



STOP HATE CRIME!

NGO Approaches to Victim Assistance
and Monitoring in Europe.

International Conference in Berlin,
Germany, 23–24 November 2011

Conference Report

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HATE
CRIME!**

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HATE CRIME

EMERGENCY CONCEPT AGAINST RACIST, HOMOPHOBIC AND
ANTISEMITIC VIOLENCE IN EUROPE

PEER-MEDIATION

Workshop by the European Commission





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INTRODUCTION

At a time when the German public was still in shock over the discovery of the government's failure to prosecute a neo-Nazi terror organization responsible for numerous attacks and murders, the *Foundation "Remembrance, Responsibility and Future"* (*Foundation EVZ*) hosted its second international conference on hate crimes in November 2011 in Berlin.

The conference "Stop Hate Crime! NGO Approaches to Victim Assistance and Monitoring in Europe" was part of the *Foundation EVZ's* international advocacy for people who in the past and present fall victim to so-called hate crimes on grounds of ethnicity, skin colour, religion, sexual orientation, gender identity or commitment to human rights. With its funding program STOP HATE CRIME!, the *Foundation* since 2009 supports international networking efforts and selected civil society initiatives which provide counselling to victims and monitor hate crimes in Poland, Czech Republic, Russia and Ukraine. Within the framework of the program, initial research studies on the situation of hate crime victims in these countries have been initiated and a number of expert meetings organized.

Following the 2010 conference "Hate Crime – Forgotten Victims" in Prague, the Berlin meeting included participants from Eastern and Western European countries on an equal basis for the first time. With a two-day expert meeting and a public evening event, the conference brought together 100 NGO practitioners, representatives of international organizations and experts from 14 countries working in the fields of victim assistance, prevention and responses to hate crimes (*for a map of the countries, see app. p. 49; for a list of participating organizations, see app. p. 45 et seq.*).

The conference offered networking opportunities, stimulated practical exchange, encouraged discussion of existing strategies for responding to hate crime, and brought forward a common basic understanding of the underlying scientific concepts. The meeting focused on counselling, monitoring and advocacy on the local, national and international level. Special emphasis was put on issues selected according to the demands participants voiced in the run-up to the conference (*for the results of the pre-conference survey, see app. p. 49 et seq.*).

Internationally renowned hate crime experts shared their knowledge and experience, including Dr Neil Chakraborti of the *University of Leicester*, Sami Nevala of the *European Union Agency for Fundamental Rights (FRA)*, Dr Matilde Fruncillo of the *Organisation for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR)*, Prof. Barbara John of the *European Commission Against Racism and Intolerance (ECRI)*, Suresh Grover of the *Monitoring Group (TMG)*, Michael Whine of the *Community Security Trust (CST)*, Britta Schellenberg of the *Center for Applied Policy Research (CAP) of the University of Munich*, as well as further experts from the different Eastern and Western European Countries. Since the conference aimed at including the specific expertise of every organization represented, the topics were addressed in formal and non-formal settings ranging from scientific presentations to self-organized small group discussions.

Structured along the conference's program, this report includes not only the central presentations by Britta Schellenberg, Dr Neil Chakraborti and Dr Martin Salm, but also summaries of inputs and discussions during panel sessions and group work. The appendix offers

further information on organizers, contributors, participating organizations and the exhibition displayed during the conference. Additionally, it documents the results of the pre-conference survey conducted among participants to prepare the thematic focuses. It also includes the group results of the Open Space session and a resolution against homophobic legislation in St. Petersburg, Russia that was drafted during the session. The resolution was signed by 30 conference participants and submitted on November 30th, 2011 to the relevant Russian authorities, the Russian Embassy in Berlin, the German Foreign Office and selected members of the German Bundestag.

Monitoring was a central theme of the conference, as it provides NGOs, state authorities and the general public with the solid data necessary for assessing the nature and scope of the problem and raising awareness. Questions were addressed concerning the purpose and potential of monitoring, the reasons why NGOs could or should actively engage in data collection, and practical problems occurring in everyday work. Furthermore, the varying approaches of NGOs to legal and psycho-social support of victims were discussed, with a special focus on empowering the individuals and communities affected by hate crimes. Finally, the meeting concentrated on advocacy strategies that allow NGOs to successfully direct public and political attention to their findings, and to ensure sustainable responses to hate crimes.

As part of the accompanying program of the conference, participants had the opportunity to visit local projects in the city of Berlin and the surrounding federal state of Brandenburg. Participants got first-hand information on the everyday work of the Berlin-based *Antifascist Press Archive*, the *LesMigraS Lesbian Counselling Center*, the *Mobile Counselling Team against Right-wing Extremism*, *ReachOut – Counselling and Education Center against Right-Wing Extremism, Racism and Antisemitism* and *Victim's Perspective* in Potsdam. Furthermore, an exhibition on the victims of right-wing extremism in Germany since 1990 highlighted the local scale of the problem (for further information, see app. p. 55).

The conference's official closing event, Thursday evening's panel discussion, opened the door to the general public and provided a platform for discussing the potentials and limits of the hate crime concept for

Germany and Europe. The *Foundation EVZ* presented its funding program STOP HATE CRIME!, and representatives from Poland and Ukraine reported on their projects.

Thus, the conference offered a unique opportunity for practical exchange and international networking. It raised awareness of existing challenges in responding to hate crimes, as well as possible ways to refine approaches to monitoring, counselling and advocacy. By organizing and implementing conferences and meetings like this, we hope to contribute to improving the support for victims of racist, antisemitic and homophobic violence, and other forms of hate crimes in Europe.



WEDNESDAY, NOV. 23RD, 2011

CONFERENCE OPENING: “We all have to change”

*Dr. Martin Salm, Chairperson of The Foundation
“Remembrance, Responsibility and Future” (EVZ)*



THE CONFERENCE

The international conference “Stop Hate Crime! NGO Approaches to Victims Assistance and Monitoring in Europe” that we are beginning today has a precedent: In April 2010 the *Foundation EVZ* organized another international conference under the title “Hate Crime – Forgotten Victims”, in which many of you participated. In contrast to where we were then, we have now taken a huge step forward together thanks to our close cooperation. The *Foundation EVZ* has established its program STOP HATE CRIME! and supports initiatives in Poland, the Czech Republic, Ukraine and Russia. In further contrast to the first international conference, the USA and other European countries are also now represented here. With this exchange, the *Foundation EVZ* seeks to strengthen the international discourse on combating hate crimes. At the meetings we have had up until now, it was clear that supporting victims of hate crimes represents a specific and professional field of work across Europe. We would like to encourage you, dear participants, to see yourselves not only as civil society actors but also as a part of this developing professional field.

You, the representatives of various organizations, have been discussing the phenomenon of hate crimes for decades. Gay and lesbian initiatives have been organizing projects in support of victims of homophobic violence. In the last ten years, there has been a significant professionalization of NGOs in the field of

counselling for the victims of racist violence: victim counselling centres in eastern Germany have evolved as projects giving structure to the work against racist hate crimes. Agencies which started as political

There has been a significant professionalization of NGOs in the field of counselling for the victims of racist violence

initiatives or self-organized groups of victims have acquired increased expertise in the fields of law, social work and communal counselling, and developed their own standards of quality for victim counselling. Three main aspects presently comprise the activities of the counselling centres for victims of racist and right-wing violence in Germany as well as the organizations dealing with LGBT issues: counselling of victims, monitoring of attacks and intervening locally in the community. These three columns of the support for victims of hate crimes are also reflected in the structure of this conference.

THE CONCEPT OF HATE CRIME

Hate crimes are, according to the definition of *The Office for Democratic Institutions and Human Rights (ODIHR)* of the *OSCE*, crimes which are committed due to prejudices the perpetrator has against the victim.

The concept of hate crime encompasses racism and xenophobia, antisemitism, homophobia or transphobia, animosity against socially marginalized people as well as other exclusionary ideologies. Therefore, this concept is able to take into account attacks against various socially marginalized people, while simultaneously conveying the signal that there can be no hierarchizing of victim groups.

Hate crimes should always be understood as being connected to social structures of exclusion – they are made possible first by the process of disenfranchisement, then the delegitimizing of different ways of living, and finally the questioning of the equal rights by the majoritarian members of society. Our engage-

ment against hate crime is therefore an important component of our engagement against discrimination.

Another aspect that speaks for the use of the hate crime concept is that of international compatibility. The multiplicity of the nomenclature for bias-motivated violence is significant, in particular in international

The concept of hate crime can make a common language and common practices possible

comparison. Terms like right-wing extremist violence might be appropriate in Germany, but might not fit in the historical and political context of other countries. The concept of hate crime can make a common language and common practices possible.

Finally, the hate crime concept is also an important way to promote the interaction of state and civil society. Many political initiatives rightly stress the ideological components of crimes, yet interpretations that are critical of ideology are problematic for criminal justice organs. Evaluating an attitude in court and penalizing it – above all in consideration of the injustices of the German Nazi period – is a difficult undertaking. It is therefore necessary to ensure that the bias motivations of a crime and its effects on the victims are evaluated in court. In addition, law enforcement authorities must investigate such motivations and be able to recognize them as such. The definition suggested by *ODIHR* provides a meaningful compromise – the basic criminal acts are defined according to the catalogue of criminal offenses in their own countries, and are coupled with the assumed bias motive of the perpetrator.

