



COMBATING HATE CRIME

IN LATVIA AND THE CZECH REPUBLIC:

A COMPARATIVE ASSESSMENT

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The views expressed herein are those of the author and can therefore in no way be taken to reflect the official opinion of the European Commission.

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Note on Author

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SUMMARY

This paper has been prepared within the framework of the EU-funded project “Combating Hate Crime in Latvia and the Czech Republic: Legislation, Police Practice and the Role of NGOs”, which has been carried out during the period 2006–2008 by the Latvian Centre for Human Rights together with its partner the Czech Helsinki Committee.

The main focus of the project has been to address the issue of ineffective policing of hate crime in the two countries. In addition the project has also focused on issues relating to legislation and its implementation, and on the victim’s perspective and the impact on communities. Through developing cooperation between police and NGOs at both national and international levels, and by involvement of international experts in seminars and conferences, the project has aimed to enhance awareness and understanding, as well as elaborating practical tools and methods for more effective policing of hate crime in the two countries.

After briefly setting the European context, the paper characterises and compares the state of development in each country, and then describes and assesses the contribution made by the project. Finally the paper draws out the lessons learned, and makes recommendations for follow-up activities both at national and European levels.

Key lessons learned include (a) the need for legislation to effectively address other hate crime motives in addition to racism, (b) the need for clear directives and procedures for policing and record-keeping, (c) the need for greater awareness of the victim perspective, (d) the importance of inter-agency cooperation (especially between police, prosecutors and courts), and (e) the importance of preventive activities. Despite the fact that the Czech Republic already has a well-established specialist policing response for tackling “extremist” crime, much more needs to be done in the above fields in both countries.

So far as methodology is concerned, the project highlights the key role that NGOs can play in helping to develop the response of the police and other public authorities in

responding to hate crime. NGOs can do this not only by monitoring and challenging the performance of the authorities, but also by cooperating with them in a constructive way to help them improve their response, both by raising their knowledge and awareness and by building bridges between them and victims and their communities. Establishing successful relationships between NGOs and the police and other authorities is not always easy and is dependent on mutual respect, understanding and trust. Such relationships need to be built up over time on a basis of sustained practical cooperation.

Finally, as regards the implications for the EU, the paper highlights the relevance of the project for current EU policies on combating racism and wider forms of discrimination and social exclusion. Specifically, the project offers a methodology and model of operation that could be used more widely across the EU to promote good practice in combating hate crime through cooperation between police and NGOs. It is therefore recommended that measures should be introduced at EU level to enable the methodology adopted in this project to be applied in other countries across the EU, preferably in the form of a systematic targeted EU-funded programme. The key features of such a programme should be that in each country it should be NGO-led, that it should have the focus of implementing EU policy commitments relating to racist and other forms of hate crime, and that national-level activities should be complemented by international exchange of experience.

1. INTRODUCTION

This paper has been prepared within the framework of the EU-funded Project “Combating Hate Crime in Latvia and the Czech Republic: Legislation, Police Practice and the role of NGOs”, which has been carried out during the period 2006–2008 by the Latvian Centre for Human Rights together with its partner the Czech Helsinki Committee.

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The paper is one of the main outputs of the project, as set out in the original project application. Its purpose is to provide a comparative analysis of the situation and developments in each country, and to draw out themes of more general European interest.

Accordingly, following a short introduction setting out the broader context, the paper will:

- characterise and compare briefly the state of development in each country;
- describe briefly and assess the contribution made by the project in each country;
- draw lessons for how the project approach could be a useful model to promote more widely across EU, e.g. in support of the implementation of the Framework Decision on Racism and Xenophobia and other relevant EU policies.

The paper is primarily based on the following data sources:

- the national papers from each country, setting out the current situation;
- the project reports for each country, setting out what was achieved by the project in each country;

- wider documentary analysis and personal experience of the author during the project and in previous work in the two countries.

The paper does not set out to describe the situation in each country either comprehensively or in any great detail, as this information can be obtained from the national papers and project reports prepared by the respective project partners.

2. THE EUROPEAN CONTEXT

Hate crime has become increasingly recognised as a serious problem within the European area – not only because it disproportionately and psychologically harms individuals in minority and other targeted communities, but also because of its damaging effect on community relations and on efforts to build cohesion and equality between different social groups. It is widely perceived to be on the increase, but reliable indications of its extent and trend are hard to come by because (as explained below) it is poorly documented, due to inadequate recording systems and a lack of willingness of victims to report incidents. (The currently ongoing EU-wide victim survey, the “EU-MIDIS: European Union Minorities and Discrimination Survey”, being conducted by the EU Fundamental Rights Agency, will for the first time generate reliable, cross-nationally comparable data in this field.)

The term “hate crime” has come increasingly into use across Europe, following practice in the USA. The usage reflects a desire in many quarters to widen the scope of crimes motivated by group prejudice beyond the still dominant concern with racism, so as to include also grounds such as religion, gender, disability and sexual orientation. However, there are also concerns that the shift is in danger of diluting existing efforts focusing specifically on racism, as well as concerns about the use and theoretical suppositions of the term “hate”.

