



CHALLENGES AND RESPONSES TO HATE-MOTIVATED INCIDENTS IN THE OSCE REGION

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Table of Contents

Foreword	3
Summary	5
A Note on Terminology	7
PART I: Hate-Motivated Violence: Incidents and National Responses	8
Violent Manifestations of Hate	8
Public Discourse: Media and Political Rhetoric	25
PART II: Hate Crimes and Incidents: Identifying Challenges	30
The Data Deficit	30
The Need for Strengthened Legislation and Implementation	31
The Need for Effective Law Enforcement Response	33
PART III: Effective Responses and Practical Measures to Prevent and Combat Hate	35
Strengthening Law-Enforcement Authorities' Response to Hate Crime	35
Addressing Negative Media and Political Discourse	37
Prevention and Response to Hate-Motivated Incidents at Sporting Events	39
Education as a Tool to Combat Anti-Semitism	40
The Role of Specialized Bodies on Discrimination and Hate Crime	41
PART IV: The ODIHR's Toolbox to Combat Hate	43
Toolbox for OSCE Participating States	43
Toolbox for Civil Society	45
ANNEX 1: Selected OSCE Commitments Pertaining to Hate-Motivated Incidents and Crimes	46
ANNEX 2: Information Submitted to the ODIHR in the Period of 2004-2006: Legislation, Statistics, Practical Initiatives and Nominated Points of Contact on Combating Hate Crime	48
ANNEX 3: Communications Regarding the ODIHR's Report on Challenges and Responses to Hate-Motivated Incidents in the OSCE Region	53
ANNEX 4: List of OSCE Participating States that Have Established Holocaust Memorial Days	54

Foreword

Over the last few years, the OSCE has strengthened its commitments and instruments to promote tolerance and non-discrimination by holding a number of high-level conferences and taking important decisions. Nevertheless, violations of human rights and fundamental freedoms and various manifestations of hate continue to pose a challenge to human security in the OSCE region. During the last six months, we have witnessed a number of widely publicized cases of hate-motivated violence, which often targets the most vulnerable victims such as women and children. Hate-motivated crimes and incidents are also increasingly targeting persons over property as well as becoming more violent in nature.

The strong influence media can have in either countering or exacerbating misperceptions, prejudices and biases has been evident, as well as the rapid internationalisation of what might initially seem to be isolated incidents. The increasing use of the internet as an instrument for spreading hate and inciting violent attacks against individuals has also been noted across the OSCE region. The rise of racist, xenophobic, anti-Semitic and discriminatory discourse by political leaders and the growing tendency for such discourse to be used by mainstream political parties gives cause for concern. Actions against human rights defenders which are committed on the basis of their actual or perceived affiliation to a particular community are also continuing.

The 2004 Ministerial Council in Sofia tasked the ODIHR 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 to the Human Dimension Implementation Meeting and make these findings public.” This report marks the ODIHR’s first effort to provide an overview of hate-motivated incidents throughout the OSCE region. While the incidents are important for highlighting certain patterns and trends that have been noted during the first half of 2006, the focus of the report is on the *responses* of OSCE participating States to such incidents. In this regard, examples of effective and immediate responses of States to incidents are highlighted as well as challenges that Governments and civil society are continuing to face in their efforts to prevent and respond to hate-motivated incidents.

The incidents mentioned in this report are based on information the ODIHR received from Governments, international organisations and civil society. In June, a preliminary version of this report was presented to the Permanent Council and the ODIHR organised a special briefing for OSCE Delegations in Vienna. Between June and September, participating States were asked to review and verify the accuracy of the information in the report and to provide further information on measures taken by State authorities to respond to incidents mentioned in the report. The ODIHR is grateful for the feedback received from Governments, civil society and OSCE field missions. Some States were instrumental not only in commenting on the report, but also in providing us with additional information and updated statistics pertaining to hate crimes. Since the comprehensiveness and quality of this report are

contingent upon input the ODIHR receives, I hope that this report will encourage participating States to continue to provide us with updated information on incidents and responses to them.

The ODIHR also sees this report as an early-warning tool by highlighting areas where more adequate responses are needed. It is hoped that this report will also contribute to the further implementation of OSCE commitments and, in particular, to a strengthened response of participating States in their efforts to combat and prevent hate crimes and incidents.

Finally, apart from collecting and reporting on information about hate crimes and incidents, the ODIHR has also developed several tools to support OSCE States in their efforts to combat hate crime. I invite all participating States to review the ODIHR's Toolbox to Combat Hate at the end of this report and to seek technical assistance of the ODIHR and our experts in order to further strengthen and improve efforts to combat crime and acts of hatred throughout the OSCE region.

Ambassador Christian Strohal
ODIHR Director

Summary

This report marks the ODIHR's first effort to provide a general overview of hate-motivated crimes and incidents in the OSCE region. The overview of hate-motivated violent incidents included in this report is intended to serve as an illustration of recurrent trends in OSCE participating States during the first half of 2006. The incidents were collected and compiled within the framework of the ODIHR's ongoing dialogue and co-operation with participating States, international organisations and civil society in order to: a) better understand the phenomena of hate-motivated violence; b) identify existing efforts of Governments and civil society to respond to such incidents and c) raise awareness about the ways in which the ODIHR can provide assistance and support to States and civil society in strengthening their efforts to combat and effectively respond to violent manifestations of hate.

The report is divided into four parts:

- **Part I** looks at two types of hate-motivated incident. It documents that attacks involving physical violence have frequently taken place, targeting persons as well as their property. The response of the participating State concerned is documented for each particular case. Apart from looking at violent manifestations of hate, this section also deals with hate-motivated discourse, where an increase in expressions of intolerance in mainstream political rhetoric is noted.
- **Part II** examines challenges States face in responding to hate-motivated acts with a focus on law enforcement, data collection, and implementation of legislation.
- **Part III** gives an overview of initiatives and actions undertaken by participating States in order to strengthen their response to manifestations of hate. It particularly examines four areas where effective responses were documented, namely strengthening of law enforcement, addressing negative media and political discourse, the need for adequate education and the role of specialized bodies in combating manifestations of hate.
- **Part IV** provides an overview of ODIHR tools available to support and assist OSCE participating States and civil society in strengthening their efforts to combat hatred and intolerance.

The content of this report is based primarily on information received from Governments, international organisations, non-governmental organisations as well as on media reports.

When looking at types of hate-motivated incidents and at the real or perceived groups targeted, several trends can be identified. Racist and xenophobic attacks are frequently affecting Roma and Sinti, as well as other minority groups. The numerous anti-Semitic incidents that were documented involve violence targeting Jewish sites, symbols and persons. Verbal abuse prompted by resentment has been on the rise with respect to both Jews and Muslims, often in connection with developments in international politics. In many cases, different types of resentment overlap, as does the perception of certain

groups as both religious and national. In addition, various attacks against human rights activists point to the fact that aggression seems to reach a higher level, as resentment against certain groups is extended so as to include and target also their respective defenders.

Media and particularly the internet are increasingly relevant to hate-motivated incidents. Their impact is twofold. On the one hand, incitements to commit violent acts are frequently communicated on and proliferated through the internet, in some cases even involving the disclosure of sensitive personal information which poses a serious threat to potential victims. Apart from this trans-national phenomenon, public discourse manifesting itself in the media as well as on the internet tends - even if not explicitly or at all inciting hate-motivated violence - to contribute to a climate of intolerance, to a loss of trust and to mounting tensions with respect to particular groups or persons belonging to them.

Concerning Government responses, the report shows that relevant authorities in participating States do not always react adequately, transparently, timely and efficiently to hate-motivated incidents. The tendency of presenting hate crimes as isolated cases and downplaying them as 'hooliganism' persists in some of the OSCE participating States. Often, law enforcement agents demonstrate inadequate first responses to hate-motivated crimes thus undermining victims' trust to the overall rule of law. In some cases, the courts issued lenient sentences for violent crimes aggravated by racial or xenophobic hatred or the prosecutors stopped the investigation of hate-motivated crimes because of the alleged 'lack of evidence'.

The lack of data on hate crimes and incidents across the OSCE region is also highlighted as a key challenge facing many OSCE States. In this regard, reference is made to the ODIHR 2005 report on *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation and National Initiatives*, in which the ODIHR provided several recommendations regarding data collection, legislation, law enforcement and establishment of specialized bodies.

The report also identifies a number of positive trends in State responses that were observed during the reporting period. In response to the rise of hate-motivated incidents, there were more cases of close cooperation between Governments, international organizations and civil society, particularly in the area of hate on the internet, where such cooperation is increasingly becoming a necessity. Governments and civil society organizations made more efforts to improve the monitoring and policing of hate-motivated crimes, as well as to create special working bodies at the national level that involve community-based organizations.

A Note on Terminology

The term *hate crime* represents the language used at the 2003 Ministerial Council Meeting in Maastricht, where the foreign ministers of all OSCE participating States committed themselves to maintaining information and statistics on *hate crimes* and to reporting such information to the ODIHR on a periodic basis. Thus, participating States expressly chose this language, which provides a compelling reason for the ODIHR to conceptualize the term *hate crime* in a manner that enables it to respond effectively to its tasks, taking into account the diversity of participating States. In accordance with the language used in the Maastricht Ministerial Council Decision, for the purpose of this report, the ODIHR has chosen to use the term *hate crime*.

A working definition of hate crime was developed by the ODIHR, with input from law enforcement experts from seven OSCE participating States for use within the curriculum of the pilot Law Enforcement Officer Programme on Combating Hate Crime. **This working definition takes national differences into account, such as differences in legislation, resources, approach, and needs, and thus allows each State to amend the definition as it sees fit.**

ODIHR Working Definition of Hate Crime

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

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

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

A special remark should be made concerning the issue of multiple identities in relation to hate crimes. Perpetrators of hate-motivated incidents and hate crimes are likely to be ‘inspired’ by multiple bias grounds such as gender, ethnicity, religion or political affiliation. It is the combination of these grounds that can serve to produce something ‘unique’ and distinct from any single form of discrimination standing alone. Those belonging to or identifying with different communities may therefore face higher vulnerability to hate-motivated crimes.

PART I

Hate-Motivated Violence: Incidents and National Responses

The following overview of hate-motivated violent incidents is intended to serve as an illustration of recurrent trends in OSCE participating States during the first half of 2006. This overview is not supposed to be a comprehensive account of cases. Instead, it provides an analysis indicating that in the reporting period hate crimes and incidents occurred in the following areas: racially-motivated incidents and xenophobia, hate-motivated violence against Roma and Sinti, ethnically and religiously-based hate, anti-Semitism, homophobia, as well as hate propaganda through the Internet, the media and in media and political discourse. This overview also pays particular attention to the responses of relevant authorities in the OSCE participating States with an aim to identify the most common patterns, successes and challenges.

Violent Manifestations of Hate

During the first half of 2006, information collected concerning **racially-motivated incidents** indicates that direct and severe physical violence, with an increased cruelty, connected with such incidents (either resulting in death or severe injury) remains a common characteristic of many of the racist crimes committed in the OSCE region.¹ An increasing number of incidents are connected with international conflicts and provoked through the spread of hate through the Internet. Collected information has also shown that violent racist attacks are increasingly targeting women and children. The following incidents exemplify these trends:

- A German man of Ethiopian origin was severely beaten on 16 April in Potsdam, Germany.² The police assumed a racial motivation behind the incident and the General State Prosecutor therefore supervised the investigation. The victim was in a coma until late May 2006. Intensive inquiries were undertaken and two alleged perpetrators were arrested. However, the course of events could not be fully reconstructed so far.^{3/4} In another incident on 19 May, a German politician of Turkish origin was hospitalized after being attacked by two men who called him a “dirty foreigner”. The man suffered head injuries after his attackers

1 The UN Special Rapporteur stressed the need, on the part of Governments, for a greater affirmation and demonstration of the political will to combat racism. See: The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report submitted to the Sixty-second session of the Commission on Human Rights, 18 January 2006, p. 4.

2 Spiegel online, *Ethiopian-Born Man Beaten Into Coma*, 18 April 2006, <http://www.spiegel.de/international/1,1518,411820,00.html>

3 Potsdamer Neueste Nachrichten online, *Ermyas M.: Eindeutig rassistische Motive*, 15 September 2006.

4 The public prosecutor of Potsdam has opened the indictment on 22 August 2006.

struck him with a bottle in a street in the Lichtenberg ward in East Berlin. The Lichtenberg district is known as a stronghold of neo-Nazis in Berlin.⁵

- On 6 May, a group of skinheads attacked a French national of Gabonese origin in Bruges, beating him unconscious.⁶ Few days later, on 11 May, in Antwerp, Belgium, a 24-year-old au-pair woman of Malian origin and the 2-year-old child she was caring for were shot dead.⁷ Before the perpetrator gunned down the woman and the child, he allegedly shot a woman of Turkish origin who was reading on a bench in a public square, leaving her critically injured. The assassinator has pleaded guilty, but the case has not yet been brought before the court. Both cases are currently under investigation, with the Belgian Centre for Equal Opportunities and Opposition to Racism (CEEOR) acting as joint plaintiff.⁸
- On 13 March, in Malta, following a press conference announcing the publication of an EU-commissioned report on the level of racism and xenophobia, an arson attack took place against seven vehicles belonging to the Jesuit Centre for Faith and Justice - the National Focal Point in Malta for the European Monitoring Centre on Racism and Xenophobia (EUMC) - and the Jesuit Refugee Services (JRS), one of the NGOs working to advance the rights of refugees and asylum seekers.⁹ A few weeks later, vehicles belonging to persons employed with the JRS were targeted by arsonists. The most notable was the attack targeting a lawyer working with the JRS in which the façade of the residence of the lawyer and vehicle were set on fire on 11 April, the day after the Acting Director of JRS was interviewed by the Times of Malta about the detention and asylum situation in Malta.¹⁰ In May, two journalists became victims of attacks against their homes after publishing articles on racism, immigration and the extreme right.¹¹ Police investigations on these attacks are still in process and it has not yet been proven with any certainty that any or all of these attacks have had a racist motive.¹²
- On 17 May, in the United Kingdom, an Afghan man was racially abused, verbally attacked and repeatedly stabbed in the chest and stomach by four men who left an England flag draped over him before running off. The stabbing occurred in a town where the far-right British National

5 Deutsche Welle-World, *German-Turkish politician injured in racist attack*, 20 May 2006, <http://www.dw-world.de/dw/article/0,2144,2027025,00.html>.