Let me summarize: Hate crimes are violent acts of discrimination. The concept underscores the egalitarian character of human dignity that must be protected. Hate crimes are also to be seen in the context of each act of social discrimination. Hence, our engagement against hate crimes means pushing for improvement of the social and legal position of the victims, such as within the program STOP HATE CRIME!, and in cooperation with diverse social partners.

THE SOCIAL DIMENSION BEHIND HATE CRIMES

Hate crimes are not isolated individual acts of animosity and violence; rather, they occur within a context of social structures of exclusion and discrimination. The cases of so-called “spontaneous” attacks by perpetrators who were previously unnoticeable are not coincidences. The victims are attacked because they are seen as less worthy in society.

The problem, then, lies in the social climates of our countries. The discussion about the yearlong series of murders and other attacks in Germany allegedly perpetrated by neo-Nazis has made us painfully aware of this. How was it possible that these crimes could be carried out over years, that state authorities were possibly involved or at least aware, and investigated in completely false directions with no results? How could it come about that suspicion was cast on the victims themselves and their environments in order to provide a distraction? What kind of atmosphere produces names like “Kebab Murders” or “SoKo Bosphorus?” What is wrong with us?

German law enforcement authorities, politicians and social representatives have a lot to do if they want to repair the shattered trust in the rule of law that is the basis for our co-existence.

Yet it is not just the state – we are all called upon to change ourselves. We can no longer allow that victims of attacks be excluded as “foreigners”, whose fate doesn’t have anything to do with us anyway and so

**We have to change ourselves,
or we will end up living in a
country that we did not wish for**

for whom we don’t need to be particularly concerned. Empathy and solidarity are called for; we have to change ourselves, or we will end up living in a country that we did not wish for.

The writer Zafer Şenocak said a few days ago on German radio that we Germans are so proud of the way we have bravely confronted our National Socialist past, but that this focus on the past has obviously not led to the necessary sensibility for contemporary threats.

He said, and I quote, “Everything that has to do with racism, with crimes against others, with being different, and naturally this has a very, very strong connotation and that is why all this is strongly repressed when it is applied to the conditions of the current situation.” This sentence really made me think, because he is suggesting that our dealing with the past does not automatically mean that we are able to manage the present. The paralyzed look into the past, according to Şenocak, can lead to measures of repressing it, whether it be for sensitivity, self-righteousness or simply misplaced focus. As Chairman of the *Foundation “Remembrance, Responsibility and Future”*, I am opposed to playing the confrontation with the past against an active configuration of present and future – it is not for naught that we have the terms “Remembrance” and “Future” in our name. The basis of both must be responsibility. And here is the question that faces us as a foundation: are we doing enough in order to create awareness of the dangers facing us and to contribute to awareness and solidarity with the victims of hate crimes, or are we also caught in a net of sensitivities, self-righteousness and misperceptions?

The thing we have to think about in regard to the serial murders in Germany is pure racism. In Russia, in contrast, there are subversive homophobic activities underway that necessitate our concern: On November 16th, the international day of tolerance, a bill was introduced in St. Petersburg concerning the prohibition of so-called “propaganda of sodomy, lesbianism, bisexuality and transgenderism, and paedophilia to minors”, along with the introduction of administrative penalties and fines. The initiator of this bill is the ruling party United Russia, which has already pushed through similar laws in the areas of Rjasa and Archangelsk. Obviously these first attempts are meant to lead to federal legislation. The equation of homosexuality, bisexuality and transgenderism with paedophilia alone is outrageous. That the bill tramples on the laws of the Russian Federation, the Universal Declaration of Human Rights, the European Convention on Human Rights and the recommendations of the *Council of Europe* does not appear to make a difference to the representatives.

And I would like to introduce one last example. Next to racism and homophobia we still have a lot to do about antisemitic hate crimes in Europe. On the morning of September 1st, as Poland was remembering the anniversary of the German invasion and the beginning of the Second World War, the memorial for Jews killed by their non-Jewish Polish neighbours in Jedwabne in

1941 was vandalized with slogans and swastikas. The walls of the synagogue in Orla were also besmirched with swastikas and the Jewish cemetery in Bialystok was damaged.

But to return to Germany once again: The exhibition that opened here yesterday on the victims of right-wing violence since 1990 indicates the level of racism and Social Darwinism in Germany as well as the need for a discussion of it in society. The exhibit depicts 136 people who died as a result of right-wing extremist violence between 1990 and 2005. According to research of the *Amadeu Antonio Foundation* there have been 182 fatalities, although only 47 of them have been recognized by the federal government as victims of right-wing violence (according to statistics taken in March 2011). The differences are primarily due to various criteria of the state and civil society regarding what can be identified as racist, right-wing extremist or homophobic violence. Time will tell how important the discussion of these concepts is in order to adequately describe the current social situation.

APPEAL

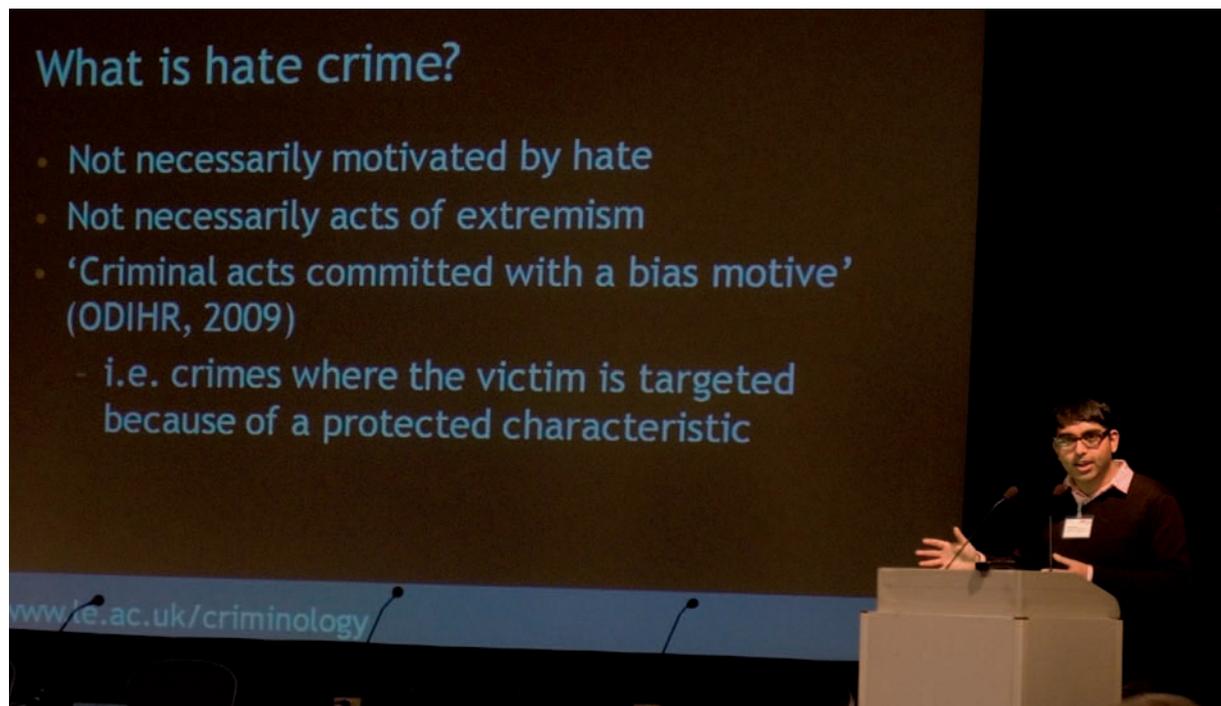
In light of the recognition that hate crimes arise out of a social climate which allows for the vilification of people who belong to particular social minorities, we are all called upon: state, society and the victims themselves. We have to change ourselves. We demand:

- Solidarity with the victims instead of isolation, which includes an apology to the victims by the people responsible for the misdirected investigations in the aforementioned series of murders and other attacks in Germany.
- A comprehensive explanation of the crimes, penalizing the guilty and a new evaluation of the role of state institutions in combating racist violence.
- State support of initiatives that work against hate crimes instead of placing them under suspicion of extremism. The “extremism clause” that NGOs are forced to sign as a condition of receiving state grants should be abolished.



INPUT: Understanding hate crime victimisation: using scholarship to inform practice

Dr Neil Chakraborti, Department of Criminology, University of Leicester



Hate crime has become an increasingly familiar term in recent years as problems of bigotry continue to pose complex challenges for societies across the world. A growing awareness of the harms associated with acts of prejudice directed towards a person's identity – be it their ethnicity, faith, sexuality, disability, gender orientation or other personal characteristic – has been evident within most Western democracies over recent decades, and the rise in the number of such incidents,

together with greater public acceptance of 'difference' and the legacy of progressive social movements, has stimulated considerable interest within scholarly and law enforcement domains. The ensuing raft of empirical, legislative and other associated policy interventions is indeed testimony to the regional, national and international prioritisation of hate crime discourse and its importance to the governance of community cohesion.

