Iraqi students, who were subsequently hospitalized. Police detained four suspects. One of the perpetrators allegedly had ties to far-right groups.<sup>498</sup>
- On 31 May, in Phoenix, **United States**, two non-Muslim middle-school boys wrote bomb threats in a student yearbook and signed one with the name of an

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<sup>493</sup> “Racially motivated vandals probed”, BBC News website, 3 December 2007,

<[http://news.bbc.co.uk/2/hi/uk\\_news/scotland/tayside\\_and\\_central/7125588.stm](http://news.bbc.co.uk/2/hi/uk_news/scotland/tayside_and_central/7125588.stm)>.

<sup>494</sup> “Vandals ransack Muslim school in Montreal”, CBC News website, 16 January 2007, <<http://www.cbc.ca/canada/montreal/story/2007/01/16/mtl-muslim.html>>.

<sup>495</sup> “Muslim Council of Montreal condemns attack on Muslim school: Attack comes after unbalanced ‘reasonable accommodation’ discussion and poll suggesting racism in Quebec”, Muslim Council of Montreal website, 17 January 2007, <[http://www.muslimcouncil.org/en/press\\_releases](http://www.muslimcouncil.org/en/press_releases)>.

<sup>496</sup> “Anti-Muslim incidents on the rise at Ontario college”, Islamophobia Watch website, 19 January 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/1/19/anti-muslim-incidents-on-the-rise-at-ontario-college.html>>.

<sup>497</sup> “Report on Incidents of Discrimination in Educational Institutions”, American-Arab Anti-Discrimination Committee Research Institute, *op. cit.*, note 466, p. 14.

<sup>498</sup> “In Lipetsk, Racists Attack Iraqis”, *Bigotry Monitor*, Vol. 7, No. 18, 4 May 2007.

Iraqi-American boy. As a result, the police interrogated the Iraqi-American boy, and the school was evacuated and locked down. Later on, the police arrested the pranksters and charged them with “threatening and intimidating” behaviour. The parents of the Muslim student had previously complained to the school about taunting by other classmates, which began in 2001 when he was in the second grade. He had been called “Osama Bin Laden”, and he and his family were labelled as terrorists.<sup>499</sup> On 22 June, in Seaside, California, a school lunchroom supervisor harassed a 13-year-old Sudanese-American girl by shouting at her to remove her hijab in front of her schoolmates. He claimed that he was enforcing a “no hats” policy, even though he was informed that the hijab was worn for religious reasons. He made a personal apology, and, four months later, the school district issued a public apology.<sup>500</sup> On 11 November, Muslim parents complained that their 11-year-old daughter was harassed, humiliated, choked, and threatened with death by a sixth-grade boy in a school in St. Petersburg, Florida. They reported that, for over a week, he had verbally and physically harassed her, including ripping off her hijab and threatening to shoot her dead. The girl claimed that a female teacher witnessed the hijab incident, but told her that, before she would be allowed to move to a seat away from the boy, she would have to “work for it”. School-district officials reportedly stated that the boy had received appropriate discipline for these attacks.<sup>501</sup> Earlier in the school year, eighth-graders had taunted her for wearing a hijab, calling her “a terrorist”.

Hatred against Muslims has also manifested itself during sporting events, in spite of the efforts of participating States and sports organizations to transform these gatherings into forums where mutual respect and understanding are promoted.

- On 2 September, during a football match between Middlesbrough and Newcastle United at the Riverside Stadium, the **United Kingdom**, the supporters of the visiting side shouted anti-Arab and anti-Muslim chants at a player of Egyptian origin. The Football Association launched an investigation into the incident.<sup>502</sup> A commentary in the *Financial Times* argued that, in recent years, intolerance against Muslims has been increasing in stadiums across the United Kingdom.<sup>503</sup>

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<sup>499</sup> “Report on Incidents of Discrimination in Educational Institutions”, American-Arab Anti-Discrimination Committee Research Institute, *op. cit.*, note 466, p. 19.

<sup>500</sup> *Ibid.*, p. 20.

<sup>501</sup> “Harassment of Muslim six-grader is deplored”, *The St. Petersburg Times* website, 13 November 2007, <[http://www.sptimes.com/2007/11/13/Southpinellas/Harassment\\_of\\_Muslim\\_.shtml](http://www.sptimes.com/2007/11/13/Southpinellas/Harassment_of_Muslim_.shtml)>; “CAIR addresses threat to Muslim at FL School”, Council on American-Islamic Relations website, 11 November 2007, <<http://www.cair.com/ArticleDetails.aspx?mid=674&&ArticleID=23711&&name=n&&currPage=1>>.

<sup>502</sup> “FA to investigate anti-Muslim abuse aimed at Mido”, *The Guardian* website, 28 August 2007, <[http://football.guardian.co.uk/News\\_Story/0,,2157260,00.html](http://football.guardian.co.uk/News_Story/0,,2157260,00.html)>.

<sup>503</sup> Simon Kuper, “Racist football fans get kicks from abusing Muslim players”, *Financial Times* website, 13 October 2007, <[http://www.ft.com/cms/s/0/e7922a7c-7928-11dc-aaf2-0000779fd2ac.html?nclink\\_check=1](http://www.ft.com/cms/s/0/e7922a7c-7928-11dc-aaf2-0000779fd2ac.html?nclink_check=1)>.

- On 23 September, during a football match in Hainaut, **Belgium**, a member of the provincial council, also the trainer of a local football club, uttered racist remarks towards a Muslim referee of Moroccan origin. He later apologized but was suspended for two years by the provincial Football Committee. His political party proposed disciplinary sanctions through the party's dialogue and conciliation council.<sup>504</sup>

The increase of anti-Muslim violence across Scotland following the failed terrorist attack on Glasgow Airport indicates that Muslims are still being targeted in backlashes following terrorist attacks, although these are significantly lower than were reported following the 11 September attacks or the London bombings.

- After the attempted terrorist attack in Glasgow, the police had to deal with more than 200 hate crimes, many of them carried out as reprisals on innocent members of the Muslim community. Verbal and physical assaults, along with damage to property ranging from graffiti to a vehicle being driven into a shop belonging to Asians and set on fire, were reported across the city. More than 10 hate crimes per day, on average, were recorded after the airport bomb attack, compared with a daily average of less than seven hate crimes during April, May, and June.<sup>505</sup>

The fight against terrorism led to the adoption of policies, practices, and measures that disproportionately impact people belonging to certain ethnic, religious, and racial groups. In this regard, Minority Rights Group International reported that minorities singled out as part of racial profiling, including Arabs, Muslims, Sikhs, and Pakistanis, were particularly vulnerable to human-rights violations.<sup>506</sup> Some human-rights organizations have indicated that racial profiling is not only a violation of human rights, but also an ineffective and counter-productive security measure because it damages police relations with minority communities and alienates those whose co-operation is needed to fight crime and terrorism.<sup>507</sup> Thus, racial profiling<sup>508</sup> may lead to a reinforcement of prejudices

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<sup>504</sup> Information from the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

<sup>505</sup> "Terror strikes provoke spate of racist attacks", *The Observer* website, 22 July 2007, <<http://www.guardian.co.uk/uk/2007/jul/22/terrorism.race>>.

<sup>506</sup> "Global 'war on terror' has become a global war on minorities", Minority Rights Group International website, 8 September 2006, <<http://www.minorityrights.org/?lid=669>>.

<sup>507</sup> "In the Name of Counter-Terrorism: Human Rights Abuses Worldwide", Human Rights Watch, 25 March 2003, <<http://hrw.org/un/chr59/counter-terrorism-bck.htm>>.

<sup>508</sup> The reference to *racial* profiling does not exclude profiling based on religion. In fact, as several human-rights organizations have explained, "racial profiling refers to the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on individual's race, ethnicity, *religion* [emphasis added] or national origin". See "Racial Profiling: Definition", American Civil Liberties Union, <<http://www.aclu.org>>.

that associate Muslims with terrorism, thereby increasing the general climate of fear, distrust, and hostility towards Muslim communities.<sup>509</sup>

- On 8 July 2007, a young Muslim was taken off a plane at an airport in the **United Kingdom** after he had asked the crew if he could pray before his flight. Northumbria police searched him, but found that he had committed no offence. The incident happened as the country was on high alert after the attempted terrorist attack at Glasgow Airport.<sup>510</sup>
- On 28 October, Britain's first Muslim minister, Shahid Malik, was searched, detained, and his hand luggage checked for explosives at Dulles Airport in Washington DC, **United States**, following a series of meetings on tackling terrorism. After this incident, the US authorities apologized and assured Mr. Malik that it would not happen again. However, he argued that the same thing had happened to him at JFK Airport in New York a year earlier.<sup>511</sup> On 20 November 2007, a US district judge found invalid almost all of the arguments made by the Airways and Metropolitan Airports Commission in the case of six imams who were taken off a plane in November 2006. The judge concluded that the facts “support the existence of an unconstitutional custom of arresting individuals without probable cause based on their race”.<sup>512</sup> In December, at Las Vegas Airport, a Syrian-born German citizen was detained when he arrived from Germany to celebrate his daughter’s passing of the California bar exam. It was reported that he was strip-searched, denied his prescription medication, and kept in a crowded cell before being sent back to Germany three days later.<sup>513</sup>

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<sup>509</sup> For instance, the *European Race Bulletin*’s autumn 2006 edition documents incidents of violence that occurred as the “war on terror heightened prejudices against Muslims and foreigners”. “Islamophobia, xenophobia and the climate of hate”, *European Race Bulletin*, Autumn 2006, Issue 57, <<http://www.irr.org.uk/europebulletin>>. The Council of Europe’s commissioner for human rights also explained that the “war on terror” has resulted in a political discourse affected by racism and xenophobia, including anti-Muslim sentiment, which has, in turn, been interpreted by some right-wing extremists as encouragement for their “xenophobic propaganda”. See “Muslims are discriminated against in Europe”, Council of Europe Commissioner for Human Rights website, 22 January 2007, <[http://www.coe.int/t/commissioner/Viewpoints/070122\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/070122_en.asp)>.

<sup>510</sup> Phil Doherty, “Muslim booted off North plane”, *Sunday Sun* website, 8 July 2007, <[http://www.sundaysun.co.uk/news/tm\\_headline=muslim-booted-off-north-plane&method=full&objectid=19424703&siteid=50081-name\\_page.html](http://www.sundaysun.co.uk/news/tm_headline=muslim-booted-off-north-plane&method=full&objectid=19424703&siteid=50081-name_page.html)>.

<sup>511</sup> “Minister detained at US airport”, BBC News website, 29 October 2007, <[http://news.bbc.co.uk/2/hi/uk\\_news/england/west\\_yorkshire/7066944.stm](http://news.bbc.co.uk/2/hi/uk_news/england/west_yorkshire/7066944.stm)>.

<sup>512</sup> “CAIR welcomes ‘preliminary victory’ in imams’ suit against airline”, BBC Monitoring, 13 November 2007.

<sup>513</sup> Christa Case and Mariah Blake, “Visit Gone Awry: Detention Roils a US-German Family”, *Christian Science Monitor* website, 7 November 2007, <<http://www.csmonitor.com/2007/0711/p01s02-usju.html>>.

## *Intolerance against Christians and Members of Other Religions*

In 2007, violent manifestations of hate continued to affect Christians and members of other religions. As mentioned previously, incidents against Christians are considered to be under-recorded, as they usually take place in the context of restrictions on the right to freedom of religion or belief.<sup>514</sup>

In line with hate crimes of an anti-Semitic and anti-Muslim character, places of worship were particularly targeted and were subjected to acts of vandalism. Threats and physical attacks against individuals, in some instances of a particularly violent nature, were also seen in 2007.

The context in which these incidents take place varies across the OSCE region but tends to be characterized by a combination of different elements such as discrimination and hostility towards religious communities that represent minorities, as well as uneasiness towards proselytes. In some instances, the media support a general atmosphere of intolerance towards some religious communities. A connection between hostile discourse in the media and a rise in incidents has been observed.<sup>515</sup> Incidents may also occur as a result of a lack of protection from state authorities, often in the face of a dominant majority. The context is different for areas of the OSCE region affected by conflict, where ethnic and religious identities coincide and where acts of religious intolerance can be seen as one of the facets of the conflict.

Attacks against individuals have been registered that have resulted in some cases in serious injuries and even death. A number of attacks were directed against the clergy.

- On 18 April in Malatya, **Turkey**, three employees of the Christian publishing house Zirve were killed. The victims, one German and two Turks, were tortured before their throats were cut.<sup>516</sup> Four of the five men detained and later arrested confessed to having committed the crime.<sup>517</sup> The trial started in November 2007, with the prosecution seeking three life sentences for each of the five defendants.<sup>518</sup> On 27 May in Artvin, a priest of Georgian nationality and another

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<sup>514</sup> Communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 23 May 2008.

<sup>515</sup> See Alexander Verkhovsky and Olga Sibireva, "Restriction and Challenges in 2007 on Freedom of Conscience in Russia", SOVA Center for Information and Analysis, p. 15; see the section "Serbia (Includes Kosovo)" in "Country Reports on Human Rights Practices 2007", United States Department of State, 11 March 2008, <<http://www.state.gov/g/drl/rls/hrrpt/2007/100583.htm>>.

<sup>516</sup> "Turkey: Killings Call Attention to Anti-Christian Campaign", Catholic Culture website, 19 April 2007, <<http://www.cwnews.com/news/viewstory.cfm?recnum=50606>>. The incident is also described in "The cross and the crescent", *The Economist*, 19 December 2007; Communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

<sup>517</sup> Communication to ODIHR from the Permanent Mission of Turkey to the OSCE, 10 June 2008.

<sup>518</sup> "New hearings of Malatya and Dink trials", newstime7.com, 26 February 2008, <<http://www.newstime7.com/haber/20080226/New-hearings-of-Malatya-and-Dink-trials.php>>.

- Georgian national were beaten by unidentified assailants. Two suspects detained by the police denied involvement and were released due to lack of evidence.<sup>519</sup> On 28 November in Mardin, a priest belonging to the Syriac Christian community was kidnapped, only to be released two days later.<sup>520</sup> On 16 December in Izmir, a Catholic priest of Italian origin was stabbed in the stomach just after Sunday mass at St. Anthony's church. The perpetrator was arrested on 19 December and brought to trial.<sup>521</sup> The attacker confessed to having assaulted the priest after a discussion on Christianity.<sup>522</sup> On 30 December in Antalya, police foiled an attempted attack against an Orthodox priest. The suspect confessed that he had been influenced a TV series.<sup>523</sup>
- On 29 June in Jagodina, **Serbia**, an individual belonging to the Hare Krishna community was stabbed six times. The assault took place at the home of the victim and was committed by an individual who rang the doorbell and pretended to be a police officer.<sup>524</sup> The authorities investigated the incident the same day, but a subsequent investigation did not lead to the identification of the perpetrator.<sup>525</sup> Jehovah's Witnesses and the Hare Krishna sect have been the target of other brutal physical attacks in Serbia.<sup>526</sup> Physical attacks on Jehovah's Witnesses were also reported in the **Russian Federation**.<sup>527</sup>
  - In June in Tbilisi, **Georgia**, a Jehovah's Witness was verbally and physically assaulted by a group of 15 people. The victim was able to identify the aggressors, which led to the prosecution of one person. On 14 July, an individual affiliated with the Jehovah's Witnesses was attacked in Tbilisi with stones by a group of

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<sup>519</sup> See "Turkey" in "International Religious Freedom Report 2007", United States Department of State, 14 September 2007, <<http://www.state.gov/g/drl/rls/irf/2007/90204.htm>>; communication to ODIHR from the Permanent Mission of Turkey to the OSCE, 25 June 2008.

<sup>520</sup> "Turkish Christian priest abducted", BBC News website, 29 November 2007, <<http://news.bbc.co.uk/2/hi/europe/7118475.stm>>; also quoted in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

<sup>521</sup> Suzan Fraser, "Priest Attacked, Hurt in Turkey", Associated Press, 17 December 2007, also quoted in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008 and Communication to the ODIHR from the Permanent Mission of Turkey to the OSCE, 10 June 2008.

<sup>522</sup> "Priest stabbed in Izmir", Ankawa.com, 18 December 2007, <<http://www.ankawa.com/english/?p=657>>.

<sup>523</sup> The suspect confessed that he had been influenced by the portrayal of Christian missionaries in the TV series "The Valley of the Wolves", where young Turkish people were depicted as being deceived and bribed for converting to Christianity. Communication to ODIHR from the Permanent Mission of Turkey to the OSCE, 10 June 2008. Also see "Turkish police foil plot to kill priest: reports", Reuters, 31 December 2007, also quoted in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

<sup>524</sup> Drasko Djenovic, "Violence continues against religious communities", Forum 18 News Service website, 9 October 2007, <[http://www.forum18.org/Archive.php?article\\_id=1030](http://www.forum18.org/Archive.php?article_id=1030)>.

<sup>525</sup> Information provided by the Agency of Human and Minority Rights of the Government of the Republic of Serbia, 22 May 2008.

<sup>526</sup> "Country Reports on Human Rights Practices 2007", United States Department of State, *op. cit.*, note 515.

<sup>527</sup> Five attacks were reported in the first part of 2007. See "Russia" in "International Religious Freedom Report 2007", United States Department of State, 14 September 2007, <<http://www.state.gov/g/drl/rls/irf/2007/90196.htm>>.

- seven people and needed to be hospitalized. The crime was investigated by the police.<sup>528</sup>
- On 1 September in Gribanovsky, the **Russian Federation**, the son of a Protestant pastor was beaten up by classmates on his first day of school because of his refusal to take part in Russian Orthodox prayers.<sup>529</sup>

In addition, according to the Sova Center for Information and Analysis, several attacks and killings of priests took place in the Russian Federation, although there was no evidence of a religious motivation behind them.<sup>530</sup>

The Center also reported a variety of attacks against places of worship from robbery to vandalism to attacks during services. In some instances, cases of desecration of graveyards and religious symbols were also reported. Incidents targeting places of worship and premises belonging to religious or belief communities included six attacks against Russian Orthodox churches, six against Protestant churches, two against Catholic churches, and one each against premises of Jehovah's Witnesses and Mormons. In addition, acts of vandalism on crosses at premises belonging to Christian denominations were reported in several instances.<sup>531</sup>

In **Serbia**, different sources confirm reports of attacks against property. According to official statistics, 57 acts of desecration of religious sites were committed in 2007. In the city of Novi Sad, 16 attacks on religious communities were counted between January and April 2007, which included two on the Serbian Orthodox Church, five on Catholic churches, five on premises belonging to Adventists, as well as single attacks on a Baptist church, a Nazarene church, and a Slovak Lutheran church.<sup>532</sup> Orthodox and Catholic churches were frequently vandalized and robbed.<sup>533</sup>

- On 28 January, unknown assailants broke the windows of the Agape Protestant Church in Samsun, **Turkey**. Members of the church declared that the incident had been preceded by verbal threats and frequent stoning of the church in the previous two years.<sup>534</sup> Local police investigated the attack.<sup>535</sup> In another case, on 21 April,

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<sup>528</sup> Information provided by the NGO Century 21, 25 February 2008.

<sup>529</sup> Geraldine Fagan, "Russia: Patchy local provision of Orthodox culture classes", Forum 18 News Service website, 25 September 2007, <[http://www.forum18.org/Archive.php?article\\_id=1022](http://www.forum18.org/Archive.php?article_id=1022)>. The same incident was also reported in the newsletter "Religious Intolerance and Discrimination" published by Human Rights without Frontiers, 3 October 2007.

<sup>530</sup> Verkhovsky and Sibireva, *op. cit.*, note 515.

<sup>531</sup> Kozhevnikova, *op. cit.*, note 199, p. 7; *ibid.*

<sup>532</sup> Information from the Agency of Human and Minority Rights of the Government of the Republic of Serbia, 6 March 2008.

<sup>533</sup> Djénovic, *op. cit.*, note 524.

<sup>534</sup> "The cross and the crescent", *The Economist*, *op. cit.*, note 516; also quoted in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008. According to one news wire, 30 stones were thrown at the church. See "Turkey: Church Vandalized, Pastor Threatened", Christian

- the International Protestant Church in Ankara was attacked with Molotov cocktails.<sup>536</sup> The police investigated the attack.<sup>537</sup>
- On 15 April in Moscow, **Russian Federation**, Evangelical Christians were attacked during the Sunday service. Also in mid-April, in Norilsk, assailants sprayed pepper gas at the entrance of an Orthodox chapel.<sup>538</sup>
  - In April, in Stafford, Virginia, **United States**, vandals broke windows at the Union Bell Baptist church and daubed racial slurs on its walls. They also defaced the Strong Tower Ministries Church with racist and anti-religious graffiti. The incident was investigated as a hate crime and four students were subsequently detained.<sup>539</sup> On 17 June in Fallbrook, California, a leader of the Minuteman group erected an effigy of a priest wearing a devil's mask in front of a Catholic church, while another member carried a sign saying, "Jail the Pope". The church had been singled out for having provided services to immigrants. No charges were reported.<sup>540</sup>
  - On 5 July in Kirovo-Chepetsk in the Russian Federation, Baptists were attacked with pepper gas by unidentified attackers. Similar attacks were reported in other parts of the **Russian Federation**.<sup>541</sup>
  - On 9 July in Belgrade, **Serbia**, a youth covered an Adventist church with stickers claiming that "Sects are death for the Serbian nation". This event was preceded by other attacks of vandalism against Adventist churches in Sombor, Stapani, Kikinda, and Ruma.<sup>542</sup>
  - On 29 August, in the Istra district of the Moscow region of the **Russian Federation**, assailants attacked an Orthodox Cultural and Educational Center, apparently mistaking it for a building belonging to the Jehovah's Witnesses. The group broke into the property and assaulted two staff members.<sup>543</sup> In November, a house belonging to the rector of St. Elijah's Cathedral in Arkhangelsk, in northern

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Persecution Info website, 31 January 2008, <<http://www.christianpersecution.info/news/turkey-church-vandalized-pastor-threatened/>>.

<sup>535</sup> *Ibid.*

<sup>536</sup> "International Religious Freedom Report 2007", United States Department of State, *op. cit.*, note 519.

<sup>537</sup> *Ibid.*

<sup>538</sup> Verkhovsky and Sibireva, *op. cit.*, note 515.

<sup>539</sup> "ADL Applauds Arrests in Virginia Church Vandalism Cases", Anti Defamation League website, 6 April 2007 <[http://www.adl.org/PresRele/DiRaB\\_41/5020\\_41.htm](http://www.adl.org/PresRele/DiRaB_41/5020_41.htm)>.

<sup>540</sup> *Ibid.* The Minuteman Project was established in 2004 by a private group of individuals whose aim is to protect the American-Mexican border against illegal immigration.

<sup>541</sup> Verkhovsky and Sibireva, *op. cit.*, note 515.

<sup>542</sup> "Country Reports on Human Rights Practices 2007", United States Department of State, *op. cit.*, note 515.

<sup>543</sup> Kozhevnikova, *op. cit.*, note 199.

Russia, was set on fire.<sup>544</sup> In December, a Catholic chapel was set ablaze in the village of Stanitsa Leningradskaya.<sup>545</sup>

In some cases, attacks on places of worship took place in areas that, in recent years, have been **affected by conflict**, such as Kosovo and Bosnia and Herzegovina.

- In February, in the town of Livno, **Bosnia and Herzegovina**, three men were suspected of inciting ethnic hatred after destroying 12 cross-shaped gravestones in an Orthodox cemetery, and verbally insulting the remains of the deceased. The public prosecutor opened an investigation in March and requested an extension of the six-month deadline to raise an indictment.<sup>546</sup>
- On 20 March in Tešanj, **Bosnia and Herzegovina**, the secretary of the Serb Returnee Association reported that unknown perpetrators had painted the star-and-crescent symbol on the Orthodox Church. A police investigation was ongoing.<sup>547</sup>
- On 30 March in Dečan/Decane, **Kosovo**, the wall of one of the Serbian Orthodox church's most revered sites, the 14th-century monastery, was damaged by an anti-tank missile.<sup>548</sup> On 4 May, the Kosovo police service said they had identified a suspect, but no arrest was made.<sup>549</sup>
- In March, in Prozor, **Bosnia and Herzegovina**, four people broke down a metal cross that belonged to the Catholic community from a nearby village, and dragged it a few hundred meters away. The four defendants signed a plea agreement with the Prosecutor's Office in Mostar, admitting their guilt. Three defendants were sentenced to two months' imprisonment with a probation period of one year, and one defendant got a sentence of three months' imprisonment. Charges were raised in June 2007, and the proceedings were finalized on 5 February 2008.<sup>550</sup>

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<sup>544</sup> "Catholic chapel set on fire on Kuban", Interfax, 26 November 2007, also quoted in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

<sup>545</sup> "Rector's house is set on fire in Arkhangelsk", Interfax, 24 December 2007, also quoted in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

<sup>546</sup> Communication to ODIHR from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008.

<sup>547</sup> *Ibid.*

<sup>548</sup> The monastery, which was last attacked in March 2004, was designated by UNESCO as a World Heritage site in that year and is protected by peacekeeping forces. "Diplomats condemn rocket attack on Serb Orthodox monastery in Kosovo", Associated Press, 1 April 2007, <[http://www.kosovo.net/news/archive/2007/April\\_02/3.html](http://www.kosovo.net/news/archive/2007/April_02/3.html)>; "Director-General condemns attack on UNESCO World Heritage site of Decani in Kosovo", UNESCO press release No. 2007-33, 4 April 2007, <[http://portal.unesco.org/en/ev.php-URL\\_ID=37322&URL\\_DO=DO\\_PRINTPAGE&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=37322&URL_DO=DO_PRINTPAGE&URL_SECTION=201.html)>.

<sup>549</sup> "Attacker on Visoki Decani Monastery Identified by Police", Tanjug and KIMInfo, 4 May 2007, <[http://www.kosovo.net/news/archive/2007/May\\_04/1.html](http://www.kosovo.net/news/archive/2007/May_04/1.html)>; "Kosovo Police Seize Weapons Cache", B92, 19 October 2007, <[http://www.b92.net/eng/news/comments.php?nav\\_id=44707](http://www.b92.net/eng/news/comments.php?nav_id=44707)>. Communication to ODIHR from the OSCE Mission in Kosovo, 5 March 2008.