6 Political Gateway, *Woman, child dead in racial attack*, 11 May 2006.

7 Ibid.

8 Information provided to the ODIHR by the CEOOR on 22 September 2006.

9 EUMC, *EUMC-Bulletin 01/2006*, <http://www.eumc.europa.eu>

10 di-ve news, *JRS stands up over flames*, 23 May 2006, <http://www.di-ve.com/dive/portal/portal.jhtml?id=233034&pid=147> See also: Jesuit Refugee Service, 19 April 2005, http://www.jrseurope.org/news_releases/April19thMalta.htm

11 Amnesty International, *Public Statement*, 9 June 2006,

<http://web.amnesty.org/library/print/ENGEUR330012006>

12 Communication received on 2 October 2006 from the Delegation of Malta to the OSCE.

Party had earlier won eleven seats on the local council days.¹³ On 18 May, a local campaigner against racism and fascism was attacked in front of his two daughters in Merseyside. A man injured the victim with a knife, leaving him almost blinded and with cuts in his head, arms and wrists.¹⁴ The incident occurred upon the publication of the victim's address on several right-wing extremist websites, the disclosure of which had also made him receive various death threats prior to the attack.¹⁵

- In the St. Petersburg, Russian Federation,¹⁶ a man of Malian origin was stabbed to death on 5 February 2006¹⁷ and a 9-year-old Russian girl of Malian origin was stabbed in the face and neck on 25 March 2006.¹⁸ On 7 April 2006, a Senegalese student was shot from a distance by a murder weapon painted with a swastika in St. Petersburg.¹⁹ The student was standing amongst a group of other students and was identified as target on the basis of his skin colour. On 7 June, seven men who identified themselves as police officers attacked and robbed a group of ten Tajik students in a dormitory room at the State Management University in south-eastern Moscow. Five of the students were hospitalized with cuts and bruises and the dormitory was placed under high security following the incident. The investigations undertaken by the City Prosecutor have in the immediate aftermath of the attack led to the detention of two police officers suspected of being involved in the incident, for which the district police chief has allegedly apologized.²⁰

13 UK Monitoring Group, *BNP Town Race Stabbing*, May 2006.

14 Liverpool Echo, *Union boss slashed in face*, 19 May 2006, http://icliverpool.icnetwork.co.uk/0100news/0100regionalnews/tm_objectid=17103277&method=full&siteid=50061-name_page.html

15 Socialist Worker 2002, *Nazi-inspired racist attacks in Merseyside and Barking*, 27 May 2006, http://www.socialistworker.co.uk/article.php?article_id=8901

16 According to estimates of Sova, an information and analytical centre, which monitors racism and xenophobia, the number of racially motivated crimes in the Russian Federation rises by 30% every year. The same source indicates that 19 people have been killed and 166 injured by skinheads in Russia in the first six months of 2006. Such attacks are normally carried out by skinheads and target persons from the Caucasus and Central Asia. The number of skinheads in Russia is estimated at around 50,000. In its recent report on the Russian Federation, ECRI states to be "alarmed by consistent information according to which the number of reported racially motivated violent physical attacks against members of visible minorities, in some cases resulting in the death of the victim, has significantly grown over the past years. It is even more worrying that the number of cases reported is probably far from reflecting the real situation in the country, as the victims are generally very reluctant to contact the authorities or even NGOs to inform them about the attacks." ECRI, *Third report on the Russian Federation*, adopted on 16 December 2005, made public on 16 May 2006, http://www.coe.int/t/e/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Russian_Federation/Russian_Federation_CBC_3.asp

17 Radio Free Europe / Radio Liberty, *Russia: A Timeline of recent Racial Incidents*, 3 April 2006.

18 Ibid.

19 BBC Monitoring, *Senegalese student shot dead in Russian city of St Petersburg*, 7 April 2006.

20 MosNews, *2 Police Officers Charged in Attack on Tajik Students in Russian Capital*, 10 June 2006, <http://www.mosnews.com/news/2006/06/10/policecharged.shtml>

In response to incidents in the Russian Federation, President Putin in a 9 May speech to World War II veterans during a Victory Day parade stated that: "Those who are again trying to raise the defeated flags of Nazism, who sow ethnic hatred, extremism and xenophobia, are leading the world to a dead end, to thoughtless bloodshed and cruelty."²¹ In follow-up to the incidents, in late May, police authorities were able to arrest a number of members of an extremist group in St. Petersburg, claiming numerous racial attacks. The Chief Prosecutor of St. Petersburg declared at a press conference that "it is precisely with this group and with these people that we linked the spate of murder attempts and murders which have been committed in our city of late..."²²

In the run up to the above-mentioned incidents, instructions for such attacks could be found on websites of skinhead groups.²³ Reportedly, there are approximately 150 active racist and extremist sites on Runet, a Russian internet portal.²⁴ Similar instructions to racist, anti-Semitic and homophobic violence could be found on the 'Redwatch' website hosted in the United States but maintained by a right wing organisation in Poland. In June, Polish police arrested two of the individuals linked to the website and charged eight others with collaborating on the site. The Polish authorities also asked the United States for help in closing down the 'Redwatch' website which posted lists of, and contact information (addresses and telephone numbers) for representatives of Jewish, anti-racism and left-wing organisations. Following the arrests and charges laid down by the Polish police of some of the individuals linked to the site, and requests of the Polish Government to the United States for assistance in closing down the site, it was closed down.²⁵ In addition to the Polish site, 'Redwatch' sites were also available for the United Kingdom and Germany.²⁶ In response to the incidents that took place in the United Kingdom, Labour MPs have urged ministers to take action against 'Redwatch' and other far-right websites. Home Office officials have agreed to work together with the Association of Chief Police Officers in order to tackle the incitement to commit hate crimes. This is deemed to be possible even if websites are hosted abroad. The Home Office Minister, Mr. Coaker, has, however, added that more international cooperation is needed regarding these

21 BBC Monitoring, *Putin faces up to racist scourge*, 9 May 2006.

22 BBC Monitoring, *Gang of extremists detained in Russia's St Petersburg*, 24 May 2006.

23 The UN Special Rapporteur on contemporary forms of racism points to the "resurgence of racist violence among Neonazi groups". See: The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Updated study submitted to the Sixty-second session of the Commission on Human Rights, 18 January 2006, p. 7.

24 BBC Monitoring on 8 September 2006; Ekho Moskvyy radio, Moscow, in Russian 1700 gmt 8 September 2006.

25 Communication No. DWRMNI-E-813-3-267/06/KW of 11 September received from the Department of Denominations and National Minorities of the Polish Ministry of Interior Affairs and Administration. See also: BBC Monitoring, *Polish Police Make Four Arrests in Swoop for Fascist Group*, 1 June 2006.

26 In July, the Polish authorities continued the investigation and the arrests. In the same month, the Redwatch site re-appeared on the Internet. As of September 2006, the website contained primarily anti-Semitic, racist and homophobic articles and statements. See also: *Gazeta Wyborcza*, *Zarzuty dla wspóltwórców strony "Krew i Honor"*, 7 July 2006 and BBC Monitoring, *Polish neo-Nazi website in USA up again after previous closure after FBI request*, 13 July 2006.

websites.²⁷ With respect to Germany, there are reports that Redwatch and other groups of the extreme right, such as parts of the NPD party, keep lists of anti-fascists, certain politicians, journalists and other target groups. However, those lists can only be accessed with a password. No incident prompted by Redwatch incitement has so far occurred in Germany.²⁸

In response to the attacks in Malta against organisations working to address the rights of refugees and asylum seekers, in late May, a draft Bill proposing amendments to the Criminal Code was presented. The draft Bill outlined crimes of a racial nature as including not just those perpetrated against individuals on the basis of colour or creed, but also crimes committed against a person assisting those of different beliefs or colour. The draft Bill also stated that if an arson attack had racist motives, this should be considered an aggravating circumstance.²⁹

In response to the attacks in Antwerp, Prime Minister Verhofstadt issued a statement denouncing the crimes as a form of extreme racism and cautioning Belgian citizens against being pulled into a spiral of violence. He reaffirmed the commitment of the police and judicial system to ensure the proper follow-up of the case. Also in response to the attacks, some 20,000 people joined a march against racism in Antwerp. The march followed two banners, reading “The sadness of Antwerp” and “Stop racism: Diversity is reality”.

In the case of the attack in Potsdam, immediate investigations were initiated by the Federal General Prosecutor. The investigations on the case are still ongoing. The German chancellor Merkel condemned the attack strongly and expressed hope for quick results in the investigation. A spontaneous demonstration in Potsdam took place followed by a major demonstration against racism and xenophobia also in Potsdam a few days later.

Recent years have seen an increase in levels of racially-motivated crimes towards particular groups, including Roma and Sinti living in the OSCE area. These incidents have been aggravated by the lack of successful prosecution of such cases.

The following incidents offer illustrations of **racially-motivated crimes affecting Roma and Sinti**:

- In Serbia, the Minority Rights Centre (CRM) criticised the Court's lenient sentencing of a dozen of skinheads who attacked a Roma settlement in February 2006. The thugs in black leather jackets and

²⁷ BBC News, *Action urged on far-right website*, 21 June 2006,

http://news.bbc.co.uk/2/hi/uk_news/politics/5102836.stm

²⁸ Berliner Zeitung, *Neonazis führen Todeslisten im Internet*, 29 June 2006,

[http://www.berlinonline.de/berliner-](http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2006/0629/politik/0074/)

[zeitung/archiv/.bin/dump.fcgi/2006/0629/politik/0074/](http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2006/0629/politik/0074/)

²⁹ Amnesty International, Public Statement, *Malta: Attacks against anti-Racists must end*, 9 June 2006 <http://web.amnesty.org/library/Index/ENGEUR330012006?open&of=ENG-2U5>.

On the issue of human rights defenders as target groups see also: Special Representative of the UN Secretary-General on human rights defenders, Report submitted to the Sixty Second Session of the Commission on Human Rights, 6 March 2006, Addendum 5.

combat boots broke windows on several Roma houses shouting: "Gypsies, You're Dead Meat!" The police arrested nine perpetrators. The decision of the municipal misdemeanour court was that both the perpetrators and the victims are to pay a fine. CRM filed a criminal charge against the perpetrators for instigating racial and religious intolerance. The Public Prosecutor did not start a criminal procedure even though they were obliged to do so.³⁰

- According to information from the European Roma Rights Centre (ERRC), on 13 April a group of young people attacked a Roma tent camp in Volzhskie, Russian Federation. As a result two people (a man and a woman) were killed and six were severely injured. The Prosecution of Volgograd region has reportedly opened a criminal investigation. This was done under Article 105(2) of the Criminal Code of the Russian Federation for murder committed by a group of persons, motivated by national, racial or religious hatred. Nine young people were detained. The investigation is in process and will be completed during the fall of 2006. The ERRC is continuing to monitor the case. In addition, the Associated Press has observed that "a wave of racially motivated attacks in Russia have raised concerns of growing militant nationalism."³¹ The article chronicles a series of hate-motivated violence, involving gangs of youth. Law enforcement authorities have reacted very leniently and, according to the article, critics say that the Russian Government is moving very slowly to stem the rise of xenophobia and racism.

Compounding the above, numerous cases of problems Roma and Sinti encounter in their relations with law enforcement authorities include the following:

- According to the Macedonia Helsinki Committee for Human Rights, in the former Yugoslav Republic of Macedonia on 9 May, two Roma brothers were chased by the Police 'Alfa' unit (a unit for quick intervention) on their way home. One boy, who jumped in the River Vardar, was missing for several days, his body was found 16 days after in the municipality of Gjorce Petrov. An independent medical expert from Bulgaria is doing an autopsy to define the cause of the death. The results of the autopsy have not been concluded yet. The case is being investigated.³² The authorities have been slow to find and prosecute those responsible.³³ In an earlier incident, in June 2005, two police officers have abused three Roma men, after arresting them without providing justification or informing of their legal rights. Medical reports confirmed that the three men sustained serious injuries.

30 One World Southeast Europe, *Victims Penalized, Too*, <http://see.oneworld.net/article/view/130874/1/>.

31 The Associated Press, *2 Gypsies Shot Dead, Police Arrest Suspect*, 18 April 2006.

32 Helsinki Committee for Human Rights Macedonia, *Report on the Human Rights Situation in the Republic of Macedonia*, June 2006,

http://www.mhc.org.mk/eng/a_izveshtai/a_2006_06mi.htm

33 ERRC, press release, *NGOs Urge Macedonia Authorities to Investigate Death of Trajan Bekirov*, 16 June 2006, <http://www.errc.org/cikk.php?cikk=2604>.

However, the criminal charges that the victims brought against the police were dismissed by the Public Prosecutor. Instead, the victims were advised to file a private lawsuit. As of March 2006, proceedings were delayed because the accused officers reportedly did not show up at the hearing.³⁴

- In recent years, Albania, where inter-community relations were traditionally relatively peaceful, also witnessed the development of anti-Roma sentiments. On 6 January 2005, without any notice or official warrant, the buildings police reportedly raided houses in the Roma settlement, under the pretext that the land on which Roma houses were built was awarded by court to other owners. Allegedly, Roma were neither informed of, nor present at the judicial proceedings where such decision was made. The police began to destroy the Romani cabins, allegedly exerting physical violence upon women and children present there during the action. The new owners, who were also present, allegedly subjected the Roma to verbal racist abuse, telling them to “go back” where they came from and allegedly threatening to douse them with gasoline and set them on fire alive should they not leave before morning.³⁵
- In Bosnia and Herzegovina, the European Commission against Racism and Intolerance noted that Roma are allegedly “the objects of disproportionately frequent checks and sometimes of harassment by law enforcement officials.” Prejudice *vis-à-vis* Roma still appears to be widespread and some law enforcement officials have been reported to have held Roma responsible for crimes on the basis of little or no evidence and to have failed to investigate crimes committed against Roma.³⁶ According to the Advisory Committee of the Framework Convention for the Protection of National Minorities, “the general lack of confidence in law-enforcement authorities by the Roma partly explains why few incidents involving police abuse against Roma are reported, a state of affairs which is aggravated by the extremely low number of Roma employed as police officers.”³⁷
- In Serbia, the Humanitarian Law Centre (HLC) reported physical and verbal abuse by unidentified police officers of Roma children washing car windows on the Belgrade streets. However, investigation against the perpetrators has allegedly been slow and ineffective.³⁸

34 ERRC, *Snapshots from around Europe: Private Lawsuit Filed after Public Prosecutor Ended Investigation into Police Brutality in Kicevo*,

<http://www.errc.org/cikk.php?cikk=2569>.

35 Pellumb Furtuna, *Escalation against Romani families results in one dead (Dritan Hashimi)*, <https://www.indymedia.org.uk>

36 ECRI, *Report on Bosnia and Herzegovina*, adopted on 25 June 2004, made public on 15 February 2005, para. 51, http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/

37 Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities, *Opinion on Bosnia and Herzegovina*, adopted on 27 May 2004, para. 70, http://www.coe.int/T/E/Human_Rights/Minorities/

38 ERRC, *Snapshots from around Europe: Police Violence against Roma in Serbia and Montenegro*, <http://www.errc.org/cikk.php?cikk=1590>.