And yet despite improvements to policy and practice associated with the rise of the hate crime agenda, commentators, policy-makers and practitioners remain divided on the very meaning of the term itself. Indeed, this is evident from the wide variation in the range of protected characteristics covered by the different countries' legislative frameworks for hate crime (which include, for example, 'philosophy of life' (Belgium), 'social position' (Croatia) and 'political affiliation' (Russia)), and from the wide variation in the numbers of hate crimes recorded by different countries (which in 2009 ranged from as high as 52,102 in England and Wales to a mere 142 in Italy and 23 in Spain). What is clear is that the term has a deeper sense beyond its literal interpretation. As is now widely accepted, hate crimes are not simply crimes in which the offender hates the victim, nor indeed do such crimes need to be motivated by hatred at all in order to be classified as a hate crime. Equally, hate crimes are not restricted to acts of extreme violence, nor must they be politically motivated. Many still associate hate crimes with acts of far-right – and essentially racist – violence, but that does not begin to paint the full picture. Indeed, there is no simple or universal way of conceptualising hate crime. A very basic definition, and one designed to have international application, is that provided by the *Office for Democratic Institutions and Human Rights* which sees hate crime as "criminal acts committed with a bias motive". Crucially, it is that bias motive which distinguishes hate crimes from other crimes, as it marks them out as crimes where the perpetrator deliberately targets the victim because of a particular characteristic or trait.

The Canadian Barbara Perry's ideas would appear to have garnered the most support from scholars seeking to understand how best to interpret this broad and conceptually ambiguous notion of hate crime. The process of 'doing difference' is a central tenet of Perry's framework, whereby hate crime emerges as a response to the threats posed by 'others' when they attempt to step out of their 'proper' subordinate position within the structural order; a mechanism through which violence is used to sustain both the hegemonic identity of the perpetrator and the boundaries between dominant and subordinate groups by reminding the victim of their place. Moreover, this framework sees hate crimes as acts of violence and intimidation directed not simply towards the individual victim but towards the collective wider community whom the victim is perceived to represent.



Perry's drive to conceptualise hate crime within the broader psychological and socio-political contexts that condition hostile reactions to the 'other' has been of considerable value to the development of hate crime scholarship. However, there are other equally significant features of hate crime which have been un- or under-explored in our conceptual interpretations of hate crime. These demand our attention. For instance, those of us working in the hate crime field tend sometimes to overlook the more spontaneous actions which result not from any entrenched prejudice on

Victims of hate crime are targeted not just for their violation of accepted social norms but often because they are stereotypically perceived as 'easy' or 'soft' targets

the part of the perpetrator but which occur in the context of a highly individualised 'trigger' situation. Contrary to the suppositions made by most prevailing scholarly and policy frameworks, not all perpetrators of hate crime are prejudiced all or even most of the time, but instead may express prejudice as the outcome of a particular trigger incident or event in a departure from their standard norms of behaviour. Equally, we frequently overlook the 'ordinariness' of much hate crime: ordinary not in relation to its impact upon the victim but in the sense of how it is conceived of by the perpetrator. Research has illustrated that victims of hate crime are targeted not just for their violation of

accepted social norms but often because they are stereotypically perceived as ‘easy’ or ‘soft’ targets. Conceiving of these offences exclusively as a mechanism of subordination overplays what for some perpetrators will be an act borne from humbler motivations, be it boredom, convenience, jealousy or unfamiliarity with ‘difference’.

Our conceptual and policy frameworks should also cater for a number of other important, but often overlooked aspects of hate crime victimisation. First, if they are to have meaning they should be attuned to the intersectionality of identities that can be targeted by perpetrators of hate crime. Intersectional approaches have increasingly gained favour within the social sciences as a way of understanding inequality and oppression as an interlocking web of distinct but mutually reinforcing and inter-dependent power structures, and this has significance for how we conceive of hate crime victimisation. Equally, while the more violent or extreme acts of bigotry that attract media headlines are ones which we might automatically associate with crimes of hate, the more subtle but in

If we are to fully understand the process of hate victimisation we need to recognise the routine, everyday nature of many experiences of harassment and abuse

many respects equally damaging expressions of prejudice can often be overlooked. If we are to fully understand the process of hate victimisation we need to recognise the routine, everyday nature of many experiences of harassment and abuse; experiences which in themselves may not appear especially serious but which cumulatively, and when considered in the context of repeat victimisation and broader patterns of ‘othering’, can have profound, and sometimes tragic consequences for the victim, their family and wider community.

A further commonly unacknowledged feature of hate crime is the capacity for members of minority groups to be perpetrators as well as victims. To conceive of hate crimes simply as majority versus minority crimes – crimes which sustain the boundaries between dominant and subordinate group – is to discount the expressions of prejudice-fuelled violence and

harassment perpetrated by minorities against fellow minorities, or indeed against majority group members. Put simply, the kinds of biases, prejudices and stereotypes which form the basis of hate crimes are not the exclusive domain of any particular group. And finally – and just as importantly – we must not overlook the hate crime victimisation directed towards many of the more vulnerable and ‘forgotten’ members of society: those less visible targets who tend to fall

The relevance of class and economic marginalisation to the commission of hate crime has rarely been a central feature of academic enquiry

between the cracks of scholarship and policy frameworks because they lack the power of class or language, or the privilege of advocacy groups and support networks, or the bargaining clout of political, economic or social mobility to draw from. It is little coincidence that many of the more harrowing accounts of hate crime victimisation which we read, write, research and campaign about tend to take place in areas on the economic margins – in areas that are avoided, ignored, written off – and yet the relevance of class and economic marginalisation to the commission of hate crime has rarely been a central feature of academic enquiry.

Ultimately, these are all themes that can help us to develop a more nuanced understanding of what hate crime victimisation entails and of how we – as scholars, as practitioners, as citizens – can respond more effectively to the needs of hate crime victims. This necessarily brief summary merely highlights some of the key issues that have been raised as a result of recent empirical advances, and it is hoped that this can encourage progressive dialogue between academics, policy-makers and practitioners whose collective responsibilities in shaping such responses are pivotal to the development of better practice. Crucially, these are issues that have implications for global scholarship and policy. Indeed, in much the same way that expressions of hate pose problems that cut across disciplines, across communities and across borders, so too should our responses to hate crime victimisation be informed through international, intersectional and inter-disciplinary perspectives.

PANEL DISCUSSIONS

After the introductory session, participants divided into three groups to discuss objectives, approaches and requirements for hate crime monitoring, victim counselling, or advocacy. Each panel was opened by three short inputs.

MONITORING

With up to 40 people joining the discussion, the panel reflected the high relevance participants attributed to hate crime monitoring. Inputs covered the different approaches to monitoring taken by the international governmental *Organization for Security and Cooperation in Europe (OSCE)*, the international NGO networking project *Facing Facts* and the independent Russian monitoring body *SOVA Center for Information and Analysis*.

Dr Matilde Fruncillo explained that the *OSCE's Office for Democratic Institutions and Human Rights (ODIHR)* perceives and combats hate crimes as potential threats to security. Apart from supporting civil society actors and training police and prosecutors, *ODIHR's* main task in this field is to annually publish a comprehensive report on hate crimes in its member states that draws on official and NGO data. As it does not conduct its own field research, *ODIHR* relies on external figures and faces the challenge of diverse levels of legal



recognition of hate crimes. In many countries, officials even deny the existence of bias-motivated violence. The significantly discrepant amounts of data provided by different countries and problems of diverse reporting criteria, different resources and varying national partners obscure data collection even on the more homogeneous *EU* level, added Sami Nevala of the *European Union Agency for Fundamental Rights (FRA)*.

When Aleksandr Verkhovsky presented *SOVA*'s work, it became obvious that an organization's capability to collect data on the ground is highly dependent on the political and social context. He stressed that the Russian government and general public prefer to regard attacks as being part of "interethnic conflicts", instead of recognizing and adequately tackling discrimination and hate crime. The overall situation can hardly be compared with any *EU* country. It is difficult to find people for daily monitoring work as information on hate crime is emotionally loaded. Furthermore, grassroots NGOs reporting to *SOVA* are often not aware of the definition of "hate crime" or are politically interested in reporting incidents that do not fit the official definition in order to get their issues on the table. For these reasons, close cooperation and a trusting relationship, especially with migrant organizations, are essential to *SOVA*'s work, Verkhovsky concluded.

To overcome the massive variety of approaches to reporting and data collection at the *EU* level, a coalition of NGOs funded by the *European Commission* and supported by *FRA* set up the project *Facing Facts*. The representative of one of the organizations conducting

**Only if data is solid, can it
be acted upon politically**

the project, Michael Whine of the London-based *Community Security Trust*, explained that it aims at standardizing hate crime monitoring on the *EU* level and at empowering civil society actors to gather and analyze data. For these purposes, they will invite NGO representatives to trainings, publish a monitoring manual and organize a meeting of criminal justice experts to establish working practices.