The main driver of the approach in terms of “hate crime” at international level has been the OSCE, which adopted it as an inclusive term to express its policy commitment to combat a wide range of forms of violence, intolerance and discrimination at its Maastricht Ministerial Council in January 2004. The OSCE’s ODIHR has established programmes to promote a more effective response to hate crime across the OSCE area, especially as regards data-collection and reporting processes, and has published an overview of current practices in OSCE participating states (*Combating Hate Crimes in the OSCE Region, 2005*). The ODIHR has also formulated a “working definition of hate crime”, as follows:

- 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.

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

Within the EU, the term “hate crime” has no legal status, and the extent to which individual states have adopted it for the development of policy and practice is very varied. The focus at EU level, rather, has been more generally on combating discrimination, initially by means of the Race Directive, and subsequently by extension to other grounds (e.g. the proposed new Equal Treatment Directive) and through supporting EU-funded programmes (e.g. the Community Action Programme and its successors). Although in some Member States anti-discrimination legislation may provide some powers to deal with hate crime, for the most part such actions are subject to the separate sphere of criminal law.

A survey of policy responses specifically to racist violence in (then 15) EU Member States published by the European Union Monitoring Centre against Racism and Xenophobia (EUMC, now FRA) in 2005 showed that although a number of states had begun or were beginning to develop responses in this field, very few were well developed and overall the situation was extremely variable. In particular, the survey showed that official recording and reporting mechanisms were generally weak in most Member States, and there was also inconsistency and incompatibility of data recording mechanisms across the EU. This and other independent reports (e.g. reports by ENAR: European Network Against Racism) highlight the need for a more effective and consistent response to racist violence and other hate crimes across the EU. The recently adopted Framework Decision on Racism and Xenophobia represents an initial step in this direction, even though its scope is limited to acts of incitement and of condoning or denying genocide and similar crimes.

A follow-up survey published by the EUMC in 2006 focused specifically on the response of the police to racist violence in (by then 25) EU Member States. This similarly showed that, despite examples of good practice in some Member States, in the majority the police did not have effective systems for recording or investigating the element of racist motivation in crime, and there were neither instructions nor training provided on this subject, nor cooperation with NGOs or provision of support for victims. Significantly, both the Czech Republic and Latvia showed weaknesses in

these areas, with Latvia's response being extremely limited whereas in the Czech Republic the police have established specialist systems to combat the more general phenomenon of "extremist" crime.

Before concluding this brief overview of the more general context in Europe, it should be mentioned that the Council of Europe has also been active in this field, particularly with regard to combating racist violence. Of crucial relevance are the series of rulings of the European Court of Human Rights, beginning with and subsequently developing the decision in the case of *Nachova v. Bulgaria* (2005), which place a legal obligation on Member States to consider and investigate the possibility of racist motivation in violent incidents. Relevant also are the individual country reports produced by ECRI, which routinely address the issue of racist violence and the adequacy of legislation and of law enforcement agencies, and ECRI's Policy Recommendation No. 11 on *Combating Racism and Racial Discrimination in Policing* (2007). This, together with the *Recommendations on Policing in Multi-Ethnic Societies* prepared by the OSCE High Commissioner on National Minorities (2006) provided essential guidance for police not only for dealing specifically with racist violence but also for ensuring they deal effectively with issues of discrimination generally and provide the necessary protection against racism to vulnerable communities.

It is in this European context that the present project has aimed to make a contribution, both by promoting an enhanced response within the two countries of operation, and in the light of this experience by showing how other Member States, and the EU generally, could take useful steps to improve practice in responding to racist and other forms of hate crime. The remainder of this report is concerned with describing the current situation and project experience in the two countries, assessing progress in relation to the above international standards and guidelines, and drawing out lessons of potential use elsewhere.

3. THE CURRENT STATE OF DEVELOPMENT IN LATVIA AND THE CZECH REPUBLIC

(a) Latvia

Latvia up to the present time has a very limited framework for responding to hate crime, whether this be focused on racism and xenophobia or any other ground. Hate crime only became a public issue in Latvia for the first time in 2005, following an increase in public manifestations of hate speech and the first recorded incident of racially-motivated violence. In the same year there were manifestations also of homophobia in connection with the first Gay Pride Festival in the capital Riga, and these became more aggressive in 2006 when the banning of the Gay Pride March was followed by incidents of serious public disorder. Recent opinion polls indicate high levels of prejudice against visible ethnic minorities, homosexuals and other non-traditional or marginalized groups.

So far as criminal offences are concerned, these are usually initially investigated by the Criminal Police, who have the responsibility for the initial investigation of any crimes of violence in which a “hate” motive is a potentially aggravating factor. However, should the case be classified under section 78 of the Criminal law, which deals with incitement to hatred based on race and ethnicity, then the case will be subsequently transferred to the Security Police, who after investigation either concur with the classification under this section or reclassify it under general crime sections.