In the reporting period numerous **hate-motivated incidents and crimes targeting members of national minorities** were observed in the OSCE region. These incidents were particularly witnessed in areas where conflicts occurred in the past or where inter-ethnic tension persists today. Hate incidents motivated by ethnicity bias still occur in Bosnia and Herzegovina. In an incident in Banja Luka, a Bosniak man was verbally and physically attacked, while being forced to evict an apartment, which lawfully belonged to him. The law enforcement officers reacted quickly by restraining the attacker, who was later sentenced to imprisonment for six months, suspended for two years.³⁹ According to information received from the OSCE Mission in Kosovo, ethnically-motivated violence in property cases aimed at coercing members of minority communities into selling their property and departing Kosovo continues to exist.⁴⁰

Investigations regarding physical attacks against Jews have shown that anti-Semitic motivation for hate crimes fuelled by Holocaust denial, anti-Jewish sentiment, nationalism and strong anti-Israel attitudes. During the first half of 2006, there were disturbing **manifestations of anti-Semitism**.⁴¹ In many cases the law enforcement authorities reacted efficiently by launching investigations to crimes and incidents:

- In Croatia, members of the Zagreb Jewish Community received threatening messages and a Rabbi was verbally and physically assaulted in Zagreb in early June. Zagreb police pressed charges against a student for sending a threatening e-mail to the Zagreb Jewish Municipality and have investigated the identity of others who sent another an anti-Semitic message.⁴² In the case of the attack against the Rabbi, the police started the investigation.
- A young French Jew was kidnapped, tortured for three weeks and murdered in France in February this year. The victim was found naked and burned south of Paris after being held for three weeks by a gang demanding a large ransom. The man died of his injuries shortly afterwards. According to the investigation, the gang taunted the victim's family and a Rabbi with anti-Semitic epithets and recited Koranic verses during telephone calls and e-mails demanding amounts of ransom. The perpetrators were motivated by a common anti-Semitic stereotype associating Jewish people with the financial well-being.⁴³ The law enforcement authorities originally ruled out the anti-Semitic nature of the murder.⁴⁴ The police detained the person who admitted

39 Communication received on 13 September 2006 from the OSCE Mission to Bosnia and Herzegovina.

40 Communication received on 14 September 2006 from the OSCE Mission in Kosovo.

41 See also: The UN Special Rapporteur, Report, op. cit. 1.

42 BBC Monitoring, *Croatian Jews charge student who threatened Jews by email*, 3 June 2006.

43 International Herald Tribune, *Sarkozy Says Religion Made Slain Jew a Target*, 22 February 2006, <http://www.ihf.com/articles/2006/02/21/news/slay.php>

44 Information provided to the ODIHR by the American Jewish Committee. See also EJPress, *Dispute around motivation in murder in Paris*, 17 February 2006, <http://ejpress.org/article/news/france/5916> and International Herald Tribune, op. cit. 36.

masterminding the crime.⁴⁵ There have been no convictions related to the murder as of 30 June 2006. In another incident in March, a 70-year-old Parisian Jew was struck in the head by a man who called her a “dirty Jew”.⁴⁶

- The Italian Ministry of Interior reported 14 hate crimes with an anti-Semitic background committed in the country between January and April 2006.⁴⁷
- The Permanent Mission of the Czech Republic to the OSCE informed the ODIHR that ten hate crimes with an anti-Semitic background were committed in the country in the first half of 2006. Five of those hate crimes fell under the criminal provision punishing support and promotion of movements that seek to suppress human rights and freedoms.⁴⁸
- Poland’s chief Rabbi was punched and attacked with what appeared to be pepper spray in downtown Warsaw in May. The attacker yelled “Poland for Poles”.⁴⁹ The police investigation regarding the attack led at the end of June to the arrest of the suspect who admitted to the assault.⁵⁰ According to State authorities, the police investigation “progressed unusually fast” and the Rabbi thanked the President and the Prime Minister for their public involvement.⁵¹
- In the Russian Federation nine people were stabbed in a Moscow Synagogue in January.⁵² The police reacted with a prompt investigation into this attack. The perpetrator was arrested and initially sentenced to 13 years in prison for stabbing nine worshippers in the synagogue. In June, Russia’s Supreme Court ordered a retrial of the perpetrator⁵³ and on 15 September Moscow’s City Court sentenced the perpetrator to 16 years in prison with inciting racial hatred added to the final decision of the Court.⁵⁴ There was another attempted physical attack on a worshipper in Rostov-on-Don synagogue the same month. The attacker entered a synagogue holding a broken fragment of bottle and screaming pro-Nazi and anti-Semitic slogans.⁵⁵ The police arrested the

45 JTA, *French Kidnapping Suspects Turn Themselves In*, <http://www.rferl.org/featuresarticle/2006/6/32B71FEA-A4EC-487C-A33D-AA00239A193F.html>

46 JTA, *Elderly Jew Beaten in Paris*, 20 March 2006,

http://www.jta.org/page_view_breaking_story.asp?intid=1748&ref=daily_briefing

47 Communication of 7 August 2006 received from the Permanent Delegation of Italy to the OSCE.

48 Communication No. 1509/2006 of 8 September 2006 received from the Permanent Mission of the Czech Republic to the United Nations, OSCE and Other International Organizations in Vienna.

49 PAP, *Schudrich attack suspect seized*, 29 June 2006.

50 PAP, *op. cit.* 40. In August, according to state authorities, a Polish court tried and convicted the man who assaulted the Chief Rabbi of Poland. See Communication, *op. cit.* 20.

51 *Ibid.*

52 Moscow News, *Worshippers Attacked in Moscow Synagogue*, 13 January 2006.

53 Radio Free Europe / Radio Liberty, *Russian Court Orders Retrial of Synagogue Attacker*, 20 June 2006.

54 Radio Free Europe/ Radio Liberty, *Russian Synagogue Attacker Sentenced*, 15 September 2006, <http://www.rferl.org/featuresarticle/2006/09/B9397BAB-395C-422F-86EA-B5DC60F3F095.html>

55 FSU Monitor, *Attempted Attack on Rostov Synagogue Thwarted*, 13 January 2006, <http://www.fsumonitor.com/stories/011306Russia.shtml>

assailant. He was charged with hooliganism and five-day administrative detention. However, he was not imprisoned on the grounds of mental health problems.⁵⁶

- In Ukraine, a Jewish boy was stabbed and severely beaten and a group of four Jewish boys was attacked by a group of approximately 30 skinheads in a separate attack in Dnipropetrovsk in April 2006.⁵⁷ The police committed to find those who perpetrated attacks against Jewish youth. In June, the law enforcement officials of the Dnipropetrovsk region met with the Jewish leadership to discuss manifestations of anti-Semitism. Results of the investigation of an attempted murder of a young Jewish man are not yet known.⁵⁸
- In the United Kingdom, youth threw bricks and yelled anti-Semitic insults at a group of Jews. The incident took place in Manchester in the middle of June.⁵⁹ The police have been investigating the case with no outcome so far.⁶⁰
- Three Uzbek citizens of Jewish origin have been murdered in Uzbekistan: the assistant to the Chief Rabbi and her mother in June and the chairman of the Tashkent community of Bukhara Jews in February. Investigations by State authorities are still in progress and the motive behind the crimes has not been confirmed as anti-Semitic.⁶¹

In January 2006, the Swedish Chancellor of Justice halted an investigation into the sale of tapes containing violently anti-Semitic sermons, including the call for killing Jews, given at the Grand Mosque in Stockholm. He said the sermons “should be judged differently, and be considered allowed, because they are used by one side in a continuing profound conflict, where battle cries and invectives are part of everyday occurrences in the rhetoric that surround the Middle East conflict.”⁶²

In some countries, Government representatives expressed their concern about trends in anti-Semitism and recognized the need for increased regional co-operation and partnerships in addressing hate crime as a trans-border phenomenon.

- Following the attack in the Moscow synagogue and an attempted crime in Rostov-on-Don, many Government officials of the Russian

⁵⁶ Information provided to the ODIHR by the SOVA Center. See also: FSU Monitor, *Attempted Attack on Rostov Synagogue Thwarted*, 13 January 2006, <http://www.fsmonitor.com/stories/011306Russia.shtml>.

⁵⁷ NCSJ, *Ukrainian Skinheads Stab Jew*, 23 April 2006; NCSJ, *Graffiti Appears, Students Attacked in Dnepropetrovsk*, 24 April 2006: Information provided to the ODIHR by the Central Ukrainian Holocaust Foundation “Tkuma”.

⁵⁸ Federation of Jewish Communities of the CIS, *Local Police Chiefs Meet Jewish Community on Anti-Semitism Issues*, 9 June 2006, <http://www.fjc.ru/news/newsArticle.asp?AID=392402>.

⁵⁹ Information provided to the ODIHR by the Community Security Trust, UK.

⁶⁰ Ibid.

⁶¹ FSU Monitor, *Jewish Official Murdered in Tashkent*, 12 June 2006, <http://www.fsmonitor.com/stories/060506Uzbekistan.shtml>

⁶² Information provided to the ODIHR by the Anti-Defamation League (ADL), http://www.adl.org/osce/osce_advancing.asp; See also: EJPress, *The radical reinterpretation of incitement against Jews by the Chancellor of Justice in Sweden*, 3 April 2006, <http://www.ejpress.org/article/voices/7164>

Federation, including the Ministry of Foreign Affairs, condemned the incidents. The Russian Foreign Minister Lavrov met with Chief Rabbi Lazar and urged international cooperation to combat racism and anti-Semitism. Due to the fact that xenophobia, anti-Semitism, and racism occur in different manifestations in different countries, the Russian Ministry of Foreign Affairs stressed the need to establish a dialogue about international cooperation. This could add to the national efforts aimed at combating these phenomena.⁶³

- Following the murder of the young Jewish man in France, Prime Minister de Villepin met with Jewish groups and organisations and pledged that the Government would do its utmost to find the killers of the young man and would fight anti-Semitism throughout French society.⁶⁴
- In the aftermath of the attack against the Chief Rabbi of Poland, Prime Minister Marcinkiewicz called the Chief Rabbi to express his regrets and “declare that there is no place for anti-Semitism”. Polish President Lech Kaczynski met the Chief Rabbi to show his solidarity and assured that the State authorities would work to prevent anti-Semitic incidents.⁶⁵

In the first half of 2006, anti-Semitism has manifested itself also in the form of vandalism against Jewish institutions, graveyards and Holocaust memorials throughout the OSCE region.

- In Montreal, Canada, two synagogues were vandalized with a series of spray-painted swastikas and Nazi SS symbols in March.⁶⁶
- According to the information provided by the Conseil Représentatif des Institutions juives de France (CRIF), the Security Board of the Jewish Community reported 24 acts of vandalism motivated by anti-Semitism in France in the first half of 2006. The information provided was collected in cooperation with the French Ministry of Interior.⁶⁷
- In Ukraine, synagogues, Jewish graveyards and Holocaust memorials were desecrated in Dnepropetrovsk, Odessa, Simferopol and Sevastopol in the first half of 2006.⁶⁸
- In the Russian Federation, synagogues, Jewish graveyards and institutions were vandalised in Artyom, Saratov, Lipetsk, Nizhny Novgorod, Tomsk, Omsk, Orenburg, Penza between January and June.⁶⁹

63 Ministry of Foreign Affairs of the Russian Federation,
http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/64d2b091d6a67f78c32570f400305787?OpenDocument

64 JTA, *France Vows to Probe Murder*, 21 February 2006,
http://www.jta.org/page_view_breaking_story.asp?intid=1455&ref=daily_briefing

65 AFP, *Poland's Chief Rabbi Attacked in Warsaw*, 28 May 2006.

66 See: Monitoring on anti-Semitism by the ADL, 25 March 2006,
http://www.adl.org/Anti_semitism/anti-semitism_global_incidents_2006.asp#Canada.

67 Information provided to the ODIHR by the Conseil Représentatif des Institutions juives de France (CRIF).

68 Information provided to the ODIHR by the Central Ukrainian Holocaust Foundation-“Tkuma”; See also: Monitoring on anti-Semitism by the FSU Monitor,
<http://www.fsumonitor.com>.

69 Ibid.

- In late June, nineteen gravestones and monuments were smashed in a Jewish cemetery near Vilnius, Lithuania.⁷⁰
- In the United Kingdom, there were 21 incidents of vandalism with anti-Semitic background committed in the first half of 2006.⁷¹

Law enforcement authorities frequently launch investigations into the hate-motivated incidents of vandalism, yet the perpetrators mostly remain unidentified. In some participating States, there is a tendency to charge the attackers with mere 'hooliganism'.⁷²

During the first half of 2006, **hatred and intolerance towards Muslims** has been given expression through violent physical attacks, arson attacks and vandalism of mosques and Islamic schools, verbal harassment and threats, and calls for Muslims to be deported or expelled from Europe.⁷³ Incidents against Muslims are fuelled by a combination of racism, hostility towards Islam and its adherents, powerful anti-immigrant sentiment and the association of Muslims and Islam with terrorism. The sense of fear and vulnerability created by terrorist attacks and by concerns over immigration and integration issues have been exploited by far-right groups, and some media and political parties to publicly portray Muslims and immigrants as a threat to European security, cultural values and economic wellbeing. A number of reports⁷⁴ document a sharp spike in violent incidents against Muslims in the immediate aftermath of terrorist attacks or apprehension of suspects in relation to alleged terrorist activity.

Intolerance and discrimination against Muslims often manifest themselves in acts of violence or aggression, as well as in the form of low-level incidents such as verbal abuse and harassment or targeting of Mosques or Islamic cultural centres. Muslim women, and other persons visually identifiable as 'Muslims'⁷⁵, were more likely to be targets of violence or harassment.

70 The Baltic Times, *Jewish graves desecrated in Vilnius*, 26 June 2006, <http://www.baltictimes.com/news/articles/15718/>.

71 Information provided to the ODIHR by the Community Security Trust, United Kingdom.

72 For example, in recent years, there was a pattern on the part of the Russian law-enforcement agencies to downplay hate-motivated crimes. This can be illustrated inter alia by the case of a 9-year-old girl of Tajik origin, who was murdered in St. Petersburg on 9 February 2004 in an attack allegedly by a group of skinheads. Her father and brother were also severely injured during that attack. The verdict issued on 22 March 2006 by a Russian court, found seven of the defendants guilty of 'hooliganism'. Only one of these seven was sentenced to a prison term of five and a half years (the maximum for acts of hooliganism being seven years). The other defendants were sentenced to prison terms between 18 months and three years.

73 A recent UN report points to an "upsurge in acts of violence against Muslim places of worship and culture, hostility towards Islam – the religion and its believers – the politicization of Islam with terrorism." See: Report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report on The Situation of Muslims and Arab peoples in various parts of the world, submitted to the Sixty-second session of the Commission on Human Rights, 13 February 2006, p. 2.

74 See for example EUMC, Report on *The impact of 7 July 2005 London bomb attacks on Muslim Communities in the EU*, November 2005. See also: The UN Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report on *The Situation of Muslim and Arab peoples in Various Parts of the World*, submitted to the 62nd Session of the Commission on Human Rights, 13 February 2006.

75 Persons mistakenly 'perceived' to be Muslim, such as turban-wearing Sikhs and immigrants have been subjected to violence or attack. See: Human Rights First, Report on

The incidents listed below are intended to illustrate the types of incidents motivated by bias against Muslims rather than provide a comprehensive overview of incidents in all countries. Some countries, such as Canada, the United Kingdom and the United States may appear over-represented in the overview below - this does not indicate a higher level of hate-incidents in these States than others, but that these States:

- Collect data on hate-motivated incidents and make reports publicly available;
- Recognize criminal offences motivated by either race, ethnic origin or religion;
- Recognize hate-motivated violence and incidents as a “social problem that needs addressing”.⁷⁶

The following list of incidents provides a brief ‘snapshot’ of hate-motivated violence against Muslims in the OSCE region:

- In the United States, a young pregnant mother walking with her baby was physically and verbally assaulted by a neighbour on 20 January. The woman was called a “terrorist” and told to go back to her country. She was punched repeatedly until she lost consciousness and her hijab pulled off. No hate crime investigation has allegedly taken place.⁷⁷ On 25 April, the trial of a Muslim girl of Pakistani-descent from Illinois has finally been scheduled. The girl had her hijab ripped off after she and several others were arrested for civil disobedience while protesting at a rally for immigrant rights last year.⁷⁸
- A man who had draped a white bed sheet over his garden fence containing the words “Death to all Muslims who threaten us, Enoch Powell was right” was charged with racial aggravation under the Crime and Disorder Act in the United Kingdom in February. A hammer attack on an elderly 61-year-old Muslim male, outside of his local mosque left him with severe head injuries on 14 May.⁷⁹ Two men were arrested on suspicion of grievous bodily harm and released on bail. On 4 June, a young Muslim girl wearing a hijab was locked in a train carriage by the railway driver and subjected to racist abuse by him and other colleagues who prevented her from leaving the carriage. She was later

Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America, September 2005, p. i.