<sup>550</sup> Communication to ODIHR from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008. The incident resulted in the filing of charges for malicious mischief motivated by "ethnic or national background,

- On 5 June, in Bugojno, **Bosnia and Herzegovina**, nine tombstones in a Catholic graveyard in the returnee village of Čaušlije near Bugojno were damaged by unknown perpetrators. In August, four unidentified people allegedly broke into the Orthodox Church in Ćipulić, a mixed settlement in Bugojno. They set a table and the priests' robes on fire, and proceeded to desecrate the church. Two individuals were prosecuted for the latter event and sentenced to eight months' imprisonment with a two-year suspended sentence. The Bugojno Municipal Assembly agreed to compensate the Church for the damage and installed video surveillance.<sup>551</sup>
- On 20 July, in Kozarac, **Bosnia and Herzegovina**, the Orthodox Church was stoned and the windows of the church were broken. Police reported that an investigation was ongoing.<sup>552</sup>
- On 17 August, in **Kosovo**, unknown people defaced the cross on the Gjilan/Gnjilane Orthodox church's gate and wrote offensive language on the surrounding walls. The police have assigned a special unit to investigate this case, and the investigation is ongoing. The municipal leadership condemned the act qualifying it as unacceptable and asked the Directorate of Public Services to undertake immediate measures to clean the wall.<sup>553</sup>
- On 5 October, a Kosovo Serb reported to the **Kosovo** police service that someone broke one of the windows of the Orthodox church in Ferizaj/Uročevac.<sup>554</sup> In another incident on 19 October, a Serbian Orthodox church in Gjilan/Gnjilane was attacked with Molotov cocktails, but the interior of the church was not damaged.<sup>555</sup>

In addition to the violent incidents of hate and intolerance mentioned in this section, throughout 2007, Christians and members of other religions or beliefs also continued to encounter many non-violent manifestations of intolerance such as violations of their freedom of religion or belief. These included limitations to adopt, change, or renounce a religion or a belief, as well as to manifest a religion or a belief.

This category can also include constraints on the right of freedom of worship or denial of the right to have teaching materials or materials for dissemination. In certain legal systems in the OSCE area, registration requirements are also burdensome and may appear to be used as a means to limit the right to freedom of religion or belief. These are

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race, religion, sex or language" according to Article 293(3) of the Criminal Code of the Federation of Bosnia and Herzegovina.

<sup>551</sup> *Ibid.*

<sup>552</sup> *Ibid.*

<sup>553</sup> Communication to ODIHR from the OSCE Mission in Kosovo, 5 March 2008.

<sup>554</sup> *Ibid.*

<sup>555</sup> B92, *op. cit.*, note 549.

complex and multi-faceted issues that require in-depth analysis that goes beyond the scope of this report.<sup>556</sup>

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<sup>556</sup> See, for instance, the recent report of the UN special rapporteur on freedom of religion or belief, Asma Jahangir, to the Human Rights Council (A/HRC/6/5, 20 July 2007), available at <<http://daccessdds.un.org/doc/UNDOC/GEN/G07/134/40/PDF/G0713440.pdf?OpenElement>>. Examples of limitations of these rights are included in a communication to ODIHR from the Permanent Mission of the Holy See to the OSCE, 5 March 2008.

## *Intolerance against LGBT Individuals*

In 2007, violent attacks against lesbian, gay, bisexual, and transgender (LGBT) people continued to take place throughout the OSCE region. In response to the troubling level that occurrences of homophobia reached in 2007, the European Parliament passed a resolution on homophobia in Europe on 26 April. The resolution expressed concern over the “proliferation of hate speech and other series of worrying events, such as the prohibition by local authorities of holding equality and gay pride marches, the use by leading politicians and religious leaders of inflammatory or threatening language or hate speech, and the failure by the police to provide adequate protection against violent demonstrations by homophobic groups, even while breaking up peaceful demonstrations”.<sup>557</sup>

It is important to note that there remains no clear consensus among OSCE participating States about the specific inclusion of this discrimination ground within the OSCE commitments and that not all participating States officially recognize the category of “sexual orientation” within their national legislation. However, as part of its mandate to collect information and statistics on hate crimes and incidents based on “other forms of intolerance”, ODIHR has received a significant amount of information about homophobic hate crimes and incidents from OSCE states, inter-governmental organizations, and civil society. Since the Office has been tasked with making the information it collects publicly available, it has chosen to include information on homophobic hate crimes and incidents in this report.

Violent homophobic incidents and crimes continued to occur in a climate that was often hostile or intolerant towards LGBT people. Homo- and transphobic bullying among youngsters and in schools had particularly drastic effects on LGBT persons and represents an example of the climate of intolerance that LGBT communities across the OSCE region continued to face. Bullying and harassment of young people who are, or are perceived to be, LGBT has been known to have serious effects on one’s sense of self-confidence and health.<sup>558</sup>

The gay-rights group Stonewall found that homophobic bullying is endemic in British schools. Their report found that two-thirds of lesbian and gay schoolchildren have experienced homophobic bullying. In 17 per cent of cases, this involved death threats. Furthermore, the report claims that half of all teachers fail to respond to homophobic

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<sup>557</sup> “European Parliament resolution of 26 April 2007 on homophobia in Europe”, European Parliament, 26 April 2007, <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0167+0+DOC+XML+V0//EN&language=EN>>.

<sup>558</sup> Neil Jarman and Alex Tennant, *An Acceptable Prejudice? Homophobic Violence and Harassment in Northern Ireland* (Belfast: Institute for Conflict Research, 2003), p. 5, <[http://www.conflictresearch.org.uk/documents/ICR\\_Homoph.pdf](http://www.conflictresearch.org.uk/documents/ICR_Homoph.pdf)>.

language.<sup>559</sup> The UK secretary of state for children, schools and families acknowledged that this was a serious issue that needed to be tackled.<sup>560</sup> Also acknowledging the significance of the problem, in the United States, the governor of Iowa signed an anti-bullying bill that included harassment on the basis of sexual orientation and gender identity, making his state the 10th in the United States to have such a provision.<sup>561</sup>

In the United States, the most recent data shows that 75.4 per cent of LGBT students had heard anti-gay insults frequently or often in school. Almost 65 per cent felt unsafe at schools due to their sexual orientation.<sup>562</sup> In Europe, a study revealed that over half of LGBT youth experienced **homophobic bullying** in schools and in other spheres of life. This prompted the Intergroup on Gay and Lesbian Rights and the Trade Unions Intergroup to launch a written declaration to condemn and combat the problem.<sup>563</sup> Suicide is a common tragic outcome of bullying, and research shows that, in many countries, homosexual youth have a much higher percentage of suicides than heterosexual youth.<sup>564</sup>

- In **Italy**, a 16-year-old student at a technical school in Turin committed suicide. The victim had endured torment from his schoolmates over several years for being “too girlish”.<sup>565</sup> The event was mentioned in the European Parliament resolution against homophobia in 2007.<sup>566</sup>
- In **Ukraine**, another 16-year-old boy committed suicide by hanging himself from a tree in March 2007. The boy had felt he was homosexual for a few years, and the school psychologist had been aware of it. But he had been harassed, insulted, and mocked by his step-father, among others.<sup>567</sup>

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<sup>559</sup> Lena Corner, “‘I wish I’d kept quiet’: What happens when schoolchildren admit to being gay?”, *The Independent* website, 19 August 2007, <<http://www.independent.co.uk/news/education/schools/i-wish-id-kept-quiet-what-happens-when-schoolchildren-admit-to-being-gay-461987.html>>.

<sup>560</sup> “Ministerial foreword”, Teachernet website, 21 September 2007,

<<http://www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/safetolearn/ministerialforeword>>.

<sup>561</sup> Andy Humm, “Anti-Bullying Bill Signed in Iowa”, Gay City News website, 8 March 2007,

<[http://gaycitynews.com/site/news.cfm?newsid=18055923&BRD=2729&PAG=461&dept\\_id=568857&rft=6](http://gaycitynews.com/site/news.cfm?newsid=18055923&BRD=2729&PAG=461&dept_id=568857&rft=6)>.

<sup>562</sup> “GLSEN Outraged by Ann Coulter Downplaying Impact of Anti-Gay Slur”, The Gay, Lesbian and Straight Education Network website, 6 March 2007, <<http://www.glsen.org/cgi-bin/iowa/all/news/record/2044.html>>.

<sup>563</sup> “Intergroups launch written declaration on combating homophobic bullying”, European Parliament Intergroups on Gay and Lesbian Right and Trade Unions, 14 February 2007, <<http://www.lgbt-ep.eu/request.php?37>>.

<sup>564</sup> “Morire di omofobia a 16 anni”, Arcigay website, 5 April 2007, <<http://www.arcigay.it/morire-omofobia-16-anni-0&prev=/>>.

<sup>565</sup> Judy Harris, “Rome’s Gay Pride Today Endorsed By Government -- Sort Of...”, Z Net website, 17 June 2007, <<http://www.zmag.org/content/showarticle.cfm?ItemID=13087>>.

<sup>566</sup> “European Parliament resolution of 26 April 2007 on homophobia in Europe”, *op. cit.*, note 557.

<sup>567</sup> “Ukrainian Homosexuals & Society: A Reciprocation”, Nash Mir, 2007, p. 83.

Homophobic and transphobic incidents and crimes are believed to be among the most under-reported and under-documented,<sup>568</sup> and the perpetrators of such crimes often go unpunished. This has been acknowledged by the UN special rapporteur on extrajudicial, summary or arbitrary executions,<sup>569</sup> the United Nations high commissioner for human rights,<sup>570</sup> and the Council of Europe commissioner for human rights.<sup>571</sup>

The problem of under-reporting and under-documentation can partly be explained by the fact that, out of 56 participating States, only 10 include sexual orientation as grounds for bias and/or an aggravating circumstance within their national hate-crime legislation. But under-reporting is also due to the fact that victims of homophobic crimes often feel uncomfortable reporting to law-enforcement officials. Perceived homophobic attitudes among law-enforcement staff, as well as the belief that reported incidents will not be handled seriously, discourage victims of incidents from stepping forward. A survey conducted in Brighton, England, revealed that 75 per cent of the 816 LGBT people questioned in 2006 were victims of a homophobic hate crime, yet only 25 per cent reported these crimes.<sup>572</sup> The lack of willingness to report is especially strong among young people who feel they are not protected and do not feel comfortable in approaching the appropriate authorities in the matter.<sup>573</sup>

Discrepancies still remain between the scant amount of data collected and reported to ODIHR by participating States and the larger amount of data presented by NGOs and other sources. Reports from organizations that closely monitor these crimes in their countries frequently comment on the difficulty in encouraging LGBT victims to report

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<sup>568</sup> Several reports confirm this observation: “Minorities Under Siege: Hate Crimes and Intolerance in the Russian Federation”, Human Rights First, June 2006, p. 19, <<http://www.humanrightsfirst.info/pdf/06623-discrim-Minorities-Under-Siege-Russia-web.pdf>>; Douglas Victor Janoff, *Pink Blood: Homophobic Violence in Canada* (Toronto: University of Toronto Press, 2005), p. 15; *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, op. cit., note 180, p. 23.

<sup>569</sup> “Statement by Professor Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions”, Human Rights Council, 19 September 2006, <[http://www.extrajudicialexecutions.org/reports/dialogues/hrc\\_second\\_session/texts/Alston.pdf](http://www.extrajudicialexecutions.org/reports/dialogues/hrc_second_session/texts/Alston.pdf)>.

<sup>570</sup> “Neither the existence of national laws, nor the prevalence of custom can ever justify the abuse, attacks, torture and indeed killings that gay, lesbian, bisexual, and transgender persons are subjected to because of who they are or are perceived to be. Because of the stigma attached to issues surrounding sexual orientation and gender identity, violence against LGBT persons is frequently unreported, undocumented and goes ultimately unpunished. Rarely does it provoke public debate and outrage. This shameful silence is the ultimate rejection of the fundamental principle of universality of rights”, UN high commissioner for human rights, speech delivered at the International Conference on Gay, Lesbian, Bisexual and Transgender Rights, Montreal, 26 July 2006.

<sup>571</sup> ““Gay Pride Marches Should Be Allowed -and Protected””, Council of Europe commissioner on human rights, 24 July 2006, <[http://www.coe.int/t/commissioner/Viewpoints/060724\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/060724_en.asp)>.

<sup>572</sup> Dr. Kath Browne, “Count Me In Too: LGBT Lives in Brighton & Hove Initial Findings: Academic Report”, June 2007, p 17, <[http://www.spectrum-lgbt.org/cmiToo/downloads/CMIT\\_AcademicReport\\_final\\_June07.pdf](http://www.spectrum-lgbt.org/cmiToo/downloads/CMIT_AcademicReport_final_June07.pdf)>.

<sup>573</sup> Raffaele Lelleri, “SCHOOLMATES - Transnational Research: Final report”, November 2007, p. 70, <[http://www.arcigay.it/schoolmates/UK/Survey\\_report\\_EN.pdf](http://www.arcigay.it/schoolmates/UK/Survey_report_EN.pdf)>.

their incidents. In Serbia, a 2007 report of the Gay Straight Alliance cited an increase of violence against LGBT people.<sup>574</sup> In the United States, the most recently published data possessed by the FBI shows an 18 per cent increase of hate crimes against LGBT people, with LGBT people now representing 16 per cent of all hate-crime victims.<sup>575</sup> Florida's attorney-general has also reported that homophobic hate crimes have increased 33 per cent in the most violent categories during the two most recently reported years.<sup>576</sup>

Others factors play a role in the problem of under-reporting. These include a lack of confidence in the police, an anticipated negative reaction, a fear of others discovering one's sexual orientation (of being "outed"), and a fear of retribution or an acceptance of violence and abuse.<sup>577</sup> In addition, many people are forced to hide their identity or risk attack when they are identified as having a sexual orientation different from the majority.<sup>578</sup>

In its 2006 report "Hate Crimes in Canada", the Canadian Centre for Justice Statistics reported that "incidents motivated by sexual orientation were more likely than other types of hate crime incidents to result in physical injury to victims" and "were primarily violent (56%), rather than property related (36%), with common assault being the most frequent type of violation".<sup>579</sup> The violent nature of homophobic hate crimes is illustrated in these examples.

- In the **United States**, on 14 March, a 25-year-old man was killed in what authorities believe was a hate crime combined with a robbery. Two men, aged 21 and 20, have been accused. The victim's body was found on the morning of 15 March after it had been left on the side of the road in a small town in Polk County, Florida. He had been stabbed 20 times, his neck slit, and his face severely battered. The assailants also took his jewellery, laptop, and car. Witnesses said that the two suspects drove around in the victim's bloody car after the murder and bragged about their killing. According to the local sheriff's office, a witness heard

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<sup>574</sup> "We'll do it fine with a little help from growing group of our friends: Report on the LGBT human rights in Serbia in 2007", Gay Straight Alliance-Belgrade, 2007, p. 2.

<sup>575</sup> "Hate Crimes Statistics 2006", Federal Bureau of Investigation, November 2007, <<http://www.fbi.gov/ucr/hc2006/>>.

<sup>576</sup> "2006 Hate Crimes Report", Attorney General of Florida website, 2 March 2008, <[http://myfloridalegal.com/\\_85256CC5006DFCC3.nsf/0/367243BBD11E002185257395007355A1?Open&Highlight=0,hate,crime](http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/367243BBD11E002185257395007355A1?Open&Highlight=0,hate,crime;)>; "Stop Hate Violence", Equality Florida website, 2 March 2008, <<http://www.eqfl.org/issues/violence.php>>.

<sup>577</sup> "Breaking the Chain of Hate Summary", Stonewall website, 2 March 2008, <[http://www.stonewall.org.uk/information\\_bank/violent\\_hate\\_crime/resources/192.asp](http://www.stonewall.org.uk/information_bank/violent_hate_crime/resources/192.asp)>.

<sup>578</sup> "Homophobic policies are slow to disappear", Council of Europe commissioner on human rights, 16 May 2007, <[http://www.coe.int/t/commissioner/Viewpoints/070516\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/070516_en.asp)>.

<sup>579</sup> Dauvergne *et al.*, *op. cit.*, note 95.

- one of the accused saying that he killed the man because he was making sexual advances.<sup>580</sup>
- In **Italy**, at the end of November, a father was accused of killing his gay son. The father admitted to shooting the victim 12 times. The son was openly homosexual, and years before the father had sent him for psychological care due to his homosexuality. The father was released after four days' detention.<sup>581</sup>
  - In **Ukraine**, in July, a 29-year-old gay man was attacked by three young men. He was dragged into a house where he was insulted, beaten, and raped, and he required medical attention after the incident. The victim had endured verbal insults and physical attacks from fellow villagers in the Cherkasy district where he lived for many years, without proper police attention.<sup>582</sup>
  - In Scotland, **United Kingdom**, in April, a 51-year-old man was physically attacked in a park at night by three teenagers. After having been repeatedly punched and kicked in the face, he was left to die by the attackers. One of the assailants was heard as saying that he hated gays. The judge remarked on the case that "[t]his was a killing of a callous and brutal character".<sup>583</sup>

Incidents that occur frequently serve to strike fear into a community. This has been the case in the LGBT community following violent attacks.

- On 1 January, six African-American men were shot at a New Year's Eve party in Chicago, **United States**. Two were seriously injured when two masked gunmen forcibly entered the house and opened fire. Although the assailants did not use homophobic insults during the attack, in interviews for television news, neighbours explained that the house was known as the "Gay House" and that it was only a matter of time before such an event would occur.<sup>584</sup> The African-American gay community became more fearful when, a year later, two openly gay men were shot. On 17 November, a 24-year-old man was shot several times and died when an assailant entered his house in Englewood, Chicago. The victim's brother expressed little surprise, as he considered their neighbourhood to be rife

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<sup>580</sup> Jonathan Abel, "Gay slaying victim to be remembered", *The St. Petersburg Times* website, 14 April 2007, <[http://www.sptimes.com/2007/04/14/Tampabay/Gay\\_slaying\\_victim\\_to.shtml](http://www.sptimes.com/2007/04/14/Tampabay/Gay_slaying_victim_to.shtml)>; Peter Cassels, "Killing Shocks Florida Gay Activists", *Edge* website, 4 April 2007, <<http://www.edgeboston.com/index.php?ch=news&sc=gblt&sc2=news&sc3=&id=19337>>.

<sup>581</sup> "Padre uccide il figlio gay: scarcerato", *Arcigay* website, 29 November 2007, <<http://www.arcigay.it/padre-uccide-figlio-gay%3A-scarcerato>>.

<sup>582</sup> "Ukrainian Homosexuals & Society: A Reciprocation", Nash Mir, *op. cit.*, note 567, p. 84.

<sup>583</sup> Severin Carrell, "Teenager jailed for life for brutal murder of gay man", *The Guardian* website, 13 November 2007, <<http://www.guardian.co.uk/uk/2007/nov/13/ukcrime.scotland/print>>.

<sup>584</sup> "Shooting at 'Gay House' injures six", *United Press International*, 1 January 2007, <[http://www.upi.com/NewsTrack/Top\\_News/2007/01/01/shooting\\_at\\_gay\\_house\\_injures\\_six/8580/](http://www.upi.com/NewsTrack/Top_News/2007/01/01/shooting_at_gay_house_injures_six/8580/)>; Keith Boykin, "Six Men Shot at Black Gay House Party", 2 January 2007, <[http://www.keithboykin.com/arch/2007/01/02/six\\_men\\_shot\\_at](http://www.keithboykin.com/arch/2007/01/02/six_men_shot_at)>.

with homophobia.<sup>585</sup> Later, on 23 December, a 47-year-old man and well-known choir director at a neighbourhood church was shot several times and died. Local African-American LGBT activists claimed that their organizations received several phone calls after the killings from gays and lesbians in the neighbourhood who had also been victims of homophobic attacks.<sup>586</sup>

With the increased activities of civil society working towards tolerance of LGBT people throughout the OSCE region, many more individuals feel comfortable and secure enough to be open with their sexual orientation. Coupled with an increase in the number of public and media events, organized as part of a public debate on LGBT issues and for LGBT rights, this has also meant that many people have found a new and visible target on which to carry out homo- and transphobic attacks.

In 2007, violent reactions to gay-pride marches and demonstrations for equality continued to take place in several states. Participants in marches in Croatia, Hungary, Moldova, Romania, and the Russian Federation were pelted with eggs, rocks, and bottles; were verbally harassed; and were physically attacked. Events intended to support human rights and promote tolerance also faced obstacles in Lithuania and Serbia.

- In **Croatia**, 20 marchers in the Zagreb Pride Parade were the victims of homophobic attacks. Ten of the victims were hurt and two needed medical attention. For a few days after the event, more people were attacked, and organizers of the parade received death threats through their mobile phones. Of the 13 attackers who were arrested that day, only one was charged with an offence: a hate crime based on sexual orientation for attempted assault with a Molotov cocktail. He was sentenced to 14 months in prison. This was the first time anyone had been charged with the provision, which entered the Criminal Code in 2006. However, he was the only one charged out of five who were caught in possession of Molotov cocktails; moreover, the State Attorney's Office said they were not pleased with the duration of the sentence. In August 2007, Croatian President Stjepan Mesic formally denounced the violence at the event, but there was disappointment among the organizers that the prime minister refrained from doing so as well.<sup>587</sup>
- For the first time in its 12-year history, the gay-pride march in Budapest, **Hungary**, was attacked by a few hundred counter-demonstrators, reportedly throwing eggs, bottles, and Molotov cocktails at the marchers. On the same evening, people who were attending a party organized in connection with the

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<sup>585</sup> Mike Parker, "African-American Gay Community Scared Over Deaths", CBS2 Chicago website, 27 December 2007, <<http://cbs2chicago.com/local/Donald.Young.Trinity.2.619036.html>>.

<sup>586</sup> Amy Wooten, "Black Gay Activists Fear Violence Pattern", Windy City Media Group website, 2 January 2008, <<http://www.windycitymediagroup.com/gay/lesbian/news/ARTICLE.php?AID=17091>>.

<sup>587</sup> Marko Jurcic, "Human rights violations!", Zagreb Pride website, 14 July 2007, <[http://www.zagreb-pride.net/j/index.php?option=com\\_content&task=view&id=209&Itemid=56](http://www.zagreb-pride.net/j/index.php?option=com_content&task=view&id=209&Itemid=56)>.

- march were also attacked, and 11 cases of individuals being beaten up were reported.<sup>588</sup> Budapest Mayor Gabor Demszky was defiant in his condemnation of the violence and stated: “On these occasions, I consider myself Jewish, Roma and gay.” Other politicians from the Socialist Party and the small opposition party MDF joined in condemning the attacks.<sup>589</sup>
- In the **Russian Federation**, a pride event being held in Moscow was attacked by skinheads, nationalists, and others, who beat and kicked the lesbians and gays who had met peacefully outside of City Hall. Police arrested 18 people who were demonstrating for LGBT rights (three times as many as the previous year) and 12 skinheads.<sup>590</sup>
  - In **Serbia**, NGOs organized an event called “Caravan of Differences” at the Exit music festival in Novi Sad, as part of the Council of Europe’s “All Different – All Equal” campaign. Neo-Nazis organized on the Internet weeks before to attack the members of the campaign after they heard that a pride event would be held in the city during the festival. On 12 July, six of the organizers of the event were beaten in a park by a group of men.<sup>591</sup>
  - In **Georgia**, an event meant to promote tolerance during the Council of Europe’s “All Different – All Equal” campaign had to be cancelled when false rumours spread that it was in fact a gay parade. The organizers received abusive telephone calls, e-mails, and threats of violence.<sup>592</sup>
  - In **Kyrgyzstan**, a young transgender person was attacked by two men on the streets of Bishkek on 26 November. The victim was denied help by a shopping-centre security guard and was forced to flee the centre on his own. According to Labrys, an LGBT NGO, this is a common occurrence in Kyrgyzstan.<sup>593</sup>
  - In **Romania**, following a June demonstration against the Gay Fest Parade, 48 people were fined. Prosecutions were initiated against six people (four for possession and usage of firecrackers and two for disturbance of public order). In all six cases, the Prosecutor’s Office decided to drop the charges.<sup>594</sup>

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<sup>588</sup> “Hungary: Police fail to protect participants of the Budapest Pride March”, Amnesty International, 13 July 2007, <<http://www.amnesty.org/en/library/asset/EUR27/008/2007/e3f0cc16-a2ed-11dc-8d74-6f45f39984e5/eur270082007en.html>>.

<sup>589</sup> Tony Grew, “Budapest mayor defiant over Pride violence”, Pink News website, 10 July 2007, <<http://www.pinknews.co.uk/news/articles/2005-4902.html>>.

<sup>590</sup> “Russia: Gay Rights Under Attack”, Human Rights Watch, 14 June 2007, <<http://hrw.org/english/docs/2007/06/13/russia16174.htm>>.

<sup>591</sup> “We’ll do it fine with a little help from growing group of our friends: Report on the LGBT human rights in Serbia in 2007”, Gay Straight Alliance-Belgrade, *op. cit.*, note 574, p 15.

<sup>592</sup> Matthew Collin, “‘Gay’ rally in Georgia cancelled”, BBC News website, 24 July 2007, <<http://news.bbc.co.uk/1/hi/world/europe/6914355.stm>>.

<sup>593</sup> “FtM Transsexual attacked by two drunk men in Bishkek city center”, Labrys website, 27 November 2007, <<http://kyrgyzlabrys.wordpress.com/2007/11/27/ftm-transsexual-attacked-by-two-drunk-men-in-bishkek-city-center/>>.

<sup>594</sup> Information from Romania’s Justice Ministry, 23 May and 13 June 2008.

One aspect of the rise in violence due to increased visibility of LGBT communities is that many of the attacks that occurred were premeditated. Assailants purposefully plan attacks and go to places where gays and lesbians meet to carry out such attacks.

- In **Poland**, a new phenomenon has become more prevalent in which men pretend to be gay on gay Internet dating sites in order to arrange a date with a man. Later, they attack, beat, and sometimes rob the person they meet.<sup>595</sup>
- In **Germany**, men who meet in public parks have been attacked.<sup>596</sup>
- In the **Netherlands**, a gay man of African descent was threatened on the Internet. He began to chat with someone he mistakenly thought he knew, but the person began using extremely derogatory names, wishing death upon “faggots and blacks”, and calling for the resurrection of the Third Reich. Two men were prosecuted for the crime.<sup>597</sup>
- In the **United States**, a group of men and women were shot at in front of a gay bar in Atlanta, Georgia. One man was injured and treated in hospital. The group had just left a gas station where the accused was heard wondering out loud why there were “so many faggots” there. The suspect then followed the group across the street in his vehicle, made more homophobic remarks, and opened fire.<sup>598</sup>

In some instances in 2007, police appeared reticent to tackle homophobic hate incidents and at times seemed to harbour homophobic and transphobic sentiments themselves. In other cases, policemen were actually the perpetrators of homophobic incidents, either in cases that they themselves initiated or in incidents that occurred while investigating a crime, thus creating a situation of double victimization.