Police responsibilities for responding to hate crime are divided between two separate national structures: the State Police and the Security Police. The State Police are divided into territorial divisions, each of which has a separate Criminal Police and Public Order Police. There are also separate Municipal Police in some areas, which have limited powers in fields such as public order management and crime prevention. So far as criminal offences are concerned, these are always taken over and investigated by the local Criminal Police, who therefore have the responsibility for the initial investigation of any crimes of violence in which a “hate” motive is a potentially aggravating factor. Where this element is present, however, the case will subsequently be transferred to the Security Police for further investigation. The Security

Police also deal with cases where extremist organisations are involved, as well as with specific crimes of racism such as hate speech that fall under s. 78 of the Criminal Law.

Official recording of hate crimes in Latvia is restricted to specific crimes of racism (hate speech, etc.) which fall under s. 78 of the Criminal Law. The numbers of such crimes are small, though there was a sharp increase in 2005 as noted above, the majority being instances of hate speech on the internet. When police register other crimes, e.g. racist and other hate crime motives are not recorded. However, there is provision at the post-investigation stage of registration (though not the initial reporting stage) for “interethnic relations” to be identified as one of 14 listed possible motives on the registration form. This is a legacy from the Soviet period, and it is unclear how exactly it is understood and used by police, although it appears that at least some cases involving a racist or xenophobic motivation have been recorded under this heading. Some of the cases recorded under this heading are also qualified under s. 78.

The first officially recorded cases involving racially motivated violence were in 2005. Initially the cases were qualified by the police as hooliganism, but after referral back by the courts for review of possible racist motivation, several of the cases were re-qualified under s. 78. It appears that the police have difficulty handling such cases not only due to the weaknesses of the legislation and lack of formal guidance or training, but also because of lack of experience in recognising and investigating such crimes, and limited awareness of how they impact victims and minority communities generally. Homophobic crimes, however, are not recognised in Latvian law at all, and there is no provision for recognising homophobic motives as aggravating circumstances. All cases to date with an evident motivation of this kind have involved charging the perpetrators with hooliganism or other offences under the general criminal law.

Since 2004 there have been a number of attempts to amend the Criminal Law in order to provide a more effective response to racially-motivated and other forms of hate crime. One outcome has been the separation of the provisions in s. 78 relating to incitement to hatred and to discrimination *per se*, the latter now being addressed in a new section s. 149.¹ A second, as already noted above, has been the introduction into the Criminal Law in late 2006 of racist motivation as an aggravating circumstance which should be taken into account by the courts when deciding on sentences. This change was made as a sudden and unexpected decision by the

Parliament, without wider debate, and no other hate grounds were considered. To date this new provision has not been applied in practice.

So far as the prevention of hate crime is concerned, a new post was created in 2002 of Special Assignments Minister for Societal Integration, with one of its priorities as the promotion of tolerance and prohibition of discrimination. In 2004 the Government approved a National Programme for the Promotion of Tolerance 2005–2008, whose aims included drafting new legislation and promoting cross-institutional co-operation. A follow-up Programme for 2009–2013 has been drawn up, which specifically envisages reducing levels of hate crime by a range of measures including training for police, prosecutors and judges, and a social campaign against manifestations of hatred and intolerance, however it has not been approved by the government.

Civil society has played a significant role in recent years in promoting a more effective response to hate crime in Latvia. Since 2005, the Latvian Centre for Human Rights (LCHR, lead partner in the current EU project) has developed cooperation with the State Police and Security Police in the capital Riga, organising training events and study visits to other countries, and publishing a practical brochure for police officers on hate crime. The NGO *dialogi.lv*, together with other NGOs, has initiated several projects to promote awareness and debate about hate speech on the internet, including publishing a brochure “Internet without Hate”, and organising round tables attended by police officers and others. Victim support has also been a field in which civil society is becoming increasingly engaged, given the absence of any national victim support service or specialised help in Latvia. Several NGOs have assisted individual victims, and LCHR has produced a hate crime report form and an information brochure for use by victims.

(b) Czech Republic

As has been noted above, the Czech Republic already has, in a number of respects, a relatively well-developed legal and administrative framework for responding to hate crime, particularly insofar as such crime is characterised as a manifestation of “extremism”.

To begin with, the Czech penal code has a range of relevant provisions, whose scope and strength have been gradually extended over recent decades. These include

provisions relating to defamation (s.198) and incitement to group hatred (s. 198a); to promotion or support of a movement directed towards group hatred or resentment (s. 260) or expressing sympathy with such a movement (s. 261); and to denial or contestation of genocides or other crimes against humanity (s. 261a). Also important are the provisions for regarding racial or other hate motivation as an aggravating factor in crimes of violence (s. 196), and more specifically in cases of murder (s. 219) and of causing bodily harm (s. 221, 222). On the other hand, it may be noted that provisions for addressing discrimination more generally are much less developed in the Czech Republic, which has yet to fully transpose the EU Race Directive and other anti-discrimination provisions into domestic law.