⁷⁶ EUMC, Report on Racist Violence in 15 EU Member States. A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, April 2005, <http://eumc.europa.eu/eumc/material/pub/comparativestudy/CS-RV-05-SUM.pdf>

⁷⁷ Information provided to the ODIHR by the American-Arab Anti-Discrimination Committee, USA.

⁷⁸ Daily Times, Trial Set for Case of Chicago Police Tearing Off Girl’s Hijab, 23 April 2006, http://www.dailytimes.com.pk/default.asp?page=2006%5c04%5c23%5cstory_23-4-2006_pg7_15

⁷⁹ Eastern Eye News, 61 year old Muslim man Beaten with Hammer, 26 May 2006, http://www.ethnicmedia.co.uk/eastern_eye/iframe_story.asp?NID=3509

freed from the train by British Transport Police who are investigating the incident.⁸⁰

- Two cases of vandalism have been reported with respect to Canada. On 4 June, vandals smashed 30 windows at a Mosque in Toronto and damaged nearby cars.⁸¹ On 7 June, a Muslim high school in east Mississauga was vandalized.⁸² Shortly after the foiled terror plot in Canada, on 12 June, an Imam was threatened by a knife-wielding man in Montreal, who asked if he wanted to “die a martyr” and whether he was “carrying belts full of explosives?” A man has been charged with armed assault, uttering threats and possession of a dangerous weapon.⁸³

The last few incidents – in this case in Canada - demonstrate a familiar trend wherein terrorist attacks or the arrests of would-be-attackers spark a backlash against Muslims. Similar events were documented in the wake of 9/11 in the United States and the London bombings in the United Kingdom.⁸⁴ Where local and national politicians, police and community leaders condemned the bombings and any retaliation, there was a seemingly pre-empting or moderating effect on the anticipated anti-Muslim backlash.⁸⁵ A public statement made by Canadian police authorities, which stressed that anti-Muslim attacks would be dealt with seriously and harshly by the law is to be commended, and build upon the positive efforts seen in the United Kingdom in the wake of the 7 July bombings in 2005.

Apart from attacks against Muslim and Jewish communities, which are often not only motivated by religious, but also by political or cultural bias, **other religious groups have experienced violence** because of their faith.⁸⁶

- With respect to the Russian Federation, several incidents prompted by hate against specific religious groups have been reported. Apart from the attack on the Moscow Synagogue mentioned above, a ceremony for the celebration of Easter carried out by the local Reconciliation

80 BBC News, Train company probes abuse claim, 9 June 2006, <http://news.bbc.co.uk/1/hi/england/leicestershire/5064704.stm>

81 New York Post, Vandals smash Canada Mosque, June 5 2006, <http://www.nypost.com/news/worldnews/64737.htm> and CBC News, Mosque Vandalized after Bomb-Plot Sweep, 4 June, 2006,

<http://www.cbc.ca/story/canada/national/2006/06/04/mosque-vandalized.html>

82 Mississauga News, Canadian Muslim School Vandalized, 8 June 2006.

83 The Gazette, Hateful attack at mosque, 11 June 2006,

<http://www.canada.com/montrealgazette/news/story.html?id=4cb9ff12-d2e6-4343-a0cb-f6eedb99f3d6>

84 See EUMC, *Summary Report on Islamophobia in the EU after 11 September 2001*, May 2002.

85 Ibid., *cit. op.* 76.

86 The UN Special Rapporteur on freedom of religion or belief is “concerned that Governments, which are primarily responsible for protecting people against violations of the right to freedom of religion and belief, rarely organize intergovernmental events to discuss the rise of religious intolerance, in particular at the regional level.” See: The UN Special Rapporteur on freedom of religion or belief, Report submitted to the Sixty-second session of the Commission on Human Rights, 9 January. P. 19-20. The UN Special Rapporteur on current forms of racism also points to the “current intensity” of “Christianophobia”. See: The UN Special Rapporteur, Report, *op. cit.* 1, p. 14.

Pentecostal Church in the Southern Siberian settlement of Spassk on 23 April was disturbed by the entry of a group of 20 drunken youths attacking the congregation and attempting to “sort out the sectarians”. Police have been criticised for their lenient response to the incident. Upon being summoned, the officers allegedly did nothing to arrest the assailants and thus did not stop the attack. Apart from the involvement of hate speech, physical violence was targeted at some of the believers subsequently hospitalised as well as at part of their electronic equipment. The Reconciliation Church appealed to the regional authorities who have issued an official apology and ordered investigations, the results of which have so far not been released.⁸⁷

- In Kyrgyzstan, the mounting intolerance towards religious minority groups has culminated in the murder of an ethnic Kyrgyz who had previously converted to Christianity and whose dead body was found in Zhety-Oguz village in early January. The deed was reportedly instigated by the village Mullah, with the executors themselves being a group of mainly drunken village men targeting the only Christian in their community.⁸⁸ The response of district authorities amounted to no more than assigning a special plot for the victim’s burial which, due to Muslim provisions, was not allowed to take place on the village cemetery.
- In Serbia, various attacks have affected Jehovah’s Witnesses as well as followers of Hare Krishna.⁸⁹ On 15 February, a man locked two female devotees inside a building near Belgrade. He then started destroying their religious literature and attempted to drag the believers into the cellar. As one of the two victims managed to escape and subsequently called the police, the incident could be halted and is currently being prosecuted. On 20 February, a male Jehovah’s Witness was beaten on the head while sharing his beliefs with others. Serbian police have arrested the attacker whose case has been brought before the court. During the night of 17/18 June, a Hare Krishna devotee from Jagodina, who had already been attacked in July 2005, was assaulted in front of his home. The victim had to be hospitalised, as he was injured with three knife wounds and had a cross carved on his head. According to an NGO report, no one has been prosecuted for the attack.⁹⁰
- During the reporting period, two attacks against Christians took place in Turkey. On 5 February, in the northern city of Trabzon, a 61-year-old Catholic priest was shot dead while praying in his church. The 16-year-

87 Forum 18 News Service, *RUSSIA: Whose side are the police on?*, 7 June 2006, http://www.forum18.org/Archive.php?article_id=794

88 Forum 18 News Service, *KYRGYZSTAN: Intolerance against Christians highlighted by murder*, 17 February 2006, http://www.forum18.org/Archive.php?article_id=729. This incident is also mentioned in a communication received from the Holy See on 11 September 2006, *Dossier on Discrimination and Intolerance against Christian Faith, OSCE Region*, p. 16.

89 Forum 18 News Service, *SERBIA: Attacks continue on religious minorities*, 25 September 2006, http://www.forum18.org/Archive.php?article_id=845

90 Ibid.

old perpetrator, who was soon arrested, shouted a religious slogan to justify his deed, and has allegedly made a confession to the police that indicated the religious motivation behind the attack.⁹¹ The perpetrator went on trial in May on charges of killing the Priest, possessing an unlicensed weapon and deliberately endangering public order. The prosecution has demanded a death sentence. The killing was strongly and publicly condemned by the Government authorities including the Minister of Interior.⁹² Five days following the incident, a Roman Catholic priest from Italy was attacked by youth at a church in Izmir. The perpetrators grabbed him by the throat, threatened to kill him and shouted religious slogans at him.⁹³ The incident was immediately investigated by the police.

Numerous hate-motivated incidents and hate crimes against lesbians, gays, bisexuals and transgender (LGBT) people have occurred in the OSCE region. **Homophobic and transphobic hate-motivated incidents and hate crimes** are believed to be among the most underreported and under documented hate crimes⁹⁴ as also acknowledged by the United Nations High Commissioner for Human Rights who noted in addition that hate crimes against LGBTs “rarely provoke public debate and outrage.”⁹⁵ The Council of Europe Commissioner on Human Rights stated in this regard that “violent acts against sexual minorities are still frequent – often with total impunity.”⁹⁶

(Perceived) homophobic police attitudes, fear of additional victimization and the belief that reported incidents will not be taken seriously and only lead to a ‘coming out’ to friends and family, are among the main reasons for this high number of underreporting. It should also be noted that two OSCE participating States (Uzbekistan⁹⁷ and Turkmenistan) criminalize consenting same-sex acts between adults.

91 Turkish Daily News, *Catholic priest injured in attack in Samsun*, 4 July 2006, <http://www.turkishdailynews.com.tr/article.php?enewsid=47882>

92 Turkish Daily News, *Aksu condemns murder, extends condolences to Catholics*, 11 February 2006, <http://www.turkishdailynews.com.tr/article.php?enewsid=35535>

93 Turkish Daily News, *cit. op.* 84.

94 Several studies and reports confirm this observation: Human Rights First, *Minorities under siege: hate crimes and intolerance in the Russian Federation*, 2006, p. 19. Douglas Victor Janoff, *Pink Blood: homophobic violence in Canada*, University of Toronto Press, Toronto 2005, p. 15. OSCE, *Combating hate crimes in the OSCE Region: An overview of statistics, legislation and national initiatives*, 2005, p. 23.

95 UN High Commissioner on Human Rights, Speech delivered at the *International Conference on Gay, Lesbian, Bisexual and Transgender Rights*, Montreal, 26 July 2006. The full quote is: “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.”

96 Council of Europe Commissioner on Human Rights, *Gay Pride marches should be allowed – and protected*, 24 July 2006,

http://www.coe.int/t/commissioner/Viewpoints/060724_en.asp

97 International Research Centre on Social Minorities, *Sexual Minorities in Uzbekistan*, December 2005.

Some publications point out that homophobic hate crimes and incidents “tend to be among the most brutal acts of hatred. They often involve severe beatings, torture, mutilation, castration, even sexual assault. They are also very likely to result in death.”⁹⁸ Some examples of hate-motivated incidents and hate crimes against LGBTs include:

- In France, two gay men who were waiting at a bus stop, hand in hand, were beaten up by two other men who passed by in a car on 16 April. Upon their arrest, the attackers told the police: “These are not men. They deserve the bomb” and “If nobody had come in between us, we would have terminated them.” In May 2006, the ‘correctional’ court in Orléans sentenced the two men for a one year prison sentence. The victims were compensated with € 3,000.⁹⁹
- On 22 February, a homeless, HIV-positive Brazilian transgender woman living in extreme social exclusion in Porto, Portugal was tortured and anally raped with sticks by a group of young men. She was then thrown into a 15 meters deep well filled with water and left to die in an abandoned construction site. The perpetrators (all, except for one, underage) were detained on the day of the crime and brought before the judicial authorities. The case, that was referred to by a recent European Parliament resolution¹⁰⁰ as a “horrific torture and murder”, led to court proceedings initiated in May 2006. On 1 August, the sentence of the Court condemned the perpetrators to remain under detention.¹⁰¹ According to a Portuguese NGO, the Court stated in its sentence that the victim’s death was caused by water rather than the perpetrators’ acts that led her to be thrown in the well. The Court did allegedly not consider the crime to be a homicide, nor did it consider it as a hate crime based on gender identity despite the fact that the Court’s sentence refers to a transphobic element in its explanation, i.e. that the boys approached her for the curiosity of seeing “a man with breasts”.¹⁰² The case is currently under consideration by the Court of Appeal in Porto.
- On 28 February, a gay club was attacked by a five-person strong gang in the United Kingdom. The attackers used weapons, shouted homophobic slogans and destroyed optics behind the bar. In addition,

98 Barbara Perry, *Hate and Bias Crime*, Routledge, New York and London 2003, p. 172. See also: Janoff, *op. cit.* 87, p. 68 and OSCE, *op. cit.* 87, p. 31.

99 De Gay Krant, *Franse homohaters cel in*,

<http://www.gaykrant.nl/index.php?id=9&a=bericht&bericht=2213>.

100 European Parliament, *Resolution on the increase in racist and homophobic violence in Europe*, 15 June 2006.

101 Communication received from the Permanent Representation of Portugal to the OSCE, 18 September 2006.

102 Associação ILGA PORTUGAL, *Gisberta, Transexual assassinada por um grupo de jovens*, <http://www.ilga-portugal.pt/noticias/gisberta.htm>; *Diario de Noticias, Não agiram por causa da orientação sexual da vítima*, 2 August 2006, http://dn.sapo.pt/2006/08/02/sociedade/nao_agiram_causa_orientacao_sexual_v.html.

they pulled off beer pumps and smashed windows. Three individuals who tried to intervene were hurt in the crossfire.¹⁰³

- In the United States, an 18-year-old male high school dropout wounded three patrons with a hatchet and a handgun on 2 February. Before that, he had walked into a gay bar in New Bedford, ordered a drink and asked the bartender if the bar was a gay bar. When told that it was a gay bar, the man struck a bar patron in the head with a hatchet and a second patron when he tried to come to the aid of the first victim. The third victim was shot. The attacker fled but died a week later of wounds suffered in a shootout with Arkansas police officers who tried to arrest him. Officers found Nazi regalia in the attacker's bedroom and anti-Semitic and racist writings on the wall.¹⁰⁴

Public Discourse: Media and Political Rhetoric

While a significant number of Government officials and political leaders have shown strong leadership by speaking out against offensive and discriminatory portrayals of different communities, expressions of intolerance in mainstream political rhetoric have continued to take place in many OSCE participating States.

Anti-Semitic public discourse in the OSCE region has tended to focus on Holocaust denial, anti-Jewish and anti-Israel expressions aimed to defame and vilify Jews. The Internet has continued to play a substantial role in the dissemination of anti-Semitism. Despite educational initiatives of inter-governmental organizations and the organisation of numerous events to commemorate the tragedy of the Holocaust and raise public awareness, Holocaust denial has continued. Inflammatory rhetoric branding the Holocaust “a myth” and ridiculing Jewish victims of the Nazi atrocities have been used as a tool justifying anti-Semitism and posing a threat to the Jewish communities across the OSCE region.

Anti-Semitic discourse and Holocaust denial were propagated by the Inter-Regional Academy of Personnel Management, a private university with thousands of students, in Ukraine as well as by Radio Maryja in Poland. In the first half of 2006, the Inter-Regional Academy of Personnel Management continued to distribute anti-Semitic literature in the form of pamphlets, magazines and books.¹⁰⁵ In March this year, Poland's Radio Maryja broadcasted a programme in which its commentator accused Jews of having initiated “Holocaust industry” and to “sneak up behind us to try to oblige our

103 Gay.Com, *Armed gang attack gay bar*, 28 February 2006, <http://uk.gay.com/headlines/9671>

104 ABC News, *Mass. Town denounces attack at gay bar*, 3 February 2006, <http://abcnews.go.com/US/wireStory?id=1575073>; San Francisco Chronicle, *Gay bar attacker dies after shootout*, 6 February 2006, <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2006/02/06/MNGR1H3GI61.DTL>

105 Information provided to the ODIHR by “Tkuma”; See also: Monitoring on anti-Semitism by the ADL, <http://www.adl.org>

Government to pay them extortion money.”¹⁰⁶ Responding to the accusation of anti-Semitism, the director of Radio Maryja apologized for the anti-Jewish claims made by one of its journalists.¹⁰⁷ The Permanent Mission of the Holy See to the OSCE informed the ODIHR about a decision that “limits the space of action by the radio and brings it more strictly under the supervision of the Polish Bishops.”¹⁰⁸

In May, the French radical group *La Tribu KA* organized a rally in the historic Jewish neighbourhood of Paris. The participants wielded sticks and baseball bats while scanning death threats towards Jews as well as other anti-Semitic insults.¹⁰⁹

Manifestations of anti-Semitism throughout college campuses across the United States have often been fuelled by political developments in the Middle East coupled with traditional anti-Jewish stereotypes. In response to these developments, the U.S. Commission on Civil Rights recommended that the Education Department run a campaign to inform Jewish students of their right to be free of harassment and that it collects data on anti-Semitic and other hate crimes at universities.¹¹⁰

A draft motion by a teachers’ union to boycott Israeli lecturers and universities that do not speak out openly against the Israeli Government policy in the Occupied Territories is also a worrisome development taking place in the United Kingdom.¹¹¹ The ODIHR recalls that in the Berlin and Cordoba Declarations, the OSCE participating States reiterated that “(...) international developments and political issues, including in Israel, or elsewhere in the Middle East, never justify anti-Semitism.”