Many participants underlined that common monitoring standards are needed as a basis for effective, joint advocacy on the European or international level. Only if data is solid, can it be acted upon politically.





As a result of the discussion, participants stressed three basic objectives of monitoring: to understand (what hate crimes are about), to counteract and to prevent. They called for more monitoring trainings for NGOs, common definitions and a common registry system. It was additionally noted that NGOs collecting data continually face the challenges of getting in touch with victims, dealing with a lack of political will, distinguishing incidents qualifying as hate crimes from those that do not, and ensuring that the data collected is reliable. To develop strategies to deal with these issues, more exchange of knowledge and trainings are needed.

“As officials tend to listen to other officials, a holistic approach to monitoring and cooperation with renowned actors is essential”, the group’s reporter summarized during the afternoon session.

COUNSELLING

With fifteen participants coming from countries as diverse as Ireland and Ukraine and working with clients from various target groups such as Roma or LGBT communities, it soon became clear that no “one size fits all” approach to effective counselling could

and should be identified. However, the panel discussion gave rise to a number of insights into basic principles and requirements that nearly all counselling settings share. Participants emphasized that hate crime victims need special treatment, that successful counselling starts with identifying the needs and expectations of each individual, and that the national legal, institutional and political infrastructure

Successful counselling starts with identifying the needs and expectations of each individual

determines the framework within which a counselling service can act. “In some cases, the state is part of the solution; in some the government is rather part of the problem”, the group’s reporter later concluded.

As Gesa Köbberling of *Free University Berlin* pointed out, hate crimes essentially devalue societal groups and thus affect victims more severely than other crimes. Additionally, victims often face a second victimization and discrimination when reporting to the police or going to court. Recent uproar in the German society about racist murders illustrated that

police, prosecutors and mainstream media tend to make victims responsible for the injustices they experience. Thus, respecting and strengthening a counselee's personal autonomy is at the core of each counselling process. In order to be effective, efforts to empower a survivor have to be backed up by other forms of interventions to combat hate crimes. "Realistic" objectives of victim counselling differ from case to case. Helpful steps could be to inform about rights and possibilities of further legal assistance, to offer a place to talk about experiences of violence, to provide journalists with information about the incident from the victim's perspective, and to mediate in conflicts within the victim's social context, Köbberling said.

Of these possible objectives, the Kiev-based *Social Action Center/No Borders Project (SAC)* focuses on facilitating victims' access to justice, Halyna Bocheva explained. She underlined that the total lack of victim protection in theory and practice and deficient infrastructure in Ukraine are permanent obstacles to all victim-related NGO activities. Even though SAC

prioritizes changing the legal system, the NGO's counsellors would always respect a counselee's decision not to file a complaint. "We cannot lie about the risks of going through the law enforcement process", Bocheva said referring to possible second victimization.

Taking up the idea of empowering survivors without reproducing violence, Jay Keim presented the counselling approach of *LesMigraS*. While strictly legal counselling services tend to offer "one" solution to all cases, the antidiscrimination and anti-violence section of the *Lesbian Counselling Center Berlin* aims at interconnecting socio-psychological counselling and political work based on the specific needs of each client, Keim said. As demands vary from primarily understanding what happened to making the injustice public and achieving reconciliation, *LesMigraS* cooperates with lawyers but is also open to solutions outside the law enforcement system. The organization's services are not only for victims of hate crimes, a term that is criticised by *LesMigraS*, but focus on empowering lesbian, bisexual women and trans* people who experience violence or discrimination.

Following up on this, participants discussed strategies for approaching LGBT people, including being present within the community, using internet forums for initially anonymous communication, employing counsellors from the community and having a special contact person. Furthermore it was stressed that counselling cannot be regarded isolated from other activities, such as advocacy or more basic support of clients and communities affected by hate crimes. One participant suggested that counselling relationships should ideally be long-term commitments based on mutual trust, because each offense is a long-term issue. Other speakers called for integrated concepts of counselling that should not be glued to the hate crime concept, which was criticized for its focus on legislation and criminal prosecution. Some also pointed to possible conflicts of interest if a counselling organization's political agenda automatically leads to interpreting cases in a political context without taking the client's perspective into account.





ADVOCACY

As the inputs of Jitka Votavová of the Czech Roma organization *Romea*, Suresh Grover of the London-based *Monitoring Group (TMG)* and Kay Bolick of the German *Counseling Center Lobbi* illustrated, advocacy for hate crime victims can take various forms depending on the general political and social context, the NGO's own agenda and target group(s), and the specific nature of an attack. Some of the panel discussion's most important topics were the role of victims and the question of how to best include victims' perspectives in advocacy efforts.

The primary advocacy objectives of *Romea* are to change the public perception of Roma and to provide independent information on offenses, Votavová explained. She drew attention to the large-scale violence and discrimination Roma face in the Czech Republic. One-sided, in some cases openly discriminatory or even deliberately false media reporting exemplify this negative attitude. *Romea* responds by publishing first-hand reports from the Roma communities. Votavová stressed that the organization is open to information from individuals

on hate crimes or cases of discrimination. *Romea* helps people to present themselves in the media or mediates legal and psychological assistance. The organization's website has become a renowned source of information for journalists and the general public.

As Grover of *TMG* stressed, advocacy does not stop at working with media to generate public awareness, but is backed up by means to support and "empower" victims to exercise their human rights. Grover

Every thorough advocacy strategy should focus on assisting the victims to speak up for themselves

pointed out that *TMG* "enters into genuine partnership with clients and encourages their full participation in changing their quality of life". Every thorough advocacy strategy should focus on assisting the victims to speak up for themselves. Grover also suggested that an NGO should ideally make itself redundant and hand the advocacy work to self-organized victim and/or

community support groups. However, with regard to the path-breaking Stephen Lawrence case * he presented, the question remained if any fully-fledged advocacy strategy can be successful without the support of a prominent figure, as in this case of Nelson Mandela, who publicly expressed his solidarity with the Lawrence family.

In contrast to *Romea* and *TMG*, which work countrywide, *Lobbi* focuses on creating an impact on the very local level in rural areas of the German federal state of Mecklenburg-Western Pomerania. “Think local, act local,” as Bolick put it. He stressed that it is always the victims who decide to interact with *Lobbi*, and that they are regarded as experts on the local situation. The NGO’s methods include providing information about incidents happening in a town, holding lectures in town halls about the local neo-Nazi scene and the situation of refugees and asylum seekers, organizing round tables with city parliaments, police and/or students, initiating donation campaigns for victims and organizing cultural events. One of the largest

challenges *Lobbi* faces in its everyday work is get in touch with a person from the local authorities who is willing to act as a “door opener” for the organization. “You have to speak the same language as the people who are part of the processes”, Bolick noted.

A strong network of partners is essential to achieve the long-term objective of changing legislation, policies and practices

During the discussion, participants stressed that mere counselling organizations, which usually only act partially in the name of the victim, need strong partners who pick up on their impulses, especially in the media. Therefore, a strong network of partners is essential to achieve the long-term objective of changing legislation, policies and practices.

* Aged 18, Stephen Lawrence was murdered for racist reasons by a gang of white youths in April 1993. Initially, none of the five suspects was convicted, which led Lawrence’s family to initiate a private prosecution. In 1998, a public inquiry examining the original Metropolitan Police Service investigation concluded that the force was “institutionally racist”. Consequently, a law allowing a retrial upon new and compelling evidence was introduced in 2005. After a cold case review, two of the original suspects were sentenced to detention at Her Majesty’s Pleasure (equivalent to a life sentence) in January 2012.