Initiatives undertaken by the Czech Government through its Ministry of the Interior to tackle hate crime date from 1991, following an increase in racially motivated attacks against Roma by followers of the skinhead movement. An order from the National Police Director gave instructions to police officers that all reported crimes relating to the activities of extremist groups should be responded to. A further order in 1995 provided more detailed guidance on reporting such incidents, as well as instructions for their investigation by specialist or experienced investigators. Since 1998, the Ministry has published an annual report on *“Information on the Problem of Extremism in the Czech Republic”*, which includes statistics on officially recorded extremist and racially-motivated crimes, together with analysis of trends and documentation of new initiatives. A multi-agency Commission for the Fight against Extremism, Racism and Xenophobia was also established in 1998 as an advisory body for the Ministry.

Actions oriented towards the prevention of hate crime have also been undertaken by the Czech Government. Starting in 1999, the Government has funded a nationwide campaign against racism entitled the *“Tolerance Project”*, aimed to raise public awareness throughout Czech society of the harmful as well as the unlawful nature of racist and xenophobic acts. The project made use of the mass media, as well as travelling to different regions of the country, and also included training programmes for teachers and initiatives involving young people. Alongside this, the Ministry of the Interior has, since 1996, run a *“partnership scheme”* jointly with local governments, schools and non-governmental organisations, designed to focus on *“The Prevention of Criminality at the Local Level”*. It focuses particularly on children and young people, and its aims include overcoming prejudice and xenophobia, and improving inter-ethnic relations, with particular reference to combating the social exclusion of Romany communities. The Ministry of Education has also been active in promoting

education against racism, xenophobia and intolerance generally, and has issued guidance for schools on how to deal with negative incidents.

So far as the role of the police is concerned, there have also been specific initiatives targeted at combating hate crime and extremism. Since 1995, a specialist structure for the methodology and coordination of action against extremism has been in operation within the Czech National Police. Its core staff currently consists of 140 specialists distributed across the Czech Republic as a whole, with two members assigned to each regional administration (but with a rather larger number in the capital city of Prague, and also a central team at the police headquarters). These specialists monitor and investigate incidents of extremism, including racially motivated attacks, music concerts, football hooliganism and the activities of “dangerous sects”, and coordinate the responses to such incidents. Also, since 2004, a separate unit focusing on “information crime” has been set up within the National Police to deal specifically with racist, anti-Semitic and other hate-related propaganda on the internet. In 2000 the Ministry produced a manual of “Symbols Used by Extremists” to assist police to identify extremists and their activities, along with a “pocket card” that could easily be carried by police in their daily work. Also a specialist training course covering extremism and racially-motivated violence is available at the Police Academy, although it does not appear that this subject is included in routine initial or in-service training for all police.

It is also relevant to note that in 2002 the Czech Police introduced a national “Activity Plan Relating to Ethnic and National Minorities”, which is designed to support and extend the work focusing specifically on hate crime and extremism. In each region, police are required to plan and implement measures for monitoring the situation of minority communities, for enhancing their confidence in the police and developing structures for mutual cooperation, and for cooperating also with other agencies such as local governments and schools for these purposes. The post of “Liaison Officer for Minority Issues” is established in each region to implement this commitment, and one of the region’s two specialists on extremism is assigned to take this role. There is also provision for the appointment of an “Assistant to the Police in Socially Excluded Communities” (especially Romany communities), whose role is to assist in making contacts in and communicating with such communities.

(c) Key Themes, Similarities, Differences

The key requirements for an effective response to hate crime, identified in the international guidance documents and reports mentioned in the Introduction above, are adequate legislation, systematic recording measures, and effective investigation of the “hate” dimension leading to successful prosecution. For the police, this requires clear policy and procedures to be followed, specialist officers to conduct or support investigation of cases, and training programmes to develop awareness and skills. There is also a need for programmes aimed at the prevention of hate crime, as well as a need for participation by and cooperation with civil society in undertaking these tasks.

Overall, the Czech Republic has clearly progressed much further in these directions than Latvia. This is not surprising given that the Czech Republic has been actively addressing these issues since the beginning of the 1990s, whereas initiatives in Latvia essentially date from 2005.

In both countries, established legislation includes provisions against specifically racist crimes such as incitement to hatred, genocide and other crimes against humanity. Czech law also makes provision for racist and other forms of hate motivation as an aggravating factor in crime more generally, whereas this is only a very recent development in Latvia and is restricted to grounds of racism alone. A major concern in both countries remains the application of these laws, under which still relatively few cases are qualified and successfully prosecuted, and especially so in the case of Latvia. There are also major concerns that the law does not effectively engage with homophobic crime, again especially in Latvia where this form of hate crime is not currently recognised in the Criminal Law at all.

In the Czech Republic there is a well-established structure for specialist work on “extremism”, operating at both national and regional levels, and “hate crime” – especially when it involves organised groups – is addressed primarily within this framework. Policies, procedures and training are all in place to support monitoring of extremist groups and case-based criminal investigation in this field, and regular reports including statistical data on extremist crime are published annually. In Latvia, no such specialist structures for addressing hate crime have yet been established, apart from specialist responsibilities relating to hate speech and extremist organisations being assigned to particular individuals within the Security Police.