Concerning **anti-Muslim discourse**, negative stereotypes of Muslims and Islam, expressions of hostility, and general use of inaccurate or biased language have been used frequently in both media and political discourse.¹¹²

106 Forum Znak. *Michalkiewicz Umorzony*, 29 August 2006, <http://www.forum-znak.org.pl/index.php?t=wydarzenia&id=4447>

107 In August 2006, a Polish prosecutor dropped the case of the *Radio Maryja’s* anti-Semitic programme on the grounds that the statements by the commentator did not aim to insult and offend the Jewish people. See: Ibid., See also: JTA, *Priest sorry for Radio’s broadcasts*, 17 April 2006,

http://www.jta.org/page_view_breaking_story.asp?intid=2228&ref=daily_briefing and: ADL, *Poland: Democracy and the Challenge of Extremism*, 12 September 2006, http://www.adl.org/main_International_Affairs/poland_challenge_of_extremism.htm.

108 Communication of 4 September 2006 received from The Permanent Mission of the Holy See to the OSCE.

109 Information provided to the ODIHR by the ADL. See also: The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, *French Black Group Manifests Anti-Semitic Hatred*, 7 June 2006, <http://www.tau.ac.il/Anti-Semitism/updates.htm#186>.

110 United States Commission on Civil Rights, *Findings and Recommendations of the U.S. Commission on Civil Rights Regarding Campus Anti-Semitism*, 3 April 2006, <http://www.usccr.gov>

111 Information provided to the ODIHR by the ADL; See also: JTA, *Groups Mobilize As British Teachers Consider Another Boycott of Israelis*, 16 May 2006, http://www.jta.org/page_view_story.asp?intarticleid=16618&intcategoryid=2

112 International Helsinki Federation for Human Rights, *Report on Intolerance and Discrimination in the EU: Developments since September 11*, ECRI, *Report on The use of racist, antisemitic and xenophobic arguments in political discourse*, March 2005, See also:

Intolerant rhetoric against Muslims is no longer confined to the fringes of media or to far-right political parties but is increasingly found within the mainstream of the political spectrum and media.

The beginning of 2006 was over-shadowed by events relating to the publication of the caricatures of the Prophet Muhammad in the Danish newspaper *Jyllands-Posten* and the re-publication of the caricatures in several other newspapers throughout the OSCE region. Although the caricatures were initially interpreted as a test of freedom of expression and freedom of the press, this explanation overlooks the specific backdrop against which *Jyllands-Posten* decided to solicit and publish the cartoons.¹¹³ The caricature case has underscored the increased need for dialogue between communities.

Anti-Muslim statements have also been expressed in mainstream political rhetoric, in broadcast and print Media and popular discourse. In March, two separate polls were released in the United States, indicating that almost half of Americans have a negative perception of Islam and that one in four of those surveyed have “extreme” anti-Muslim views. The polls which were undertaken independently by the ABC-Washington Post¹¹⁴ found that:

- 1 in 4 persons believe stereotypes such as: “Muslims value life less than other people,” and “The Muslim religion teaches violence and hatred.”
- 1 in 4 persons “admitted to harbouring prejudice toward Muslims.”
- 46% of Americans have a negative view of Islam, a 7% jump since the months following the 9/11 terror attacks. Also, the number of Americans who believe that Islam promotes violence has more than doubled since 2002 (from 14% in January 2002 to 33% in March 2006).
- 1 in 3 persons had heard prejudiced comments about Muslims lately. In a separate question, slightly more (43%) reported having heard negative remarks about Arabs.

Experts commenting on the poll stated that “attitudes about Islam are fuelled in part by political statements and media reports that focus almost solely on the actions of Muslim extremists.” A similar opinion poll by YouGov in the United Kingdom found that 66% of persons draw most if not all their

Summary of the ODIHR Roundtable on the *Representation of Muslims in Public Discourse*, held on 9 May 2006.

113 In its *Third Report on Denmark*, ECRI “notes with deep concern that... the climate in Denmark has worsened since its second report and that there is a pervasive atmosphere of intolerance and xenophobia against refugees, asylum seekers, as well as minority groups and Muslims in particular. The media, together with politicians play a major role in creating this atmosphere.” ECRI, *Third Report on Denmark*, adopted on 16 December 2005, made public on 16 May 2006. In its response to the ODIHR, the Permanent Mission of Denmark to the OSCE referred to Concluding Observations of the United Nations Committee on the Elimination of Racial Discrimination at its examination of Denmark’s 16th and 17th periodic reports on the situation regarding the so-called cartoon case: CERD “notes the refusal by the Public Prosecutor to initiate court proceedings in some cases, including the case of the publication of some cartoons associating Islam with terrorism.” Communication of 12 September 2006 received from the Mission of Denmark to the OSCE, IAEA and CTBTO.

114 Washington Post, *Negative Perception of Islam increasing*, 9 March 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/08/AR2006030802221.html>

information about Islam and the Muslim communities from the Media. The results of these polls highlight the need for public education about Islam and the Muslim community's stance on a number of issues.

A recent roundtable meeting organised by the ODIHR on 9 May on the topic of *Representation of Muslims in Public Discourse* resulted in several recommendations regarding strategies for Muslim communities, media and political leaders to co-operate in ensure accurate and non-discriminatory portrayals of Muslim communities.¹¹⁵

Regarding the experience of Roma and Sinti, in 2005, the OSCE Contact Point for Roma and Sinti Issues contracted the European Roma Information Office (ERIO) to draft a report entitled *Anti-Gypsyism in the European Mass Media*. The report concluded that '**anti-Gypsyism**', is deeply rooted in European culture and society, and manifests itself in long-standing patterns of exclusion and segregation and the prevalence of negative stereotypes. It also stated that even in those countries where little visible Romani presence exists, such as Denmark, Luxembourg, and Malta, anti-Gypsyism forms an integral part of the common cultural heritage. The report also underlined that "...a majority of the European population holds strong negative stereotypes and makes no effort to hide it. A survey of European media, conducted by *On-line/More colour in the media* in 2004, proves that, "in terms of groups with different national or ethnic origin, Sinti and Roma/Travellers are most often portrayed negatively – in almost one third of the cases – but they do represent a very small group in the sample (i.e. 14 mentions in total). Their portrayal was neutral only half of the time; other groups were portrayed neutrally more often."¹¹⁶

Media and political discourse have also served to heighten hostility and intolerance as well as incite violence **against LGBT communities** in some cases. In Poland, the Deputy of the League of Polish Families Party accused homosexuals of ties to criminal and paedophile circles and of "spreading deviant attitudes among young people." He encouraged the use of force during the annual Equality March in Warsaw: "If deviants begin to demonstrate, they should be hit with batons."¹¹⁷ In the Russian Federation, prominent religious leaders from all major denominations condemned the later to be banned Gay Pride march with strong homophobic language. Russia's Central Spiritual Governance for Muslims stated that "the Moscow Gay Pride should not be allowed, and if they still come out into the streets, then they should be bashed."¹¹⁸ The subsequent violent events during and after the banned Gay Pride March in Moscow, which led to heavy criticism of amongst others the

115 ODIHR, *The Representation of Muslims in Public Discourse*, Roundtable held in Warsaw on 9 May 2006. The report is available at: www.osce.org/odihr

116 ERIO, *Report on Anti-Gypsyism in the European Mass Media*, available from the ODIHR Contact Point for Roma and Sinti Issues.

117 *Gazeta Wyborcza*, *Wierzejski o gejach: zlać ich palami!*, 11 May 2006, <http://miasta.gazeta.pl/warszawa/1,74679,3337662.html>

Warsaw Independent, *Gay Rights in Poland Cause New Political Storm*, 16 May 2006.

118 *Mosnews.com*, *Russian Muslim Chief Predicts Violence if Gay Parade Allowed in Moscow*, 14 February 2006.

Council of Europe Commissioner on Human Rights,¹¹⁹ included attacks against the German MP Volker Beck and over 50 gay men, lesbians and activists who fell victim to beatings by small group of skinheads who were 'hunting' throughout the city after the 'march'¹²⁰ In Latvia, Parliament approved an MP to be included as a member of the Latvian delegation within the Parliamentary Assembly of the OSCE who was one of the main initiators of the homophobic campaign last year during the first LGBT Pride March in Riga, saying that "we cannot hide in the bushes while all possible skunk and faggots are walking on the streets."¹²¹

119 Council of Europe Commissioner on Human Rights, Statement, *Freedom of assembly belongs to all people*,

<https://wcd.coe.int/ViewDoc.jsp?id=1010053&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679>

120 ILGA Europe, *Moscow Pride: Detailed accounts of the events by ILGA Europe*, 27 May 2006. Human Rights Watch, *Pride and Violence: A Chronicle of the Events of May 27, 2006 in Moscow*, <http://hrw.org/backgrounder/eca/russia0606/index.htm>; See also: Human Rights First, *Minorities under siege. Hate Crimes and intolerance in the Russian Federation*, June 2006, p. 22.

121 Diena, *Turlā apvainojumi citādajiem atgādinot nacistu valodu*, 30 May 2006.

PART II:

Hate Crimes and Incidents: Identifying Challenges

The hate-motivated incidents and responses summarized in Part I highlight types of challenges that relevant authorities in participating States face in their effort to combat hate. The ODIHR has identified three main areas that require special attention, namely the need for effective law enforcement response, the importance of adequate data collection, and the need for appropriate legislation and its effective implementation. This part of the report focuses on some key aspects of these areas and provides selected examples to demonstrate the existing challenges.

The Data Deficit

Insufficient and inaccurate monitoring and reporting of hate crimes in OSCE participating States are problematic in terms of combating hate-motivated crimes and other forms of intolerance in the OSCE region. The European Network against Racism states that ‘underreporting and lack of data remain two of the critical impediments to the effectiveness of the law (*hate crime legislation*)’¹²². All participants of the high-level inter-agency meeting held between the ODIHR, the ECRI, the EUMC, and the UNCERD in September 2004 stressed the importance of data in effecting change and the need to ensure that data collection is used to support and advance the implementation of standards and policy.

As concluded in the ODIHR’s report on *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, one of the problems surrounding the collection and interpretation of official hate crimes data relates to differences in the classification of hate-motivated incidents across participating States within existing legislative frameworks. At present, there is a wide divergence among States with respect to the scope of acts that are addressed and classified as hate-motivated crimes and incidents. Among the 42 participating States that responded to the ODIHR’s Note Verbales in 2004-2005, 30 provided quantifiable information or raw statistics pertaining to hate crimes and violent manifestations of racism, xenophobia, anti-Semitism, and intolerance (see Annex 2). A total of five States (Cyprus, Kazakhstan, Liechtenstein, Monaco, and Turkey) informed the ODIHR that no statistics on hate crimes were available. In the case of Liechtenstein, a research programme aimed at evaluating the existing data collections is in progress, while Turkey advised that it did not have available information. However, Cyprus, Kazakhstan, and Monaco informed the ODIHR that they do not collect statistics due to the fact that there are “no reported hate crimes incidents” within their respective jurisdictions.

122 ENAR, *Racism in Europe, Shadow report 2005*, p. 28, http://www.enar-eu.org/en/publication/shadow_reports/europe2005_EN.pdf

There is also an increased need for participating States to collect data on hate crimes and violent incidents against people with disabilities, as preliminary research suggests that a disabled person is at least one and a half times more likely to be the victim of assault or abuse than other people of similar age and gender. One study shows that almost 50% of disabled people have been a victim of a hate crime because of their disability. This includes name calling, being taunted or intimidated but also physical attacks.

The Need for Strengthened Legislation and Implementation

As concluded in the ODIHR's report on *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, most participating States have well-developed provisions to respond to hate-motivated crime, with implementation being the biggest challenge. In response to the 2003 OSCE Ministerial Council Decision, which commits participating States to "inform the ODIHR about existing legislation regarding crimes fuelled by intolerance and discrimination", the majority of participating States provided information relating to relevant legislation, including acts defined as criminal offences under national penal codes, and commitments to relevant international conventions (see Annex 2).

In response to increased racist violence, some OSCE participating States have recently undertaken efforts to strengthen legislation to combat hate crime:

- The Government of Croatia has recently strengthened penalties against racially- and ethnically-motivated crimes by introducing amendments to the Penal Code that require that "every offence committed against a person because of his race, skin colour, gender, sexual orientation, ethnic origin, religion or other particularities" will in future be treated by the courts as aggravating circumstances.
- During the reporting period the Criminal Code (Article 151 Incitement to Social Hatred and Article 152 Violation of Equality) of Estonia was revised.¹²³ While the scope of Article 152 was extended to sexual orientation and now also legal entities can be punished, the new code limits police investigation only to cases where damage was caused or persons' lives, health or property threatened. Before the amendment of the code the police had the mandate to initiate procedures when incitement to hatred in public or the Internet was motivated by hatred or racism.¹²⁴
- During the reporting period, Romania, within its Law No 103/2006, has ratified the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which outlines the prohibition of discrimination – including by any public authority – based on grounds such as sex, race, colour, language, religion, political

123 The Criminal Code came into force on 16 July 2006.

124 Information provided to the ODIHR by the Legal Information Centre for Human Rights, Estonia.

or other opinion, national or social origin, association with a national minority, property, birth or other status.¹²⁵

- In response to extensive racial violence over the last year in the Russian Federation, the Duma Committee on Civil, Criminal, Commercial and Procedural Legislation developed a draft law amending the current legal provisions in order to increase control and tougher punishment for dissemination of extremist materials including through the internet. The law was signed by the President after little public discussion and NGOs are worried that the “broad definition of extremism could be applied at the discretion of prosecutors to restrict the actions of many lawful and non-violent organisations.”¹²⁶
- A coalition of Maltese non-governmental organisations held a public manifestation to raise awareness regarding racist crimes in late 2005. The coalition asked for further criminal provisions on hate crimes and hate speech. The Ministry of Social Solidarity of Malta received a delegation of this NGOs coalition to discuss their proposal earlier in 2006 and Maltese parliamentarians voiced support across the political spectrum.¹²⁷

Furthermore, it can be observed that OSCE States include different bias grounds in hate crime legislation. Whereas some participating States take a broad definition, others take a narrow definition whereas again other participating States take an ‘open end’ definition by using the term ‘...or any other ground’.¹²⁸

While four States include disability as a bias type in hate crime legislation, ten OSCE States reported to the ODIHR that they include sexual orientation as bias ground and/or aggravating circumstance within their national hate crime legislation. Croatia was one of the latest countries to include sexual orientation as a bias ground in hate crime legislation.¹²⁹

Finally, the issue of multiple identities in relation to hate crimes has been already mentioned in the Note on Terminology. Hate crime legislation usually does not take into account the phenomenon of multiple identities¹³⁰ whereas many cases of hate crimes against homeless people in the USA, for example, show¹³¹ that racist motives and the homelessness position of victims coincide

125 Communication No 71106/2006 of 5 September 2006 received from the Ministry of Justice of Romania.

126 Communication received from Human Rights First on 23 August 2006.

127 ENAR, *Shadow Report 2005: Racism in Malta*; and information provided to the ODIHR by the Integra Foundation, Malta.

128 For example, Slovakia uses “other similar hatred”, Lithuania “other”, Canada “other motivations”; See also: OSCE, *op. cit.* 87.