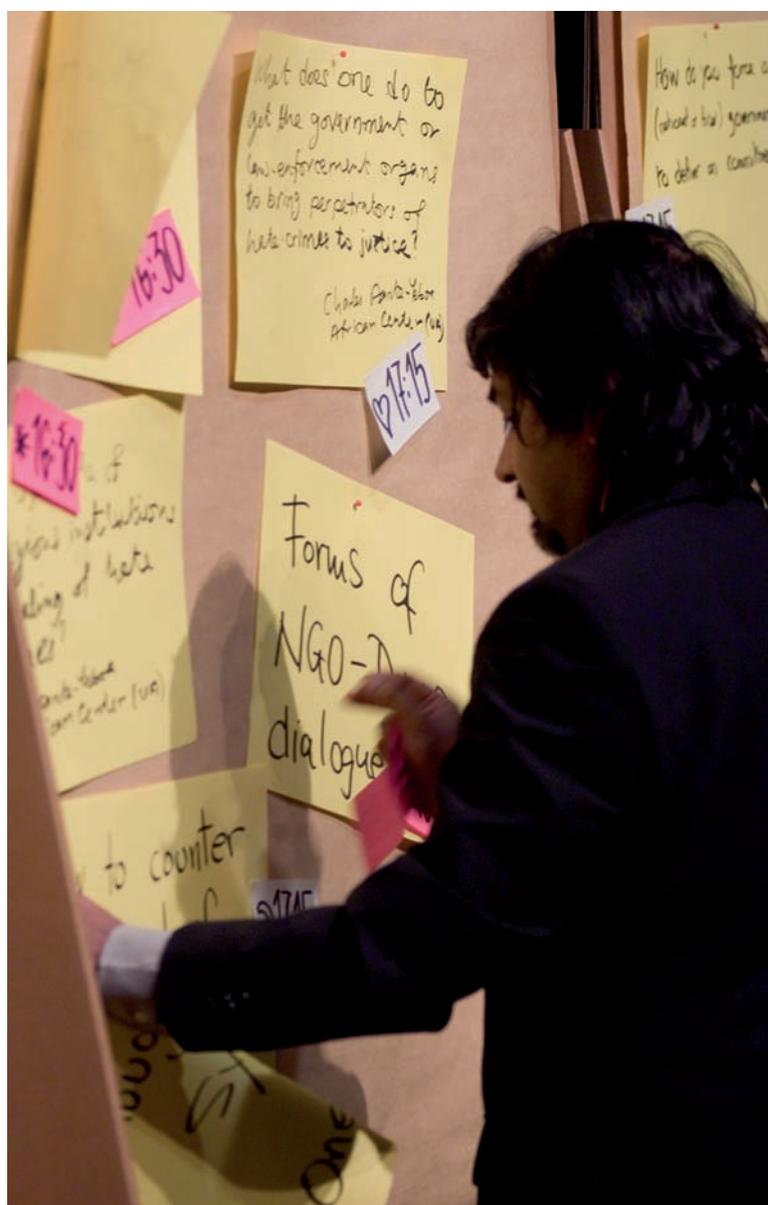
OPEN SPACE

Wednesday afternoon was dedicated to Open Space discussions. Participants suggested 15 topics, more than half of which were later discussed in small groups for up to 45 minutes.

Issues included how to fight racism in a racist society, how to face specific challenges of monitoring homophobic hate crimes in Europe, effective counselling methods, and how to force governments to deliver on commitments. A resolution against homophobic legislation in St. Petersburg, Russia was prepared and signed the next day by 30 participating organizations. Another group debated whether churches spread intolerance or simply reflect prejudices already inherent in society. A high number of participants joined the group dealing with forms of NGO-donor dialogues, which raised questions such as how to empower NGOs to become independent from project-based funds, how to assess and deal with the power relationship between donors and NGOs, and how to avoid conflicts of interests. Some NGO representatives argued not only that dialogue might not be necessary to ensure that projects are running smoothly, but also that excessive coordination with a donor organization is likely to absorb already scarce resources. On the other hand it was suggested that respecting an NGO's expertise and project visits are backbones of a trusting relationship.

Thus, the Open Space setting allowed for open-minded discussions in non-formal settings, in-depth debates on specific issues and networking with potential partners for future projects.

(Transcripts of the groups' result sheets handed in after the sessions are documented in app. p. 52 et seq. The resolution against homophobic legislation in St. Petersburg, Russia can be found in app. p. 54)



EVENING DISCUSSION 1: From victimization to community action – empowerment as a counselling strategy for victims of hate crime?

The optional evening activities on the first conference day included a discussion with Suresh Grover of *The Monitoring Group (TMG)* on the idea of “empowerment” and its practical implications for counselling hate crime victims. Established in the 1980s in London, *TMG* is an anti-racist charity that promotes civil rights especially by means of family-led empowerment and justice campaigns.

Timm Köhler, manager of the *Foundation EVZ*’s funding program STOP HATE CRIME!, emphasized that empowerment is both a buzzword and an ambiguous concept. It touches upon the interconnection between individual cases and collective action aimed at social and/or political change, and refers to strengthening individuals at different levels, including personal, social and economic aspects of their lives. Empowering hate crime victims could be understood as a specific counselling strategy. It might include supporting victims in acquiring the language skills necessary to voice what happened to them, informing them about their rights and connecting them with lawyers, or supporting them in overcoming a trauma.

Suresh Grover presented *TMG*’s specific approach to empowering individuals and communities affected by hate crimes. For Grover, empowerment can be achieved on the basis of a campaigning strategy backed up by counselling efforts. He illustrated how *TMG* assisted the family of Stephen Lawrence, a man murdered for racist reasons, in speaking out for

Empowerment essentially means to enable victims to stand up against the injustice they experienced

themselves, taking unprecedented steps to launch their own investigation and setting up a campaign eventually leading to substantial legal and social changes in the UK. For Grover, empowerment essentially means to enable victims to stand up against the injustice they experienced. He did not question that legal counselling and trauma therapy are important to help clients develop their own capability to act, but stressed that they have to be accompanied by further

efforts, including a fully-fledged campaign. Such a holistic approach avoids individualizing debates about racism, Grover argued.

To counter-balance not only the grief caused by a hate crime, but also deficient official responses and negative media reporting, a NGO's primary task is to strengthen the victims' capability to act, Grover noted. "Nothing substitutes being with the victims in critical times", he said, adding that a campaigner must at the same time respect the space and personal needs of the clients,

Nothing substitutes being with the victims in critical times

who should be engaged as fully as possible in the planned campaign, ideally until they are able to assume full responsibility for it themselves. Campaigners should be careful with giving the media access to their clients, contribute to establishing further political, media and community support, and try to get as much of the victim's perspective into the mainstream media as possible. In general, NGO engagement has to be unconditional and a campaigner must not jeopardize or exploit her or his relationship to the clients.

This approach raised the question of whether victim support is a profession or rather a life-long commitment to individuals affected by hate crimes. Grover agreed that some aspects of the work, including exact knowledge of the legal system and media strategies, could be part of a professional training program, but stressed that cases cannot be unitized.

During the discussion it became obvious that the term 'counselling' has different meanings in the English language and German context (*Beratung*). Grover understood counselling as a highly institutionalized and formalized professional service for clients, whereas the German equivalent, *Beratung*, is marked by the empathic communicative approach of the victim counsellors. According to the counselling organisations operating in Eastern Germany, *Beratung* is taking place and considering the social and political context of, for example, racist violence. However, despite terminological differences, representatives from various backgrounds agreed that effective victim counselling essentially requires an analysis of, for example, the racist context that the victims, their relatives or communities experience. Without being able to analyze

racism, heterosexism, antisemitism and similar ideologies, victim counsellors are not able to understand the victims' perspective and, hence, offer adequate support. The ability and institutional will to address racism and similar discriminatory ideologies is a precondition for victim counselling.

Participants further discussed whether the tools presented by Grover can be transferred to different political contexts, for example to the Ukraine or other post-Soviet countries. It was acknowledged that a lack of support structures significantly impedes NGOs' work. In difficult environments, "empowerment" could start with one-to-one micro-family support.



EVENING DISCUSSION 2: The Community Security Trust UK

Summary by Sonja Böhme, Senior Program Manager, Foundation EVZ

During the second optional evening discussion, Michael Whine of the London-based *Community Security Trust (CST)* shared his long-term and wide-ranging experience in collecting, analyzing, responding to and publishing statistics on antisemitic hate crimes. His presentation provided insights into the success story of *CST*, which since 1984 protects over 300 synagogues, over 120 Jewish schools, more than 1,000 Jewish communal organisations and buildings, and approximately 1,000 communal events in Great Britain with the support of more than 3,000 volunteers. Furthermore, *CST* annually publishes the “Antisemitic Incidents Report”.

Whine referred to the Steven Lawrence case in 1993 that changed British society and was concluded only recently. The resulting government report not only led to a police reform and improved monitoring of

The Jewish response to attacks against British synagogues contributed to the fight against racist violence

incidents, but also strengthened civil society. Additionally, the Jewish response to attacks against British synagogues contributed to the fight against racist violence. English law has always regarded racial

incitement as a public order concern, rather than an offense against the rights or dignity of minorities.

As Whine explained, *CST*'s Protective Windows Project is a very large undertaking in the interest of the whole society. Throughout this project, *CST* is working closely with the police, as well as the Home Office Scientific Development Branch, to ensure that their advice and requirements are fully integrated into the plans. Incidents reported to *CST* are examined very carefully; for example, the 2010 report classifies 37% of reported incidents as not being antisemitic. *CST* reports its findings to the *OSCE* and *FRA*.

Whine stressed that the police and government appreciate *CST*'s work as a model of how a minority community should protect itself. Consequently, he also engages in training other minority groups. *CST* was presented as an active partner for the Jewish community and for ethnic and religious minorities all over Europe. The organization can serve as an example for other minority groups aiming at turning from mere victims to confident actors against racism.

During the discussion, participants debated the interconnection of measures against terrorism and the fight against hate crime, and the necessity of distinguishing hate crimes from terrorist offenses.

THURSDAY, NOVEMBER 24TH, 2011

FISHBOWL DISCUSSION: Monitoring: goals and challenges – what is needed from other organizations in this field for effective monitoring?

In the evening of Nov. 24th, a fishbowl discussion brought together representatives of governmental organizations and NGOs working on the national and international level. Both sides embraced the rare opportunity to openly exchange perceptions of their respective roles and ways to improve cooperation in the realm of international hate crime monitoring.