Nonetheless, concerns have been expressed by NGOs and others in the Czech Republic that the focus on “extremism” removes attention from the “everyday racism” that can affect particular minorities, especially marginalized groups such as the Roma. Similar concerns apply in Latvia where the main focus of attention has been on the activities of extremist groups and on hate speech on the internet. In this context, the appointment of “minority liaison officers” in the Czech Republic is a positive step which could be potentially valuable also in Latvia. However, reports that such posts are not popular and hard to fill, as the role is additional to a normal Criminal Police officer’s work, are a matter for concern. It is also important that all operational police have basic awareness of the nature and significance of hate crime, and receive training on this subject, given that any officer may become the first point of contact for a victim.

In both countries there have been initiatives at national level oriented towards promoting tolerance and preventing hate crime, although the main emphasis appears to have been on combating racism and xenophobia. Combating homophobia in a preventive manner, e.g. through education in schools and public awareness-raising, appears to remain a major challenge in both countries.

It is also clear that in both countries the role of civil society in combating hate crime is crucial, though still underdeveloped, especially so far as partnership-building on the part of the police is concerned. In both countries civil society has undertaken important initiatives, including supporting victims, campaigning for improvements in legislation and police performance, raising public awareness, gathering intelligence about extremist groups, and providing training for police and other professionals. Much of this work is done by NGOs on extremely limited budgets or a voluntary basis. In both countries there is a need for police and other public authorities to recognise this important role of the civil society sector, and to establish effective partnerships as well as provide resources where necessary.

4. THE PROJECT INITIATIVES

(a) Latvia

The Latvian project-implementing partner was the Latvian Centre for Human Rights (LCHR), which also acted as lead partner for the project as a whole. LCHR was established in 1993 with a view to promoting human rights and tolerance in Latvia through monitoring, research, advocacy, legal assistance and training activities. In implementing the project in Latvia, LCHR has cooperated closely with the Riga City Police Department (Riga Regional Police since 2008) of the State Police and the Security Police, as well as with minority and other NGOs. LCHR has focused its work particularly on the capital Riga, because Riga is the city in Latvia with the most diverse population, both ethnically and in terms of life-styles, and also because it is where most of the reported incidents of hate crime to date have taken place. In addition, LCHR has been able to secure good cooperation from the senior management of the Riga City Police for their participation in the project.

The main objective of the project in Latvia was to increase the knowledge and capacity of law enforcement to address hate crime, as well as to establish criteria and tools for effective policing of such crime within the existing legislative framework. LCHR implemented successfully the programme of activities that had been planned.

Two “national papers” were prepared, the first being a national situation report entitled “Combating Hate Crime in Latvia: Legislation and Police Practice”. This sets out legislative developments, the structure of the police, existing hate crime statistical and case data, key forward policy documents, and the activities of civil society in Latvia in relation to hate crime. The second paper, “Psychological effects of hate crime – individual experience and impact on community (Attacking Who I Am)”, focuses on the psychological effects of hate crime on victims and their communities. It is based on a qualitative research project in which a psychologist (Dr. Inta Dzelme) carried out in-depth interviews with a small number of victims of hate crime, in order to explore and assess the psychological and practical impact of hate crime victimization. The findings of her report are an important resource for promoting understanding of the psychological impact of hate crime for both professionals and policy-makers not only in Latvia, but also more widely as well.

International conference “Policing, Combating and Preventing Hate Crimes”,
21 November 2008, Riga, Latvia. *Photos by LCHR.*



Andris Dzenis, Chief of Riga Regional Police.



Monique Tabak, Amsterdam Police, Nasrin Khan, ODIHR,
Wenche Déas-Mobergh, Sandra Emthén, Stockholm Police.



Laura Peutere, Police College of Finland, Ilze Brands-Kehris, LCHR,
Nasrin Khan, ODIHR.



Conference participants.

Following initial planning and coordination meetings, the first substantive activity was a study visit for senior police officials from the Riga Police (representing the Criminal Police, and the Public Order Police) and the Security Police and their Latvian NGO partners to the Czech Republic. This enabled the Latvian Police representatives to learn about the methods used by their Czech counterparts for combating racist crime and other forms of extremism, including not only racist assaults but also the activities of organized extremist groups, hate on the internet, and football hooliganism. They were also able to learn about training provision in the Czech Republic, and the practical work of specialist officers in a local area of Prague, including methods for local-level liaison with minorities. In addition, the study visit had the beneficial outcome of building a closer relation and mutual understanding between the police and NGO participants from Latvia, leading subsequently to the establishment of an informal working group for planning project activities and further initiatives for policing hate crime and building relations between police and minorities in Riga.

Following this, a national seminar for police in Latvia was organized, to disseminate what had been learned so far, and further develop awareness and thinking around development of the response to hate crime in Latvia. Most importantly, the seminar was attended by representatives of all nine police precincts in Riga, as well as a number of delegates from the Security Police. In addition, Czech police and NGO colleagues attended and gave presentations, and these were supplemented by further examples of police practices in Finland and the UK by police representatives from those countries. As a result of this seminar there was now a core set of police from the different departments and localities in Riga who have had exposure to briefings and debate around hate crime issues, and who are in a potential position to take forward work in this field across the capital city.