129 Another example is Northern Ireland, which as of June started to record hate crimes against transsexuals and transvestites. For more information see: <http://www.psni.police.uk/>

130 An exception to this observation is hate crime legislation in some US States that acknowledge ‘multiple bias incidents’. See also: OSCE, *op. cit.* 83.

131 National Coalition for the Homeless (NCH), *Hate, Violence, and Death on Main Street USA: A report on hate crimes and violence against people experiencing homelessness 2005*, February 2006.

in hate-motivated incidents. Thus, the combination of multiple bias grounds can make those belonging to or identifying with different communities more vulnerable to hate-motivated crimes.

The Need for Effective Law Enforcement Response

Law enforcement officers are the primary and initial point of contact for many victims of hate crime. Being on the front lines, it is the police officer that responds to, and interacts with, the victim first. In terms of recording hate crimes, it is critical for police officers to:

- Understand how hate-motivated crimes differ from similar crimes that are not motivated by bias and to take such reports seriously; and to
- Understand how police/victim interaction can influence whether victims report hate crimes or not (due to fear of police, embarrassment, or concern that the incident will not be taken seriously).

In some OSCE participating States, hate-motivated violence and vandalism is not properly investigated and often, due to a lack of knowledge and experience in the investigation of hate crimes, law enforcement authorities often identify such acts as ‘hooliganism’. Inadequate response on the part of the law-enforcement agencies may create atmosphere of impunity and thus ‘encourage’ more hate-motivated crimes.¹³²

As concluded in the ODIHR’s report entitled: *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*¹³³, training for law enforcement officials and clear guidelines regarding the most effective and appropriate way to respond to bias-motivated crime can greatly increase positive interaction between police and victims and encourage reporting by victims of hate crime. Suggestions for improved reporting include training for front-line officers, the implementation of outreach programmes to improve police-community relations, and training in providing referrals for victim assistance and protection.

It is also important to note **specific challenges encountered by Roma** in their relations with police. In recent years there have been an increased number of reports that in addition to usual unwarranted stops and searches of persons perceived to be Roma, police use unnecessary force and even resort to practices that in many occasions were qualified as inhuman and degrading treatment, and even torture. The report by the Council of Europe High Commissioner for Human Rights states that recently there was a surge in

132 In response to increased racist violence in the Russian Federation, President Putin stated at a meeting of top Interior Ministry officials on 17 February that a lack of effective police response had encouraged extremist groups to grow bolder and criticized law enforcement structures for “failing to take efficient and systematic efforts” to deal with a surge in racist attacks.

133 The report is available on the ODIHR’s website at:
http://www.osce.org/odihr/item_11_16251.html

number of complaints before the European Court of Human Rights alleging violence against Roma individuals in the hands of police. An increase in numbers of complaints may also be due to more effective legal representation of Roma or better advocacy, as well as “insufficient action by law-enforcement officials in cases of violence against the Roma.”¹³⁴

In addition, Romani women are often afraid to complain to the police in case of domestic violence, as the police officers allegedly often respond with further racial abuse. According to the ERRC Shadow Report on the former Yugoslav Republic of Macedonia, presented to the United Nations Committee on Elimination of Discrimination Against Women (CEDAW): Of 34 cases in which Romani women reportedly informed the police in cases of domestic violence, 20 cases – or 59% – of women stated that the police subjected them to racial prejudice and degrading treatment: In only 5 out of 34 reported cases (15%) did the police actually intervene (which usually simple meant a verbal warning for the perpetrators). When a 43-year-old woman from Stip sought police assistance after having been beaten by a member of her family, the police official to whom she turned reportedly stated, “You Gypsies fight amongst yourselves all the time. You have to solve your problems among yourselves.”¹³⁵

134 Council of Europe Commissioner on Human Rights, Report on *The Human Rights Situation of the Roma, Sinti, and Travellers in Europe*, 15 February 2006, para. 79, <https://wcd.coe.int/ViewDoc.jsp?id=962605&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679>.

135 ERRC, *Shadow Report on the Situation of Romani Women in Macedonia*, submitted to CEDAW on 1 February 2006, p. 17, <http://www.errc.org/cikk.php?cikk=2489&archiv=1>.

PART III: Effective Responses and Practical Measures to Prevent and Combat Hate

While hate-motivated incidents and crimes continue to pose a challenge to human security and dignity, the ODIHR also observed positive developments in some participating States' efforts to combat these phenomena. Progress was particularly notable in the areas of strengthening law enforcement authorities' response to hate crimes, addressing negative discourse in the media, strengthening educational programmes to combat anti-Semitism, and the role played by specialized bodies. Examples provided below illustrate this progress.

Strengthening Law Enforcement Authorities' Response to Hate Crime

Several positive examples of how law enforcement agencies can respond to challenges related to hate-motivated violence were identified during the first half of 2006:

- In Poland, police have assigned officers to support efforts to combat neo-fascist activities. Following anti-Semitic and other hate-motivated attacks in May, the Polish Ministry of Interior held a meeting with the ODIHR and its UK law enforcement expert in order to discuss possible implementation of the ODIHR's Law Enforcement Officer Programme on Combating Hate Crime. Also, by June 2006 a special unit has been established in Polish Police Headquarters to monitor and investigate potential threats to ethnic and religious minorities of Poland.¹³⁶
- In Croatia, the Ministry of Interior and Ministry for Human Rights and European Integration implemented the ODIHR's Law Enforcement Officer Programme on Combating Hate Crime.
- In Serbia, the Ministry of Interior welcomed experts from the ODIHR's Law Enforcement Officer Programme on Combating Hate Crime in order to discuss Serbia's implementation of the programme and its interest in establishing a specialised unit for the prevention of hate crime.
- In the Czech Republic, a working group on far-right extremist crimes was established by the Minister of Interior and the Head of Police in November 2005. The working group has drafted a "Position of the Interior Ministry's Security Police Department on the interpretation of definitions of crimes committed by far-right extremists and the problems with providing such crimes" for the use of police experts on extremism, prosecuting attorneys and judges. It contains methods of community and minority policing and aims to create and maintain a high professional performance of police and specifically in their work with foreigners, minorities and marginalised people.¹³⁷

¹³⁶ Communication of 8 June 2006 received from the Mission of Poland to the OSCE.

¹³⁷ Communication, *cit. op.* 43.

- With the objective to improve criminal enforcement, the Public Prosecutor of the Netherlands have issued sentencing guidelines on discrimination and hate-motivated crimes in recent years, which describe what is expected of the police and the public prosecution concerning enforcement of the Dutch law against discrimination. An evaluation process of these guidelines was prepared before the summer, which entails consultation with NGOs working on racism in the Netherlands.¹³⁸ Also, as an ongoing measure the public prosecutors in the Netherlands offer strengthening the experience and expertise of individual prosecutors dealing with cases of hate crime through bi-annual conference days on issues related to anti-Semitism, hate speech on the Internet, etc. Specific national expertise centres on discrimination and hate crime were established for this purpose.¹³⁹
- Under the *OSCE Contact Point for Roma and Sinti Issues Police and Roma programme*, the Government of Romania has agreed on a *Memorandum of Understanding* with the OSCE and Romani CRISS, a Roma NGO, to implement a “Strategic Initiative on Roma and Policing in Romania”. A systematic assessment of existing progress and problems in relations between Roma and the police was carried out by the Institute of Crime Prevention (ICPC), in cooperation with OSCE experts and Romani CRISS.¹⁴⁰
- In early 2006, a new Independent Authority for investigating Allegations and Complaints within the police was established in Cyprus. The members of the authority were appointed rapidly by the President of the Republic after an amateur video viewing police brutality was made public. The independent authority is in charge of monitoring misconduct within the police force, including brutality of police forces against migrants.¹⁴¹
- In Ireland, a joint partnership initiative of the Irish police (An Garda Síochána) and the Gay and Lesbian Equality Network (GLEN) was launched in June, addressing hate-motivated incidents and crimes against LGBT people. The *Be Proud, Be Safe* campaign includes specially trained Garda gay Liaison Officers who offer their services to LGBT people who have been victims of hate-motivated incidents, during a weekly ‘drop in’ session in the Dublin-based gay community centre.
- In Kosovo, police authorities announced a plan to establish a “LGBT community police unit” with two focal points in each police station for LGBT community members facing violent attacks. A Kosovar LGBT group will be involved in delivering training to Police Officers on how to

138 ENAR, *Shadow Report 2005: Racism in The Netherlands*: and information provided to the ODIHR by LBR, The Netherlands.

139 Astrid Mattijssen, Ministry of Justice, The Netherlands, contribution to *EU seminar on combating racism and xenophobia*, 21 June 2006.

140 ODIHR CPRSI Extra-Budgetary project I- *Police Practices: examining the gap between international standards and police practices*.

141 Information provided to the ODIHR by KISA, Action for Equality Support Antiracism, Cyprus.

deal with cases where LGBT community has been the target of the violence and hate-motivated crime.¹⁴²

- In Serbia, after discussions between the OSCE and various minority groups, it was determined that there was a need for improved relations between those communities and the police service. A group of high ranking police officers from was exposed to policing in diverse communities in the United Kingdom. A *Diversity and Minority* project was developed between the OSCE in partnership with the Serbian Ministry of Interior which will include a series of roundtables and training for all officers and implementation of Diversity Officers in Secretariats.¹⁴³

Addressing Negative Media and Political Discourse

Despite a rise in hate-motivated and intolerant public discourse, some examples of positive political leadership and media responsibility can also be observed in the OSCE region:

- In the United Kingdom, the British Council has worked with a local Muslim community-based organization to develop a Media Guide on British Muslims. The guide provides information and resources relating to Muslim communities in Britain in order to contribute to informed and balanced reporting on issues relating to Muslims and Islam. Another successful example of collaboration and partnership between Government, NGO and specialized body can be seen in the case of the 'Reporting Diversity' guide, which was developed by the Society of Editors and Media trust and funded by the UK Home Office.
- In July, the French Government banned the radical group *La Tribu KA* that had organized an anti-Semitic rally in Paris in May this year;¹⁴⁴
- In January, authorities in Ukraine called the actions of the Inter-Regional Academy of Personnel Management "unlawful," and proclaimed that there was no place for any form of anti-Semitism or xenophobia in Ukraine. Unfortunately, despite these statements the university has continued its anti-Semitic discourse and the distribution of anti-Semitic literature.
- A number of successful developments have emerged that give optimism to the idea of creating an image of Roma people detached from the old stereotypes. The accession of ten new countries to the European Union has raised public awareness to the plight of the Roma. While many

142 Letter of GISH Albania to UNMIK Police Commissioner, 12 January 2006.

Communication received from the OSCE Mission in Kosovo on 14 September 2006.

143 OSCE Mission to Serbia, Community Policing Programme, Law Enforcement Department.

144 Communiqué du Conseil des ministres, 26 July 2006,

http://www.elysee.fr/elysee/elysee.fr/francais/salle_de_presse/communiqués_du_conseil_des_ministres/2006/juillet/communiqué_du_conseil_des_ministres_du_26_07_2006.57212.html ; See also: Le Nouvel Observateur, *Sarkozy veut poursuivre "La Tribu KA"*, 30 May 2006,

<http://archquo.nouvelobs.com/cgi/articles?ad=societe/20060530.OBS9545.html&host=http://permanent.nouvelobs.com>

media outlets ran sensationalized stories,¹⁴⁵ other print, radio and television coverage attempted to promote awareness of the wider Roma community's predicament. The following programs and projects have been very successful at tackling the root causes surrounding Roma non-involvement in mainstream mass media.

- The Dzeno Association in the Czech Republic provides a media outlet to both Roma and non-Roma journalists. Work has been done by the organization to record and report on the nature of Roma news coverage in the Czech mainstream media since 1989. The association publishes a magazine dealing with Roma social and cultural issues and is also responsible for the radio station, Radio Rota, which broadcasts in Romani languages, Czech and English. Dzeno also runs training programs for Roma journalists through the *INTRINSIC project* and co-operates with other Roma press centres in the region, including in Slovakia and Hungary.¹⁴⁶
- In Hungary, the Roma Press Centre has been instrumental in creating a forum for Roma and non-Roma journalist to access information regarding Roma issues. The Press Centre provides balanced coverage of Roma affairs to the Hungarian mainstream print media, with the goal of increasing public awareness. In an effort to influence social discourse on issues Roma communities confront, the Press Centre writes articles and features which are published in national dailies. In 1998, in cooperation with the Centre for Independent Journalism, the Press Centre launched an intensive one-year internship program for young Roma journalists.¹⁴⁷
- The Human Rights Project based in Bulgaria works to lobbying radio and television outlets to include shows reported by Romani journalists on socio-cultural issues. After years of denied access to mainstream media, Romani journalists are slowly beginning to participate as equals with non-Romani journalists in the broadcasting of television and radio programs. As the research director of the Human Rights Project, Rumyan Russinov, points out: "Over the past several years, our work with the media has brought about if not a critical change with regard to Roma, at least an alternative to the culture which perceives Roma as so distant that it would be unthinkable for one of their kind to be in the TV studio, or in the radio studio or behind the computer typing their article for the next day's edition."¹⁴⁸
- In Latvia, on May 17 (International Day against Homophobia), the Special Assignments Minister for Social Integration released a statement calling for the principle of equal treatment and non-

145 For instance, many UK dailies and magazines (including *The Economist*) ran stories with sensationalized headlines like "The Coming Hordes," raising alarm bells that once countries with large Roma populations acceded the Roma would migrate in vast numbers- an unsubstantiated and false assumption.

146 Dzeno Association, <http://www.dzeno.cz>.

147 Roma Press Center, <http://www.romapage.hu>

148 Rumyan Russinov, *Campaigning for Romani Media in Bulgaria*, in: *Roma Rights* 4/1999, <http://www.errc.org/cikk.php?cikk=1134>

discrimination to be applied to all persons, including sexual minorities. The Foreign Minister also appealed to the public to treat each other with understanding and to combat racism, homophobia, and anti-Semitism.

- In honour of the United Nations' International Day for the Elimination of Racial Discrimination, the Canadian Jewish Congress launched a new initiative, *Stop Internet Hate*, on 21 March to fight hate on the Web. The CJC web site now carries a link for anyone wishing to report what they believe may be an Internet site with hateful content. This new initiative is an attempt to both educate and empower everyone who uses the Internet to recognize and report potential websites that may be promoting hatred.