Sami Nevala of the *European Union Agency for Fundamental Rights (FRA)* and Dr Matilde Fruncillo of the *OSCE's Office for Democratic Institutions and Human Rights (ODIHR)* each outlined how they engage

with (grassroots) NGOs. For research and data collection, both *FRA* and *ODIHR* depend on independent information from civil society organizations. While *FRA* presents its Annual Report on Fundamental Rights and other issue-specific findings to the *European Commission*, the *Council of the European Union* and the *European Parliament*, which can adopt resolutions and submit written questions to the *European Commission*, *ODIHR* annually publishes a comprehensive hate crime report providing an overview of the situation in the 56 *OSCE* member states.



Data submitted to *FRA* must meet its criteria and should ideally be contextualized. “Real life examples bring statistics to life”, Nevala said, adding that *FRA* also involves renowned and financially stable NGOs or NGO networks as contractors to carry out projects. Furthermore, civil society organizations can become members of the *FRA* Fundamental Rights Platform and discuss the agency’s strategies and priorities at its annual meetings.

Recognizing the role of civil society is part of *ODIHR*’s mandate, Fruncillo stressed. Thus, the office not only considers NGO data to be just as essential as official statistics, but also engages in capability-building activities for grassroots organizations.

Although NGO data serves as a backbone of these international organizations’ work, it is usually collected for purposes other than submitting it to them alone. Martina Dvořáková of the Czech counselling service *In Iustitia* and Joël Le Déroff of the *European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe)* pointed out that reliable data is essential for their advocacy work.

However, gathering data by means of collecting testimonies can hardly be isolated from further interference with victims of hate crimes. “You cannot only ask them to report, you have to offer something in exchange”, Dvořáková underlined. NGOs have to be aware of possible conflicts of interest, because publishing data helps advocacy but might threaten the (feeling of) security of victims and their families.

Acting as a mediator between grassroots NGOs and international institutions, *ILGA Europe* has developed templates for comprehensive submissions to *ODIHR* and other institutions and a handbook providing an overview of institutions that NGOs can report to.

During the discussions, participants from grassroots NGOs in particular criticized slow processes in national and international politics. “We need immediate support from international organizations”, one victim counsellor said, referring to the recent uproar against Roma in the Czech Republic. Nevala admitted that quick, political responses are not part of *FRA*’s mandate to provide comparable data, but hinted to a report on Roma due to be published and presented in 2012. Fruncillo, too, regretted that *ODIHR* – as a governmental organization dependent on unanimous decisions –

cannot react quickly to emergencies. However, in the long run, *ODIHR* works on building NGOs’ capacities to recognize hate crimes.

“The machine of the state grinds very slowly, but without data, we’ll never come to a resolution”, said another participant, referring to the European ideal of evidence-based legislation. Joining forces in (inter) national NGO networks can bolster the advocacy efforts and at the same time allow for an effective division of labour. Organizations such as *ILGA Europe* are capable of keeping up the pressure on legislators all the time, Le Déroff stressed. It was suggested that grassroots NGOs should concentrate on improving the situation on the ground, e.g. by establishing victim support structures. Furthermore, NGO practitioners should always keep in mind that their arguments for hard legal changes need to be presented to officials “in a language they understand”.

Additionally, some participants argued that international organizations such as *OSCE* and the *EU* should help NGOs to gain a reputation and generate trust. In the light of scarce resources, some participants also called for financial incentives for reporting to international organizations. Others suspected that hate crime monitoring could become a means to no end, and warned against wasting time on *ODIHR*, *FRA* or *ECRI* mechanisms just for the sake of reporting. On the other hand, collecting data might also serve as a basis for NGOs to evaluate their own work and to apply for funding.

Participants consented that data collection and monitoring are indispensable for evidence-based advocacy on the national and international level. However, the underfunding of grassroots NGOs in particular is a substantial problem that international organizations cannot solve, although their work in part depends on

Data collection and monitoring are indispensable for evidence-based advocacy on the national and international level

civil society actors. “No international organizations can replace NGOs in working within their communities and collecting data on hate crimes. NGOs have to be more proactive and establish contacts with minority/vulnerable communities”, Fruncillo concluded.

CLOSING SESSIONS: Results & Challenges



During the closing sessions on the first and the second day, participants summarized both the conference's results and the challenges and open questions it

The individual survivor and her or his community are the focal points of every commitment against hate crime

brought forward. The discussions and workshops on hate crime monitoring, counselling and advocacy led some participants to conclude that none of these aspects of NGOs' activities can stand alone. While victim counselling cannot ignore the political and social

implications of hate crimes, identifying cases is the starting point of monitoring, and reliable data is needed to back up advocacy. All these interconnections underline that the individual survivor and her or his community are the focal points of every commitment against hate crime. It is their needs that come first – even before pursuing a political agenda.

Furthermore, participants from grassroots NGOs said they were reassured that they can initiate positive changes on the micro levels of society by strengthening victims' capacities to overcome traumatic experiences and speak out against bias-motivated violence. The importance of an efficient division of labour on the national and international level was also stressed.

Most importantly, NGO networks and international organizations have the resources that grassroots organizations often lack to advocate for long-term political and social changes.

Participants additionally emphasized that international support can push national advocacy forward and put substantial pressure on political decision makers. However, some called for a rapid response mechanism involving actors from all levels of organizations. Until such a system is established, reactions to emergency cases, including large-scale attacks or even pogroms against minority groups, will remain ad hoc, if not insufficient.

Further challenges in combating hate crimes mentioned by participants range from reaching out to victims

The concluding session of the expert conference closed with one participant asking: “When does a hate crime start?” She raised questions about how to deal with hate speech and verbal assaults, but also underlined that efforts to combat hate crimes and more general anti-discrimination work should be integrated. Holistic, victim-centred approaches are needed on all levels.

All in all, many speakers stressed that the conference contributed to finding a common language among organizations working with different target groups in diverse political contexts, and raised awareness of existing problems and challenges in fighting hate crime. On top of that, participants appreciated the lively discussions between grassroots NGOs, international organizations and donors that helped to match expectations and improve future cooperation. Side talks and



too afraid to come forward themselves, to political obstacles to NGO activities, especially in Eastern European countries. Concerns were raised about labelling groups as “vulnerable” in order to empower them, as well as about prioritizing responses to hate crimes over activities aimed at preventing them. Apart from that, the conference made it clear that immediate action is needed to tackle hate crimes against disabled people, a field still suffering from a significant lack of expertise.

networking opportunities both in between and within sessions were also mentioned as huge benefits of the conference.

“A conference like this is not meant to be a platform for the most famous speakers, but a forum to meet new people and get to know new projects”, one participant summarized.

PUBLIC EVENT: Hate crime – a concept against racist, homophobic and antisemitic violence in Europe?

INTRODUCTION

Dr Martin Salm, Chairman of the *Foundation EVZ*, opened the evening. He stressed the scandalous discrepancy between official hate crime statistics and NGO figures, and expressed deep concern about the German government's failure until this year to prosecute – or at least identify – the neo-Nazi terror group “*National Socialist Underground*”. “What was dealt with so thoroughly in the German past seems to

What was dealt with so thoroughly in the German past seems to be suppressed today

be suppressed today”, Salm said and called for greater transparency of secret service activities, representation of migrant communities within the authorities, and greater support for civil society initiatives fighting against discrimination and hate crimes.

The *Foundation EVZ*'s own approach to supporting NGOs working against hate crimes in Eastern Europe was presented by Timm Köhler, manager of the funding program STOP HATE CRIME!. After developing its strategy and conducting initial field research, the *Foundation EVZ* is currently funding 11 hate crime monitoring and victim support projects in Poland, Czech Republic, Ukraine and Russia.



Mirosława Makuchowska, representative of the Polish Campaign against Homophobia (KPH), explained how the organization cooperates with the Polish police to train officers and meet with members of the LGBT community. Thanks to the long-term advocacy of KPH, questions on LGBT issues now form part of the Polish police recruitment test. With the project “Out and Safe”, the *Foundation EVZ* supports KPH in establishing a psycho-social counselling service for hate crime victims based on a network of volunteers.

In contrast, the Ukrainian *Social Action Center/No Borders Project (SAC)*, which concentrates on legal counselling, cannot count on the support of any state institution. Due to significant deficiencies in general victim protection mechanisms and access to justice for hate crime victims, SAC faces numerous obstacles in its everyday work. “We want to provide hate crime victims with legal assistance – that has to be there in the first place. Thanks to the *Foundation EVZ*, we are for the first time able to systematically provide hate crime victims across the whole country with legal assistance”, Halyna Bocheva said. SAC has long-term

experience in anti-racist counselling of migrants and asylum seekers, and receives EVZ funding to provide legal counselling to victims of homophobic and racist hate crimes in Ukraine.

To advocate for legal changes that improve access to justice and procedural safeguards for victims from minority groups, both *KPH* and *SAC* make use of the hate crime concept. Britta Schellenberg of the *Center for Applied Policy Research* of the *University of Munich* presented the concept’s development, legal dimensions and the specific German approach to it.