Finally, close to the end of the project period, an international conference was arranged, to further disseminate the overall work and conclusions of the project in Latvia, and to try to insert these issues into national police and wider structures of relevance for tackling hate crime. Particularly important here was the participation of representatives of the State Prosecutors' office, who have a crucial role to play in law enforcement in relation to hate crime. Also important was the participation of representatives of the police training institutions, of officials from the Ministry for Social Integration, and a variety of civil society representatives. The international dimension of the conference was provided by representatives of the police from the Netherlands, Sweden, Finland, Estonia and the UK, as well as by officials from

the EU Fundamental Rights Agency and the OSCE/ODIHR Tolerance and Non-Discrimination Programme, all of whom gave presentations during the event. By these means, the conference was able to substantially raise the profile of hate crime as a phenomenon requiring an effective multi-agency response in Latvia, as well as bringing together key players on the national and capital-city levels, and showcasing current developments and plans at both national and international levels.

(b) Czech Republic

The Czech project-implementing partner was the Czech Helsinki Committee (CHC), an NGO established in 1988 which has extensive experience of campaigning and legal casework on human rights issues, including in relation to policing and hate crime. In implementing the project, CHC worked in close cooperation with relevant departments of the Czech Ministry of the Interior, and with other NGOs active in this field – especially the NGO “Tolerance and Civil Society”, an NGO that for many years has been active in monitoring neo-Nazi activities in the Czech Republic.

The main project aim in the Czech Republic was to raise the awareness and knowledge of key target groups (police, NGOs and other professionals) of hate crime problems, and to give them the opportunity to exchange experience including with international experts.

CHC prepared two “national papers”, the first describing the general situation as regards policing and hate crime in the Czech Republic, and second focusing on issues relating to victimisation. The first paper provides details of the Czech legislative framework, governmental initiatives, and police and other criminal justice agency practices. The second brings together three papers addressing different aspects of victimisation: the psychological perspective on victimisation motivated by “extremism”; the practical effects on the lives of victims and their families as evidenced by documentation of specific cases of assaults against Roma; and the limited provision in terms of legal rights and practical support currently available for victims of hate crime in the Czech Republic.

CHC then hosted a study visit by a delegation from Latvia, accompanied also by an international expert, and arranged detailed briefings on current practice in the Czech Republic from Ministry of Interior officials, police academy and local police, as well as meetings with NGO representatives. Following this a delegation from the

Czech Republic visited Latvia, and received briefings from Criminal and Security Police as well as attended an internal conference focusing on developments in Latvia and neighbouring Baltic Sea states.

Finally CHC organised two Czech-based events, the first of which was a national seminar on “Investigating Hate Crimes”, and the second an international conference focusing on “Victims of Hate Crimes”. These were attended by representatives from a wide range of institutions across the Czech Republic, including the Ministry of the Interior, police, prosecution, probation and mediation, social work, judges, lawyers, academics, local government, counselling services, and a variety of NGOs. Experts from the UK and Germany also attended and shared their experiences. CHC reports a positive evaluation of both events by the participants.

The outcomes of the project in the Czech Republic include not only a raised awareness and understanding of the issues among professionals, but also improved networking and cooperation, including with NGOs. Concrete evidence of this was the formation of a “Working Group on Extremism” by the Ministry of the Interior, consisting of professionals who participated in the project. Also important has been the increased awareness of victims’ experiences of hate motivation in crime, and recognition of the need to address this and of the important role of NGOs.

(c) Assessment and Comparison of Inputs and Outcomes

Both projects implemented their planned programmes successfully, and at a formal level these were essentially the same, as set out in the project design.

In both countries, reports describing the overall situation as regards the response to hate crime have been produced, together with reports specifically focusing on the experience of victims. And in both countries study visits were organised for mutual exchange of learning between the two countries. Finally, in both countries national seminars and international conferences were held, enabling networking and exchange of experience to occur at national level, as well as learning from the experience of other countries and international experts.

The main outcomes have been similar in both countries, with raised awareness and knowledge regarding hate crime among police and other professionals, and improved networking and cooperation not only between professionals and public

institutions, but also with NGOs and civil society. This has been a particularly important outcome in both countries, given the need for the public authorities to have greater appreciation of the experiences of victims of hate crime and its impact on their communities, and also the need for cooperation with NGOs who can provide support for victims and provide crucial intelligence for the authorities regarding hate crime. The publication and dissemination, including on the internet, of the overall situation reports in each country will also contribute to wider public awareness of the situation regarding hate crime, and provide the opportunity for such information to be used in wider education and professional training programmes.