In Brighton, **United Kingdom**, a survey of the LGBT population disclosed a mixed response of confidence in the police and other safety services, with some claiming that past negative experiences continued to affect how and if they reported crimes to the police. Of those who had reported hate crimes, 43 per cent said the response of the law-enforcement authorities was positive, while 32 per cent felt it was negative.<sup>599</sup> A recent survey in Canada shows that only 42 per cent of LGBT people felt that police were fair and doing a good job compared to 60 per cent of heterosexuals who reported the same thing.<sup>600</sup>

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<sup>595</sup> Information from the Campaign Against Homophobia, 2 March 2007.

<sup>596</sup> “Schwere Überfälle im Tiergarten”, Maneo website, 25 April 2007, <<http://www.maneo.de/news/maneo-news.html>>.

<sup>597</sup> Sam Jones, “Black, Gay and Fighting Intimidation”, Radio Netherlands Worldwide website, 31 December 2008, <<http://www.radionetherlands.nl/specialseries/guts/071231-black-gay-discrimination>>.

<sup>598</sup> “Hate crime: Atlanta police investigate shooting near gay bar”, SeaQwa website, 22 October 2007, <<http://seaqwa.com/blogs/qnews/archive/2007/10/22/hate-crime-atlanta-police-investigate-shooting-near-gay-bar.aspx>>.

<sup>599</sup> Brownne, *op. cit.*, note 572, p 17.

<sup>600</sup> Beauchamp, *op. cit.*, note 97, p. 10; Curtis Rush, “Gays report more violent crimes”, *The Star* website, 28 February 2008, <<http://www.thestar.com/News/Canada/article/307823>>.

In some cases in 2007, police reportedly harassed, indiscriminately rounded up, blackmailed, detained, insulted, and physically mistreated LGBT people, and also raided places where they meet. These incidents were reported across the OSCE region in, for example, Albania,<sup>601</sup> Armenia,<sup>602</sup> Croatia, Kyrgyzstan,<sup>603</sup> Romania,<sup>604</sup> and Serbia.

- In **Ukraine**, two men were expressing public affection at a bus stop in Zaporizhzhia. When they were not able to produce identification documents to the police who had approached them, they were taken to the police station. There they were called “faggots” and other officers in the station were heard saying “Bring them here! We’ll [expletive] them.” When the victims said they would contact the public prosecutor to complain, the police allegedly suggested they would be arrested as drug-dealers under trumped-up charges.<sup>605</sup>
- In **Croatia**, after the Pride Parade in Zagreb on 7 July, a Slovene national and LGBT activist and his friends were attacked by a group of about 10 young men who were screaming homophobic insults. The victim called the Slovene embassy to report the incident, and the staff called for police assistance. The victim and a few others were taken to the police station, where they were first placed in a waiting room with three other youths who were clearly hostile towards homosexuals. The police misrepresented what occurred during the attack in the police report, mocked the victims, and said that they would not have been victims had they not come to Zagreb for the gay-pride event.<sup>606</sup>
- In the **United States**, a police officer filed a discrimination lawsuit against the New York City Police Department for years of harassment after he came out as gay to his colleagues. The victim claimed that his career stalled after that moment, even though he had never been disciplined for anything.<sup>607</sup> The victim was told by another officer in the precinct that “All faggots should be shot.” Another officer

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<sup>601</sup> See “Albania” in “Country Reports on Human Rights Practices - 2006”, United States Department of State, 6 March 2007, <<http://www.state.gov/g/drl/rls/hrrpt/2006/78797.htm>>; “Albania 2007 Progress Report”, European Commission, 6 November 2007, p. 11, <[http://ec.europa.eu/enlargement/pdf/key\\_documents/2007/nov/albania\\_progress\\_reports\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/albania_progress_reports_en.pdf)>.

<sup>602</sup> See “Armenia” in “Country Reports on Human Rights Practices - 2006”, United States Department of State, 6 March 2007, <<http://www.state.gov/g/drl/rls/hrrpt/2006/78799.htm>>.

<sup>603</sup> See “Kyrgyz Republic” in “Country Reports on Human Rights Practices - 2006”, United States Department of State, 6 March 2007, <<http://www.state.gov/g/drl/rls/hrrpt/2006/78821.htm>>.

<sup>604</sup> See “Romania” in “Country Reports on Human Rights Practices - 2006”, United States Department of State, 6 March 2007, <<http://www.state.gov/g/drl/rls/hrrpt/2006/78834.htm>>.

<sup>605</sup> “Ukrainian Homosexuals & Society: A Reciprocation”, Nash Mir, *op. cit.*, note 567, p. 71.

<sup>606</sup> Information provided by Iskorak and Kontra, 28 February 2008.

<sup>607</sup> Anemona Hartocollis, “Claiming Constant Harassment, Gay Police Officer in City Files Suit”, *The New York Times* website, 29 September 2007, <<http://www.nytimes.com/2007/09/29/nyregion/29gay.html>>.

shouted “You [expletive] faggot” in front of a victim they were responding to. He also received a death threat in the interdepartmental mail.<sup>608</sup>

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<sup>608</sup> Barbara Ross and Adam Nichols, “Gay cop slaps NYPD with discrimination lawsuit”, New York Daily News, 29 September 2007, <[http://www.nydailynews.com/news/2007/09/28/2007-09-28\\_gay\\_cop\\_slaps\\_nypd\\_with\\_discrimination\\_1.html](http://www.nydailynews.com/news/2007/09/28/2007-09-28_gay_cop_slaps_nypd_with_discrimination_1.html)>.

## *Human-Rights Defenders*

Physical attacks against individuals or institutions involved in activities promoting tolerance and fighting discrimination remain one of the main challenges faced by human-rights defenders. ODIHR's 2007 report *Human Rights Defenders in the OSCE Region* identifies "continuing physical attacks on defenders, whether actual or threatened",<sup>609</sup> as recurrent violations affecting this particular group.<sup>610</sup> In a similar vein, in her annual report, the special representative of the United Nations secretary-general on human-rights defenders, Ms. Hina Jilani, concludes that, based on communications received in 2007, those defending the rights of minorities and vulnerable groups appear to be at particular risk of becoming victims of human-rights violations.<sup>611</sup> In 2007, numerous cases of hate crimes targeting defenders fighting intolerance and discrimination were reported. They cover a broad range of offences, including all levels of violence from intimidation, smear campaigns in the media, public hate speech and death threats, to actual physical violence such as destruction of property and murder.

Such hate-motivated crimes and incidents took place in a context marked by two observable patterns. First, defenders operate in an environment that has grown more difficult for civil society in some parts of the OSCE region.<sup>612</sup> In the framework of policies aimed at countering terrorism and protecting populations from violent extremism, some states have curtailed basic and fundamental rights, such as the right to freedom of association, freedom of assembly, freedom of expression, and the right to employment.<sup>613</sup> Second, extreme right-wing violence, often carried out by juvenile skinheads prone to violence, neo-Nazi groups propagating totalitarian ideologies, and political parties representing nationalistic and xenophobic agendas, continued to be reported in many OSCE states.

These developments directly impact the situation of human-rights defenders working to combat intolerance and discrimination, making them particularly vulnerable. Extreme right-wing groups are hostile to those who challenge their xenophobic ideology, such as activists representing the interests and rights of minorities. In an environment where the situation of civil society on the whole is weakened, those who would need specific

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<sup>609</sup> *Human Rights Defenders in the OSCE Region: Our Collective Conscience* (Warsaw: ODIHR, 2007), p. 4, <[http://www.osce.org/publications/odihr/2007/12/28760\\_1004\\_en.pdf](http://www.osce.org/publications/odihr/2007/12/28760_1004_en.pdf)>.

<sup>610</sup> *Ibid*, p. 9.

<sup>611</sup> "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development", report submitted by the special representative of the secretary-general on human-rights defenders, Hina Jilani, A/HRC/7/28/Add.1, 31 January 2008, p.12, <<http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A-HRC-7-28.doc>>.

<sup>612</sup> *Human Rights Defenders in the OSCE Region: Our Collective Conscience*, ODIHR, *op. cit.*, note 609.

<sup>613</sup> "Hate crimes against Human Rights Defenders", Frontline, 3 April 2008.

protection from state authorities are particularly at risk of becoming victims of attacks stemming from non-state actors.<sup>614</sup>

As was reported in 2006, a significant number of the reported incidents targeting defenders working in the area of tolerance and non-discrimination were allegedly perpetrated by non-state actors belonging to, or associated with, right-wing extremist or supremacist movements. Since the perpetrators of such attacks are generally prone to violence, the incidents often ended with the death of the victim or severe trauma.

- On 19 June, a member of the movement A Russia without Borders was attacked in St. Petersburg, **Russian Federation**, by an unidentified female assailant wearing a mask and dressed in camouflage. Prior to the attack, the victim had received an anonymous phone call, threatening her with death if she did not assist in clearing a man of the charges he faced for incitement to racial hatred. The victim was treated for a concussion and other injuries.<sup>615</sup>
- On 4 December, the spokesperson of the **Greek Helsinki Monitor** testified against the editor of the newspaper *Eleftheros Kosmos* for incitement to hatred through the publishing of articles written in connection with the promotion of a book titled *Jews, the whole truth*. On the same day, death threats directed at the spokesperson were posted on the website of the political party LAOS. On 13 December, the Court of Athens convicted the author of the above-mentioned book to a suspended prison sentence of 14 months for “incitement to racial violence and hatred and for racial insults”.<sup>616</sup> After the verdict, threatening messages against the spokesperson were posted on the Internet forum of the LAOS youth organization NEOS.<sup>617</sup>

Attacks on human-rights defenders can be preceded by messages on the **Internet**. In particular, the publication of so-called hit lists that include names, pictures, and contact details are particularly worrying.

- In February 2007, the extreme-right Vanguard News Network website published a call to murder a member of the **Canadian** Jewish community, and to murder a Canadian judge and a lawyer who was a member of the International Network Against Cyber Hate. After legal action by the lawyer, the site was removed by the host server in April.

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<sup>614</sup> The difficulties faced by human-rights defenders active in the area of tolerance and non-discrimination were already highlighted in last year’s report “*Hate Crimes in the OSCE Region: Incidents and Responses – Annual Report 2006*”, *op. cit.*, note 8, pp. 57-61.

<sup>615</sup> “Attack on Hate-Crime Expert Linked to Neo-Nazi Activist Trial”, ICARE website, 8 July 2007, <<http://www.icare.to/article.php?id=10281&lang=en>>.

<sup>616</sup> “Urgent Appeal - The Observatory”, protectionline.org, 18 January 2008, <<http://www.protectionline.org/Greek-Helsinki-Monitor-Harassment,5986.html>>.

<sup>617</sup> “Greece: New acts of harassment against Greek Helsinki Monitor and activists who filed criminal actions against neo-Nazis”, Observatory for the Protection of Human Rights Defenders, 18 January 2008, <[http://cm.greekhelsinki.gr/uploads/2008\\_files/ghm963\\_observatory\\_ghm\\_kis\\_defenders\\_harassment.doc](http://cm.greekhelsinki.gr/uploads/2008_files/ghm963_observatory_ghm_kis_defenders_harassment.doc)>.

Another recurring characteristic relates to the circumstances in which incidents occur: anti-racist and anti-fascist activists,<sup>618</sup> leaders of minority groups, and activists promoting respect and equal rights for Roma, Sinti, and LGBT people were often assaulted before, during, or after their participation in public events, marches, or demonstrations promoting tolerance during 2007, as in 2006.

- In the **Russian Federation**, an anti-fascist campaigner was stabbed 20 times in St. Petersburg on 15 January, after taking part in an international humanitarian initiative called “Food, Not Bombs”, where food was distributed to local homeless people and street children.<sup>619</sup> The Prosecutor’s Office subsequently opened a criminal case for attempted murder.
- On 25 August, in Farsta, **Sweden**, masked attackers described by police as “neo-Nazis” used sticks and glass bottles to assault 10 young people taking part in an anti-racism concert, four of whom needed hospitalization for their injuries.<sup>620</sup>
- On 1 September, in Stolberg, **Germany**, men described as neo-Nazis attacked people waiting to go into an anti-extremism concert, striking two girls in the face with sticks. Earlier the same day, a young man asked a man of Sri Lankan origin where he was from and then attacked him, knocking him to the ground.<sup>621</sup>
- On 1 May, Washington, DC, **United States**, a man was detained after allegedly assaulting a woman at an immigrant-rights rally. The man, who was reported to have been a member of the Minuteman militia, was initially held on weapons charges without bond, but was subsequently released into his father’s custody.<sup>622</sup>

There were also cases where human-rights defenders were not the primary target of the assailants, but were attacked because they tried to help other victims:

- In April, in St. Petersburg, **Russian Federation**, Khalid Felukhus, a writer and campaigner against xenophobia, intervened as three young men insulted and attacked two Tajik men and called for the attackers to stop. Felukhus, a Moroccan

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<sup>618</sup> In line with the United Nations Declaration on Human Rights Defenders, every individual or group seeking to promote tolerance and to combat discrimination while abiding by human-rights principles can be considered as a human-rights defender. Therefore, in this context, one incident involving anti-fascist activists is included in this section. See the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 8 March 1999,

<<http://www2.ohchr.org/english/issues/defenders/docs/declaration/declaration.pdf>>.

<sup>619</sup> “Antifascist Campaigner Stabbed 20 Times (Russia)”, ICARE website, 16 January 2007, <<http://www.icare.to/article.php?id=7418&lang=en>>.

<sup>620</sup> “Neo-Nazis’ storm anti-racism concert”, The Local website, <<http://www.thelocal.se/8290/20070826/>>.

<sup>621</sup> “Weekend Attacks in Germany Blamed on Neo-Nazis”, Deutsche-Welle website, 3 September 2007, <<http://www.dw-world.de/dw/article/0,2144,2763646,00.html>>.

<sup>622</sup> “Man Subject of NW Apartment Raid In Court”, NBC4.com, 4 May 2007, <<http://www.nbc4.com/news/13261101/detail.html>>; Mock, *op. cit.*, note 228.

citizen, was then himself attacked, and was hospitalized for his injuries. Police arrested three suspects, but released them soon afterwards.<sup>623</sup>

- In December in the town of Mittweida, **Germany**, right-wing extremists carved a swastika into the skin of a young woman who tried to defend an Eastern European girl they had targeted.<sup>624</sup>

Incidents involving destruction of property of human-rights defenders were also recorded.

- In **Cyprus**, on 31 March, vandals attacked the headquarters of an NGO that provides services to immigrants and asylum seekers, spray-painting swastikas and nationalist slogans.<sup>625</sup>
- On the night of 23 May in Seville, **Spain**, arsonists set fire to the offices of an anti-racism organization, destroying records and computer systems.<sup>626</sup>

Incidents in 2007 also often occurred against the backdrop of hate speech, as well as intolerant statements or even defamation campaigns portraying defenders as enemies of the country or traitors because they defend the rights of minorities.

- On 15 and 16 October in **Kosovo**, a Pristina-based correspondent of Voice of America's Serbian-language service was severely beaten at home by a man in a black camouflage uniform. He shouted insults, accused her of "bias in favor of Albanians", and threatened to abduct her child and kill her.<sup>627</sup>

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<sup>623</sup> "Racists Beat Anti-Xenophobia Activist", *Bigotry Monitor*, Vol. 7, No. 16, 20 April 2007, <<http://www.fsmonitor.com/stories/bigotrymonitor.shtml>>.

<sup>624</sup> "Mass Demonstrations against Neo-Nazis Turn Violent in Berlin (Germany)", ICARE website, 1 December 2007, <<http://www.icare.to/article.php?id=12569&lang=en>>.

<sup>625</sup> "ENAR condemns fascist attack on ENAR-Cyprus", European Network Against Racism, press statement, 4 April 2007, <<http://cms.horus.be/files/99935/MediaArchive/pdfpress/2007-04-03%20-%20attack%20on%20KISA%20Cyprus.pdf>>.

<sup>626</sup> "Attack on a member of ENAR Spain", European Network Against Racism, 1 June 2007, <[http://cms.horus.be/files/99935/MediaArchive/pdf/WM96\\_EN.pdf](http://cms.horus.be/files/99935/MediaArchive/pdf/WM96_EN.pdf)>.

<sup>627</sup> "ANEM Demands Immediate Investigation after Attack on Pristina Based V.O.A. Correspondent", protectionline.org, 18 October 2007, <<http://www.protectionline.org/Vesna-Bojjic-Voice-of-America.html>>.

### **PART III: Non-Violent Manifestations of Hate and Intolerance**

Violent hate crimes and incidents represent the most severe manifestations of intolerance and prejudice, but they cannot be wholly separated from non-violent expressions of intolerance, which can help create conditions for violence to occur. There is a broad spectrum of non-violent behaviour that gives rise to concern. This section provides an overview of the role that political campaigns and speeches and the Internet played in provoking hostility, prejudice, and even violence across the OSCE region in 2007.

This can be described as *hate speech*, a term covering a broad spectrum and that relates to speech or any other form of expression that is: a) abusive, insulting, or intimidating or that incites violence,<sup>628</sup> hatred, or discrimination; and b) is directed against individuals or groups identified by a common characteristic such as their race, religion, ethnicity, nationality, or sexual orientation.

When discussing expressions and manifestations of hate and intolerance, it is important to examine these issues from within a broader human-rights framework. The right to freedom of expression is guaranteed by major human-rights treaties and by commitments made by OSCE participating States. These core values of human and civil rights are also referred to in key international instruments such as the UN Declaration on Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Recognizing the core value of freedom of expression does not imply that no restrictions are permissible on individuals or groups who use this right to create intolerance or hatred. Intolerant speech can play a part in exacerbating existing prejudices, giving a sense of social acceptance and impunity to potential perpetrators of violence. It can also induce fear among minority groups. While freedom of expression means not only the right to express opinions that are commonly acceptable, but also those that “shock, offend or disturb the state or any sector of the population”,<sup>629</sup> this can create an atmosphere of intolerance and prejudice on a wider scale in other parts of society. In attempting to prevent this, many states have imposed limitations on what opinions can be disseminated and how. The boundary between acceptable and unacceptable expressions is defined in each state by legal restrictions.

More than in any other area covered by this report, there is wide variance between the national legislative and penal responses to hate speech. While all states prohibit speech

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<sup>628</sup> In this report, where speech amounts to direct and imminent incitement to violence, it has been usually been reported in Section II as a violent manifestation of hate, except if it is on the Internet, in which case it is included in this part.

<sup>629</sup> *Handyside v. United Kingdom*, European Court of Human Rights Judgment, 7 December 1976, para. 49, <<http://cmiskp.echr.coe.int/tdtkp197/viewhbkkm.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=84&sessionId=7334154&skin=hudoc-en&attachment=true>>.

that directly and imminently incites crime, this is the only thread drawing together the varied legal provisions in the OSCE region. Based on the information submitted by participating States, other legislation relevant to hate speech in the OSCE region in 2007 falls into the following broad categories:

- legislation prohibiting incitement to hatred against persons or groups on the basis of their membership of a group described earlier exists **in all but seven** states;
- laws punishing Holocaust denial or speech celebrating policies of the National Socialists are found in eight states;
- legislation punishing public insults of groups or individuals exists in 12 states;
- nine states forbid humiliation of national honour or dignity; and
- legislation protecting groups from less serious forms of speech such as defamation, mockery, or offence exists in five states.

In light of this diversity of legal and political norms across the region, this section does not focus on legal issues or sanctions, but seeks to demonstrate that there are common patterns in hate speech across the region, and highlights the responses, where there are any. There is no consensus among OSCE participating States on whether hate speech should be criminalized, with strong opinions on both sides.

The *criminal-law response* to hate speech is therefore not within the scope of this report. Instead, the focus in this part is on *political* speech, about which participating States have made clear commitments, and on the Internet. Positive responses to these forms of expressions do not rely on the criminal law, except in a few cases where there is direct and imminent incitement to violence.

There are many relevant international instruments that propose restrictions on speech. The most prominent are the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the ICCPR, both of which require signatory states to restrict speech in the area of racism. But the need to respect free speech even while restricting racist or discriminatory discourse is a constant theme. While Article 19(2) of the ICCPR affirms that everyone shall have the right to freedom of expression, paragraph 3 goes on to acknowledge that this freedom carries with it special duties and responsibilities. Hence, it can be restricted in accordance with the law and for the purpose of, *inter alia*, the protection of the rights of others. Article 20(2) then states that any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.

Similarly, Article 4 of CERD provides that there shall be a prohibition on groups that promote racism and hatred, and it requires legislative steps against speech that incites hatred.<sup>630</sup>

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<sup>630</sup> Whether Article 4 calls for criminal sanctions or some other measures is arguable and is interpreted differently by different states.

By contrast, the ECHR protects freedom of expression and allows (but does not expressly require) restrictions, based on limited justifications. Only if the restriction is necessary in a democratic society, to achieve a legitimate aim, can it be allowed.

Despite these international standards, there is no consensus regarding what measures are acceptable responses to hate speech within the OSCE region. The ECHR as a regional treaty only binds those 47 OSCE states that are members of the Council of Europe.<sup>631</sup> And although the UN instruments are of almost universal application, a number of OSCE states have entered reservations or interpretive declarations specifically to Articles 19 and 20 of the ICCPR and to Article 4 of CERD.<sup>632</sup> These reservations and declarations have the effect of ensuring that states have broad discretion over how to reconcile these provisions with the rights to freedom of expression and assembly.

Despite the different approaches of OSCE states to the issue of hate speech, in recent Ministerial Council decisions, participating States have raised specific concerns about particular manifestations of hate speech and intolerant discourse, including hate-motivated discourse by political leaders, Holocaust denial, and hate speech on the Internet. These areas correspond to existing OSCE commitments and have therefore been selected for inclusion in this section.

Regarding hate-motivated political discourse, Ministerial Council Decision No. 10/05 emphasized “the need for consistently and unequivocally speaking out against acts and manifestations of hate, particularly in political discourse”.<sup>633</sup> In addition, Ministerial Council Decision No. 10/07 called “for continuing efforts by political representatives, including parliamentarians, strongly to reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, ... while continuing to respect freedom of expression”.<sup>634</sup> The issue of political discourse was also highlighted in Ministerial Decision No. 13/06 under which the Ministerial Council “deplore[d] racist, xenophobic and discriminatory public discourse, and stresse[d] that political representatives can play a positive role in the overall promotion of mutual respect and understanding and have a significant impact in defusing tensions within societies, by speaking out against hate-motivated acts and incidents”.<sup>635</sup>

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<sup>631</sup> See “The Council of Europe’s Member States”, website of the Council of Europe <[http://www.coe.int/T/E/Com/About\\_Coe/Member\\_states](http://www.coe.int/T/E/Com/About_Coe/Member_states)>.

<sup>632</sup> 17 OSCE participating States have made some form of declaration or reservation to Article 19 or 20 of the ICCPR. See the website of the Office of the High Commissioner for Human Rights: <[http://www.unhchr.ch/html/menu3/b/treaty5\\_asp.htm](http://www.unhchr.ch/html/menu3/b/treaty5_asp.htm)>. Ten OSCE participating States have made some form of declaration or reservation to Article 4 of CERD. See: <<http://www2.ohchr.org/english/bodies/ratification/2.htm#reservations>>.

<sup>633</sup> OSCE Ministerial Council Decision No. 10/05, *op. cit.* note 12.

<sup>634</sup> OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 1.

<sup>635</sup> OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

This section also includes examples of **Holocaust denial**, an area where OSCE participating States have made specific commitments to “[p]romote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups”.<sup>636</sup>

Also included in this section are examples where hate crimes and violent attacks were fuelled by **intolerant discourse and propaganda on the Internet**. The importance of the Internet as a forum for expressing opinions and organizing activities of an intolerant nature was recognized by the OSCE participating States and has led to the adoption of commitments to address the promotion of hate and intolerance online. In particular, Permanent Council Decision No. 633 encourages participating States to “investigate and, where applicable, fully prosecute violence and criminal threats of violence, motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet”.<sup>637</sup>

However, it has also been stressed that the Internet can significantly enhance the way people exercise human rights and fundamental freedoms (e.g., the right to freedom of expression, information, and communication, etc.). The Internet has great potential to serve the common good, positively affecting many aspects of life, including communication, information, knowledge, business, and growth. It can serve as an important source for pluralism and independent information (indeed, in several countries it is the only alternative source to state-controlled reporting), be a means to deliver valuable public services, facilitate participation in democratic decision-making, and can promote the exercise and enjoyment of human rights and fundamental freedoms for all who use it.

Ministerial Council Decision No. 12/04 on fighting possible misuse of hate-speech regulations in order to silence legitimate dissent and alternative opinions tasks the OSCE Representative on Freedom of the Media with assuming “an early warning function when laws or other measures prohibiting speech motivated by racist, xenophobic, anti-Semitic or other related bias are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views”.<sup>638</sup>

While this section only focuses on these three areas of political discourse where there are clear OSCE commitments, it is important to note that there are other instances of non-violent manifestations that can create an environment that encourages hate-motivated acts against particular communities.

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<sup>636</sup> OSCE Permanent Council Decision No. 621, *op. cit.*, note 15.

<sup>637</sup> OSCE Permanent Council Decision No. 633, “Promoting Tolerance and Media Freedom on the Internet”, Vienna, 11 November 2004, <[http://www.osce.org/documents/pc/2004/11/3805\\_en.pdf](http://www.osce.org/documents/pc/2004/11/3805_en.pdf)>.

<sup>638</sup> OSCE Ministerial Council Decision No. 12/04, *op. cit.*, note 11.

## *Intolerant Political Discourse and Holocaust Denial*

In 2007, intolerant public discourse by senior government figures provided stark examples of how intolerant attitudes and prejudices are becoming mainstreamed within public discussions and setting a precedent for further hate-motivated expressions.