INPUT: Hate Crime – Meaning, Development, Critique

*Britta Schellenberg, Center for Applied Policy Research,
Ludwig-Maximilians-University Munich*

WHAT ARE HATE CRIMES?

Hate crimes, or “bias crimes”, are offenses punishable by law that are committed out of prejudice against particular characteristics of the victims. Primarily it is the bias motive that makes the crime a hate crime. Intimidation, threat, vandalism, insults, murder or other crimes can also be included in the category of hate crimes.

The concept can also be a legal category. In order to fulfil the legal criteria for a hate crime, there must have been a crime punishable by law and an existing bias motive, i.e. the perpetrator has sought out their victim or object because they are associated with certain characteristics. This refers to the perpetrator’s perception of the victim and the alleged group they represent, not to the actual identity of the victim. In this way, prejudices can come to light that might have otherwise remained invisible without the category of hate crime.



WHY DO HATE CRIMES REPRESENT A SPECIAL CRIMINAL PHENOMENON?

Research on the difference between hate crimes and non-hate crimes shows that the following are associated with hate crimes: larger groups of perpetrators commit violence mostly against individual victims, the choice of weapons and brutality is more extreme, perpetrators and victims usually do not know each other, and property and places that are important for the victims are destroyed (like mosques and churches). Hate crimes appear to be more random, irrational and less calculated. They also produce more copycat crimes.

Altogether, the physical and psychological damage done to the victims and the victim group are most significant, as hate crimes intimidate the entire group to which the victim belongs. It has also been determined

The effects on victims can be particularly significant if the group has historically already been a target of discrimination

that the effects on victims can be particularly significant if the group has historically already been a target of discrimination. Furthermore, marginalized groups are most affected by hate crimes.

EFFECTS OF RECOGNIZING HATE CRIMES

As violent manifestations of intolerance with a strong influence on the victims as well as the groups with which the victims are identified, hate crimes have a negative impact on social unity and stability. Thus, a strong reaction to hate crimes is a signal for individual and community security.

A strong reaction to hate crimes is a signal for individual and community security

Firstly, the hate crime concept underscores the setting of norms in society. Legislation against criminal prejudice is an expression of societal norm setting that confirms the equal status of all people in society

and the recognition of human dignity. Secondly, the concept sends positive signals to victims and groups that are discriminated against, namely that the legal system protects the entire minority community. Finally, the concept enables public order and security, since hate crimes are potential security threats that may cause social conflict and disorder. When hate crimes are recognized, it sends the message to perpetrators that society does not tolerate such behaviour.

DEVELOPMENT OF THE CONCEPT IN THE USA AND THE FIRST HATE CRIME LAWS

The concept of hate crimes or bias crimes was developed in the USA. It came out of the context of the US Civil War, the development of civil rights organizations and the US civil rights movement.

After the abolition of slavery and the victory of the northern states in the war of secession, constitutional amendments were passed to introduce equality, freedom of expression and civil liberties for all members of the population. However, the laws were not enforced in the southern states. Untold numbers of "citizens' defence" group members attacked racially stigmatized groups.

Against this background, organized reactions to the violence grew; numerous organizations and lobby groups were founded to work for particular groups of people in politics and public life. A newly intensive debate also arose regarding the necessity of a legal framework to protect against physical violence, intimidation, threats, insults and destruction of property perpetrated against victims on grounds of their group membership. The debate was initiated by victims' groups, committees and lobbying organizations, forming a broad civil rights movement.

In 1981, a hate crimes law was introduced in the US that distinguished crimes committed out of prejudice against the group membership of the victim, with corresponding penalties. Civil rights organizations and politicians formulated the law together. Since then, almost all federal states have implemented hate crimes legislation with mandatory sentencing. In addition to legislation, the FBI initiated and implemented a comprehensive monitoring and reporting plan, training for police and judicial branch officials was instituted, and institutions were founded for the prevention of these crimes.



CRITIQUE OF THE HATE CRIME CONCEPT

In addition to the recognized positive effects of the hate crime concept, there is also critique and discussion of problems. First of all, the term ‘hate’ is considered problematic, especially in the German context, because

There are more appropriate terms like prejudice (bias) or group-focused enmity

it is associated with something very emotional – an act of affect or even pure anger. There are more appropriate terms like prejudice (bias) or group-focused enmity. On top of that, the term ‘hate’ – but also bias/prejudice – is criticized as being too broad, vague and difficult to delimit. It is also questionable how such a standard could be proven before a court.

Furthermore, critics point to the interpretation of hate crime/bias-motivated crime as being relative

and therefore dependent on lobby groups and power relations. It has actually been shown that the ‘catalogue of characteristics’ underlying the definitions in various federal states in the USA and other countries varies, and is strongly associated with particular local norms as well as the vehemence and strength of bias against particular groups of victims.

Additionally, there are diverging opinions on the criteria that a criminal offense must meet in order to qualify as a hate crime. Criteria suggested include that the victim must be attacked as a representative of a particular group; that the group must be a minority group; and that discrimination must come from a particular historical context. For example, in several US states, service in the military is a protected characteristic. There are however critical objections to this, because if military service is a protected characteristic, there is the possibility that other non-stigmatized characteristics could come under protection, which would make the concept counterproductive.

In practice, the concept is limited by its juridical context, and elides the broader structural problems and needs of society. Frequently, the aspect of the increased sentence stands in the foreground. Increased

The concept is limited by its juridical context, and elides the broader structural problems and needs of society

sentences have at most a symbolic value, which of course is not a disadvantage, but it appears that a faster, simpler, more visible trial that produces a conviction, as well as more comprehensive legal victim protection, may be more effective.

GERMANY: (LEGAL) CONSEQUENCES FROM THE HISTORY OF NATIONAL SOCIALISM

German law is strictly oriented against all actors and movements that exhibit a relationship to National Socialism. The political system of the Federal Republic of Germany, built on the basis of a free democratic order, understands itself as a “defensive” democracy (“*wehrhafte Demokratie*”).

Against this background, the existing comprehensive legislation in Germany is to be understood as being against offenses defined as right-wing extremism. Anything that goes against the German Constitution (“Basic Law”), or refers to an affinity with National Socialism – whether it be in writing, speech, symbols or structure – is forbidden.

This legislation is the basis for a variety of state measures against right-wing extremism, particularly including limitations on associations and demonstrations. All

The victim is hardly considered, just as the hostile prejudices of the perpetrators are hardly discussed

efforts to counter right-wing extremism are centred on the perpetrator. The perpetrator is defined as whoever orients herself or himself against the system. The victim is hardly considered, just as the hostile prejudices of the perpetrators are hardly discussed.

DEVELOPMENT OF A NEW PERSPECTIVE: THE 1990s AND THE BEGINNING OF THE NEW MILLENNIUM

Law enforcement aimed at combating discrimination and racism and taking victims into consideration was first called for in the 1990s, along with ensuring the prosecution of right-wing extremist offenses. With a significant rise in radical right-wing and xenophobic violence, civil society organizations and journalists began to advocate on behalf of the victims and for better understanding and reporting of the events.

Antidiscrimination offices and counselling centres were set up for the victims of violent crimes, which were seen as being rightist or right-wing extremist. The involvement was a political decision to take care of the weakest people in the society, most of whom had no knowledge about available assistance and their rights in the Federal Republic of Germany. The new initiatives understood themselves as antifascist and interpreted the violent acts as being part of a larger social problem. In return, they were partly politically criminalized.

These NGOs and journalists sought to put the victims as well as the prejudices of the perpetrators, the people behind them and their co-conspirators in the foreground. Journalists from the *Tagesspiegel* and *Frankfurter Rundschau* carried out pioneering work with their victim chronicle. The documentation, which was first published in 2000, listed 93 victims of right-wing violence since 1990. Until this point, the *Federal Ministry of the Interior* had registered 24 deaths – a striking and therefore hotly debated difference. A few weeks after the chronicle was published, the *Federal Office of Criminal Investigation* admitted that the previous rules on police reporting of crimes were “overlooked” and that the reports did not create a picture of the actual situation. Consequently, the police reporting system was reformed in 2001.

As the new discussion about rising “right-wing extremist violence” led to policy changes, it strengthened victim assistance and the protection against discrimination in Germany by concentrating on particular topics. Through the introduction of a new reporting system in 2001, the focus on right-wing extremist crimes was broadened to politically motivated crime. A crime is considered to be politically motivated when its circumstances or the attitude of the perpetrator leads to the ‘othering’ of a person on grounds of their political

views, nationality, ethnicity, race, skin colour, religion, world view, origin, sexual orientation, disability or other visible characteristic, or social status. Thus, a hate crime perspective was introduced, although under a political category (right-wing).

INTERNATIONAL AND EUROPEAN INFLUENCE IN THE NEW MILLENNIUM

In addition to the aforementioned developments, protection from discrimination and support for victims in Germany also stands to gain from European and international initiatives. For example, Germany's first legal framework for protection against discrimination came with the implementation of EU directives; the 2006 General Equality Law touches on four EU directives and would not have passed had it not been for external pressure. International and European agreements also focus more strongly on hostile prejudice and the victims, in contrast to German law focused on political categories and the perpetrators.