Some differences in the implementation and outcomes are also evident between the two countries, which reflect the different stages of development of their response to hate crime. In the case of the Czech Republic, there is already a well-developed organisational response by the police to hate crime insofar as it can be subsumed under the broader framework of combating extremism. In this case, the project was able to bring the police together with other agencies with an important role to play, such as prosecutors, judges and social workers, to stimulate possibilities for improved cooperation (an approach that was subsequently formalised by the Ministry of the Interior). Developing mutual understanding and respect between police and NGOs was also an important outcome for the Czech Republic, leading to a prospect of improved cooperation between groups that in the past have been isolated from one another, if not at times in conflict. And developing an improved appreciation by police of the victims' experiences, and the impact of the threat of racism and other forms of hate crime on their communities, has also been important in the case of the Czech Republic.

As regards Latvia, the most important outcome has been the success of the project in placing hate crime on the formal agenda of the National Police, this problem having only recently emerged as a public issue in Latvia. By working specifically with the Riga City Police, and securing cooperation at senior level with this territorial division, which is the one with the most substantial ethnic and other forms of diversity within its population in the country, the project has been able to establish what is in effect a "pilot project" from which wider developments can subsequently grow. The trust built up between LCHR and the leadership of the Riga City Police has enabled a number of positive developments to take place, with the problem of hate crime being addressed within a wider raft of initiatives designed to enhance policing in an ethnically and socially diverse city. This appears to be a sustainable

initiative which nonetheless will need consolidation and strengthening in due course, particularly as regards promoting cooperation between police and prosecutors and courts, and also NGOs, in tackling hate crime more effectively, including responding to the needs of victims. The initiative also needs ownership and in due course multiplication by the national police and governmental authorities, so that it can become the basis for a national model in Latvia for “policing diversity” in general, and for policing hate crime in particular. A follow-up project, providing necessary resources and continued international assistance and visibility, is essential if the existing momentum is to be maintained and the new approach to be incorporated into mainstream policy and practices of the police and other agencies in Latvia.

5. LESSONS LEARNED AND IMPLICATIONS FOR EU

(a) Lessons Learned

The main lessons learned from this project lie on the one hand in the experience to date of the two countries in attempting to tackle the problem of hate crime, and on the other in the experience of the two NGO partners in implementing a project of this kind.

So far as experience to date in the two countries is concerned, there are potentially quite a large number of points that could be drawn out, but the key lessons would appear to be the following:

1. Having effective legislation that not only penalises specific crimes of racism, but also recognises racial and other forms of hate motivation as an aggravating factor in violent and other forms of crime generally, is a necessary (though by no means sufficient) foundation for an effective police response to hate crime. In Latvia, weaknesses in this regard, and the lack of any provision relating to homophobic crime, remain a serious problem.
2. Clear directives and procedures for identifying, recording and investigating hate crime are needed to ensure an effective police response, and these in turn need to be supported by training. These provisions appear to be in place in the Czech Republic for the specialist structures dealing with extremism, but training for police more widely on hate crime appears to be lacking. In Latvia, such provisions are as yet undeveloped.
3. Police need to appreciate the special impact of racially- or other hate-motivated crime on victims, and also how it impacts their communities and social cohesion generally. They need to appreciate that quite “low-level” incidents may still have a strong impact, and also that victims are likely to need both confidence-building and support so that they are willing to report such incidents. It is essential that police build partnerships with NGOs for this purpose. In both countries, much more needs to be done in this area (although the project itself has been a step forward).

4. Cooperation between the police and other agencies with key roles to play in combating hate crime (especially prosecutors and the courts) is essential, and structures and procedures need to be established for this purpose (at local, as well as national level), along with joint training. In both countries this is a dimension of an effective response that requires further development, and by bringing representatives together from a range of institutions, in both countries the project itself has been able to make a contribution.
5. Preventive work is also important, since law enforcement provisions, however effective, cannot solve the problem of hate crime alone. Public education, together with more focused work targeted at potential perpetrator groups, needs to be undertaken. Schools and NGOs have key roles, and police too can play their part, but central government needs to take the lead. In both countries, governments have introduced programmes designed to promote tolerance in society at large, but these need to be strategic and targeted at key institutions and social groups, as well as being properly resourced and sustained over time.

So far as the experience of the two partners in implementing the project is concerned, the key lessons for future projects of this kind would appear to be the following:

1. There are considerable benefits for both police and other agencies in the NGO-led approach that has been adopted for this project. NGOs can operate flexibly and independently, and bring a fresh and “constructively critical” perspective to an organisation’s work, especially those aspects which concern service delivery to the public. In relation to the police, they can bring the experiences of victims of hate crime to the table, and act as a bridge between various communities and the police. By providing funding to NGOs rather than directly to the police, the police are challenged to build cooperation with NGOs in order to gain benefits, and the NGOs too are challenged to find constructive ways to win such cooperation.
2. NGOs and police, however, have different roles and styles of working, and there is often mutual ignorance and sometimes mistrust that needs to be overcome before cooperation can become effective. Time needs to be taken to build up mutual understanding and confidence, so that the relationship is robust, and both parties can work together to achieve common aims while still respecting their various differences. In Latvia, LHCR has engaged in extensive dialogue

with police, and has been building up a cooperative relationship over time in this way.