- The president of **Poland** stated on 20 February that the human race would disappear if homosexuality were to be promoted on a grand scale.<sup>639</sup> Poland's prime minister claimed that it was not in the interest of society to increase the number of gay people.<sup>640</sup> On 1 March, then-Polish Minister of Education Roman Giertych claimed at a European Union summit of education ministers that children must have a correct view of the family and therefore their contact with "homosexual propaganda" should be limited. His deputy, Miroslaw Orzechowski, revealed a plan on 13 March for new legislation that would "punish anyone who promotes homosexuality" in schools. Later, municipal prosecutor offices all over Poland were ordered by the state prosecutor to investigate any connection homosexuals might have with paedophilia, since politicians from the junior coalition partner, the League of Polish Families, had suggested such a correlation.<sup>641</sup> The ombudsman for civil rights met with the LGBT community twice in 2007 and put out statements to condemn the atmosphere of homophobia and attempted to organize a Senate debate on the issues of homosexual citizens.<sup>642</sup> In an effort to counteract homophobia in political discourse, the Campaign Against Homophobia organized an event within the Council of Europe's "All Different – All Equal" campaign, which included a billboard campaign and a gallery exhibit exposing the amount of hate speech prevalent in Poland.<sup>643</sup> The Resolution on Homophobia adopted by the European Parliament in April condemned homophobic statements and declarations of incitement to hatred and violence by representatives of the Polish government and political-party leaders.<sup>644</sup>
- On 19 May, Traian Basescu, president of **Romania**, and his wife were in a supermarket accompanied by press representatives. A journalist had been hired by Antena 3 TV to record the couple as long as she had their permission. She was using her mobile phone to record questions, and on exiting the store she asked him: "I thought about a question: What per cent do you have for work tonight, for

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<sup>639</sup> "Poland: School Censorship Proposal Threatens Basic Rights", Human Rights Watch, 19 March 2007, <[http://hrw.org/english/docs/2007/03/16/poland15512\\_txt.htm](http://hrw.org/english/docs/2007/03/16/poland15512_txt.htm)>.

<sup>640</sup> "Not in society's interests to have more gay people, says Polish PM", *The Guardian* website, 27 April 2007, <<http://www.guardian.co.uk/world/2007/apr/27/gayrights.poland>>.

<sup>641</sup> "Poland: School Censorship Proposal Threatens Basic Rights", Human Rights Watch, *op. cit.*, note 639.

<sup>642</sup> See the letter from Polish Ombudsman Janusz Kochanowski to the speaker of parliament, 25 June 2007, <<http://www.rpo.gov.pl/pliki/1182927533.pdf>>.

<sup>643</sup> "Homophobia – This is what it looks like", Campaign Against Homophobia, 2 March 2008, <<http://www.stophomofobia.kampania.org.pl/en/index.htm>>.

<sup>644</sup> "European Parliament resolution of 26 April 2007 on homophobia in Europe", *op. cit.*, note 557.

- tomorrow?” The president replied: “Hey, pussy, don’t you have some work to do today?” He also grabbed the journalist’s mobile phone. It was later returned, and the president was recorded on it as saying to his wife: “This stinking gypsy was so aggressive!”<sup>645</sup> Mr. Basescu later apologized for his remarks through a press release.<sup>646</sup> The High Court issued a decision (No. 92/2007) that found the president’s remarks discriminatory but not in breach of Ordinance No. 137 on preventing and penalizing all forms of discrimination.<sup>647</sup>
- During a radio broadcast on 12 October, the president of **Belarus**, Alyaksandr Lukashenko, blamed the Jewish residents of the city of Babruysk for having turned it into “a pigsty”. He stated: “This is a Jewish city and the Jews are not concerned about the place they live in ... Look at Israel – I was there.”<sup>648</sup> On 20 October, the president of the Parliamentary Assembly of the Council of Europe, René van der Linden, commented on Lukashenko’s statement: “President Lukashenko’s anti-Semitic remarks may verge on the absurd, but they are no less unacceptable for it.”<sup>649</sup>

In 2007, political parties not only from the far right continued to use rhetoric that targeted, scapegoated, and stereotyped minorities. In many instances, such rhetoric rose to a crescendo around election periods. Some of the most egregious and explicit of this sort of discourse related to Muslim communities, where political leaders used Muslims as scapegoats for a wide range of social and political problems and, in some instances, portrayed Muslims as threats to security and national identity.<sup>650</sup> The intersection between religious, racial, and ethnic intolerance created a ferocious and volatile combination.

- On 25 October, a **Danish** political party depicted the Prophet Muhammad on an election poster under the slogan “Freedom of expression is Danish, censorship is not.”<sup>651</sup> Another poster depicted a woman wearing a Muslim headscarf withdrawing money from a cash machine drawn with the logo of the welfare benefits office, with the caption: “Make demands on the foreigners. Now they

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<sup>645</sup> “Primarul Romei la bilant: Mailat, un moment dificil din cariera mea”, Ziara.com, 14 February 2008, <[http://www.ziare.com/Primarul\\_Romei\\_la\\_bilant\\_Mailat\\_un\\_moment\\_dificil\\_din\\_cariera\\_mea-239771.html](http://www.ziare.com/Primarul_Romei_la_bilant_Mailat_un_moment_dificil_din_cariera_mea-239771.html)>.

<sup>646</sup> “Traian Băseșcu cere scuze jurnalistei de la Antena 1”, BBCRomanian.com, 22 May 2007, <[http://www.bbc.co.uk/romanian/news/story/2007/05/070521\\_basescu\\_telefon\\_reporter.shtml](http://www.bbc.co.uk/romanian/news/story/2007/05/070521_basescu_telefon_reporter.shtml)>.

<sup>647</sup> Information submitted by Romania’s Justice Ministry, 23 May 2008.

<sup>648</sup> Ronny Sofer, “Belarus President attacks Jews”, ynetnews.com, 18 October 2007, <<http://www.ynetnews.com/articles/0,7340,L-3461548,00.html>>.

<sup>649</sup> “Rejection of anti-Semitism is a universal Principle”, said PACE President”, Parliamentary Assembly, Council of Europe, 20 October 2007, <[http://assembly.coe.int/ASP/NewsManager/EMB\\_NewsManagerView.asp?ID=3295](http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=3295)>.

<sup>650</sup> “Islamophobia: 2007 Hate Crime Survey,” Human Rights First, 2007, p. 8.

<sup>651</sup> Gwladys Fouché, “Danish-Muslim leader lampoons far-right over latest prophet cartoon”, *The Guardian* website, 26 October 2007, <<http://www.guardian.co.uk/world/2007/oct/26/muhammadcartoons.islam>>.

- must contribute!” A third poster demonstrated a group of veiled women under the headline: “Follow the country's traditions and customs or leave.”<sup>652</sup>
- During the autumn 2007 elections in **Switzerland**, the Swiss People’s Party issued a series of posters playing on racist and xenophobic fears. One poster depicted three white sheep booting a black sheep out of the country. In another, a minaret was shown tearing apart the Swiss flag. After the elections, the Swiss People’s Party became the biggest party in the federal parliament. In a recent report, the Swiss Federal Commission Against Racism indicated that, in spite of corrective statements by other political parties and some journalists, the negative portrayal of foreigners by a xenophobic political party during the 2007 federal elections had dominated the whole political discourse.<sup>653</sup> The campaign was harshly criticized by both the UN special rapporteur on racism and the OSCE Chairman-in-Office’s personal representative on combating intolerance against Muslims for its use of racist, anti-immigrant, and anti-Muslim election materials.<sup>654</sup>

Outside election periods, intolerant discourse also pervaded political forums and was used as a platform for intolerant views. Parties in power and in opposition frequently employed racist and xenophobic rhetorical techniques to stigmatize a range of minority groups, including Muslims, Jews, Roma and Sinti, and other visible minorities. A common political strategy was to draw these groups as innately different, dangerous, or alien.

- In an interview on 12 January, a **Bulgarian** member of the European Parliament referred to the “power of Jewish financiers”. He told the *Daily Telegraph* in Brussels: “There are a lot of powerful Jews, with a lot of money, who are paying the media to form the social awareness of the people.”<sup>655</sup> The politician also alleged that rich Jews benefit from economic crises such as in Bulgaria. Several members of the European Parliament criticized his remarks.<sup>656</sup>

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<sup>652</sup> “Denmark’s extreme right beefs up anti-immigrant line ahead of vote”, Islamophobia Watch, 11 November 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/11/11/denmarks-extreme-right-beefs-up-anti-immigrant-line-ahead-of.html>>.

<sup>653</sup> “Foreign Nationals and Ethnic Minorities in Election Campaign Communications: Analysis of Media Reporting on the 2007 Federal Elections”, Swiss Federal Commission Against Racism, 9 December 2007, p. 4.

<sup>654</sup> “Sheep poster gets black marks from UN”, Swiss Info, 14 September 2007, <[http://www.swissinfo.org/eng/front/detail/Sheep\\_poster\\_gets\\_black\\_marks\\_from\\_UN.html?siteSect=105&sid=8218425&cKey=1189777678000&ty=st](http://www.swissinfo.org/eng/front/detail/Sheep_poster_gets_black_marks_from_UN.html?siteSect=105&sid=8218425&cKey=1189777678000&ty=st)>; “OSCE expert concerned by Swiss Islamophobia”, Swiss Info, 15 November 2007, <[http://www.swissinfo.ch/eng/politics/internal\\_affairs/OSCE\\_expert\\_concerned\\_by\\_Swiss\\_Islamophobia.html?siteSect=1511&sid=8421517&cKey=1195126028000&ty=st](http://www.swissinfo.ch/eng/politics/internal_affairs/OSCE_expert_concerned_by_Swiss_Islamophobia.html?siteSect=1511&sid=8421517&cKey=1195126028000&ty=st)>.

<sup>655</sup> Bruno Waterfield, “Right-wing activist becomes youngest MEP”, telegraph.co.uk, 12 January 2007, <<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/01/11/weuright111.xml>>.

<sup>656</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269.

- In **Italy**, following a murder suspected to have been committed by a Romanian Roma, a wave of intolerant discourse was unleashed. Walter Veltroni, the mayor of Rome, blamed the increase in violent crime on the recent arrival of Romanian Roma, stating that “75 per cent of the people arrested come from a single country”. Mr. Veltroni claimed that “before the entry of Romania into the European Union Rome was the safest city in the world”. He also stated that he would raise the issue of Romanian “delinquents” at the European Union level if Romania did not assume responsibility for ending the export of criminality to Italy.<sup>657</sup>
- In **Ukraine**, Leonid Grach, a Ukrainian member of parliament and the chairman of the Parliament’s Committee on Human Rights, National Minorities and International Relations, was quoted in February as saying, “the state must protect people from evil, from violence, including from such evil as homosexuality, lesbianism, and such”.<sup>658</sup>
- On 12 February, the Christian Democratic Popular Party called for the creation of a new scientific commission to assess textbooks teaching **Moldovan** history, due to the recent inclusion of the Holocaust in the curriculum. The party denies the existence of the Holocaust, as well as the role played by Romania in this context.<sup>659</sup>
- On 15 February, a **Polish** member of the European Parliament published a booklet bearing the logo of the European Parliament without authorization. In this book, it was suggested that Jews were unethical and a “tragic community” because they did not accept Jesus as the Messiah. The brochure also stated that Jews “create their own ghettos” because they like to separate themselves from others. In response to this publication, the European Parliament reprimanded the parliamentarian and claimed that the brochure had been “neither financially nor materially” supported by the European Parliament.<sup>660</sup> The Department of Denominations and National and Ethnic Minorities of the Polish Ministry of Interior and Administration and the Association Against anti-Semitism and Xenophobia sent a notification to the public prosecutor’s office to check if the booklet violated Articles 256 and 257 of the Penal Code. After analysing the booklet, the prosecutor refused to launch an inquiry.<sup>661</sup>

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<sup>657</sup> “Sicurezza, Veltroni contro la Romania Per le espulsioni varato un decreto legge”, *repubblica.it*, 31 October 2007, <<http://www.repubblica.it/2007/10/sezioni/cronaca/tor-di-quinto/reazioni-uccisa/reazioni-uccisa.html>>.

<sup>658</sup> Gundrun Schultz, “Ukrainian Political Leader Accused of Attacks on Gays After Criticizing Homosexuality”, *lifesite.net*, 14 February 2007, <<http://www.lifesite.net/ldn/2007/feb/07021404.html>>.

<sup>659</sup> “Moldova – A Radical Right-Wing Party Opposes Teaching the Holocaust in the Schools”, The Coordination Forum for Countering Antisemitism website, 12 February 2007, <[http://www.antisemitism.org.il/eng/events/23572/Moldova%E2%80%93A\\_Radical\\_Right-Wing\\_Party\\_Opposes\\_Teaching\\_the\\_Holocaust\\_in\\_the\\_Schools](http://www.antisemitism.org.il/eng/events/23572/Moldova%E2%80%93A_Radical_Right-Wing_Party_Opposes_Teaching_the_Holocaust_in_the_Schools)>.

<sup>660</sup> “No funding from European Parliament for anti-Semitic booklet”, *European Jewish Press* website, 18 February 2007, <<http://www.ejpress.org/article/14279>>.

<sup>661</sup> Information provided by the Polish Ministry of Interior and Administration, 23 May 2008.

- On 25 February, a member of the Liberal Party in **Switzerland** published an anti-Semitic entry on his website claiming that the Holocaust was being used in an imperialist and “intellectually terrorist” way, as well as “to [dominate] the collective memory of the Second World War”. The party excluded this politician from its list.<sup>662</sup>
- On 28 February, **Norwegian** anti-immigration politicians in Bergen allegedly promised to chase off Muslims with pigs’ feet and squealing noises if Bergen’s central square were used for prayers.<sup>663</sup>
- In **Bosnia and Herzegovina**, a journalist from the main public television station, BHT 1, asked the prime minister of Republika Srpska, Milorad Dodik, “How can someone’s sexual orientation be used as a reason [to exclude them from working here]?” Dodik responded: “How can it not? I simply do not allow various faggots into my office.” This clip was aired on the evening news. The LGBT NGO Association Q issued an open public letter as a response.<sup>664</sup>
- On 18 April, a member of parliament from the **Danish** People’s Party stated that Muslim women’s headscarves were like Nazi Germany’s swastikas in that they symbolized totalitarian repression. He made this comment after a Muslim politician from the Red-Green Alliance Party said that she would wear her headscarf if elected to Denmark’s parliament.<sup>665</sup>
- In **Italy**, the deputy mayor of Treviso, when referring to gays meeting at night in a car park, said on television that he would give orders to his forces, “so that they can carry out an ethnic cleansing of faggots”, as “in Treviso there is no chance for faggots or the like”.<sup>666</sup> Nearly a thousand people protested in front of the city hall to demand his resignation, and several politicians and ministers condemned his statements. No criminal probe was carried out by prosecutors.<sup>667</sup>
- On 20 July 2007, shortly after the attempted terrorist attacks on London and Glasgow, the British Nationalist Party distributed leaflets in South Norwood, **England**, claiming that Islam “is a threat to us all” and calling on people to join the party’s “crusade against [the] Islamization of Britain”. A spokesperson for Croydon Mosque called the leaflets inflammatory, while a BNP spokesman

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<sup>662</sup> “Rassistische Vorfälle in der Schweiz. Eine Chronologie und eine Einschätzung”, Stiftung gegen Rassismus und Antisemitismus, *op. cit.*, note 129.

<sup>663</sup> “Pig tactics threatened”, *Aftenposten* website, 28 February 2007, <<http://www.aftenposten.no/english/local/article1665371.ece>>.

<sup>664</sup> Communication from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008.

<sup>665</sup> Christian Wienberg, “Danish Lawmakers Reported to Police for Remarks on Muslim Veils”, Bloomberg.com, 20 April 2007, <[http://www.bloomberg.com/apps/news?pid=20601085&sid=a\\_AVxFCWezUM](http://www.bloomberg.com/apps/news?pid=20601085&sid=a_AVxFCWezUM)>.

<sup>666</sup> “Italian politician calls for ‘ethnic cleansing’ of gays”, PinkNews website, 13 August 2007, <<http://www.pinknews.co.uk/news/articles/2005-5176.html>>.

<sup>667</sup> Philip Stewart, “Italians protest at politician's anti-gay outburst”, Reuters, 11 August 2007, <<http://www.reuters.com/article/worldNews/idUSL1159696620070811>>.

claimed that they were seeking to raise awareness that “Islam is not compatible with the British way of life”.<sup>668</sup>

- On 13 September, Roberto Calderoli, an **Italian** senator and member of the Northern League party, said that he was ready to bring his own pig to “defile” the site where a mosque was due to be built in the northern city of Bologna.<sup>669</sup>
- In September, New York Congressman Peter King, during an interview, accused Muslims of not co-operating well with the security forces and labelled them as “a real threat” to the country.<sup>670</sup> He claimed that “there are too many people who are sympathetic to radical Islam”, and claimed that there were too many mosques in the **United States**. The CAIR urged Republican presidential candidate Rudy Giuliani to drop King as his campaign adviser because of his anti-Muslim remarks.<sup>671</sup>
- Although there had been no request to build a mosque in the Carinthia province of **Austria**, a proposal to ban mosques was adopted with the votes of the People's Party, the Freedom Party, and the support of the Alliance for Austria's Future, a breakaway party from the Freedom Party, founded by Jörg Haider. Through this initiative, the provincial leader of the People's Party, Kurt Scheuch, explained that his party was seeking to prevent the Islamization of Austria.<sup>672</sup> Haider had also made several statements along the same lines. He supported the initiative by saying: “We don't want a clash of cultures and we don't want institutions which are alien to our culture being erected in Western Europe.” He claimed Muslims had their individual freedom of religious practice but he was against erecting mosques and minarets “as centers to advertise the power of Islam”.<sup>673</sup>
- In **Switzerland**, the largest political party, the Swiss People's Party, and far-right parties, launched a people's initiative to change the constitution in order to allow the prohibition of minarets. People's Party parliamentarian Ulrich Schlüer, who is co-president of the campaign committee, argued that the construction of minarets would create problems in communities and that it would threaten peace. He publicly stated that, “the minaret has nothing to do with religion: it is not

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<sup>668</sup> “Outrage over BNP leaflets”, *The Ealing Times* website, 23 July 2007, <[http://www.ealingtimes.co.uk/news/asianspotlight/spotlight/display.var.1560153.%20%200.outrage\\_over\\_bnp\\_leaflets.php](http://www.ealingtimes.co.uk/news/asianspotlight/spotlight/display.var.1560153.%20%200.outrage_over_bnp_leaflets.php)>.

<sup>669</sup> “Calderoli outrages Italy's Muslims”, Reuters, 13 September 2007, <<http://uk.reuters.com/article/worldNews/idUKL1391837120070913?rpc=401&>>.

<sup>670</sup> “Rep. Peter King: there are too many mosques in this country”, Politico.com, 19 September 2007, <[http://www.politico.com/blogs/thecrypt/0907/Rep\\_King\\_There\\_are\\_too\\_many\\_mosques\\_in\\_this\\_country\\_.html](http://www.politico.com/blogs/thecrypt/0907/Rep_King_There_are_too_many_mosques_in_this_country_.html)>.

<sup>671</sup> “NY Congressman says ‘too many mosques’ in US”, Council on American-Islamic Relations, 20 September 2007, <<http://www.cair.com/ArticleDetails.aspx?mid1=777&&ArticleID=23173&&name=n&&currPage=9>>.

<sup>672</sup> “Austria: provincial parliament demands ban on mosque construction”, Earth Times website, 25 October 2007, <<http://www.earthtimes.org/articles/show/130517.html>>.

<sup>673</sup> “Haider calls for ban on mosque building”, Reuters, 27 August 2007, <<http://uk.reuters.com/article/worldNews/idUKL2739608920070827>>.

mentioned in the Koran or other important Islamic texts. It just symbolizes a place where Islamic law is established.”<sup>674</sup>

In 2007, reference to the Holocaust, including denial of the Holocaust, continued to define anti-Semitic discourse. The United States Department of State noted in its recent report on global anti-Semitism that, “efforts to minimize the Nazi genocide against the Jews have become one of the most prevalent forms of anti-Semitic discourse”.<sup>675</sup> The United Nations General Assembly in 2007 condemned “without any reservation any denial of the Holocaust”.<sup>676</sup> The Holocaust seems to have become a general theme in anti-Semitic discourse and rhetoric, which is often connected to conspiracy theories and stereotypes about Jews and money. Some examples illustrate that this discourse can be found in the margins and occasionally also at the centre of public life.

- In April, a conference with the title “The Gagged History” was organized at the University of Teramo, **Italy**, by a professor who blamed “the Jewish lobby in Italy” for preventing the questioning of the Holocaust. The French Holocaust-denier Robert Faurisson was a speaker at the conference.
- In July, the owner of the **Polish** radio station Radio Maryja was recorded making anti-Semitic statements. He suggested that “the Jewish lobby” was pushing the government of Poland with excessive restitution claims. Several members of the Polish Catholic leadership subsequently criticized these remarks.<sup>677</sup>
- In its report about **Latvia**, the ECRI observed increasing anti-Semitic discourse, “particularly on the Internet, for instance in the context of commemorations of the Second World War events and the debate around the issue of the draft law on compensations for confiscated properties”.<sup>678</sup>
- In **Ukraine**, the government has attempted to combat the activities of Interregional Academy of Personnel Management (MAUP), a radically anti-Semitic institution engaged in organizing anti-Semitic events and publications.<sup>679</sup> Its two weekly newspapers are a source of anti-Semitic discourse in Ukraine. More than 103,000 copies of these newspapers are sold each week, in addition to copies that are being distributed free. According to the ECRI, the activities of the MAUP may “partly be responsible for the increasing number of attacks by skinhead youths against, among others, Jewish people, due to the intolerant

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<sup>674</sup> “Swiss rightwingers want nationwide vote on minarets”, Swissinfo website, 3 May 2007, <[http://www.swissinfo.org/eng/front/detail/Rightwingers\\_want\\_nationwide\\_vote\\_on\\_minarets.html?siteSect=105&sid=7777264&cKey=1178171592000](http://www.swissinfo.org/eng/front/detail/Rightwingers_want_nationwide_vote_on_minarets.html?siteSect=105&sid=7777264&cKey=1178171592000)>.

<sup>675</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 22.

<sup>676</sup> United Nations General Assembly, Resolution 61/255, “Holocaust Denial”, 26 January 2007, <<http://www.un.org/Depts/dhl/resguide/r61.htm>>.

<sup>677</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 56.

<sup>678</sup> “Third Report on Latvia”, European Commission against Racism and Intolerance, adopted on 29 June 2007, published on 12 February 2008, p. 29, <[http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/latvia/Latvia%20third%20report%20-%20cri08-2.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/latvia/Latvia%20third%20report%20-%20cri08-2.pdf)>.

<sup>679</sup> Information provided by the Anti-Defamation League Ukraine, 7 March 2008.

climate created by this institution”.<sup>680</sup> The Ministry of Education is currently involved in 70 lawsuits with the MAUP. The US Department of State reports that some of the licenses of the MAUP’s regional branches had to be restored following a court decision in February. In an attempt to stop the propagation of anti-Semitism, the mayor of Kyiv closed a bookstand near the Babyn Yar Memorial in May 2007, which provoked another lawsuit.<sup>681</sup>

### *The Internet: A Medium and a Catalyst*

The Internet is both a medium for opinion and a vehicle for organizing activity. Across the OSCE region, the Internet continues to serve as an important means of information exchange, networking, propaganda, and co-ordination of activities among hate groups. It is particularly useful for such groups, as it provides a high level of anonymity and low costs coupled with wide reach.

In 2007, organized hate groups made further use of the Internet to disseminate their views, to recruit potential members, to incite hate and violence, to threaten groups or individuals, and to co-ordinate their activities at the international level. Websites and blogs continued to serve as ideological covers for racist, anti-Semitic, anti-Muslim<sup>682</sup> and homophobic attacks, as well as threats aimed at activists and human-rights defenders. The Simon Wiesenthal Center publishes an annual CD list: “Digital Hate and Terrorism on the Internet”. The 2007 version encompasses nearly 7,000 sites – compared to 4,000 in 2004. The size and scope of these international networks can be demonstrated by the following examples.

- The Stormfront White Nationalist Community, based in Florida, **United States**, is one of the most prolific of international hate websites. It hosts discussion groups in 20 languages, including international forums such as *Stormfront en Français* and boasts more than 111,000 members.<sup>683</sup> On 6 December 2007, the Canada section had 7,855 threads consisting of 73,372 posts.<sup>684</sup>
- The site ns88.org is another example of an international website used for networking purposes by neo-Nazi groups.<sup>685</sup> It provides a list of the top 100

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<sup>680</sup> “Third Report on Ukraine”, European Commission against Racism and Intolerance, *op. cit.*, note 250, p. 25.

<sup>681</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 32.

<sup>682</sup> Emdad Rahman, “The threat of Eurabia: is there a fear that Europe is heading toward total Islamization”, Islam Online, 23 August 2007, <[http://www.islamonline.net/servlet/Satellite?c=Article\\_C&cid=1187775970209&pagename=Zone-English-Euro\\_Muslims%2FEMELayout](http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1187775970209&pagename=Zone-English-Euro_Muslims%2FEMELayout)>.

<sup>683</sup> “Illegal abroad, hate Web sites thrive in U.S.”, azcentral.com, 2 December 2007, <<http://www.azcentral.com/news/articles/1118hatesites.html>>.

<sup>684</sup> See Stormfront’s website, <<http://www.stormfront.org/forum/>>.

<sup>685</sup> NS stands for National Socialism, and 88 is a widely used cryptogram for Heil Hitler: H is eighth letter in the alphabet; thus, 88=HH.

- nationalist websites, which includes links to neo-Nazi and racist skinhead groups, as well as access to music (including online radio channels), magazines, and information about events and online purchase of neo-Nazi clothing, flags, jewellery, and other items.
- In **Germany**, the authorities have registered more than 1,000 websites with right-wing extremist content.<sup>686</sup> The amount of hate content on websites in German is still increasing, especially sites of neo-Nazi groups (so-called *Kameradschaften*), mail-order companies, and hate music. Multimedia and interactive elements play an important role and enhance the attractiveness of websites. In addition, hate propaganda is also spread via social networking services, e.g., the video platform YouTube. The number of websites of the right-wing extremist party NPD (Nationaldemokratische Partei Deutschlands) with youth-oriented design has grown. The website jugendschutz.net (youth protection) documented more than 200 NPD groups active on the Internet.<sup>687</sup>
  - On 20 December, the Islamic Supreme Council of **Canada** launched a complaint against a website called the Western Standard, claiming that a string of user comments on its blog promoted hatred against Muslims. They pointed out an entry on the blog dated 5 December that advocated that all Muslims must be killed.<sup>688</sup>
  - In **Serbia**, the website of the “rationalists” provides the programme for a new Serbian nationalism based on the white “race”, European heritage, and Serbian culture. It purports to distinguish populations of the “white Aryan race” from Jews, Roma, Albanians, Muslims, and other supposedly “racially” distinct minorities. The website offers comprehensive links to other hate-oriented websites in English. Its forum for foreigners emphasizes its co-operation with Slovenian, Russian, and Polish counterparts.<sup>689</sup>
  - In the **United Kingdom**, on the prime minister’s website, far-right groups threatened violence against Muslims in a protest over the proposed building of a mosque. The petition signed by the BNP and neo-Nazi groups warned of “terrible violence and suffering” should the so-called mega-mosque go ahead.<sup>690</sup>

While these Internet activities are, in many countries, within the legal parameters of free expression, these sites can be used to recruit others to commit acts of violence. A particularly worrying phenomenon is the publication of lists of individuals with contact details, inciting the reader to commit acts of violence against those individuals. The

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<sup>686</sup> Information provided by the German Federal Office for the Protection of the Constitution, 17 April 2008.