Prevention and Response to Hate-Motivated Incidents at Sporting Events

Numerous initiatives, sports clubs, football players and coaches in cooperation with the FIFA have prepared and undertaken activities to prevent racist incidents from occurring during the World Cup held in Germany in June 2006. The Polish national team posed for a photo wearing t-shirt with the slogan 'Let's kick racism out of the stadium'. A hotline to denounce racist incident was installed during the World Cup and 35,000 anti-racist fanzines were distributed at the opening match.¹⁴⁹ The FIFA, the German Federal Government, the EUMC and others coordinated declarations against racism made by captains of all teams before the matches of the quarter final. A banner *Say no to racism* was displayed on the football field before all the matches.¹⁵⁰ The strong and comprehensive preparation was successful since no major racist incidents occurred.

In Romania, in response to the racist behaviour of football supporters and players following a match on 21 May 2006, which specifically targeted Roma, the Steering Board of the National Council for Combating Discrimination (NCCD) took the initiative to inform the ODIHR that the NCCD publicly condemned the racist behaviour. At the end of March, the Executive Board of the Romania Football Federation (FRF) has issued a decision¹⁵¹ outlining that 'any player, official or spectator who publicly discriminates or defames another person on account of that person's race, colour, language, religion or ethnic origin shall be subject to sanctions. The organising club, the perpetrator's home club or supported club shall bear sanctions also.¹⁵² The NCCD sanctioned the football teams with fines. In January 2006, Romania adopted Ordinance 11/2006, aimed at preventing and reducing racism in Romanian football stadiums. The ordinance not only bans materials which

149 Football against Racism in Europe, 9 June 2006, <http://www.vidc.org/fairplay/news/fairplay.htm>

150 Delegation of Germany, Statement at the 616th plenary meeting of the OSCE Permanent Council, 29 June 2006.

151 Decision No. 2/2006 to supplement the already existing Disciplinary Regulation of the FRF, which is in compliance with FIFA Circular No. 1026/23.06.2006 on combating discrimination.

152 Communication, *cit. op.* 119.

might incite spectators to racial hatred and xenophobia, but also places responsibility on the organisers of events to prevent such banners or flags from entering the stadiums. The legislative act stipulates tough fines and consequences for racist and violent acts by spectators or organisers in the stadiums. Hooligans can be banned for a period of six months to three years.

In the Czech Republic, in order to address hate and violence in the stadium, the Ministry of Interior supports the social prevention project called *Positive Cheering*.¹⁵³ The project is focused on young football fans from 10 to 20 years of age with the aim of forming a group of young football fans on the principle of positive cheering and to prevent them from joining hooligan gangs.¹⁵⁴

The new law adopted on 5 July 2006 in France reforms the sports code by reinforcing combat against hate-motivated crimes in sports. It also envisages the creation of a National Consultative Commission on Prevention of Violence during Sport Events, which will have a mandate to introduce sanctions in case if hate-motivated incidents take place during sport events.¹⁵⁵

Education as a Tool to Combat Anti-Semitism

In order to combat the rise of anti-Semitism in the OSCE region in all its different manifestations, OSCE participating States adopted PC Decision 607 in which they committed themselves to address the root causes of anti-Semitism through increased activities in the field of education that addresses anti-Semitism and to strengthen the remembrance of the victims of the Holocaust. Since making this commitment, several OSCE States have undertaken specific measures to intensify their efforts to promote commemoration of the Holocaust and to develop educational programmes and tools to combat anti-Semitism.

- 39 out of 56 participating States commemorate the victims of the Holocaust. 33 countries have designated special Holocaust memorial days, Ukraine and Turkey established those remembrance days just recently (see Annex 3).
- Belgium, Italy, Croatia and Hungary translated guidelines on Holocaust memorial days for educators into their languages. Switzerland is currently working on a translation. Italy, Croatia and Hungary posted the guidelines on the websites of their Ministries of Education and Croatia and Hungary disseminated them to schools in their countries. These guidelines, launched by the OSCE Chairman-in-Office during the celebration on 27 January in Brussels were developed by the ODIHR in cooperation with Yad Vashem and experts from 12 participating States: Austria, Sweden, the Netherlands, Croatia, Poland, Hungary, Lithuania, United Kingdom, Russian Federation, Ukraine, Germany, and Israel.¹⁵⁶

153 Communication, *cit. op.* 43.

154 Sports Secretariat of the Council of Europe, *Overview of the National Reports for the period 2003-2004 on the implementation of the European Convention on Spectator Violence*, 17 May 2005, <http://www.coe.int/t/e/cultural%5Fco%2Doperation/>

155 Communication of 27 September 2006 received from the Ministry of Justice of France.

156 The guidelines can be found on the ODIHR's website, http://www.osce.org/documents/odihhr/2006/01/17836_en.pdf

- The Ministry of National Education of France has been implementing educational measures to combat phenomena of racism, anti-Semitism and more broadly of 'communautarisme'. Working relations have been set up between the Conseil Représentatif des Institutions juives de France (CRIF) and the Ministry both at the national and local levels. The Ministry informs CRIF on a regular basis on all the measures taken to improve the general context.
- The ODIHR developed in close cooperation with the Anne Frank House Amsterdam a pilot programme on teaching material on anti-Semitism for seven countries. Together with the national educational experts from the Netherlands, Lithuania, Poland, Ukraine, Germany, Denmark and the Croatian Ministry of Education, country-specific teaching materials on anti-Semitism based on the historical and social background of each of those countries has been developed. The material is available in the respective languages and is now being tested in schools in those seven countries.

The Role of Specialized Bodies on Discrimination and Hate Crime

A majority of OSCE countries have specialized human rights or ombudsman institutions tackling human rights violations in general.¹⁵⁷ However their mandate and capacity to cover discriminatory incidents and hate crimes varies. The European Union Directive on Race Equality¹⁵⁸ establishes a legal requirement to create a specialised institution on racism within all member States of the EU. The required mandate of such specialised bodies is to offer assistance to victims of discrimination, to conduct independent surveys concerning discrimination and to publish reports on racism and discrimination. As of June 2006, less than 20 EU member States have established the required specialised body to comply with this Directive. However there is a general trend by States within the EU and beyond to begin to create such bodies. While the majority of these bodies now cover all grounds of discrimination, approximately one third of the existing specialised institutions specifically deal with racism within their mandate. Some of the bodies offer support to hate crime victims, including the CEOOR, which acts as joint plaintiff for victims of hate crimes in the court. In June, the German Parliament adopted new anti-discrimination legislation based on the EU Directive implementing the principle of equal treatment (2000/43). Within this new law, Article 25 provides for the establishment of a federal body on non-discrimination.¹⁵⁹

Concerning other developments related to specialised bodies, in Italy, the specialised body Ufficio Nazionale Antidiscriminazioni Razziali (UNAR)

157 See:

http://www.anticorruption.bg/ombudsman/eng/readnews.php?id=3059&lang=en&t_style=ex&l_style=default

158 Article 13 of the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

159 Bundesgesetzblatt 2006, Teil I Nr. 39, p. 1897 to 1910,

<http://217.160.60.235/BGBL/bgbl1f/bgbl106s1897.pdf#search=%22Bundesgesetzblatt%20Jahrgang%202006%20Teil%20I%20Nr.%2039%20AGG%22>

published its first annual report in early 2006 covering 2005.¹⁶⁰ In 2006, Bulgaria's Commission for Protection against Discrimination submitted its Annual Report (for the period of 2005 to March 2006) to the Parliament of Bulgaria, which states that 194 incidents of intolerance and hate were registered with the Commission. The Commission monitors incidents of discrimination and provides decision-makers and the public with data on such incidents.¹⁶¹

While many institutions and specialised bodies dealing with discrimination have been established throughout the OSCE region there remains a need to strengthen these existing bodies in order to specifically deal with cases of hate incidents or to establish such bodies in cases where no such body exists. In strengthening and developing specialised bodies, it is recommended that OSCE participating States take inspiration from defined international standards such as the EU Directive, ECRI¹⁶² or the UN Paris Principles.¹⁶³ ECRI *Policy Recommendation No. 2 on Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance* outlines that specialised institutions should have the mandate to monitor the content and effect of legislation and advise legislative and executive authorities. They should not only provide aid and assistance to the victim but also have recourse to the courts and have the powers to obtain evidence and information on cases brought to their attention.

Beyond permanent structures some countries have established working groups or units to tackle discrimination or hate crimes in specific areas. In 1999 the US State Department established the Office of the Special Envoy for Holocaust Issues and in May 2006, a Special Envoy for Monitoring and Combating Anti-Semitism was appointed by the Secretary of State. In Germany, the Federal Foreign Office established a new working unit that is responsible for relations with Jewish Organisations, Anti-Semitism Issues and Holocaust Remembrance.

160 Ministero per le Pari Opportunità, *Un anno di attività contro la discriminazione razziale*, Rapporto 2005, December 2005,

http://www.pariopportunita.gov.it/Pari_Opportunita/UserFiles/Servizi/Pubblicazioni/rapporto%20unar%202005.pdf

161 Communication No Mn-05-679 received from the Permanent Mission of the Republic of Bulgaria to the OSCE on 23 August 2006.

162 ECRI, *General Policy Recommendation No 2 : Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level*, 13 June 1997,

http://www.coe.int/t/e/human_rights/ecri/1-ecri/3-general_themes/1-policy_recommendations/recommendation_n2/1-Recommendation_n%B02.asp#TopOfPage

163 The Paris Principles on National Institutions for the Promotion and Protection of Human Rights,

http://www.info.gov.hk/info/eoc/annex6_e.pdf#search=%22Paris%20Principles%20%22

PART IV: The ODIHR's Toolbox to Combat Hate

In order to support participating States in implementing their OSCE commitments related to tolerance and non-discrimination, the ODIHR has, over the last two years, developed tools and networks of experts to provide technical assistance to OSCE States in their efforts to combat manifestations of hate and intolerance. The following table provides a summary of the ODIHR's toolboxes available for OSCE participating States and civil society. The ODIHR hopes that an increasing number of OSCE States will utilise these tools. More information on these tools can be found on the ODIHR's website at: <http://www.osce.org/odihr/20051.html>

I. Toolbox for OSCE participating States

Tool	Description	States currently using Tool
Law enforcement training	<ul style="list-style-type: none"> - Uses a train-the-trainer approach that is tailored to each target country - Trains police officers methods for identifying and investigating hate crimes, as well as skills for sharing intelligence and working with prosecutors and affected communities - Designed and delivered <i>by</i> police officers <i>for</i> police officers - Network of law enforcement hate crime experts from six OSCE participating States - Comprehensive training curriculum, (including working definitions and a police reporting form template) which States customise to their needs 	<p>Implementation completed¹⁶⁴:</p> <ul style="list-style-type: none"> - Spain - Hungary <p>Implementation ongoing:</p> <ul style="list-style-type: none"> - Croatia - Ukraine - Serbia <p>Initial interest shown by:</p> <ul style="list-style-type: none"> - Poland - Russian Federation
Training on Policing within Roma communities	Offers a good practice model for systematic assessment and review of current policing policy and practices	<ul style="list-style-type: none"> - Russian Federation - Poland - Romania - UK
Guidelines and assessment of hate crime data collection methodologies	<p>Comprehensive report developed - <i>Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives</i> which identifies gaps and deficiencies in the collection of data and developed tools, and offers a working definition of hate crime and a police reporting form to support States in their efforts to strengthen data collection and legislation related to hate crime.</p> <p>In early November, a first meeting of national focal points on hate crime from each of the 56 OSCE States will be organized by the ODIHR. This will provide officials from throughout the region with an opportunity to discuss common strategies and to develop methods for improving the collection of statistics on hate crime.</p>	43 States have nominated National Points of Contact on Hate Crime
Guidelines and assessment of educational approaches on Education on the Holocaust and Anti-	Comprehensive study developed – <i>Education on the Holocaust and on Anti-Semitism. An Overview and Analysis of Educational Approaches</i> – which evaluates existing approaches and identifies good practices to support future efforts by OSCE participating States and civil society. It also and identifies gaps and areas where teaching about the Holocaust and anti-Semitism needs to be	

¹⁶⁴ Since being piloted, the hate-crime curriculum has been added to the regular training programme for officers studying at the police academies in both Hungary and Spain.

Semitism	strengthened. With its comprehensive recommendations it provides a framework for the development of curricula on Holocaust Education and combating anti-Semitism.	
Guidelines for Educators on Holocaust Commemoration	Offer suggestions to educators how to prepare for Holocaust memorial days by identifying and presenting best practices from 12 OSCE participating States. Developed in cooperation between the ODIHR, Yad Vashem and educational experts from 12 countries: Austria, Sweden, the Netherlands, Croatia, Poland, Hungary, Lithuania, United Kingdom, Russian Federation, Ukraine, Germany and Israel Available on the ODIHR's website in: English, Russian, Italian, French, Dutch, Croatian, Hungarian. A German and a Polish version will be available soon.	Contributed to guidelines: Germany Belgium Poland Switzerland Using tool officially: Italy Croatia Hungary
Educational Materials to Teach about anti-Semitism	Teaching material in seven versions and languages that enables teachers to address anti-Semitism. Developed by the ODIHR, experts from the Anne Frank House in Amsterdam and experts from all seven countries for which the material is being designed. Country-specific adaptations, based on the historical and current situation in each country, "ready to use" material has been developed that will give detailed information, graphics and assignments for the students. The package will come in three parts for the students: 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. There will also be a teacher's guide. Material is currently being tested in schools in each of the 7 participating States and will be revised after analysis of the evaluation reports from teachers and students.	Germany Netherlands Ukraine Lithuania Croatia Denmark Poland
Recommendations to education authorities on how to strengthen diversity education	Comprehensive assessment report (currently under development) with recommendations concerning curricula development on diversity education, production of school material, definition and implementation of quality standards, national diversity education strategies as well as pre-and in-service teacher training in the public school sector. Establishment of network of experts available to provide assistance	Azerbaijan (request for assistance)
ODIHR public database on tolerance and non-discrimination	A public website (<u>to be launched on 12 October 2006</u>) offering one-point access to: - Information received from the OSCE States, NGOs and other organizations; - Country pages providing access to country initiatives, legislation, national specialized bodies, statistics, and other information; - Thematic pages with information related to different key issues; - International standards and instruments; - Information from intergovernmental organizations including country reports and annual reports.	
Advisory Panel of Experts on Freedom of Religion or Belief	- Provides legislative assistance to participating States preparing or amending legislation pertaining to freedom of religion or belief; - Offers expert opinions on specific infringements of freedom of religion or belief to participating States; - Supports educational and training projects in order to raise awareness about FoRB standards - Provides support in mediation/conflict prevention.	The degree to which participating States heed the advice offered by the Panel on the compatibility of legislation pertaining to freedom of religion or belief differs greatly

II. Toolbox for Civil Society:

Tool	Description	Current Users of the Tool
Facilitator's curriculum on hate-motivated violence and network of trainers and experts	Development of : Facilitators' curriculum for civil society on hate-motivated violence Network of trainers and experts throughout the OSCE region	Civil society representatives from Poland, the Russian Federation, Spain, Georgia, France and Serbia
Consultation Mechanisms	Support of States wishing to develop sustainable consultation mechanisms on a local, regional or national level addressing hate-motivated violence (local and regional authorities, civil society and community representatives, media)	To be determined
Muslims in Europe: Media Guide	Information and reference source for media professionals to provide a further understanding of Muslim communities living in Europe and offer a more complete overview of their role and contribution in society with a view to promoting a more informed, accurate and balanced reporting on diversity-related issues.	To be determined
Complaints bureau on hate-motivated violence and hate speech on the internet	The ODIHR supports NGOs to initiate monitoring activity and to establish complaints bureau on hate-motivated violence and hate speech on the internet.	Civil society representatives from: Slovakia, the Russian Federation, Poland
NGO meetings and roundtables	The ODIHR hosts and facilitates thematic roundtables and preparatory meetings for NGOs to give civil society representatives the opportunity to draft recommendations	Civil society within the OSCE region
Access to NGO human rights information	The ODIHR has a strategic partnership with the HURIDOCS ¹⁶⁵ in order to provide best access to findings and reports from human rights NGOs via the existing vertical search engine HuriSearch which is indexing more than 2.500 human rights NGO websites. HuriSearch will be an integrated part of the ODIHR website by the end of 2006.	Civil society within the OSCE region.
Support of networks and creation of coalitions	Support the development of existing civil society networks and the creation of new coalitions on issues related to ODIHR's mandate	Civil Society networks within the OSCE region (i.e. UNITED for intercultural action and against racism, International Network Against Cyber Hate)

Annex 1

Selected OSCE Commitments Pertaining to Hate-Motivated Incidents and Crimes

Under Decisions 607 and 621 of the OSCE Permanent Council, which were adopted by the OSCE Ministerial Council at its 2004 meeting in Sofia, the 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.”** These tasks were assigned to ODIHR in order to enable to assist the OSCE participating States in implementation of their commitments pertaining to hate-motivated incidents and responses to them. These *inter alia* include commitments to:

- “[C]ondemn 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);
- “[Reject] the identification of terrorism and violent extremism with any religion or belief, culture, ethnic group, nationality or race” (MC Decision 10/05);
- “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);
- “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);
- “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);
- “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);

- “[E]nsure 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);
- “[P]romote, 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);
- “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);
- “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);
- “[P]romote implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (MC Decision No. 4/03).