3. To operate effectively as partners for police, NGOs need to be professional in approach and administratively efficient, have a good understanding of the work of the police organisation and its structure and culture, and be clear about their precise aims and methods in entering into partnership with an organisation with which there may remain some potential for a conflict of interests or views. Both the NGO partners in the present project have been developing their capacity for cooperating with police in this way over recent years.
4. Police in turn need to appreciate the distinct character and role of NGOs, and that they are often relatively small and underfunded organisations, and in the light of this should be prepared to take positive and proactive steps to engage with NGOs, and assist NGOs (e.g. with resources and practical briefings) to build partnerships that can help them to carry out their duties of law enforcement and public protection. During the project, in both countries the police have shown increased willingness to engage with NGOs in this way.
5. Finally, the benefits for the police of the element of international cooperation during the project should not be underestimated. To begin with, the mere fact of international visibility challenges national actors to be able to present evidence of good practice to their international peers, and this in itself can be a stimulus to positive developments. Secondly, the exchange of experience invariably results in practical learning, especially when it can be done in informal as well as formal settings, has plenty of time available, and is conducted on a police-to-police basis, i.e. between mutually trusting professional peers. Thirdly, there has been particular benefit for the Latvian Police in being able to learn from their more experienced Czech counterparts, due to the fact that both share some similarities in background, e.g. their past as Central/Eastern European countries under Soviet communism, and that their efforts to tackle hate crime have been relatively recent compared to some of the countries of Western Europe. However, there has also been important learning resulting from the participation of experts from Western Europe and Scandinavia in the project, whose work in fields like data recording, investigation specifically of hate motivation, victim support, and co-operation with civil society generally is more advanced. These experts have been able to show good-practice examples of international standards in these and other areas of police work in combating hate crime. These examples can offer

models for Czech and Latvian colleagues to assess and adapt to their own circumstances, and then work towards implementing them, even though it must be recognised that this process will take time and require continued governmental and international support.

(b) Implications for EU

The European Union now has strong policy commitments to support social integration and social equality across the EU area, and hate crime strikes directly against these. More specifically, the Race Directive and other existing and planned Directives are targeted directly at combating discrimination in various forms and on a range of grounds. Some policies are targeted at the circumstances of specific groups, such as Roma, who in central/eastern Europe are particular targets of hate crime. The recently approved Framework Decision on Racism and Xenophobia is specifically targeted at combating hate crime across the EU, albeit with much more limited scope than was originally proposed at the beginning of the decade.

As noted in the Introduction to this paper, there are strong indications that hate crime continues to be on the increase across Europe, and the EU-wide victim survey recently conducted by the FRA will shortly provide more systematic information about the extent of this problem within the EU. The national surveys of the current responses to racially-motivated violence in particular, published by the EUMC (predecessor of the FRA) show the general weakness and great inconsistency of these responses, particular in fields such as data collection and the response of the police. This is despite the existence of examples of good practice in some parts of the EU, and the production of international standards and practical guidance by wider European bodies such as the OSCE and Council of Europe.

In this context, the experience of the present project has particular relevance. It offers a methodology and model of operation that could be used more widely across the EU to promote good practice in combating hate crime through cooperation between police and NGOs. The project has shown that, by funding NGOs of proven capacity to work with police as partners, they can assist police to raise awareness and knowledge about hate crime, to promote reporting, to cooperate with other agencies working on hate crime, and bring police into relationships with victims and their communities. They can also facilitate the international exchange of experience between police in different countries, and make available the advice of international

experts, as well as coordinating with the work of other European international organisations such as the OSCE and the Council of Europe.

It is therefore recommended, that in order to progress the policy commitment of the EU to tackle violence and crime in general that is motivated by racism and other forms of hatred, measures should be introduced to enable the methodology adopted in this project to be applied in other countries across the EU, preferably in the form of a systematic targeted EU-funded programme. The key features of such a programme should be that in each country it should be NGO-led, that it should have the focus of implementing EU policy commitments in the area of racist and other forms of hate crime, and that national-level activities should be complemented by international exchange of experience.

A programme of this kind should not be unduly costly. It would be important also to integrate it with other existing or planned initiatives to combat discrimination and promote social integration across the EU, as this would enhance its cost-effectiveness and also the sustainability of its results. Finally, such a programme should not be too limited in terms of duration or seen as a “one-off” intervention. This is a direct lesson from the present project, since it is clear that there is a need for continued external support, particularly in Latvia where the development of the police response to hate crime is still in its early stages.

Combating hate crime, particularly in current global political and economic circumstances, must therefore be recognised as an ongoing challenge in Europe, and one for which developing an effective police and wider institutional response takes time, and will particularly do so in countries (e.g. in central and eastern Europe) that have recently joined the EU and do not already have experience in this field. Efforts to combat hate crime across the EU therefore need to be based on longer-term strategic thinking, as well as helping Member States to meet their immediate needs and EU policy commitments in this field through international cooperation and exchange of experience.

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