<sup>687</sup> “Second INACH Report”, International Network Against Cyber Hate, 2007, <[http://www.jugendschutz.net/pdf/Second\\_INACH\\_Report.pdf](http://www.jugendschutz.net/pdf/Second_INACH_Report.pdf)>.

<sup>688</sup> Sean Myers, “Anti-Muslim web postings spark rights complaint”, *Calgary Herald* website, 20 December 2007, <<http://www.canada.com/calgaryherald/news/city/story.html?id=270a019a-724d-4bd4-9c44-846d067953f2>>.

<sup>689</sup> For more information, see <<http://www.rationalisti.net>>.

<sup>690</sup> “No.10 website carries threats of violence against Muslims”, Black Information Link website, 5 April 2007, <[www.blink.org.uk/pdescription.asp?key=14518&grp=66-32k](http://www.blink.org.uk/pdescription.asp?key=14518&grp=66-32k)>.

victims of these so-called hit lists are often human-rights defenders, anti-fascist activists, or community leaders.

- Instructions for racist, anti-Semitic, and homophobic violence were found on the Redwatch website, hosted in the **United States** but maintained by a right-wing organization in Poland. Redwatch posted the names, addresses, and telephone numbers of representatives of Jewish, anti-racism, and left-wing organizations and encouraged violence against them. In June 2006, Polish police arrested two individuals for ties to the website and charged eight others with collaborating on the site. On 18 May 2007, three people responsible for maintaining and administering the website were indicted.<sup>691</sup> Polish authorities also asked the United States for help, and, following the arrests and prosecutions, the site was closed down. In addition to the Polish site, Redwatch sites were also available for the United Kingdom and Germany. Several English incarnations of the site are now online again,<sup>692</sup> using web-server space in the United States and the United Kingdom.
- Neo-Nazi hit lists targeting human-rights defenders in the **Russian Federation** have begun to use online video. Particularly popular is the website of Format 18, whose members have filmed or collected video recordings of racist violence. Ultra-nationalists have also started to use YouTube (including its Russian version) for the same purpose, although violent videos have been promptly removed in many instances by YouTube. Many sites compiled and published lists of “enemies of the Russian people”, with personal addresses, photos, and direct appeals to kill them. A website that was particularly well known for such expressions was Russian Will. The site was closed several times by the web host, but each time it was re-opened.<sup>693</sup> Law-enforcement authorities have for a long time refused to open criminal investigations into death threats, believing the threats not to be serious.

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<sup>691</sup> Information provided by the Polish Ministry of Interior and Administration, 13 March 2008.

<sup>692</sup> “Second INACH Report”, International Network Against Cyber Hate, *op. cit.*, note 687.

<sup>693</sup> *Ibid.*

## **PART IV: Measures to Prevent and Combat Hate Crimes**

In recent years, OSCE participating States have committed themselves to further promote and raise awareness on tolerance and non-discrimination principles through:

- the collection and maintenance of reliable data and statistics on hate crimes: Ministerial Council Decisions Nos. 10/05,<sup>694</sup> 13/06,<sup>695</sup> and 10/07;<sup>696</sup>
- training and capacity-building of law-enforcement officials in responding to and preventing hate crimes: Ministerial Council Decisions Nos. 10/05, 13/06, 10/07;
- the development of measures aimed at fighting xenophobic stereotypes, intolerance, and discrimination that do not endanger freedom of information and expression, including through the media and the Internet: Ministerial Council Decisions Nos. 12/04,<sup>697</sup> 10/05, 10/07;
- educational programmes promoting tolerance and non-discrimination: Ministerial Council Decisions Nos. 12/04, 10/05, 13/06, 10/07;
- facilitation of interfaith and intercultural dialogue, respect, and mutual understanding: Ministerial Council Decisions Nos. 12/04, 10/05, 13/06.

In this context, and in the light of the continued threat posed by hate-motivated violence to targeted communities, a number of states, alone or in co-operation with civil-society groups, have introduced new measures and initiatives to combat hate crime and to promote mutual respect and understanding. These initiatives were often aimed at increasing the collection of data on hate crimes by law-enforcement authorities and encouraging victims to report these crimes. They included, among others, the training of law-enforcement officers in responding to hate crime, awareness-raising activities, and campaigns that promote mutual respect and understanding.

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<sup>694</sup> OSCE Ministerial Council Decision No. 10/05, *op. cit.*, note 12.

<sup>695</sup> OSCE Ministerial Council Decision No. 13/06, *op. cit.*, note 2.

<sup>696</sup> OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 1.

<sup>697</sup> OSCE Ministerial Council Decision No. 12/04, *op. cit.*, note 11.

### *Initiatives to Strengthen Data Collection*

While many states still do not collect fully disaggregated data, some have initiated efforts to address this issue. Many initiatives have resulted in improvements of existing data-collection mechanisms or in the development of new data-collection systems.

- Until 2007 in **Austria**, it was only possible to register crimes in violation of the Criminal Code (hate speech and incitement, and violations of the Austrian Act on the Prohibition of Nazi Activities). Data on racist motivations of other crimes was not registered. In June, the Ministry of Justice established a working group tasked with improving data collection for crime statistics. The objective of this working group is to develop a data-collection system that is more victim-oriented and that includes data not only on criminal phenomena directly linked to specific offences in the Criminal Code but also on racist and xenophobic motivations for crimes. The working group was expected to present its first results in the summer of 2008.<sup>698</sup>
- In **Belgium**, a circular was issued by the College of Prosecutors-General, and entered into force on 3 April 2006. It emphasizes the need for the police and courts to identify racist and xenophobic violence, as well as to improve their registration systems. This document requires police to register common crimes with a racist or xenophobic motive in a separate category on the police complaint form, thus alerting the courts to the hate-crime element of the offence. A second circular was issued pertaining to homophobic crimes. The two circulars aim to increase the visibility of racist, xenophobic, and/or homophobic incidents by improving the police and prosecutions services' registration of common crimes with a presumed racist or homophobic motive. A pilot project to register racist and xenophobic crimes under the new registration system was implemented in two police zones.<sup>699</sup> Furthermore, the information and registration system in the Belgian courts (TPI/REA) also now contains a "context" section allowing courts to register crimes such as assault with injury (*Slagen Met Verwondingen*) as a racist or xenophobic assault with injury. Penalty enhancement is possible for cases of common crimes motivated by racism or xenophobia.<sup>700</sup>
- In **Canada**, police services strengthened their data collection on hate crimes in order to provide comprehensive information to the Canadian Centre for Justice Statistics and Statistics Canada. Under the *Nationally Standardized Data*

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<sup>698</sup> "Report by the Commissioner for Human Rights, Mr. Thomas Hammarberg, On His Visit to Austria", Council of Europe, 21-25 May 2007, <[https://wcd.coe.int/ViewDoc.jsp?id=1225149&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679#P184\\_36249](https://wcd.coe.int/ViewDoc.jsp?id=1225149&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679#P184_36249)>.

<sup>699</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008; "Country-by-Country: Hate Crime Report Card", Human Rights First, *op. cit.*, note 68.

<sup>700</sup> "Nieuwe Omzendbrief: Het racistisch of xenophobe karakter van een overtredding moet worden gecodeerd", *Info Nieuws*, No. 1684, Federal Police, 5 April 2006.

- Collection on Hate-Motivated Crime Initiative*, the report “Hate Crime in Canada” was published on 9 June 2008.<sup>701</sup> The report is based primarily on 2006 police-reported data, as well as data obtained through a special supplemental survey funded by the Department of Canadian Heritage.
- The director of public prosecution in **Denmark** developed plans to enhance data collection through the introduction of a reporting system for the police and prosecutors in order to improve identification of racist cases for prosecution.<sup>702</sup>
  - In order to track racist criminal offences through the criminal-justice system, the **Finnish** government reports that the collection of data on racist crimes by prosecutors and courts is being improved.<sup>703</sup> In addition, improvements have been made in the police reporting system to facilitate the statistical collection of information.<sup>704</sup>
  - In **Lithuania**, in August, the Police Department, under the Interior Ministry, instructed the territorial police institutions to collect and supply information on criminal offences committed against foreigners due to their nationality, ethnic origin, or “race”. The aim was to analyse the situation regarding infringements of the rights of foreigners due to their nationality, ethnic origin, and race; to identify possible patterns; and to assess the need for preventive and other measures. As a result, information was provided to the Police Department on four cases where foreigners suffered an insult or an assault possibly due to their nationality, ethnic origin, or race, all of which were registered in the second half of 2007 in Vilnius.<sup>705</sup>
  - In the **Netherlands**, in 2007, the 25 regional police departments and the national police launched a new search system, Blue View, which allows officers to search for records of crimes involving bias motivation by using particular keywords (e.g., Muslim, Jew, mosque, synagogue, gay, lesbian, etc.). A second initiative is the introduction of a uniform case tracking system that will allow the police and partners to track cases of discrimination and hate crimes through the criminal-justice system. This initiative was to be launched in 2008. The Public Prosecution Service is also implementing a new system, GPS, that will allow for the registration of hate crimes (common crimes with a discriminatory element). The system was phased in during 2007 with the first statistics (including those on hate crimes) from GPS due to become available in 2008.<sup>706</sup>

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<sup>701</sup> Dauvergne *et al.*, *op. cit.*, note 95.

<sup>702</sup> “Report on Racism and Xenophobia in the Member States of the EU”, European Union Agency for Fundamental Rights, *op. cit.*, note 79.

<sup>703</sup> “Overview: Hate Crime Report Card”, Human Rights First, *op. cit.*, note 57.

<sup>704</sup> Information provided by Finland’s Interior Ministry, 6 March 2008.

<sup>705</sup> Information provided by Lithuania’s Interior Ministry, 6 March and 22 May 2008.

<sup>706</sup> A first national report on hate crimes registered by the Prosecution Service will be available by mid-2009.

- A study revealing a rising number of violent hate crimes against gay men and others in **Norway** led the police to introduce the registration of hate crimes against LGBT persons.<sup>707</sup>
- The National Council for Crime Prevention, which took over publication of hate-crime statistics from the Swedish Security Service in 2006, now serves as **Sweden's** centralized body for data collection and research on crime prevention. Hate-crime data is collected from local police districts from a computerized reporting system. Police can search files to identify hate crimes using approximately 265 keywords,<sup>708</sup> and the search terms that occur in the text are highlighted. Approximately 27,000 police offence reports were selected by means of this process for 2006. These were then reviewed and assessed manually by two research analysts. The use of this double-encoding method produces a more reliable and valid outcome, with aim of reducing the risk of systematic encoding errors due to subjective assessments.<sup>709</sup>

In order to improve data collection on hate crimes, some participating States have introduced training on registration and data collection for law-enforcement authorities.

- In 2007, **Austria's** Federal Agency for State Protection and Counter Terrorism introduced a new “other” category into its data-collection system to cover extremist crimes that were not xenophobic/racist or anti-Semitic. It also began registering extremist crimes against Muslims.<sup>710</sup>
- The **Canadian** Federal Department of Justice undertook a series of activities with regard to victims of hate crime, with, for instance, the publication of the report “An Exploration of the Needs of Victims of Hate Crimes”. The department of Justice also developed a training package and provided funding for the delivery of training to victims-services workers.<sup>711</sup> In Canada, the training and data quality co-ordinator for hate-motivated crime, policing services programme of the Canadian Centre for Justice Statistics provides police training that concentrates on investigation tools for hate-motivated crimes. Police are taught to look for a possible hate motive in every single crime.<sup>712</sup> During the training sessions, a series of case scenarios are presented, and, at the end, police themselves score

<sup>707</sup> “European Governments Must Do More to Tackle Hate Crimes”, Human Rights First press release, 17 December 2007, <<http://www.humanrightsfirst.org/media/disc/2007/alert/200/index.htm>>.

<sup>708</sup> “Criminal Justice data collection on hate crime”, European Union Agency for Fundamental Rights, <[http://www.raxen.fra.europa.eu/1/webmill.php?s\\_id=32813&dlocale=678777942&lin=detail&s\\_displayed=678777942](http://www.raxen.fra.europa.eu/1/webmill.php?s_id=32813&dlocale=678777942&lin=detail&s_displayed=678777942)>; information provided by the Swedish National Council for Crime Prevention, 16 May 2008. Examples of keywords related to different motives are: racist, foreign, white, go home, immigrant, ethnic (xenophobia), Muslim Islam, mosque, veil, Allah, religion (Islamophobia), synagogue, Jew, zog (anti-Semitism), her wife, his husband, gay, homo, fags (homophobia).

<sup>709</sup> Information provided by the Swedish National Council for Crime Prevention, 23 June 2008.

<sup>710</sup> Information from Austria's Interior Ministry, 7 March 2008.

<sup>711</sup> Information provided by the Canadian Federal Department of Justice, 6 March 2008.

<sup>712</sup> Trainers look for clues such as “no apparent motive for the crime” or “the crime takes place in a location frequented by one group” (e.g., gay area, mosque, or synagogue).

case scenarios to verify that they understand the issue of hate crimes. This scheme also involves training line officers and/or special hate-crime officers to train their own force.<sup>713</sup> The members of the Edmonton Police Department's Hate and Bias Crime Unit, in collaboration with the Canadian Police Knowledge Network, have developed a Hate Crime Investigator course to be offered to all law-enforcement members across Canada.<sup>714</sup>

- In **Finland**, the government has reported that police training was improved to enable officers to better recognize racially motivated offences and to carry out pre-trial investigations in an effective way. Additional courses focusing on ethnic questions and the prevention of discrimination were introduced both in the basic and supplementary police training courses. National and local training courses were carried out jointly with different partners such as human-rights organizations.<sup>715</sup> The programme, called Processing of Cases, involves a case study on the processing of discrimination cases in Helsinki. Training workshops for the police and prosecutors will be organized based on the study's findings.<sup>716</sup>
- In **Sweden**, the Stockholm County Police initiated a project aimed at increasing the number of prosecutions for crimes with a hate motive. The ombudsman participated in a reference group for this project. A number of training sessions for police personnel were also organized by the Living History Forum with the participation of the ombudsman. These were aimed at drawing attention to hate crimes, as well as the importance of clarifying the motives underlying a hate crime during the initial investigation phase. In addition, special emphasis was placed on police attitudes and treatment of groups receiving special protection in a hate-crimes context, such as the LGBT population.<sup>717</sup>
- In the **United States**, staff at the Southern Poverty Law Center Intelligence Project have a continued involvement in the Federal Law Enforcement Training Center's (FLETC) hate- and bias-crime train-the-trainer programme. FLETC provides services for local, state, and international agencies and trains personnel from more than 75 federal law-enforcement agencies. The training programme, developed with the assistance of Intelligence Project personnel, aims to improve the recognition, reporting, and investigation of hate crimes.<sup>718</sup> The Center also

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<sup>713</sup> Communication to ODIHR from the training and data quality co-ordinator for hate-motivated crime policing services programme and the Canadian Centre for Justice Statistics, 6 December 2006. Also see the presentation "Standardized Police Training & Data Collection on Hate-Motivated Crime", OSCE Tolerance Implementation Meeting on "Addressing the hate crime data deficit", Vienna, 9 November 2006, <<http://tandis.odihr.pl/content/documents/fulltext/03409.pdf>>.

<sup>714</sup> "Report to the Community 2005", Edmonton Police Service, 2006, p. 25, <<http://www.police.edmonton.ab.ca/Pages/Publications/AnnualReports/EPS%20Report%20To%20The%20Community%202005.pdf>>.

<sup>715</sup> "Overview: Hate Crime Report Card", Human Rights First, *op. cit.*, note 57.

<sup>716</sup> Information provided by Finland's Interior Ministry, 6 March 2008.

<sup>717</sup> "Rapport 2007", Office of the Ombudsman against Discrimination on Grounds of Sexual Orientation, 2008, <[http://www.homo.se/upload/homo/pdf\\_homo/Arsrapport\\_2007\\_LOWRES.pdf](http://www.homo.se/upload/homo/pdf_homo/Arsrapport_2007_LOWRES.pdf)>.

<sup>718</sup> "Recognizing and Responding to Hate Crimes", Southern Poverty Law Center, <<http://www.splcenter.org/intel/law.jsp>>.

works with FLETC and California State University at San Bernardino to provide officers with online courses on hate crime.<sup>719</sup>

Under-reporting of hate crimes is a problem that can lead to inadequate response by law-enforcement and government authorities. It results in a substantial data deficit with regard to hate crimes. Therefore, several participating States have focused on this issue and have launched a series of initiatives to increase victim-reporting of hate crimes.

- Coalition Europe, a **Pan-European platform** of human-rights organizations, launched its 2007 campaign “From Hate Crimes to Human Rights”, urging European states to establish and implement measures for preventing and combating hate crimes through policy and effective legislation against hate crimes and for increased victim support.<sup>720</sup> Activities include an online petition to raise awareness and encourage reporting of hate crimes.
- In **Georgia**, the NGO Century 21 continues to implement the project “Advancing Democracy through Combating Hate Crimes Incidents”, which was launched in 2006. The project monitors and reports on hate crimes and provides victim-assistance programmes. It also provides legal assistance to the victims of hate crimes. The main goal of the project is to raise awareness and improve understanding of hate crimes by the authorities and by society at large, and in particular by the potential victims of these crimes.<sup>721</sup>
- In **Sweden**, the National Council for Crime Prevention has been collecting hate-crimes statistics, including on homophobic crimes, since 2006.<sup>722</sup> Furthermore, the ombudsman against discrimination on grounds of sexual orientation has initiated several programmes to combat hate crimes, including one that trains police personnel to deal with these crimes appropriately.<sup>723</sup>
- In the **United Kingdom**, implementation of the victim-assistance and monitoring project “True Vision – Stopping hate crimes against Race and Religion” has continued. This project offers victims the possibility for self-reporting and aims at improving the service provided to minority communities by the police. Twenty-three different police forces have joined together to provide a single self-reporting and information pack, together with an online facility that allows victims to report hate crime directly to the police. The packs were made available in all police

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<sup>719</sup> The courses cover such topics as recognition and response to hate crimes, origins, terminology, types of offenders, hate groups, law, and the role of police, first responder and supervisory roles, investigation and intelligence, victim needs, juveniles, international concerns, legal issues, and community response. *Ibid.*

<sup>720</sup> For more information on the activities and members of Coalition Europe, see their website at <<http://www.coalition europe.org/>>.

<sup>721</sup> Information provided by the NGO Century 21, 25 February 2008.

<sup>722</sup> “Ongoing Projects”, Sweden’s National Council for Crime Prevention, 28 February 2008, <[http://www.bra.se/extra/pod/?action=pod\\_show&id=32&module\\_instance=11](http://www.bra.se/extra/pod/?action=pod_show&id=32&module_instance=11)>.

<sup>723</sup> “Rapport 2007”, Office of the Ombudsman against Discrimination on Grounds of Sexual Orientation, *op. cit.*, note 717.

- stations signed up to True Vision. They have also been distributed to a variety of pubs, clubs, libraries, and health groups.<sup>724</sup>
- A number of NGOs and police departments in the **United States** and the **United Kingdom** have launched online hate-crime forms for victims of hate crimes to file self-reports. It is hoped that this will facilitate and increase reporting of such crimes. The hate-crime report form was developed specifically to ensure that police have a record of incidents, thus increasing the likelihood that such reports will be properly registered.<sup>725</sup> In the United Kingdom, the government has also facilitated third-party reporting in a further attempt to increase reports of hate crimes.

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<sup>724</sup> See True Vision's website, <<http://www.report-it.org.uk/>>.

<sup>725</sup> An example of a self-reporting form that can be downloaded from the Internet can be found on the website of the West Midlands Police (United Kingdom) at <<http://www.west-midlands.police.uk/crime-reduction/incident-self-report-hate-crime.asp>>; a national youth initiative to facilitate hate-crime reporting in the United States can be found at <<http://www.youthwebonline.com/everyone/reportform.html>>.

### *Strengthening the Response of Law Enforcement and Prosecutors*

Law-enforcement agencies in OSCE participating States continued to respond to challenges related to hate-motivated violence in 2007 by identifying and launching a number of initiatives. As part of the its Law Enforcement Officer Programme on Combating Hate Crime, in November 2007, ODIHR facilitated the establishment of a Regional Network on Hate Prevention and Investigation. The Network aims to promote and support co-operation between law-enforcement agencies in investigating and preventing hate crimes, as well as in tackling the increasingly transborder nature of hate crimes. The Network includes the countries that are currently implementing ODIHR's Law Enforcement Officer Programme.<sup>726</sup>

In addition to this initiative, a number of good practices were noted across the OSCE region in 2007. These ranged from initiating campaigns, developing handbooks, and publishing research. New initiatives were launched to train law-enforcement officers and to equip them with the skills necessary to respond more effectively and efficiently to hate-motivated violence.

In 2007, the following states reported new initiatives related to law enforcement and prosecutors:

- In **Andorra**, the Information Unit of the Police Criminal Area focuses on the prevention of hate crimes by detecting the existence of hate-motivated groups that can instigate violence against people and/or property.<sup>727</sup>
- In **Armenia**, special seminars were organized for professional groups (lawyers, judges, police officers, etc.), as well as for representatives of vulnerable groups (refugees, children, women, national minorities).<sup>728</sup>
- The **Austrian** police force, in co-operation with the US-based NGO Anti-Defamation League, conducts anti-bias training for law-enforcement officers. The training course aims to sensitize law-enforcement officers about ethnic, religious, and all other aspects of diversity and discrimination, including gender or disability. By the end of 2007, over 4,000 police officers had taken this training course, which is compulsory for all new officers.<sup>729</sup>
- In **Belgium**, the CEOOR organized a seminar on racist violence in Breendonk in November 2007. Assessing the impact of Circular Letter COL/6 issued in April 2006 (on the registration of common crimes with racist motives), representatives

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<sup>726</sup> For detailed information on participating States implementing the programme, please see Part V of this report.

<sup>727</sup> Communication to ODIHR from the Permanent Mission of the Principality of Andorra, 23 May 2008.

<sup>728</sup> Information provided by Armenia's Ministry of Foreign Affairs, 6 June 2008.

<sup>729</sup> Information provided by Austria's Ministry for European and International Affairs, 24 June 2008.

- of the police and criminal prosecution service reported that the number of such registrations remained low.<sup>730</sup>
- In **Croatia**, the Police Academy has introduced teaching about hate-crimes issues into various courses. Following participation in ODIHR's Law Enforcement Officer Programme on Combating Hate Crime, the Interior Ministry continues to carry out in-house training of police officers.
  - In **Latvia**, non-governmental and inter-governmental organizations held a training course for police and judges on combating hate crime. The Latvian Judicial Training Centre also organized legal training sessions, seminars, and courses for judges on issues including racism and discrimination.<sup>731</sup>
  - In response to the increasing number of homophobic incidents in the **Netherlands** (up from 20 in 2006 to 38 in 2007), Amsterdam police began recording and classifying this type of incident. To enhance the LGBT community's sense of security, law-enforcement officers were assigned near areas where LGBT people meet, and a hotline for victims of hate-motivated incidents was established.<sup>732</sup>
  - In **Poland**, human-rights advisors were appointed to the chief commander of police and regional police chiefs. The advisors are to gather information and share good practices on the protection of human rights, as well as to monitor racial discrimination, including anti-Semitism and xenophobia. They are also responsible for initiating action aimed at the proper prosecution and punishment of crimes on ethnic grounds and co-ordinating training courses for police officers on preventing discrimination.<sup>733</sup>
  - Law-enforcement authorities in the **Russian Federation** conducted a training programme on co-operation with Roma and Sinti groups, implemented jointly with the Council of Europe.<sup>734</sup> In addition, in December 2007, the Moscow University of Internal Affairs hosted a seminar on hate crimes in co-operation with experts from ODIHR's Law Enforcement Officer Programme. This event provided a forum for discussion and an opportunity for ODIHR's experts to learn more about the activities conducted by the Russian Federation in this field.
  - In **Spain**, in December, the government issued a guidebook of recommendations for training security forces on equality of treatment and non-discrimination. The guidebook promotes equality of treatment and non-discrimination in professional practice. It also prepares police officers to better respond to the increasing ethnic and cultural diversity and provides guidelines to fight racism and xenophobia.<sup>735</sup>

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<sup>730</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

<sup>731</sup> Information provided by Latvia's Special Assignments Ministry for Social Integration, 2 April 2008.

<sup>732</sup> Presentation by a police officer from Amsterdam during the training-of-trainers session of the Law Enforcement Officer Programme on Combating Hate Crime, London, 19-23 November 2007.

<sup>733</sup> Information provided by the Polish Ministry of Interior and Administration, 13 March 2008.

<sup>734</sup> Communication to ODIHR from the Permanent Mission of the Russian Federation to the OSCE, 4 April 2008.

<sup>735</sup> Communication to ODIHR from the Permanent Mission of Spain to the OSCE, 10 June 2008.

- In **Ukraine**, the National University of Internal Affairs, Kyiv, organized a seminar focusing on exchange of experiences and good practices with experts from ODIHR's Law Enforcement Officer Programme in September 2007. This event gathered around 30 experts from the Ministries of Interior and of Security and other relevant governmental agencies. The Interior Ministry has also developed an Action Plan on combating xenophobia, hate-motivated violence, and racism that outlines relevant training courses and awareness-raising activities to be undertaken by Ukrainian law-enforcement officials. It also foresees the creation of a special programme aimed at identifying hate groups. In October 2007, a special department dealing with xenophobia and ethnic intolerance was established with the Ukrainian Security Service. The Interior Ministry has also created special departments on the prevention of racist and xenophobic crimes.<sup>736</sup>
- A number of states, including **Poland, Ukraine, and Serbia**, continued implementation of ODIHR's Law Enforcement Officer Programme on Combating Hate Crime.

Other initiatives undertaken in 2007 to develop new handbooks, guides, and supplemental materials for law-enforcement officers were also reported.

