

SOVA Center intervention for the session “Legislation on Hate Crime”**Supplementary Human Dimension Meeting on Hate Crimes –
Effective Implementation of Legislation
4 - 5 May 2009, Hofburg, Vienna**

ENGLISH

Original: RUSSIAN

ENGLISH

Session 1: Legislation on Hate Crimes

Esteemed Chairman, esteemed conference participants.

I would like to stress the importance of data collection on hate crimes and to highlight some related issues. I can say from many years of experience with monitoring such crimes that not only the hate motive often goes unrecognized in Russia (and not just in Russia), but there is a lack of official statistics on such crimes.

The statistics published by law enforcement agencies are non-transparent and not detailed enough to be interpreted. In our opinion, data on hate crimes, even detailed data, should not be secret.

The situation in Russia is made even worse by the fact that the Russian law treats hate crimes under a broader heading of "extremism," which covers a wide range of offences from terrorist acts to intolerant religious and even political statements. Published data usually reflect the entire category. Even when hate crime per se is discussed, no disaggregated statistics are available on violent hate crimes vs. hate propaganda.

Moreover, official statistics do not keep track of hate incidents, but only of criminal cases where the charges include a hate motive. Virtually no data is available on incidents with a suspected hate motive or the number of victims of such incidents. However, collecting and reporting such data is very important, even for cases where suspected hate motives are later disproven (or not proven) in court. Firstly, a signal should be sent to the public that the law enforcement agencies are seriously concerned about the problem. And secondly, the mere comparison between the number of incidents with a suspected hate motive and the number of criminal cases which take the hate motive into account will indicate the scope of the problem.

In light of this, we recommend that:

OSCE:

Organize a series of seminars for law enforcement personnel of different countries to share best practices of hate crime data collection and official statistics.

Member states of the OSCE:

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

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

3. Set up a national steering body to coordinate the response to hate crime.

4. Since hate crime is a distinct type of offences, relevant laws should focus on the most dangerous types of such crimes to allow law enforcement agencies to be more efficient, to avoid abuse and a waste of resources.