ANNEX 2

Information Submitted to the ODIHR in the Period of 2004-2006: Legislation, Statistics, Practical Initiatives and Nominated Points of Contact on Combating Hate Crime

TOTAL NUMBER OF PARTICIPATING STATES THAT:

Responded:	50	89%
Nominated National Point of Contact (NPC):	46	82%
Submitted information about Legislation (LEG):	46	82%
Submitted information about Statistics (STAT):	38	68%
Submitted information about Practical Initiatives (INIT):	38	68%
No Response:	6	11%

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	√	√	√	√	Ministry of Foreign Affairs, Culture and Cooperation
Armenia						
Austria	28 April 2004 3 October 2006	√	√	√	√	Federal Ministry of the Interior, Department II/BVT/2 Federal Ministry of Foreign Affairs, Department I/7
Azerbaijan	17 October 2005 7 March 2006	√			√	Office of the Prosecutor General of the Republic of Azerbaijan, Department on control of compliance with the legislation during investigations, inquiries and operational search activities by the Ministry of Internal Affairs
Belarus	25 April 2004	√	√	√		
Belgium	10 November 2004	√	√	√	√	Centre for Equal Opportunities and Opposition to Racism (CEOOR)
Bosnia and Herzegovina	2 December 2005				√	Ministry of Security, Department of Organised Crime and Corruption
Bulgaria	14 April 2004 30 June 2004 9 September 2005 12 September 2005 24 August 2006	√ √	√	√	√	Office of the Ombudsman of the Republic of Bulgaria Commission for the Protection against Discrimination
Canada	29 June 2004 9 September 2005	√	√	√	√	Department of Canadian Heritage, Multiculturalism and Human Rights Branch

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
Croatia	9 March 2004 4 July 2005	√	√	√	√	Ministry of Foreign Affairs and European Integration, Department for Human Rights
Cyprus	21 July 2004 1 September 2004 16 January 2006 23 February 2006	√		√	√ √	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	15 September 2004 1 September 2005 8 September 2006	√ √	√ √	√ √	√	Ministry of the Interior Interministerial Commission for Combating Extremism, Racism and Xenophobia
Denmark	5 April 2004 31 August 2005 12 September 2006	√	√	√	√	Ministry of Justice, Law Department, Criminal Law Division
Estonia	7 October 2004 8 November 2005	√	√		√	Ministry of Justice, Criminal Policies Department
Finland	11 March 2004 29 November 2005	√	√	√	√	Ministry of the Interior PL 26 (statistics) Ministry of Labour PL 34 (other)
France	12 July 2004 10 August 2005 3 August 2006 27 September 2006	√ √	√ √	√	√	Ministry of Justice, Department of European and International Affairs
Georgia						
Germany	18 March 2004 29 June 2004 10 September 2004	√	√	√ √	√	Ministry of the Interior
Greece	11 October 2004 5 November 2004 8 March 2006	√ √		√	√	Ministry of Justice
Holy See	22 March 2004 9 November 2004 2 December 2005 4 September 2006 7 September 2006	√		√	√	Pontifical Council for Justice and Peace
Hungary	15 July 2004 12 October 2005	√	√		√	Ministry of Foreign Affairs, Department of Human Rights and European Organisations
Iceland	26 July 2006				√	National Commissioner of Police
Ireland	4 November 2004 17 October 2005	√	√	√	√ √	National Consultative Committee on Racism and Interculturalism

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
Italy	24 April 2004 18 November 2004 26 April 2005 17 August 2005 10 October 2005 4 April 2006 27 July 2006 7 August 2006	√	√ √ √ √ √	√ √	√	Ministry of the Interior, Department of Public Safety
Kazakhstan	27 July 2004 2 December 2005	√	√		√	The General Prosecutor's Office Committee on Law, Statistics and Special Registrations
Kyrgyzstan						
Latvia	15 April 2004 31 August 2006	√	√	√	√	Secretariat of the Special Assignments, Minister for Social Integration Latvian National Human Rights Office
Liechtenstein	4 May 2004 12 November 2004 17 November 2005 10 September 2006	√	√	√ √	√	Office for Foreign Affairs, Working Group against Racism, Anti-Semitism and Xenophobia Liechtenstein National Police, Crime Investigation Division
Lithuania	1 April 2004 2 November 2004 16 September 2005	√	√	√	√ √	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
The former Yugoslav Republic of Macedonia	24 February 2006				√	Ministry of Foreign Affairs, Human Rights Department
Malta	5 April 2004 19 July 2004 31 December 2004 2 February 2005 9 September 2005	√	√ √	√ √	√	General Police Headquarters, Prosecutions Unit
Moldova	14 April 2004	√	√			
Monaco	24 November 2004	√		√	√	Department of the Interior, Department of Legal Services

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
Montenegro	2 September 2004 11 November 2004 8 November 2005	√ √	√ √	√ √	(√)	
Netherlands	4 August 2004 5 August 2004 1 February 2006	√ √	√ √	√	√ √	Foreign Ministry, Security Police Department (temporarily) Netherlands Delegation to the OSCE (temporarily) Ministry of Justice, Directorate-General for Law Enforcement
Norway	1 September 2004 15 September 2005	√	√	√	√	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	√	√	√	√	Ministry of Interior and Administration, Department of Denominations and National Minorities
Portugal	30 September 2005 11 October 2005 4 May 2006 18 September 2006	√			√ √	Prosecutor General, Documentation and Comparative Law Office High Commission for Immigration and Ethnic Minorities (ACIME)
Romania	10 March 2004 22 February 2006 5 September 2006	√ √	√	√	√	Ministry of Justice, Department of International Law, Judicial Cooperation, and International Legal Affairs
Russian Federation	24 December 2004 27 December 2005	√	√	√	√	Ministry of Foreign Affairs, Department for Humanitarian Co-operation and Human Rights
San Marino						
Serbia	2 September 2004 11 November 2004 8 November 2005 11 September 2006	√ √	√ √	√ √	√	Ministry of Human and Minority Rights of Serbia
Slovak Republic	9 July 2004 28 October 2005	√	√	√	√	Ministry of Interior, Committee for Coordination of Anti-Extremism Policy
Slovenia	9 August 2004 9 September 2005 7 February 2006 15 September 2006	√		√	√ √	Ministry of Foreign Affairs, International Organizations and Human Security Division,
Spain	November 2004	√	√	√	√	Permanent Mission of Spain to the OSCE
Sweden	11 June 2004 16 September 2005	√	√	√	√	Swedish National Council for Crime Prevention

STATE	DATE OF RESPONSE	LEG	STAT	INIT	NPC	NATIONAL POINT OF CONTACT
Switzerland	17 March 2004 18 September 2006	√	√	√ √	√	Federal Department of the Interior, Service for Combating Racism Federal Commission against Racism Swiss Department of Foreign Affairs, OSCE Section
Tajikistan	14 December 2005				√	Executive Office of the President, Constitutional Rights Department
Turkey	10 September 2004 13 April 2006	√		√	√ √	Ministry of Justice, Directorate General of International Law and External Relations
Turkmenistan						
Ukraine	11 August 2004 3 August 2006 4 August 2006				√ √	Ministry of the Interior, Vice-President of the National Academy of the Interior of Ukraine
United Kingdom	9 September 2004	√	√	√		
United States	19 April 2004 14 January 2005 12 September 2005	√	√ √	√	√	U.S. Mission to the OSCE, Human Dimension Officer
Uzbekistan						

ANNEX 3
Communications Regarding the ODIHR's Report on
Challenges and Responses to Hate-Motivated Incidents in the
OSCE Region

Communications from OSCE Participating States

PARTICIPATING STATE	DATE OF RESPONSE
Albania	13 September 2006
Andorra	26 July 2006
Bulgaria	24 August 2006
Czech Republic	11 September 2006
Denmark	12 September 2006
France	3 August 2006
Holy See	11 September 2006
Italy	27 July 2006 8 August 2006
Latvia	31 August 2006
Lichtenstein	11 September 2006
Poland	11 September 2006
Portugal	18 September 2006
Romania	5 September 2006
Serbia	11 September 2006
Slovenia	15 September 2006
Sweden	12 September 2006
Switzerland	18 September 2006
Ukraine	3 August 2006

Communications from OSCE Missions

OSCE MISSION	DATE OF RESPONSE
Bosnia and Herzegovina	13 September 2006
Kosovo	14 September 2006

ANNEX 4

List of OSCE Participating States that Have Established Holocaust Memorial Days

TOTAL NUMBER OF PARTICIPATING STATES THAT:

Have established a HMD or commemorates the Holocaust victims on other memorial days:	39	71%
Have established a HMD on 27th January:	19	33%
Have established a HMD on a different day:	15	27%
Incorporate commemoration of Holocaust victims into their national memorial days:	6	11%

STATE	HMD 27th January	HMD different day	National commemoration day
Albania	27 January is designated as the Day of Remembrance.		
Armenia			The National Genocide Memorial Day incorporates a universal remembrance day. Holocaust victims are included in the commemorations.
Austria		5 May is designated as the Day of Remembrance against Violence and Racism in Memory of the Victims of National Socialism. The date signifies the liberation of the Mauthausen concentration camp in 1945.	
Belgium	27 January is designated as a national day of commemoration of the Holocaust.		
Bulgaria		10 March is designated as the Day of the Holocaust and Saving of the Bulgarian Jews (known also as the Day of Holocaust Victims). The date signifies the 1943 efforts by the Bulgarian parliamentarians to halt deportations of Bulgarian Jews to National Socialist concentration camps.	
Canada		Yom HaShoah (27 of Nissan of the Hebrew calendar) is designated as the national Holocaust memorial day.	

STATE	HMD 27th January	HMD different day	National commemoration day
Croatia	27 January is designated as the Day of Remembrance of the Holocaust and for the prevention of crimes against humanity.		
Czech Republic	27 January is designated as a Holocaust memorial day.		
Denmark	27 January is designated as Auschwitz Day.		
Estonia	27 January is designated as the Day of Remembrance for the victims of the Holocaust and crimes against humanity.		
Finland	27 January is designated as Victims of Persecution Memorial Day.		
France	27 January is designated as a Holocaust Memorial Day.	16 July is the official day to commemorate the destruction of the French Jewry, marking the beginning of the deportations of French Jews to the death camps.	
Georgia			Holocaust victims are included in commemorations of those who died in the two world wars. Holocaust victims are included in the commemorations.
Germany	27 January is designated as Memorial Day for the Victims of the Nazi Crimes. Many groups hold commemoration ceremonies on the anniversary of the Reichskristallnacht of 1938.		
Greece	27 January is designated as a Holocaust memorial day.		
Hungary		16 April is designated as a Holocaust memorial day. The date signifies the establishment of the first Hungarian ghetto.	
Ireland	27 January is designated as a Holocaust memorial day.		

STATE	HMD 27th January	HMD different day	National commemoration day
Italy	27 January is designated as a Holocaust memorial day.		
Kazakhstan			31 May is the date for the commemoration of the victims of political repression. Holocaust victims are included in the commemorations.
Latvia		4 July is designated as a Holocaust memorial day. The date signifies the National Socialists' burning in 1941 of the Riga Choral Synagogue with Jews trapped inside.	
Liechtenstein	27 January is designated as the Holocaust Remembrance Day for the Prevention of Crimes against Humanity.		
Lithuania		23 September is designated as the National Day for the Genocide of the Lithuanian Jews. The date signifies the 1943 murder of the remaining prisoners of the Vilnius ghetto.	
Luxembourg		10 October is designated as the Day of National Commemoration. The date signifies the 1941 referendum.	
Netherlands			The commemoration of the Holocaust is tied into the national remembrance of all the Dutch victims of the war on 4 May.
Norway	27 January is designated as a Holocaust memorial day.		
Poland		19 April is designated as the Day of Remembrance for the Victims of the Holocaust and Prevention of Crimes against Humanity. The date signifies the beginning of the 1943 Warsaw Ghetto Uprising.	

STATE	HMD 27th January	HMD different day	National commemoration day
Romania		9 October is designated as a Holocaust memorial day. The date signifies the beginning of the 1941 massive deportations of Jews to Transnistria.	
Serbia		22 April is designated as the Day of Remembrance of Genocide Victims. The date signifies the 1945 uprising by the prisoners of the Jasenovac concentration camp.	
Slovakia		9 September is designated as the Day of Victims of the Holocaust and Racial Violence. The date signifies the introduction of the Jewish Code of 1941.	
Slovenia			Commemorations are held to remember all the victims of fascism and National Socialism on 9 May. Holocaust victims are included in the commemorations.
Spain	27 January is designated as a Holocaust memorial day.		
Sweden	27 January is designated as a Holocaust memorial day.		
Switzerland	27 January is designated as a Holocaust memorial day.		
The Former Yugoslav Republic of Macedonia		12 March is designated a Holocaust memorial day. The date signifies the 1943 deportation of Jews by the Bulgarian occupation forces to National Socialist death camps.	
Turkey	27 January is designated as a national Holocaust memorial day.		
Ukraine		29 September is designated as a memorial day to commemorate the victims of the mass killing of Babi Yar.	
United Kingdom	27 January is designated as a national Holocaust memorial day.		

STATE	HMD 27th January	HMD different day	National commemoration day
United States of America		Yom HaShoah (27th of Nissan of the Hebrew calendar) is designated as a Holocaust memorial day	
Uzbekistan			The commemoration of the Holocaust victims is conducted in the framework of the National Day of Memory and Honour for the Victims Who Perished for the Independence of the Motherland on 9 May.