- In Ontario, **Canada**, in September, a police officer's guide to investigation and prevention of hate crimes was published to tackle the increasing number of hate crimes. The guide offers comprehensive information on how police officers can identify and respond efficiently to hate crimes. It also offers guidance on how to work with victims and affected communities.<sup>737</sup>
- In 2007, an internal manual for **Czech** law-enforcement officers on symbols used by extremists was developed and is currently used by military police, prevention units, and prosecutors.<sup>738</sup>
- In **Poland**, a monitoring team on racism and xenophobia functions within the Department of Control, Complaints, and Petitions of the Interior Ministry. The team has been tasked with preparing training materials and reports in order to support the Ministry's efforts to combat xenophobia and intolerance. Another task is to prepare activities for national and ethnic minorities in order to implement principles of equal treatment, regardless of nationality, ethnic origin and language.<sup>739</sup>

Several initiatives aimed at supporting victim groups were also reported on in 2007:

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<sup>736</sup> Information provided by the National University of Internal Affairs, 24 April 2008.

<sup>737</sup> "Responding to Hate Crimes: An Ontario Police Officer's Guide to Prevention and Investigation", Ontario Police College, September 2007, <<http://www.opconline.ca/res/HateCrimes/final%20online%20PDF-English.pdf>>.

<sup>738</sup> Information provided by the Interior Ministry of the Czech Republic, 6 March 2008.

<sup>739</sup> Information provided by Poland's Ministry of Interior and Administration, 13 March 2008 and 23 May 2008.

- The **Canadian** Federal Department of Justice undertook a number of activities with regard to victims of hate crime. In 2007, it published a report exploring the needs of victims of hate crimes, and it also revised the existing manual on working with victims of crime.<sup>740</sup>
- In **Germany**, the Ministry of Justice commissioned a research study on the prevention of violence against members of certain groups. Acting on this request, the German Forum for Crime Prevention prepared a detailed report with recommendations on how to prevent bias crime on different socio-political levels, recommending, *inter alia*, to intervene as early as possible in these processes by offering tolerance education to children from the age of 4.<sup>741</sup>

Law-enforcement officials also continued to work closely with communities in order to strengthen confidence and security of potential victim groups:

- In some returnee areas in **Bosnia and Herzegovina**, law-enforcement officials and representatives of returnee communities discussed the security situation in returnee settlements and specific incidents. Such forums were welcomed by returnee groups.<sup>742</sup>
- **Slovenian** law-enforcement officers co-operate closely with two NGOs (Mirovni Institut and Spletno oko) that are involved in the fight against discrimination and xenophobia in Slovenia. The law-enforcement officers share information with the NGOs and also use their initiatives to enhance their work.<sup>743</sup>
- In **Switzerland**, a handbook for counselling of victims of racist discrimination was developed in co-operation with the Foundation against Racism and Anti-Semitism, in collaboration with the Federal Commission Against Racism.<sup>744</sup>

In 2007, law-enforcement agencies initiated a number of awareness-raising campaigns:

- In **Austria**, the Regional Police Command of Vienna, in co-operation with the city authorities, initiated a large-scale recruitment campaign aimed at increasing the percentage of police officers with an immigrant background. The campaign, called “Vienna needs you”, comprises events organized with over 600 target institutions, mainly immigrant associations and schools. The long-term goal of the campaign is to ensure that each police station in Vienna has at least one police officer with an immigrant background by 2012.<sup>745</sup>
- In **Norway**, the national police developed several projects aimed at enhancing relations with minority communities in order to increase understanding of their

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<sup>740</sup> Information provided by the Canadian Federal Department of Justice, 6 March 2008.

<sup>741</sup> Communication to ODIHR from the Permanent Mission of Germany to the OSCE, 27 March 2008.

<sup>742</sup> Communication to ODIHR from the OSCE Mission to Bosnia and Herzegovina, 10 March 2008.

<sup>743</sup> Information provided by the Office for Religious Groups of the Government of Slovenia, 6 March 2008.

<sup>744</sup> Communication to ODIHR from the Swiss Delegation to the OSCE, 16 April 2008.

<sup>745</sup> Information provided by Austria’s Ministry for European and International Affairs, 24 June 2008.

- social, cultural, and religious background. Similarly, an initiative was launched to encourage members of minorities to train as police officers. Furthermore, the Police Academy has a programme on understanding different cultures.<sup>746</sup>
- In **Romania**, a campaign aimed at informing high-school students belonging to national minorities about joining law-enforcement agencies was developed. Around a thousand posters in Romanian, Hungarian, and Romani were distributed. The campaign is a component of a project on promoting good governance in multicultural communities.<sup>747</sup>

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<sup>746</sup> Information from the country visit to Norway of the personal representative of the OSCE Chairman-in-Office on combating intolerance and discrimination against Muslims, 17-20 October 2007.

<sup>747</sup> Information provided by Romania's Ministry of Justice, 5 March 2008.

### *Addressing Hate-Motivated Discourse*

Hate crimes and violent incidents often take place against a backdrop of racist, intolerant, and xenophobic public discourse in the media and political sphere. In several participating States, initiatives were undertaken to tackle intolerant media rhetoric:

- In 2006, the CEOOR co-ordinated the development of a joint study by the Catholic University of Leuven and Ghent University dealing with the treatment of foreigners by the media in **Belgium**. The results of this study are expected to be made publicly available.<sup>748</sup>
- In **Latvia**, several studies were developed on the use of intolerant rhetoric, interethnic relations, integration, and intolerance. The studies, which were aimed at identifying the main issues related to integration and at further developing related policies, were carried out by the Secretariat of the minister of special assignments for social integration affairs. For example, a project called “Shrinking Citizenship” was implemented in order to draw public attention to intolerant rhetoric about minorities.<sup>749</sup>
- In **Poland**, a report was developed based on monitoring of the Polish press for racist, xenophobic, and anti-Semitic content. The report, which was prepared upon the order of the Polish Ministry of Interior and Administration, included preliminary conclusions and recommendations. Also in Poland, in co-operation with the British Embassy and the Helsinki Foundation for Human Rights, a short film on foreigners living in Poland and teaching materials on multiculturalism were prepared. A conference on the fight against discrimination, xenophobia, and racism was also organized in Warsaw in November along with workshops for media representatives on issues related to linguistic correctness, ethnic minorities, and immigrants.<sup>750</sup>
- The president of the **Russian Federation** and members of the government repeatedly condemned racial discrimination and emphasized the necessity of campaigns to combat racism and intolerance. Measures to combat racial discrimination were widely discussed by members of parliament, civil society, and media. The Public Chamber also devoted several meetings to the discussion of this issue. Furthermore, television and radio channels devoted special programmes to discuss the prevention of hate crimes. The Ministry of Culture and Mass Communication also conducts programmes aimed at preventing and combating xenophobia and hate crimes, as well as the at strengthening tolerance.

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<sup>748</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

<sup>749</sup> Information provided by the Ombudsman Office of the Republic of Latvia, 19 March 2008.

<sup>750</sup> Information provided by the Polish Ministry of Interior and Administration, 13 March 2008.

- For that purpose, a plan of action on the development of culture and mass communication was developed and is to be implemented by 2015.<sup>751</sup>
- On 29 March, the government of the **United Kingdom** responded to the 2006 report issued by the All-Party Parliamentary Inquiry, which emphasized that the government shares the Jewish community's concerns over recent manifestations of anti-Semitism. The government expressed its concern with significant indications that, unlike other forms of racism, anti-Semitism was being accepted within parts of society instead of being condemned. The government stated that it was aware that current rhetoric against Israel and Zionism employs anti-Semitic motifs that are consistent with ancient forms of hatred towards Jews.<sup>752</sup>

Several initiatives aimed at combating hate on the Internet were also reported:

- In **Belgium**, the CEOOR's website cyberhate.be (online registration desk for racism on the Internet) includes training modules for forum moderators and panel discussions with youngsters. The training is for forum moderators who wish to be able to identify and react adequately to hate speech and racism occurring in the context of web forums. In addition, in 2007, panel discussions about racism in cyber forums were initiated in Belgian schools. Concepts such as freedom of speech, hate speech, and racism are at the core of these panel discussions.<sup>753</sup>
- In **Canada**, through Canada's Action Plan against Racism, the federal Department of Justice has collaborated with many NGOs to investigate the problem of the borderless communication of hate propaganda through the Internet. Proposals for a comprehensive strategy to address this problem have been received by the Department of Justice and are currently under consideration.<sup>754</sup> The Canadian Human Rights Commission also continues to identify complaints dealing with hate messages on the Internet as having a significant public interest, and regularly participates in the hearings of complaints before the Canadian Human Rights Tribunal.<sup>755</sup> Also in Canada, preliminary research work was undertaken by the Simon Wiesenthal Center, under contract with Justice Canada, on the scale of Internet hate in Canada. The study uncovered 22 websites that are likely located in Canada and that are dedicated to promoting hatred.<sup>756</sup>

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<sup>751</sup> Communication to ODIHR from the Permanent Mission of the Russian Federation to the OSCE, 4 April 2008.

<sup>752</sup> "Report of the All-Party Parliamentary Inquiry into Antisemitism: Government Response", London, Stationery Office, 29 March 2007, <<http://www.official-documents.gov.uk/document/cm70/7059/7059.pdf>>.

<sup>753</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

<sup>754</sup> Information provided by the Canadian Federal Department of Justice, Canadian Centre for Justice and Statistics, the Department of Canadian Heritage, and the Canadian Human Rights Commission, 6 June 2008.

<sup>755</sup> See *Annual Report 2006* (Ottawa: Canadian Human Rights Commission, 2007), <[http://www.chrc-ccdp.ca/pdf/ar\\_2006\\_ra\\_en.pdf](http://www.chrc-ccdp.ca/pdf/ar_2006_ra_en.pdf)>.

<sup>756</sup> Information provided by the Canadian Federal Department of Justice, 6 March 2008.

- On 30 May 2006, civil-society groups in **Latvia** initiated the adoption of a Declaration on Respect, Tolerance and Co-operation on the Internet. The petition was signed by the editors of Internet portals and representatives of associations, foundations, and public institutions.<sup>757</sup>
- In the **Netherlands**, the Internet Discrimination Hotline reported a number of websites with discriminatory content to the police. In 2007, a number of moderators of extreme-right web forums were raided.<sup>758</sup>
- In **Poland**, the Ministry of Interior and Administration closely co-operates with the team from Dyzurnet.pl in order to combat hate-motivated content on the Internet. This team receives and reacts to notifications relating to racist and xenophobic content on the Internet in accordance with Polish law.<sup>759</sup> Anonymous notifications can be submitted online.<sup>760</sup>
- In **Portugal**, Linha Alerta, an awareness project and hotline service, is running under a programme called Safer Internet *plus*. The mission of Linha Alerta is to block illegal content on the Internet and to prosecute the disseminators of such content in an effective way. In order to achieve this goal, Linha Alerta provides Portuguese law-enforcement agencies with information on illegal content; it also identifies those responsible, notably through collaboration with national Internet service providers and international partners. Linha Alerta has a website<sup>761</sup> in both Portuguese and English that allows for anonymous submission of complaints addressing, among other things, incitement to violence and incitement to racial hatred content.<sup>762</sup>
- A Slovenian hotline called Spletno oko<sup>763</sup> deals with anonymous reports concerning child pornography and hate speech on the Internet. The project also participates in the European Commission's Safer Internet *plus* programme. The state prosecution of **Slovenia**, the Slovenian police force, Slovenian media, and other institutions are all part of Spletno oko's advisory board.<sup>764</sup>

Examples of positive political leadership in condemning negative public discourse were also reported in the OSCE region:

- In November, the **German** government launched an initiative entitled "Sites of diversity" in order to combat right-wing extremism, xenophobia, and anti-Semitism. The various ministers involved in this campaign called on

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<sup>757</sup> Information provided by the Ombudsman Office of the Republic of Latvia, 19 March 2008.

<sup>758</sup> Information provided by the Dutch Ministry of Justice, 18 March 2008.

<sup>759</sup> Information provided by Poland's Ministry of Interior and Administration, 13 March 2008.

<sup>760</sup> See <<http://www.dyzurnet.pl>>.

<sup>761</sup> See <<http://www.linhaalerta.internetsegura.pt>>.

<sup>762</sup> Information provided by the Prosecutor-General's Office of Portugal, 13 March 2008.

<sup>763</sup> See <<http://www.spletno-oko.si>>.

<sup>764</sup> Information provided by the Office for Religious Groups of the Government of Slovenia, 6 March 2008.

- municipalities to make declarations in support of diversity, tolerance, and democracy. Towns and cities can also apply to become a site of diversity.<sup>765</sup>
- In March, **Hungarian** Prime Minister Ferenc Gyurcsány confronted rising right-wing extremism in a statement to *The Times*: “There is something happening. There have never been as many anti-Semitic remarks as now.”<sup>766</sup> On 10 May, Gyurcsány joined a pro-tolerance march in Budapest and was attacked with anti-Semitic slogans during his speech. Thousands of people participated in this demonstration, which was aimed at promoting tolerance and at countering hate speech. The prime minister called on Hungarians not to turn a blind eye to anti-Semitism.<sup>767</sup> A recent survey commissioned by the Anti-Defamation League revealed that large parts of the Hungarian population hold negative views about Jews.<sup>768</sup>
  - On 11 October, **Italy’s** justice minister spoke out against anti-Semitism. Minister Clemente Mastella called anti-Semitism a “very dangerous ideology” and claimed that “[the] government is prepared to fight against and prevent all forms of anti-Semitism in the country – and across the continent”.<sup>769</sup>
  - The Russian Jewish Congress related the decline in the number of anti-Semitic incidents in the **Russian Federation** in 2007 to the stance taken by Russian politicians. “The fact that official Russian authorities display a willingness to actively oppose anti-Semitism and xenophobia, making tough statements on the danger of these phenomena and the need to combat them, inspires optimism”, a representative stated.<sup>770</sup> In June, President Vladimir Putin publicly donated one month’s salary to the Museum of Tolerance being built by the Russian Federation of Jewish Communities.<sup>771</sup> On 17 October, a multifunctional Jewish charity centre was opened in Moscow. The mayor of Moscow, Yuri Luzhkov, stated that it was his task to provide for the peaceful co-existence of various nationalities and religions in the city.<sup>772</sup>

There were several initiatives in 2007 to address negative discourse against Muslims:

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<sup>765</sup> “Orte der Vielfalt”, German Government website, 26 November 2007, <<http://www.orte-der-vielfalt.de>>.

<sup>766</sup> Roger Boyes, Adam LeBor, “Beware the Right, rising again in the East, Hungarian leader says”, *The Times* website, 2 March 2007, <<http://www.timesonline.co.uk/tol/news/world/europe/article1459352.ece>>.

<sup>767</sup> “Anti-Semitic slogans disrupt peace rally in Budapest”, European Jewish Press website, 11 May 2007, <<http://www.ejpress.org/article/16649>>.

<sup>768</sup> “ADL Survey in Six European Countries Finds Anti-Semitic Attitudes Up: Most Believe Jews More Loyal to Israel than Home Country”, Anti-Defamation League website, 17 July 2007, <[http://www.adl.org/PresRele/ASInt\\_13/5099\\_13.htm](http://www.adl.org/PresRele/ASInt_13/5099_13.htm)>.

<sup>769</sup> “Italian Justice Minister Strongly Denounces Anti-Semitism”, Anti-Defamation League website, 11 October 2007, <[http://www.adl.org/PresRele/ASInt\\_13/5148\\_13.htm](http://www.adl.org/PresRele/ASInt_13/5148_13.htm)>.

<sup>770</sup> “Russian Jewish Congress reports sharp drop in anti-Semitic incidents in 2007”, BBC Monitoring, 18 February 2007, original source: Interfax news agency, Moscow, in Russian, 18 February 2008.

<sup>771</sup> “Contemporary Global Anti-Semitism”, United States Department of State, *op. cit.*, note 269, p. 40.

<sup>772</sup> “Anti-Semitism in today’s Russia (2006-2007)”, Moscow Bureau for Human Rights, *op. cit.*, note 299.

- During 2007, the Islamic Human Rights Commission issued a report on the representation of Muslims in the British media, TV news, literature, and cinema. The report also articulated aspirations and expectations of Muslims regarding media and government.<sup>773</sup>
- In response to the controversial radio show “Savage Nation”, the US-based Hate Hurts America Community and Interfaith Coalition commenced a campaign to stop airing commercials during the programme. Many companies in the United States also boycotted the programme after the host’s hateful remarks about Islam.

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<sup>773</sup> For more information, please see the website of the Islamic Human Rights Commission, <<http://www.ihrc.org/>>.

## *Responding to Hate-Motivated Incidents at Sporting Events*

States are actively engaged in the fight against violent and extremist groups, both individually and through enhanced international co-operation. For instance, in its annual report on the protection of the constitution, the **Austrian government** announced, with respect to the EURO 2008 football tournament it was to host, that it would intensify its efforts at international and bilateral co-operation. This included adapting to the standards and practices of neighbouring countries and the exchange of data on hooligans.<sup>774</sup>

In an effort to promote greater tolerance and understanding, some participating States organized events within the context of the European Year of Equal Opportunities.

- In **Finland**, the Sports Federation (FSF) organized a campaign that comprised events such as meetings for sport clubs and NGOs representing different minorities, training for coaches and club leaders, information-sharing, and the creation of a national Equality Award for sport clubs.<sup>775</sup> The FSF has also been active in promoting integration through sports with programmes focusing on immigrants and particularly women.<sup>776</sup>
- In **Denmark**, a government-sponsored campaign called “Show Racism the Red Card” aims to combat racism and promote diversity and equal treatment. Professional football players from the National Danish Football League deliver speeches during public events on combating racism. Materials such as banners, flyers, and T-shirts are distributed to promote the campaign goals.<sup>777</sup>
- The **Icelandic** Football Association initiated a project against racism and discrimination in May 2007.<sup>778</sup>
- An initiative to counter racism and enhance tolerance in football was launched by the Football Association of **Ireland** under the name “Intercultural Football Plan, Many Voices, One Goal”. It aims to reflect the changing cultural makeup of Ireland and to work towards a fully intercultural and socially inclusive society through increased participation in football.<sup>779</sup>

Non-state actors have an important role to play in supplementing the work of sports federations and states. Besides the FARE (Football Against Racism in Europe) network’s ongoing programmes, other such associations have been established. The United Kingdom, for instance, has the “Football Unites, Racism Divides” and “Show Racism the Red Card” campaigns; the Netherlands has the European Gay and Lesbian Sports

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<sup>774</sup> *Verfassungsschutzbericht 2007, op. cit.*, note 90, pp. 64-65.

<sup>775</sup> Information provided by Finland’s Interior Ministry, 6 March 2008.

<sup>776</sup> See “Sports and employment for immigrants”, Finnish Sports Federation website, <[http://www.slu.fi/lum/6\\_98/slu-yhteiso/sports\\_and\\_employment\\_for\\_immigr](http://www.slu.fi/lum/6_98/slu-yhteiso/sports_and_employment_for_immigr)>.

<sup>777</sup> Information provided by Denmark’s Justice Ministry, 9 June 2008.

<sup>778</sup> Information provided by the national commissioner of the Icelandic police, 20 June 2008.

<sup>779</sup> “Intercultural Football Plan, Many Voices, One Goal”, Football Association of Ireland, <[http://www.fai.ie/pdf/intercultural/FAI\\_INTERCULTURAL\\_PLAN.pdf](http://www.fai.ie/pdf/intercultural/FAI_INTERCULTURAL_PLAN.pdf)>.

Federation; Poland has the Never Again Association; Ireland has the Sports Against Racism Ireland organization; and Austria has the “Fair Play” campaign.<sup>780</sup> These organizations and campaigns actively promote tolerance at sporting events by organizing events in their respective countries and at the European level.

Due to the media attention surrounding them, international sporting events provide a good opportunity to enhance the visibility of the issue of racism and hate in sports. For instance, on 14 September 2007, a debate entitled “Get racism out of stadiums!”, hosted by the World Sport Forum under the patronage of UNESCO, took place on the sidelines of the Rugby World Cup in St. Denis, France.<sup>781</sup>

In addition to the ongoing work of states, sports federations, and civil-society actors in this field, the issue of hate and racism in sports has come into focus at the European level. In April 2007, a conference on sport, violence, and racism in Europe was organized in Rennes, France, within the context of the Council of Europe’s “All Different, All Equal” campaign.<sup>782</sup> In addition, in July, the European Commission published a white paper on sport, in which it emphasizes the need for continued prevention and repression of hate-motivated incidents in the world of sports and recommends the exchange of good practices between its member states.<sup>783</sup>

Responses to such hate-motivated incidents may differ, but, in recent years, there has undeniably been a positive move towards firmer sanctions, with a strengthening of codes of conduct, legislative frameworks to fight such incidents, and the customary application of tougher sanctions against individuals and clubs.

- In January, the **Belgian** interior minister announced that racism would no longer be tolerated during football games and that racist behaviour would be severely punished. It was reported that an average of five supporters were convicted on charges of racism every season in the country.<sup>784</sup> For instance, a Germinal Beerschot supporter was banned from football grounds for nine months and fined 500 euros for making a Nazi salute during a game. Also in Belgium, Circular

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<sup>780</sup> More information on these campaigns can be found at: <<http://www.kickitout.org/1.php>>, <<http://www.furd.org/>>, <<http://www.srtrc.org/events/index.html>>, <<http://www.eglsf.info/eglsf-welcome.html>>, <<http://www.nigdywiecej.org.pl/>>, <[http://www.sari.ie/sarisite/Who\\_We\\_are.html](http://www.sari.ie/sarisite/Who_We_are.html)>, and <<http://fairplay.vide.org/>>.

<sup>781</sup> “Agenda of Debates”, World Sports Forum, 7 September-10 October 2007, <[http://www.unesco.org/shs/debates\\_wsf.pdf](http://www.unesco.org/shs/debates_wsf.pdf)>.

<sup>782</sup> See <<http://alldifferent-allequal.info/node/541>> and <<http://www.euractiv.com/en/sports/violence-racism-sport-spotlight/article-162940>>.

<sup>783</sup> “White Paper on Sport”, European Commission, COM(2007)391, 11 July 2007, p. 8, <[http://ec.europa.eu/sport/whitepaper/wp\\_on\\_sport\\_en.pdf](http://ec.europa.eu/sport/whitepaper/wp_on_sport_en.pdf)>.

<sup>784</sup> “Belgium clamping down on racism at football stadiums”, *ENAR Weekly Mail*, No. 78, 26 January 2007, p. 3, <[http://cms.horus.be/files/99935/MediaArchive/pdf/WM78\\_EN.pdf](http://cms.horus.be/files/99935/MediaArchive/pdf/WM78_EN.pdf)>.

- Letter OOP 40 was introduced, which clarifies provisions of the 1998 Football Law and aims to tackle racist chants and behaviour in football stadiums.<sup>785</sup>
- In October, the main **Czech** TV channel Česká televize won a Golden LICRA award for its action against hate in football. The channel had taken the unprecedented step of muting its transmission of a game between Sparta Prague and Slavia Prague as a reaction to anti-Semitic chants. It also issued an ultimatum that it would stop broadcasting games if such incidents continued.<sup>786</sup>
  - During a game on 14 September in **France**, the Libourne-St Seurin striker Boubacar Kébé was the victim of repeated racial insults from Bastia SC supporters. The LFP (professional football league) subsequently deducted a point from the Corsican club's tally in the Second Division championship. This is a new and exemplary sanction in French professional football. However, it could be perceived as a light penalty since the disciplinary code stipulates the application of a three-to-six-point deduction for the first racist incident and the club's relegation in case of recidivism.<sup>787</sup>
  - In another instance, **German** fans reported a fellow spectator of a Bundesliga game between Energie Cottbus and Bochum to the police, after he allegedly racially abused Cameroon striker Francis Kioyo during the match on 3 February 2007. The club announced that it would take legal steps against the spectator who, if found guilty, could face a lifetime ban from football stadiums.<sup>788</sup>
  - In **Spain**, in July, a law against violence, racism, xenophobia, and intolerance in sport (Law 19/2007) came into force. This law, which represents another step in the government's efforts to fight racism, xenophobia, and intolerance, streamlines all existing legal regulations into one text, stipulating the obligations of various institutions involved in sporting events.<sup>789</sup>
  - In 2007, for the first time ever, sanctions were imposed on a football club in the **Russian Federation** for the racist conduct of its fans. On 11 August, during a game in Samara, Spartak Moscow fans displayed a racist banner offending the dark-skinned Brazilian player Wellington Soares Moraes. Following this incident, Spartak was fined 500,000 rubles (approximately 14,000 euros).<sup>790</sup>
  - In the **United Kingdom**, at the beginning of November, in response to fascist statements by the British National Party against the two Moroccan players from Hibernian football club in Edinburgh, the club manager spoke publicly about the

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<sup>785</sup> Information from the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008. See "Circulaire OOP 40, 14 décembre 2006, portant des directives à l'encontre des propos et slogans blessants, racistes et discriminatoires scandés en chœur à l'occasion des match de football", *Moniteur Belge*, 2 July 2007, <<http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2007/07/02/105597.pdf>>.

<sup>786</sup> "Rapport d'Activités 2007 de la Commission Sport", Ligue Internationale Contre le Racisme et l'Antisémitisme, *op. cit.*, note 260, p. 12 and p. 29.

<sup>787</sup> *Ibid.*

<sup>788</sup> "German fans single out 'racist'", BBC News website, 4 February 2007, <<http://news.bbc.co.uk/2/hi/europe/6329959.stm>>.

<sup>789</sup> Communication to ODIHR from the Permanent Mission of Spain to the OSCE, 10 June 2008.

<sup>790</sup> Kozhevnikova, *op. cit.*, note 199, p. 18.

measures taken to promote tolerance and address the needs of Muslim football players during Ramadan.<sup>791</sup>

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<sup>791</sup> “Fans stand up for tolerance and diversity”, Islamophobia Watch website, 6 November 2007, <<http://www.islamophobia-watch.com/islamophobia-watch/2007/11/6/fans-stand-up-for-tolerance-diversity.html>>.

### *Education and Awareness-Raising as a Tool to Combat Intolerance*

In order to prevent and effectively combat prejudices and stereotypes and respond to potential hate-motivated acts, many OSCE states have initiated a number of initiatives to address this issue. Such actions include the launch of awareness-raising campaigns, the development of extensive education-related activities, and building partnerships with NGOs. This section provides a brief overview of such activities during 2007.

OSCE participating States have identified education “as a means for preventing and responding to all forms of intolerance and discrimination, as well as for promoting integration and respecting diversity”.<sup>792</sup> The school environment provides an important forum in which to address harmful stereotypes and prejudices that can lead to exclusion, marginalization, alienation, distrust, bullying, and, in extreme cases, physical intimidation and violence. School life provides an excellent opportunity for young people to learn and practice active citizenship skills that promote respect and understanding of differences.

There is a need to work more actively on promotion of activities that address all forms of prejudice prevalent among teachers, staff, and students. For example, various anti-bullying programmes in schools, while attentive to discrimination based on race, ethnicity, or religion, tend to overlook the vulnerability of LGBT students.<sup>793</sup>

Recognizing the threat posed to democracy and stability by intolerance, UNESCO and the Council of Europe have drafted guidelines and recommendations to address such dangers. In late 2006, UNESCO developed guidelines on intercultural education and, in 2007, passed a resolution committing to work in the area of Holocaust education. The Council of Europe continued the implementation of its projects on education for democratic citizenship and the religious dimension of intercultural education. It also developed an initial draft white paper on intercultural dialogue. In 2007, OSCE Ministerial Council Decision No. 10/07 reiterated the Organization’s commitment to

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<sup>792</sup> “Cordoba Declaration”, Slovenian Chairmanship of the OSCE, 9 June 2005, <[http://www.osce.org/documents/cio/2005/06/15109\\_en.pdf](http://www.osce.org/documents/cio/2005/06/15109_en.pdf)>.

<sup>793</sup> Statistics from the United States and the United Kingdom show that LGBT youth are frequently the victims of bullying. In 2007, the Southern Poverty Law Center announced that 75 per cent of gay students in the United States had reported being verbally abused at school, and more than a third said they had been physically harassed. In 2006, Stonewall, in conjunction with the Schools Health Education Unit, conducted a study of 1,145 secondary-school students in Great Britain. The results showed that homophobic bullying is pervasive in British schools as well. Almost two-thirds (65 per cent) of young lesbian, gay, and bisexual pupils had experienced direct bullying. Seventeen per cent reported they had received death threats, and 13 per cent had been threatened with a weapon. Almost 60 per cent of those who had experienced bullying had never reported it. For more information, please Ruth Hunt and Johan Jensen, “The School Report: The experiences of young gay people in Britain’s schools”, Stonewall, <[http://www.stonewall.org.uk/documents/school\\_report.pdf](http://www.stonewall.org.uk/documents/school_report.pdf)>; also see the website of the Southern Poverty Law Center at <<http://www.splc.org>>.

working with other organizations such as UNESCO, the Council of Europe, and the UNHCHR to combat intolerance through education.<sup>794</sup>

In a number of commitments, OSCE participating States have identified education “as a means for preventing and responding to all forms of intolerance and discrimination, as well as for promoting integration and respecting diversity”.<sup>795</sup> Several states have undertaken measures to intensify their efforts to promote mutual respect and understanding and to develop educational programmes and tools to combat anti-Semitism, including the commemoration of the Holocaust.

- In December 2007, ODIHR launched a key international document devoted to issues of religious freedom in education. *The Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*, compiled by a panel of legal and educational experts, addresses curriculum and teacher-training issues from a human-rights perspective. One of the main aims of the guidelines is to provide a framework that will allow states to implement teaching about religions and beliefs that promote mutual respect and understanding.
- In 2007, the process of adapting ODIHR’s and the **Anne Frank House’s teaching materials on anti-Semitism** to support three more OSCE states was launched. This ready-to-use material provides detailed information, images, and assignments for students in secondary schools. It deals with historical and contemporary anti-Semitism and also addresses other forms of intolerance and discrimination.<sup>796</sup> These materials are already available in **Croatia, Denmark, Germany, Lithuania, the Netherlands, Poland, and Ukraine**, while adaptations are currently under way for the **Russian Federation, Slovakia, and Spain**.

More than half of the OSCE participating States have indicated that they have included components of diversity education within their systems of professional development or in-service training for teachers.

- In **Armenia**, human rights was introduced as a discipline in schools, and a textbook for secondary schools was developed. It aims to ensure that, from a young age, citizens of Armenia learn about the principles of tolerance and non-discrimination. In addition, special vocational training on human rights was organized for school teachers.<sup>797</sup>
- **Azerbaijan’s** Ministry of Education prepared materials and held a series of conferences and roundtable discussions aimed at fostering mutual understanding,

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<sup>794</sup> OSCE Ministerial Council Decision No. 10/07, *op. cit.*, note 1.

<sup>795</sup> “Cordoba Declaration”, *op. cit.*, note 792.

<sup>796</sup> See the ODIHR factsheet “Teaching Materials on Anti-Semitism” for more information, <[http://www.osce.org/odihr/item\\_11\\_20672.html](http://www.osce.org/odihr/item_11_20672.html)>. Sample teaching materials are available at <[http://www.osce.org/odihr/item\\_11\\_23875.html](http://www.osce.org/odihr/item_11_23875.html)>.

<sup>797</sup> Information provided by Armenia’s Ministry of Foreign Affairs, 6 June 2008.

- tolerance, friendship, and equality among diverse religious, racial, ethnic, and linguistic groups.<sup>798</sup>
- The Jewish Contribution to an Inclusive Europe in Brussels, **Belgium**, is developing anti-discrimination training seminars that focus on both anti-Semitism and intolerance against Muslims.<sup>799</sup>
  - The culture of religions is a subject designed in **Bosnia and Herzegovina** that teaches students about the four major religions practised in the country. The aim of the programme is to increase understanding about others' faiths and cultures by providing knowledge of the culture and history of other religions.<sup>800</sup>
  - **Ireland** has established teacher-support teams made up of teachers with expertise in certain areas of diversity education who provide both in-school and regional training and support to teachers in relation to content and methodologies.<sup>801</sup>
  - The Canton of Zurich in **Switzerland** revised the 1989 recommendations that set guidelines for how schools can better meet the needs of the local Muslim community. These recommendations were revised after consultation with Muslim discussion partners, teachers, and local education authorities. The process and also the results can serve as a model of good practice.<sup>802</sup>
  - The Schools without Racism initiative, which started in **Belgium** in 1988, now counts more than 750 schools both there and in **the Netherlands, Austria, Spain, and Italy**. These schools commit themselves to enhancing student awareness of discrimination and racism in all its manifestations, as well supporting students in their efforts to fight discrimination and to work for integration and equal opportunities.<sup>803</sup>

Promoting inter-religious understanding and challenging stereotypes about various belief systems and belief communities were the focus of several initiatives.

- In **Norway**, the Oslo Coalition on Freedom of Religion and Belief works as an international network of representatives from religious and other belief communities, NGOs, international organizations, and research institutes. Its focus is broad and includes "teaching for tolerance".<sup>804</sup>
- In the **United States**, the Tanenbaum Center for Interreligious Understanding in New York continues to develop programmes in primary schools that attempt to

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<sup>798</sup> Information provided by the Prosecutor-General's Office of Azerbaijan, 13 March 2008.

<sup>799</sup> See the website of a Jewish Contribution to an Inclusive Europe, <<http://www.ceji.org/events/pastevents.php>>.

<sup>800</sup> "Kultur der Religionen in den Schulen in Bosnien und Herzegowina", Goethe-Institut, May-December 2007, <<http://www.goethe.de/ins/ba/sar/acv/med/2006/de1291992v.htm>>.

<sup>801</sup> See the Civic, Social & Political Education website at <<http://cspe.slss.ie>>.

<sup>802</sup> Information obtained during the country visit to Switzerland of the personal representative of the OSCE Chairman-in-Office on combating intolerance and discrimination against Muslims, 12-14 November 2007.

<sup>803</sup> For more information, please visit <<http://schoolwithoutracism-europe.org/>>.

<sup>804</sup> See the website of the Oslo Coalition on Freedom of Religion and Belief at <<http://www.oslocoalition.org/index.php>>.

build bridges between faith communities and resolve conflicts based on religion.<sup>805</sup>

The majority of the participating States co-operate with NGOs to implement projects on human-rights education and education for mutual respect and understanding. These include both teacher training and implementation of extracurricular activities in schools. A number of countries have developed practical tools for assessing education for mutual respect and understanding. Evaluation mechanisms on the social progress made by students, as used in Sweden, might provide a model for other countries.

Thirty-nine out of 56 participating States commemorate victims of the Holocaust. More than 30 countries have designated special Holocaust memorial days.

Several OSCE participating States have taken steps to combat homophobia:

- In **Bulgaria**, the LGBT organization Gemini is implementing a project it calls “Deafening Silence: The Case in Our Schools” that involves the Ministry of Education and aims to raise awareness of LGBT issues in schools and reduce violence and bullying towards LGBT pupils.<sup>806</sup>
- In the **Netherlands**, the Education Ministry awarded the National Youth Council a multi-year grant to promote the acceptance of homosexuality among different groups. The Ministry supports the COC Netherlands’ Pink Elephant Project on promotion of sexual diversity, including an information website. It also works closely with municipalities and education councils that promote acceptance of LGBT people.<sup>807</sup>
- In the **United Kingdom**, the project “No Outsiders”, led by the University of Sunderland, addresses homophobic attitudes when they first emerge, at the primary-school age.<sup>808</sup>
- NGOs from **Italy, Spain, Poland, and Austria** launched a joint long-term project entitled “Schoolmates” that focuses on homophobic bullying in schools. It provides tools for students and school workers to combat psychological and physical violence. The project has already carried out and published research on homophobic bullying.<sup>809</sup>

Recently, numerous websites promoting awareness about tolerance issues have emerged. Some sites target teachers or students specifically, while others have a broader audience.

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<sup>805</sup> See the website of Tanenbaum Center for Interreligious Understanding at <<http://www.tanenbaum.org>>.

<sup>806</sup> Natalia Janiczak, “Deafening Silence: The Case In Our School”, Gemini, 24 July 2007, <[http://www.ilga-europe.org/europe/guide/country\\_by\\_country/bulgaria/deafening\\_silence\\_the\\_case\\_in\\_our\\_school](http://www.ilga-europe.org/europe/guide/country_by_country/bulgaria/deafening_silence_the_case_in_our_school)>.

<sup>807</sup> Information provided by the Dutch Justice Ministry, 18 March 2008.

<sup>808</sup> “No Outsiders: Researching Approaches to Sexualities Equality in Primary Schools”, No Outsiders website, <<http://www.nooutsiders.sunderland.ac.uk>>.

<sup>809</sup> See a description of the “Schoolmates” project on the Arcigay website, <<http://www.arcigay.it/schoolmates/UK/progetto.html>>.

The websites such as Eurokid and its spinoffs, such as Britkid and Czechkid, introduce secondary-school students to virtual students from different backgrounds.<sup>810</sup> The Big Myth<sup>811</sup> uses flash animation to introduce students to 25 different creation stories from around the world and teaches students about the cultures the stories originate from. The Internet project Understanding Diversity, developed by the Anne Frank House in Amsterdam, facilitates student learning about diversity in their community through a process of study, discussion, interviewing, information exchange, and webpage development. The follow-up to Understanding Diversity asks students from different schools to jointly develop strategies that confront “injustices perpetrated by young people on other young people”.

Numerous awareness-raising activities aiming to promote and foster mutual respect and understanding were initiated in 2007. These include developing projects to enhance the visibility of these issues, victim-support activities, the establishment of tolerance campaigns, and the promotion of interfaith dialogue.

- On 21 March, a report was published by the **Canadian** Federation of Students on the needs of Muslim students. The report outlined comprehensive recommendations on how to deal with on-campus discrimination and intolerance against Muslims.<sup>812</sup>
- In **Germany**, in June, implementation began of a programme called “Competent Pro Democracy - Advisory Networks against Right-wing Extremism”. The programme focuses on interventions against right-wing extremism. Regional governments have established advisory networks prepared to intervene in acute crises situations that have right-wing extremist, xenophobic, or anti-Semitic backgrounds. The networks provide professional assistance to municipalities and local inhabitants faced with extremism.<sup>813</sup> In addition, a long-term programme called “Diversity is good. Youth for Diversity, Tolerance and Democracy” was also launched as a preventive programme designed to raise awareness and tolerance among young people, parents, and educators. Municipalities and civil-society groups jointly developed local action plans with a view to including young people in democratic structures. The programme also funds projects addressing historical and contemporary anti-Semitism and works with youth who may potentially be attracted to extremism.<sup>814</sup> Also in Germany, a special programme focusing on young migrants and offering support to promote tolerance, integration, and capacity-building of civil society was developed. The programme is entitled “Employment, Education and Participating in the locality”. By

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<sup>810</sup> See Eurokid, <<http://www.eurokid.org/>>; Czechkid, <<http://www.czechkid.cz/>>; and Britkid, <<http://www.britkid.org/>>.

<sup>811</sup> See the Big Myth website at <<http://www.bigmyth.com/>>.

<sup>812</sup> “Final Report of the Task Force on the Need of Muslim Students”, Canadian Federation of Students, 21 March 2007, <<http://www.cfsontario.ca/mediareleaselinks/TaskForce-Final.Report.pdf>>.

<sup>813</sup> Communication to ODIHR from the Permanent Mission of Germany to the OSCE, 27 March 2008.

<sup>814</sup> *Ibid.*

- September 2008, this programme was expected to have funded some 170 projects.<sup>815</sup>
- **Liechtenstein** launched a research project focusing on the causes of right-wing extremism in order to develop instruments for combating this phenomenon. The research is being conducted by the University of Applied Social Sciences in Basel, and its results are expected in the summer of 2009.<sup>816</sup>
  - In follow-up to the president of the **Russian Federation**'s appeal to combat hate crimes in an efficient manner, the Ministry for Regional Development and the Office of the Prosecutor-General tasked a number of bodies with preparing a project outlining a set of measures to address this issue. This project was prepared and sent to the government of the Russian Federation. The Ministry has allocated funds for its implementation.<sup>817</sup>
  - In **Sweden**, the National Council for Crime Prevention developed two instruction manuals for teachers that provide advice on how to address xenophobic and homophobic attitudes in schools. The manuals aim to involve pupils and to create an understanding for what the consequences of actions motivated by xenophobic and homophobic ideas and opinions might be.<sup>818</sup>
  - Through extensive surveys of Muslims across **United Kingdom**, the Islamic Human Rights Commission is attempting to identify the expectations of Britain's Muslims and to articulate them to the British government. The project aims to stimulate discussions and change policies and perceptions. Reports are already available on citizenship, discrimination, schools, and the meaning and concept of the headscarf for Muslim identity and politics in Britain.<sup>819</sup>

A number of victim-assistance projects were initiated in order to combat hate-motivated crimes. Some states also developed prevention programmes to foster tolerance and to fight violent manifestations of hate.

- In **Belgium**, two Flemish NGOs (Kif Kif vzw and Liga voor Mensenrechten vzw) developed a handbook that enables judges to assess and prove or disprove the presence of discrimination in a given case. Another NGO, MRAX, launched within the framework of its "Ten days for equal opportunities" project a new support package on specific training and guidance to volunteers. This will enable

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<sup>815</sup> *Ibid.*

<sup>816</sup> Information provided by the Crime Investigation Department of the Liechtenstein Police, 4 March 2008.

<sup>817</sup> Communication to ODIHR from the Permanent Mission of the Russian Federation to the OSCE, 4 April 2008.

<sup>818</sup> Information provide by the Swedish National Council for Crime Prevention, 16 May 2008 and 23 June 2008.

<sup>819</sup> Information on the project is available from the Islamic Human Rights Commission at <<http://www.ihrc.org>>.

- recipients to operate as local support points, providing assistance, information, and orientation to victims of discrimination or racism.<sup>820</sup>
- In **Canada**, through the Action Plan against Racism, the federal Department of Justice provided a contribution to the National Anti-Racism Council of Canada to conduct four regional focus-group sessions to highlight programmes and activities that specifically seek to address the over-representation of Aboriginal peoples and people of African descent within the criminal-justice system.<sup>821</sup>
  - The ongoing implementation of the Equality portal project was reported in **Finland** ([www.equality.fi](http://www.equality.fi)). This portal gathers and disseminates materials and resources about anti-discrimination, as well as information on anti-discrimination projects. In addition, new initiatives on empowering NGOs have also been initiated. In Helsinki, a study analysing how discrimination cases are processed in the judicial system was started. Several initiatives have been introduced, such as the launch by the Finnish Defence Forces of a new programme to combat hate-motivated behaviour and discrimination. This targets both permanent military staff and national servicemen and includes, for instance, a multimedia package dealing with equality and non-discrimination issues and advice and instructions for people who become victims of discrimination. In addition, an equality module has been added to the curricula of both the Non-Commissioned Officer School and the Military Academy.<sup>822</sup>
  - In **Poland**, a project on assistance to the victims of racial, ethnic, and national discrimination was introduced in order to raise awareness and combat discrimination. The project was implemented under the auspices of the Interior Ministry,<sup>823</sup> with assistance to the victims of ethnic discrimination provided by, among others, the Citizens' Advice Bureau.
  - In the **Russian Federation**, programmes on the prevention of xenophobia and the promotion of tolerance have been developed and carried out as part of the Federal Target Programme: Formation of Tolerance and Preventing Extremism in Russian Society. This programme has been implemented in St. Petersburg, Omsk, and other regions.<sup>824</sup>
  - In the **United Kingdom**, the Surrey Police set an example of openness towards the LGBT community by attending an event on the International Day against Homophobia on 21 May. Representatives of the police stressed that they were aware of the under-reporting of hate crimes and implored LGBT victims to

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<sup>820</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

<sup>821</sup> Information provided by the Canadian Department of Justice, Canadian Centre for Justice and Statistics, the Department of Canadian Heritage, and the Canadian Human Rights Commission, 6 June 2008.

<sup>822</sup> Information provided by Finland's Interior Ministry, 6 March 2008.

<sup>823</sup> Information provided by the Polish Ministry of Interior and Administration, 13 March 2008.

<sup>824</sup> Communication to ODIHR from the Permanent Mission of the Russian Federation to the OSCE, 4 April 2008.

contact the police, either directly or through a third party such as the NGO Gay Surrey, if they became the victims of such crimes.<sup>825</sup>

A number of other awareness-raising activities were reported in 2007, including many related to the European Year of Equal Opportunities for All. In this context, a number of participating States, such as Belgium, Denmark, Finland, and Latvia, organized events and campaigns to promote tolerance and the fight against discrimination.<sup>826</sup>

- The Council of Europe launched an awareness-raising campaign named Dosta! (Enough!) that aims to build bridges between non-Roma and Roma citizens. Its goal is to end prejudices and stereotypes not by denouncing them but by breaking them by showing people who the Roma really are. The Dosta! campaign started as part of a wider joint Council of Europe/European Commission programme called “Equal Rights and Treatment for Roma in South Eastern Europe”, which was implemented in **Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the former Yugoslav Republic of Macedonia** in 2006 and 2007.<sup>827</sup>
- In **Belgium**, several initiatives to enhance tolerance and the fight against hate-motivated incidents were introduced. A number of awareness-raising campaigns took place, such as “Street without hate”, held in Flanders, or the “Week against racism, anti-Semitism and xenophobia” in the Belgian French community.<sup>828</sup>
- In **Denmark**, the 2007 government platform “Society of Opportunities” was used to update an action plan with several aims: to further dialogue and debate with civil society; to promote equal treatment and diversity; to combat racism; and to build mutual understanding by improving perceptions and communication between citizens.<sup>829</sup> Another project carried out in 2007, “Young Meet Young”, aimed to foster interaction between young people from different backgrounds by experiencing an ordinary day from their everyday life. The purpose of the project is to promote dialogue and increase understanding of other cultures and values. Taking a different approach, the project Kul;Tour aims to establish an opportunity for dialogue through an interactive “human library” that enables young people to meet with people from different ethnic backgrounds. Another effort, Limboland, consists of film production for youth from different ethnic backgrounds and of mentor education. After producing a film, the participants of the project visit

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<sup>825</sup> “Officers go to IDAHO to encourage Hate Crime reporting”, Surrey Police, 21 May 2007, <[http://www.surrey.police.uk/news\\_item.asp?artid=8588](http://www.surrey.police.uk/news_item.asp?artid=8588)>.

<sup>826</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008; information provided by Finland’s Interior Ministry, 6 March 2008; information provided by Latvia’s Special Assignments Ministry for Social Integration, 2 April 2008.

<sup>827</sup> Please see the Dosta! website at <<http://www.dosta.org/?q=node/3>>.

<sup>828</sup> Information provided by the Centre for Equal Opportunities and Opposition to Racism of Belgium, 6 March 2008.

<sup>829</sup> Information provided by Denmark’s Justice Ministry, 9 June 2008.

schools and hold discussions about issues such as ethnicity, marginalization, and diversity.<sup>830</sup>

- In **Italy**, a local network called READY was created to promote tolerance, focusing particularly on issues pertaining to sexual orientation and gender. One of the network's most controversial campaigns was a billboard poster that showed a baby and a caption reading "Homosexuality is not a choice".<sup>831</sup>
- The Ministry of Cultural Affairs of the **Russian Federation** offers support to awareness-raising TV and radio programmes and projects emphasizing tolerance in order to influence public opinion.<sup>832</sup> In St. Petersburg, in March, several events targeting xenophobia were organized, including a public discussion on hate speech, a conference on radical trends among youth, an anti-fascist film festival, and a series of photo exhibitions.<sup>833</sup>
- In **Serbia**, the Gay Straight Alliance has teamed up with other LGBT organizations and with representatives from other branches of civil society such as the Anti-Trafficking Center to raise awareness of civil rights. Among other events, a panel discussion was organized at the beginning of 2007, and a public debate was started around the issue of a new anti-discrimination bill.<sup>834</sup>
- In **Turkey**, ILGA reported that the organizations Kaos GL, Kaos GL Izmir, Pebe Hayat (Pink life) and Lambdaistanbul had started to work together on a project called "Efficient Utilization of Human Rights Mechanisms for LGBT Individuals". This project aims to raise the capacity of organizations dealing with LGBT issues and to help them to use national and international human-rights mechanisms efficiently and to monitor and report violations against homosexual individuals.<sup>835</sup>

In a number of OSCE states, there have been initiatives to promote interfaith and inter-ethnic dialogue.

- A Festival for Peace was organized by the Interfaith Group of **Andorra**. The festival promoted diversity of faiths by enabling participants to express their faith through their mother tongue.<sup>836</sup>
- In **Denmark**, the Council for Ethnic Minorities provides advice on immigrant and refugee issues to the minister for integration. The Council meets regularly to discuss challenges, new initiatives, and legislation. Local integration councils

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<sup>830</sup> Information provided by Denmark's Justice Ministry, 9 June 2008.

<sup>831</sup> "Neonato testimonial campagna contro le discriminazioni", Repubblica.it, 5 March 2007, <<http://www.repubblica.it/2006/05/gallerie/cronaca/campagna-neonato/1.html>>.

<sup>832</sup> Communication to ODIHR from the Permanent Mission of the Russian Federation to the OSCE, 4 April 2008.

<sup>833</sup> Kozhevnikova, *op. cit.*, note 199, p. 18.

<sup>834</sup> "We'll do it fine with a little help from growing group of our friends: Report on the LGBT human rights in Serbia in 2007", Gay Straight Alliance-Belgrade, *op. cit.*, note 574, p 22.

<sup>835</sup> Information provided by ILGA Europe, 3 March 2008.

<sup>836</sup> Communication to ODIHR from the Permanent Mission of the Principality of Andorra to the OSCE, 23 May 2008.

- representing ethnic minorities are established in many municipalities and have an advisory role on issues related to local integration policies.<sup>837</sup>
- The president of **Finland** continued to convene a forum for religious representatives focused on building interfaith dialogue. Similar attempts were made to address the issue of interfaith dialogue in **Switzerland** and **Norway**.<sup>838</sup>
  - The World Conference on Dialogue among Religions and Civilizations was held in the **former Yugoslav Republic of Macedonia**. The conference addressed the contribution of religion and culture to peace, mutual respect, and cohabitation.<sup>839</sup>

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<sup>837</sup> Information provided by Denmark's Justice Ministry, 9 June 2008.

<sup>838</sup> "Report by Ambassador Omür Orhun, Personal Representative of the OSCE Chairman-in-Office on Combating Intolerance and Discrimination Against Muslims, on His Visit to and Contacts in Finland", OSCE, 4-5 December 2007, pp. 4-5, <[http://www.osce.org/documents/cio/2007/12/30140\\_en.pdf](http://www.osce.org/documents/cio/2007/12/30140_en.pdf)>. Information was obtained during country visits to Switzerland (12-14 November 2007) and Norway (18-19 October 2007).

<sup>839</sup> Information provided by the Ministry of Foreign Affairs of the former Yugoslav Republic of Macedonia, 26 June 2008.

## PART V: ODIHR’s Toolboxes to Combat Hate

To support participating States in implementing their commitments related to tolerance and non-discrimination, ODIHR has developed tools and networks of experts over the last three years. These provide technical assistance to states’ efforts to combat hate and intolerance. The following tables provide a summary of the ODIHR toolbox for OSCE participating States, as well as its counterpart aimed at supporting civil society. ODIHR hopes that an increasing number of states will utilize these tools. More information can be found on ODIHR’s website at <<http://www.osce.org/odihhr/20057.html>>.

### I. Toolbox for OSCE Participating States

Tool	Description	States Using Tool
<b>Law enforcement officer training on combating hate crime</b>	<ul style="list-style-type: none"> <li>- Uses a train-the-trainer approach that is tailored to each target country;</li> <li>- trains police officers in methods for identifying and investigating hate crimes, as well as skills for sharing intelligence and working with prosecutors and affected communities;</li> <li>- is designed and delivered <i>by</i> police officers <i>for</i> police officers;</li> <li>- network of law-enforcement hate-crime experts from seven OSCE participating States;</li> <li>- comprehensive training curriculum (including working definitions and a police reporting form template) that states customize to their needs.</li> </ul>	<p>Implementation completed:<sup>840</sup></p> <p><b>Spain</b> <b>Hungary</b> <b>Croatia</b></p> <p>Implementation ongoing:</p> <p><b>Ukraine</b> <b>Serbia</b> <b>Poland</b></p> <p>Initial interest shown by:</p> <p><b>Romania</b> <b>Russian Federation</b> <b>Bosnia and Herzegovina</b></p>
<b>Prosecutor training (under development)</b>	An essential corollary to police training is prosecutor training. This training is tailored to the specific needs and concerns of legal professionals and has been developed and delivered by international prosecution experts in hate crime. Two modules are available and can be provided as initial awareness-raising expert round-tables or advanced-level training. Local legislation, case studies, and international legal frameworks are integrated into both modules.	<p>Conducted in:</p> <p><b>Croatia (roundtable)</b></p> <p>Interest expressed by:</p> <p><b>Azerbaijan</b> <b>United Kingdom</b> <b>Poland</b></p>
<b>Information about allotted places for Roma in the Romanian Police Academy</b>	The campaign “Mission Impossible” was launched to share information among young Roma about opportunities for enrolling in the Police Academy offered by the Romanian Ministry of Interior and Administration Reform.	<b>Romania</b>
<b>Guidelines and assessment of</b>	A <b>draft template for data collection</b> by the national points of contact on combating hate crime is to be developed by the	<b>52 states</b> have nominated national

<sup>840</sup> Since being piloted, the hate-crime curriculum has been added to the regular training programme for officers studying at police academies in both Hungary and Spain.

<b>hate-crime data-collection methodologies</b>	national points of contact.	points of contact on combating hate crime
<b>Guidelines on hate-crime legislation (under development)</b>	<p>There are many and varied international documents that urge improved responses to hate crimes, and laws must be carefully drafted with an understanding of the practical consequences of legislative choices.</p> <p>These guidelines will set out the rationale for hate-crime legislation, as well as approaches to legislative drafting, with examples of drafting choices and commentaries on different approaches. Good practices are highlighted and risks identified.</p> <p>While some technical legal terminology is unavoidable, these guidelines are not only designed for legal experts; they can be used as a reference guide by policy-makers, NGOs, law-enforcement officials, and other interested people.</p>	
<b>Guidelines and assessment of educational approaches on education on the Holocaust and anti-Semitism</b>	A comprehensive study was produced ( <i>Education on the Holocaust and on Anti-Semitism: An Overview and Analysis of Educational Approaches</i> ) that evaluates existing approaches and identifies good practices to support future efforts by OSCE participating States and civil society. It also identifies gaps and areas where teaching about the Holocaust and about anti-Semitism needs to be strengthened. With its comprehensive recommendations, it provides a framework for the development of curricula on Holocaust education and on education about anti-Semitism.	
<b>Guidelines for educators on Holocaust commemoration</b>	<p>The document “Preparing Holocaust Memorial Days: Suggestions for Educators” identifies and presents best practices from 12 OSCE participating States.</p> <p>Developed in co-operation between ODIHR, Yad Vashem, and education experts from 12 countries: Austria, Croatia, Germany, Hungary, Israel, Lithuania, the Netherlands, Poland, the Russian Federation, Sweden, Ukraine, and the United Kingdom.</p> <p>Available on ODIHR’s website in 13 languages: Croatian, Dutch, English, French, German, Greek, Hungarian, Italian, Lithuanian, Polish, Russian, Serbian, and Spanish.</p>	<p>Contributed to guidelines:</p> <p><b>Germany</b> <b>Belgium</b> <b>Poland</b> <b>Switzerland</b></p> <p>Using tool officially:</p> <p><b>Italy</b> <b>Croatia</b> <b>Hungary</b></p>
<b>Overview of governmental activities on Holocaust memorial days</b>	<p>In co-operation with the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, ODIHR developed a country-by-country overview of governmental activities on Holocaust memorial days. The document provides information about different forms of commemoration that take place in OSCE participating States and is designed to facilitate the exchange of good practices among public officials.</p> <p>The document is available in English on ODIHR’s website.</p>	
<b>Educational materials about anti-Semitism</b>	Teaching materials have been developed for seven OSCE participating States. The materials were developed in close co-operation with the Anne Frank House and experts from each of	Materials are available for: <b>Germany</b>

	<p>the seven states. Country-specific adaptations, based on the historical and current situation in each country, have been developed and piloted. The materials come in three parts: Part 1 is on the history of anti-Semitism; Part 2 on contemporary forms of anti-Semitism; and Part 3 puts anti-Semitism into perspective with other forms of discrimination. A teacher's guide will accompany the materials.</p> <p>The teaching materials are currently being adapted for three additional participating States.</p>	<p><b>Netherlands</b> <b>Ukraine</b> <b>Lithuania</b> <b>Croatia</b> <b>Denmark</b> <b>Poland</b></p> <p>Materials are being developed for: <b>Russian Federation</b> <b>Spain</b> <b>Slovakia</b></p>
<b>Guide for Educators on Addressing Anti-Semitism: Why and How?</b>	<p>In co-operation with Yad Vashem and experts from various OSCE participating States, ODIHR developed a guide that provides educators with an overview of contemporary manifestations of anti-Semitism. It also provides suggestions on how to respond to expressions of anti-Semitism in the classroom.</p> <p>The document is available in English on ODIHR's website and will be translated into other languages.</p>	
<b>Compendium of Good Practice in Human Rights Education and Education for Mutual Respect and Understanding</b>	<p>ODIHR is compiling, together with the Council of Europe, UNESCO, and the UNHCHR, a "Compendium of Good Practice in Human Rights Education and Education for Mutual Respect and Understanding". This compendium will be used to assist participating States in selecting tools that are appropriate for their specific situation.</p>	
<b>Country-specific resource books on Muslim communities</b>	<p>This project seeks to support the development of a series of country-specific resource books on Muslim communities within the framework of its educational capacity-building and awareness-raising activities. It aims to promote an increased understanding of Muslim communities living across the OSCE region and to provide a more complete overview of their role and contribution in society. The resource books are designed as practical tools for journalists, policy makers, public officials, and educators.</p>	<b>The first book will be on Muslim communities in Spain</b>
<b>Enhancing public participation of Roma through civil registration</b>	<p>The project "Equal Opportunities for All" was launched with the objective of increasing the participation of Roma living in the former Yugoslav Republic of Macedonia in public and political life, by assisting Roma in obtaining civil documents. The aim is to stimulate civil responsibility among Roma groups and facilitate the development of models of co-operation at the local level between Roma and local authorities responsible for civil registration.</p>	<b>Former Yugoslav Republic of Macedonia</b>
<b>Tolerance and Non-Discrimination Information System (TANDIS)</b>	<p>A public website was launched in October 2006 with the aim of providing a single point access to:</p> <ul style="list-style-type: none"> <li>- information received from OSCE states, NGOs, and other organizations;</li> <li>- country pages providing access to country initiatives, legislation, national specialized bodies, statistics, and other</li> </ul>	

	<p>information;</p> <ul style="list-style-type: none"> <li>- thematic pages with information related to different key issues;</li> <li>- international standards and instruments;</li> <li>- information from inter-governmental organizations, including country reports and annual reports;</li> <li>- information about upcoming events related to tolerance and non-discrimination issues.</li> </ul>	
<b>Advisory Panel of Experts on Freedom of Religion or Belief</b>	<p>Provides legislative assistance to participating States preparing or amending legislation pertaining to freedom of religion or belief; and</p> <ul style="list-style-type: none"> <li>- offers expert opinions on specific issues, including possible violations of commitments on freedom of religion or belief to participating States;</li> <li>- supports educational and training projects in order to raise awareness about standards in the area of freedom of religion or belief;</li> <li>- provides support in early warning and conflict prevention;</li> <li>- provides expert assistance on teaching about religions and beliefs.</li> </ul>	In the period 2005-2008, eight legislative opinions were issued on draft laws on freedom of religion or belief.
<b>Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools</b>	<ul style="list-style-type: none"> <li>- Developed in 2007 by the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief and leading scholars, policy makers, educators, and lawyers, these principles: <ul style="list-style-type: none"> <li>- provide a tool to assist participating States whenever they choose to promote the study of, and knowledge about, religions and beliefs in schools;</li> <li>- offer an overview of the human-rights framework and legal issues to consider when teaching about religions and beliefs, as well as of their practical application;</li> <li>- provide practical guidance for preparing curricula for teaching about religions and beliefs, preferred procedures for assuring fairness in the development of curricula, and standards for how they could be implemented;</li> <li>- highlight procedures and practices concerning the training of those who implement such curricula, and the treatment of the pupils from many different faith backgrounds who may be the recipients of such teaching;</li> <li>- are available in English, Russian, and Spanish. A translation into Bosnian is currently in progress.</li> </ul> </li> </ul>	<p>The Toledo Guiding Principles have been presented at various specialized seminars and conferences in <b>Athens, Baku, Belgrade, Istanbul, Moscow, Paris, and Strasbourg.</b></p> <p><b>Efforts are currently under way to further develop awareness-raising events and ad hoc expert assistance to interested participating States.</b></p>

## II. Toolbox for Civil Society

<b>Tool</b>	<b>Description</b>	<b>Users of the Tool</b>
<b>Facilitator's curriculum on hate-motivated violence and network of trainers and experts</b>	<p>Finalization of <b>resource guide</b> for civil society on hate-motivated violence;</p> <p>Organization of <b>training seminar</b> for civil society on how to prevent and respond to hate crime throughout the OSCE region.</p>	Civil society within the region
<b>Complaints bureaux on hate-motivated violence and hate</b>	ODIHR supports NGOs in initiating <b>monitoring activities</b> and establishing <b>complaints bureaux</b> on hate-motivated violence and hate speech on the	Civil-society representatives from Slovakia, the Russian Federation, Poland

<b>speech on the Internet</b>	Internet.	
<b>NGO meetings and roundtables</b>	ODIHR hosts and facilitates thematic roundtables and preparatory meetings for NGOs to give civil-society representatives the opportunity to draft recommendations for the OSCE and participating States.	Civil society within the OSCE region
<b>Access to relevant NGO information</b>	ODIHR has a strategic partnership with HURIDOCs <sup>841</sup> in order to provide access to findings and reports from human-rights NGOs via HuriSearch, which indexes the websites of more than 4,500 human-rights NGOs. HuriSearch is an integrated part of the ODIHR's TANDIS (Tolerance and Non-Discrimination Information System) website, <a href="http://tandis.odihr.pl">http://tandis.odihr.pl</a> .	Civil society within the OSCE region
<b>Support for networks and the creation of coalitions</b>	ODIHR supports the development of civil-society <b>networks</b> and the creation of new <b>coalitions</b> on issues related to ODIHR's mandate.	Civil-society networks within the OSCE region (e.g., UNITED for Intercultural Action, International Network Against Cyber Hate)

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<sup>841</sup> Human Rights Information and Documentation Systems International, <[www.huridocs.org](http://www.huridocs.org)>.

## **ANNEX 1. Selected OSCE Commitments Pertaining to Hate-Motivated Incidents and Crimes**

Under Ministerial Council Decision No. 12/04, ODIHR is tasked to: “follow closely anti-Semitic incidents” and “incidents motivated by racism, xenophobia, or related intolerance, including against Muslims”, and to “report its findings to the Permanent Council and the Human Dimension Implementation Meeting and make these findings public”.

Ministerial Council Decision No. 13/06 tasked ODIHR to:

- “further strengthen the work of its Tolerance and Non-Discrimination Programme, in particular its assistance programmes, in order to assist participating States upon their request in implementing their commitments”;
- “further strengthen the work of the ODIHR’s Advisory Panel of Experts on Freedom of Religion or Belief in providing support and expert assistance to participating States”;
- “continue its close co-operation with other relevant inter-governmental agencies and civil society working in the field of promoting mutual respect and understanding and combating intolerance and discrimination, including through hate crime data collection”;
- “continue to serve as a collection point for information and statistics on hate crimes and relevant legislation provided by participating States and to make this information publicly available through its Tolerance and Non-Discrimination Information System and its report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region”;
- “strengthen, within existing resources, its early warning function to identify, report and raise awareness on hate-motivated incidents and trends and to provide recommendations and assistance to participating States, upon their request, in areas where more adequate responses are needed”.

These tasks were assigned to ODIHR in order to enable it to assist the participating States with the implementation of their commitments pertaining to hate-motivated incidents and responses to them. These include the commitments to:

- “condemn publicly, at the appropriate level and in the appropriate manner, violent acts motivated by discrimination and intolerance” (MC Decision No. 4/03) and “consistently and unequivocally [speak] out against acts and manifestations of hate, particularly in political discourse” (MC Decision 10/05);
- “Recogniz[e] the importance of legislation regarding crimes fuelled by intolerance and discrimination, and, where appropriate, seek the ODIHR’s assistance in the drafting and review of such legislation” (MC Decision No. 4/03);

- “ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies” and “to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief” (MC Decision No. 4/03);
- “promote implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (MC Decision No. 4/03);
- “Combat hate crimes which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the internet, and appropriately denounce such crimes publicly when they occur” (MC Decision No. 12/04);
- “promote, as appropriate, educational programmes for combating anti-Semitism” and to “[p]romote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups” (MC Decision No. 12/04);
- “Examine the possibility of establishing within countries appropriate bodies to promote and to combat racism, xenophobia, discrimination or related intolerance, including against Muslims, and anti-Semitism” (MC Decision No. 12/04);
- “[reject] the identification of terrorism and violent extremism with any religion or belief, culture, ethnic group, nationality or race” (MC Decision 10/05);
- “Strengthen efforts to collect and maintain reliable information and statistics on hate crimes and legislation, to report such information periodically to the ODIHR, and to make this information available to the public and to consider drawing on ODIHR assistance in this field, and in this regard, to consider nominating national points of contact on hate crimes to the ODIHR” (MC Decision 10/05);
- “Strengthen efforts to provide public officials, and in particular law enforcement officers, with appropriate training on responding to and preventing hate crimes, and in this regard, to consider setting up programmes that provide such training, and to consider drawing on ODIHR expertise in this field and to share best practices” (MC Decision 10/05);
- “Encourage public and private educational programmes that promote tolerance and non-discrimination, and raise public awareness of the existence and the unacceptability of intolerance and discrimination, and in this regard, to consider drawing on ODIHR expertise and assistance in order to develop methods and curricula for tolerance education” (MC Decision 10/05);
- “collect and maintain reliable data and statistics on hate crimes which are essential for effective policy formulation and appropriate resource allocation in countering hate motivated incidents and, in this context, also invites the participating States to facilitate the capacity development of civil society to contribute in monitoring and reporting hate motivated incidents and to assist victims of hate crimes” (MC Decision No. 13/06);
- “promote capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to bias-motivated crime, to increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for

- front-line officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection” (MC Decision No. 13/06);
- “facilitate the capacity development of civil society to contribute in monitoring and reporting hate-motivated incidents and to assist victims of hate crime” (MC Decision No. 13/06);
  - “engage more actively in encouraging civil society’s activities through effective partnerships and strengthened dialogue and co-operation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance, including by establishing local, regional or national consultation mechanisms where appropriate” (MC Decision No. 13/06);
  - “reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance, including against Christians, Jews, Muslims and members of other religions, as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression” (MC Decision No. 10/07);
  - “collect and maintain reliable data and statistics on hate crimes and incidents, to train relevant law enforcement officers and to strengthen co-operation with civil society” (MC Decision No. 10/07);
  - “encourages the promotion of educational programmes in the participating States in order to raise awareness among youth of the value of mutual respect and understanding” (MC Decision No. 10/07);
  - “calls on participating States to increase their efforts, in co-operation with civil society to counter the incitement to imminent violence and hate crimes, including through the Internet, within the framework of their national legislation, while respecting freedom of expression, and underlines at the same time that the opportunities offered by the Internet for the promotion of democracy, human rights and tolerance education should be fully exploited” (MC Decision No. 10/07);
  - “calls for a strengthened commitment to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (MC Decision No. 10/07);
  - “encourages participating States to share best practices in their legislation, policies and programmes that help to foster inclusive societies based on respect for cultural and religious diversity, human rights and democratic principles” (MC Decision No. 10/07);
  - “encourages the establishment of national institutions or specialized bodies by the participating States which have not yet done so, to combat intolerance and discrimination as well as the development and implementation of national strategies and action plans in this field, drawing on the expertise and assistance of the relevant OSCE institutions, based on existing commitments, and the relevant international agencies, as appropriate” (MC Decision No. 10/07).

## ANNEX 2. Information Submitted to ODIHR in the Period 2004-2008: Legislation, Statistics, Practical Initiatives, and Nominated Points of Contact on Combating Hate Crime

TOTAL NUMBER OF PARTICIPATING STATES THAT:

Responded:	53	95%
Nominated national point of contact (NPC)	51	91%
Submitted information about legislation (LEG)	51	91%
Submitted information about statistics (STAT)	44	79%
Submitted information about practical initiatives (INIT)	43	77%
No response		5%

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
Albania	13 April 2004 8 February 2006 2 March 2006 12 September 2006	√	√		√ √	Ministry of Interior, General Department of State Police, Section on Protection of Children, Division of Terrorist Acts and Crimes
Andorra	19 September 2005 24 July 2006 4 January 2008 23 May 2008	√ √	√ √	√ √	√ √	Ministry of Foreign Affairs, Culture and Co-operation
Armenia	2 April 2008 6 June 2008 26 June 2008 30 June 2008	√	√	√	√	Ministry of Foreign Affairs
Austria	28 April 2004 3 October 2006 7 March 2008 24 June 2008	√	√ √	√	√ √	Federal Ministry of Interior, Federal Agency for State Protection and Counter Terrorism (II/BVT/2) Federal Ministry for European and International Affairs (I/7) Austria Federal Chancellery
Azerbaijan	17 October 2005 7 March 2006 20 April 2007 9 July 2007 29 February 2008 13 March 2008	√ √	√	√	√ √ √	Office of the Prosecutor-General of the Republic of Azerbaijan, Department on Monitoring Compliance with Legislation during Investigations, Inquiries and Operational Search Activities by the Ministry of Internal Affairs
Belarus	25 April 2004 11 July 2007 20 July 2007 7 March 2008	√	√	√	√	Ministry of Foreign Affairs
Belgium	10 November 2004 8 May 2007 14 February 2008	√	√	√ √	√ √	Centre for Equal Opportunities and Opposition to Racism

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
	6 March 2008 20 June 2008	√	√			
Bosnia and Herzegovina	2 December 2005 3 March 2008 11 March 2008 1 April 2008				√ √	Ministry of Security, Department of Organized Crime and Corruption
Bulgaria	14 April 2004 30 June 2005 9 September 2005 12 September 2005 23 August 2006 11 March 2008	√   √ √	√   √	   √	√	Bulgarian Parliamentary Ombudsman Office  Commission for Protection against Discrimination
Canada	29 June 2004 9 September 2005 30 August 2007 6 March 2008 6 June 2008 17 June 2008 26 June 2008 2 July 2008	√   √ √	√   √	√   √ √	√ √	Canadian Centre for Justice Statistics  Department of Justice, Strategic Initiatives Unit
Croatia	9 March 2004 27 April 2004 4 July 2005 25 May 2007	√ √  √	√   √	√	√	Government of Croatia, Department for Human Rights  Ministry of Foreign Affairs and European Integration
Cyprus	21 July 2004 1 September 2004 16 January 2006 23 February 2006 21 May 2007	√ √  √	   √	√   √	√ √	Ministry of Justice and Public Order (legislation)  Cyprus Police, Office for Combating Discrimination (statistical data and educational programmes for members of the police)
Czech Republic	13 September 2004 1 September 2005 8 September 2006 17 May 2007 11 July 2007 28 February 2008 10 March 2008 26 May 2008	√  √ √  √	√  √ √  √	√  √ √  √	√   √	Inter-Ministerial Commission for Combating Extremism, Racism and Xenophobia  Ministry of Interior, Security Policy Department
Denmark	5 April 2004 31 August 2005 12 September 2006 9 July 2007 26 May 2008 12 June 2008	√  √  √	√    √	√    √	√	Ministry of Justice, Law Department, Criminal Law Division
Estonia	7 October 2004 8 November 2005 23 May 2007	√  √	√   	   	√	Ministry of Justice, Criminal Policies Department

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
	11 July 2007					
Finland	11 March 2004 29 November 2005 16 May 2007 17 February 2008 6 March 2008 24 April 2008 26 May 2008 30 May 2008	√	√	√	√	Ministry of the Interior, the Police Department (statistics)  Ministry of the Interior, Legal Affairs Unit (other)
France	12 July 2004 10 August 2005 3 August 2006 27 September 2006	√	√	√	√	Ministry of Justice, Department of European and International Affairs
Georgia	18 May 2007 24 March 2008 2 May 2008	√	√	√	√	Ministry of Justice, International Law Department Ministry of Justice, International Relations Unit
Germany	18 March 2004 29 June 2004 10 September 2004 27 March 2008 17 April 2008 27 June 2008 15 July 2008	√	√	√	√	Federal Ministry of the Interior
Greece	11 October 2004 5 November 2004 8 March 2006 14 December 2007	√		√	√	Ministry of Justice
Holy See	22 March 2004 9 November 2004 2 December 2005 4 September 2006 7 September 2006 15 May 2007 17 May 2007 19 February 2008 5 March 2008 27 May 2008 26 June 2008	√		√	√	Pontifical Council for Justice and Peace
Hungary	15 July 2004 12 October 2005 5 March 2008 26 June 2008	√	√		√	Ministry of Foreign Affairs, Department of Human Rights and European Organizations
Iceland	26 July 2006 14 May 2008 22 May 2008 20 June 2008	√			√	National Commissioner of Police
Ireland	4 November 2004 17 October 2005	√	√	√	√	National Consultative Committee on Racism and Interculturalism
Italy	24 April 2004	√		√		Ministry of the Interior,

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
	18 November 2004 26 April 2005 17 August 2005 10 October 2005 4 April 2006 27 July 2006 7 August 2006 12 December 2006 6 March 2007 27 July 2007 3 August 2007 25 October 2007 7 March 2008 9 July 2008		√ √ √  √  √ √ √  √ √ √ √ √		√	Department of Public Safety
Kazakhstan	27 July 2004 2 December 2005 26 March 2007 1 April 2008	√  √	√ √ √		√  √	The Prosecutor-General's Office Committee on Law, Statistics and Special Registrations
Kyrgyzstan						
Latvia	15 April 2004 31 August 2006 19 March 2008 2 April 2008 28 April 2008	√  √ √	√  √ √	√  √ √	√  √	Secretariat of Special Assignments, Minister for Social Integration  Office of the Ombudsman
Liechtenstein	4 May 2004 12 November 2004 17 November 2005 10 September 2006 4 May 2007 2 July 2007 19 February 2008 4 March 2008	√ √	   √ √ √	√ √	√   √	Liechtenstein National Police, Crime Investigation Division
Lithuania	1 April 2004 2 November 2004 16 September 2005 18 May 2007 5 July 2007 6 March 2008 22 May 2008	√  √ √ √	√  √ √ √	√	√ √	Ministry of Foreign Affairs  Ministry of the Interior, Analysis and Research Division of the Public Safety Department
Luxembourg	1 April 2004 28 July 2004 18 October 2004 11 November 2004	√	  √	√	√ √	Government's Commissioner for Foreigners  International Networks for Studies in Technology, Environment, Alternatives, Development
Former Yugoslav Republic of Macedonia	24 February 2006 26 May 2008 26 June 2008	√	√	√	√ √	Ministry of Foreign Affairs, Directorate for Political and Security Cooperation and Multilateral Relations
Malta	5 April 2004	√		√		General Police Headquarters,

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
	19 July 2004 31 December 2004 2 February 2005 9 September 2005 7 June 2007	√	√	√	√	Prosecutions Unit
Moldova	14 April 2004 28 April 2007	√	√		√	Department of the Prosecutor-General
Monaco	24 November 2004	√		√	√	Department of the Interior Department of Legal Services
Montenegro	2 September 2004 11 November 2004 8 November 2005 23 May 2008	√ √	√ √	√ √	(√) √	
Netherlands	4 August 2004 5 August 2004 1 February 2006 31 May 2007 18 March 2008 23 April 2008 15 May 2008	√ √	√ √ √ √ √	√ √ √ √	√ √	Ministry of Justice, Directorate-General for Law Enforcement
Norway	1 September 2004 15 September 2005 12 March 2008	√ √	√	√	√ √	Ministry of Justice and the Police (main contact point) Ministry of Local Government and Regional Development, Department of Integration and Diversity
Poland	1 March 2004 25 August 2005 11 September 2006 15 February 2008 13 March 2008 23 May 2008	√ √	√ √	√ √	√ √	Ministry of Interior and Administration, Department of Control, Complaints and Petitions, Monitoring Team on Racism and Xenophobia
Portugal	30 September 2005 11 October 2005 4 May 2006 18 September 2006 13 February 2008 13 March 2008	√			√ √ √	Prosecutor-General, Documentation and Comparative Law Office High Commission for Immigration and Ethnic Minorities
Romania	10 March 2004 22 February 2006 5 September 2006 3 May 2007 5 March 2008 23 May 2008	√ √ √	√ √	√ √	√	Ministry of Justice, Department of International Law, Judicial Co-operation, and International Legal Affairs
Russian Federation	24 December 2004 27 December 2005 14 November 2006 4 April 2008	√ √ √	√ √ √	√	√	Ministry of Foreign Affairs, Department for Humanitarian Co-operation and Human Rights

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
San Marino						
Serbia	2 September 2004 11 November 2004 8 November 2005 11 September 2006 11 May 2007 10 July 2007 13 December 2007 6 March 2008 26 May 2008	√ √  √   √	√ √   √  √	√ √  √    	√   √  √	Agency for Human and Minority Rights of Serbia
Slovak Republic	9 July 2004 28 October 2005 16 May 2007 10 July 2007 16 July 2007	√    	√   √  	√    	√    	Ministry of Interior, Committee for Co-ordination of Anti-Extremism Policy
Slovenia	9 August 2004 9 September 2005 7 February 2006 15 September 2006 6 March 2008 11 March 2008 28 March 2008	√    √ √ √	      	√      	√ √     	Ministry of Foreign Affairs, International Organizations and Human Security Division
Spain	November 2004 10 June 2008	√  	√  	√  	√  	Ministry of Interior, General Subdirection for the International Police Cooperation of the Secretary of State of Security
Sweden	11 June 2004 16 September 2005 12 September 2006 1 June 2007 2 July 2007 16 May 2008 23 June 2008 2 July 2008	√       	√   √  √  	√       	√       	Swedish National Council for Crime Prevention
Switzerland	17 March 2004 18 September 2006 11 May 2007 16 April 2008	√   √	√   √	√ √  √	√    	Federal Department of the Interior, Service for Combating Racism  Commission Fédérale contre le Racisme
Tajikistan	14 December 2005				√	Executive Office of the President, Constitutional Rights Department
Turkey	10 September 2004 13 April 2006 12 July 2007 25 March 2008 10 June 2008 25 June 2008	√     	     	√     	√ √  √	Ministry of Justice, Directorate-General of International Law and External Relations
Turkmenistan						
Ukraine	11 August 2004 3 August 2006				√	Ministry of the Interior, Vice President of the National Academy

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
	6 November 2006 5 July 2007 24 April 2008 27 May 2008	√ √	√ √			of the Interior of Ukraine
United Kingdom	9 September 2004	√	√	√		Home Office, Crime and Drugs Strategy Directorate
United States	19 April 2004 14 January 2005 12 September 2005 10 July 2007 9 July 2008 15 July 2008	√ √ √	√ √ √	√  √	√	US Mission to the OSCE, Human Dimension Officer
Uzbekistan	3 April 2008	√	√			