OTHER FACTORS SHOWING A CHANGE IN PERSPECTIVES ON DIVERSITY AND MIGRANTS

According to scholarly work, the idea that perpetrators are at the margins of or outside society is untenable. There is general "animosity toward groups of people and prejudices". In politics, new norms are being set for the appreciation of diversity and social opportunity, economic necessity and the new reality. The present

The idea that perpetrators are at the margins of or outside society is untenable

day economy functions similarly and is striving for a heterogeneous work force. In addition, public outreach and prevention are moving ever farther away from concentrating on a narrowly defined political right-wing extremism syndrome and towards human rights education and the prevention of prejudice and aggression. Migrants and migrant organizations also play a role; they participate in an increasingly self-confident way in social life and public discourse – and call for the introduction of a hate crime or prejudice perspective.

CRITIQUE AND PROBLEMS

A number of problems arise from the "politically motivated crime" approach's emphasis on strategic focus. Firstly, focusing on a particular political groups and ideologies takes attention away from daily degradation, discrimination and prejudicial crimes. Discrimination and prejudice are not countered by appropriate state action, instead the state targets right-wing extremist activities. Such actors or perpetrators are seen as being outside of normal society, leading to a dismissal of what the cases really mean for the entire society. Secondly, certain groups of victims and perpetrators fall out of view. For example, some antisemitic attacks are not committed by politically motivated right-wing perpetrators, but by leftists or migrants. Thirdly, the victim's perspective comes up short when attention is centred on the perpetrator. There is too little protection of victims and a lack of recognition and assistance. Finally, a bias motivation does not necessarily lead to an increased sentence, contrary to the intended function of the hate crime concept.

It is also critical to look at the lack of reporting of "normal" crimes with bias motivations, such as arson, bodily harm and insult. With these crimes, the reporting criteria are insufficient, especially because animosity toward particular groups, like racism, is limited to politically motivated right-wing extremism.

PERCEPTION AND PROBLEMS OF IMPLEMENTATION

There are significant problems with the perception of bias crimes by politicians, the judiciary, police and the federal offices of criminal investigation. In spite

There are significant problems with the perception of bias crimes by politicians, the judiciary, police and the federal offices of criminal investigation

of improvements in monitoring criteria, there are still striking differences between state and civil society and scholarly estimates of the situation. For example, regarding right-wing motivated violence in cases of manslaughter/murder, the federal government has from 1990 until now registered only 48 cases of death, whereas civil society groups report up to 182 cases.

Obviously, legislation alone is not enough; police and authorities must be able to recognize the cases in the first place.

Currently – with the recent uncovering of crimes by the “National Socialist Underground” (“*Nationalsozialistischen Untergrund*”, NSU) – problems with the police and criminal investigation authorities are becoming apparent in Germany; they are also much more serious than previously believed. In this case, the authorities regarded “foreigner crime” and “gang wars” as the causes behind the murders of migrants, ignoring racism and right-wing extremism as being possible motives for over a decade.

To summarize, prejudices against particular groups are not perceived as the most important problems – the problem is believed to be right-wing extremist motivations and ideologies.

WHAT DO WE NEED? CHANCES AND DIFFICULTIES IN THE GERMAN CONTEXT

Although the construct of “politically motivated crime” is quite specific, it only serves documentation and is not reflected in legislation. It is especially problematic that the categorization as “politically motivated” is fuelling a debate along ideological lines. The discussion focuses on the assessed danger of “the right”, “the left”

or “Muslim fundamentalism” – instead of looking at the problem of “bias” and “group focused enmity”.

The hate crime concept has the advantage of being victim centred and focused on prejudices. It has the potential to stir up debates about (potential) victims, prejudices and their consequences. At the same time, it is vague and relative, and thus problematic. Possibly even right-wing extremists could claim a “protected characteristic” for themselves if they are influential enough – something like a “folk” or “national group”.

Independent of the terminology discussion, a comprehensive concept is necessary that counters hostile prejudices. This includes legislation, data collection and reporting, as well as trainings at governmental offices and agencies, in particular training measures for the police, the judiciary, and criminal prosecutors. The focus should be on questions such as: How does one recognize crimes of prejudice? How does one research them? And how does one work with victims and compensate them? It is also essential to work with and empower victim groups and civil society by offering legal assistance (civil law), setting up anti-discrimination authorities with a mandate to support victims, and increasing cooperation between local authorities, civil society organizations and prosecution authorities. Finally, there is a need for increased public awareness by means of educational programs and outreach.





PANEL DISCUSSION

Following Britta Schellenberg's presentation, Iryna Fedorovych of the NGO network *UNITED for Intercultural Action* and Kati Lang, lawyer and counsellor at the Dresden-based *Counselling Service for Victims of Right-wing and Racist Violence*, discussed the potentials and shortfalls of the hate crime concept with the German representative of the *European Commission against Racism and Intolerance (ECRI)*, Barbara John, and the head of *ODIHR's* Tolerance and Non-Discrimination Department, Floriane Hohenberg. Britta Grell of the *Social Science Research Center Berlin* moderated the debate.

For Fedorovych, who also works at the Ukrainian *Social Action Center (SAC)*, the hate crime concept is a good starting point to advocate for legislation that takes into account the bias motivation of a perpetrator. She noted that "hate crime" is a handy name for racist attacks that can also be used to create public awareness and helps to find a common language within international NGO networks like *UNITED*. Floriane Hohenberg of *ODIHR* later added that "the hate crime concept gathers different groups around one table". In other words, it conveys one message and creates common ground without forcing any actor to drop her or his own agenda.

However, Lang argued that such a "catchy" term might lead to false interpretations, as it draws attention to the perpetrator's emotions instead of addressing the political message inherent in the offense. During the discussion, participants added that only explicitly addressing phenomena like racism or homophobia allows for a broad societal debate based on the victim's perspective. Lang also expressed concern about

Only explicitly addressing phenomena like racism or homophobia allows for a broad societal debate

American research revealing increasing numbers of members of the white majority who report alleged "hate crimes" against themselves. Such a trend is in her view inconsistent with the overall intention of the concept, i.e. to protect marginalized minorities. Barbara John added that legal and public recognition of hate crimes first and foremost sends a strong signal to members of minority communities that they are part of society and that the judicial system does not accept attacks because of protected characteristics.



The OSCE's approach rests more on the recognition of hate crimes as potential threats to security, Floriane Hohenberg explained. Although the concept is suitable to raise public awareness of the interconnection of biases and crimes, different approaches such as the German notion of "politically motivated crimes" can serve this purpose as well. "I won't pretend that our approach is the right one", Hohenberg admitted. However, the OSCE has successfully worked with the hate crime concept. Up to now, more than 20,000 police officers in Poland have been trained to investigate hate crimes using a training manual developed by ODIHR. Most recently, ODIHR helped a network of NGOs active in Greece to adopt a unified hate crime reporting form in cooperation with the local office of UNHCR.

Lang appreciated the international organizations' agenda of increasing the recognition and prosecution of bias-motivated crimes on the state level, but at the same time criticized a lack of exchange and communication between international organizations and grassroots NGOs. She stressed that supporting people affected by discrimination and hate crime creates

positive changes and tangible results much quicker than focusing on political leaders. She was supported by other participants who stressed that legal and social

Legal and social changes can hardly be brought about in a "top-down" manner, but usually start with traumatic events on the ground

changes can hardly be brought about in a "top-down" manner, but usually start with traumatic events on the ground.

While John stressed that "the people who work on the ground should be in permanent dialogue with the administration", for example by means of round-tables, Lang pointed to many grassroots NGOs being



hesitant to cooperate too closely with state institutions, which are far too often institutionally racist or homophobic themselves. On the other hand, participants suggested that NGOs could and should make use of the possibilities offered by *ODIHR*, for example to get in touch with diplomats.

Finally, participants discussed the most challenging and controversial issue of “hate speech”. Due to the *OSCE*’s nature as a consensus-based organization, *ODIHR* finds itself unable to condemn verbal attacks. Its 56 member states have diverse legislation on “incitement to hatred” and only agree on free speech being one of the most basic human rights. Barbara John of *ECRI* also criticized that there is no substantial discussion of limits to the expression of opinions. She did not call for prohibitions, but for a broad public discourse on the effects of discriminatory wordings.



The public discussion thus highlighted that the hate crime concept can serve as a suitable starting point for addressing the large spectrum of crimes motivated by prejudice against minorities. It has the potential to unite otherwise isolated minority groups and to integrate their specific political demands into joint advocacy efforts. In this light, the concept might help to strengthen NGOs. Nevertheless, it suffers from an overall vagueness and is vulnerable to inadequate, even abusive interpretation. While the concept puts strong emphasis on the legal recognition and prosecutions of bias-motivated criminal offenses, it at the same time turns a blind eye to the kinds of everyday racism and discrimination that lay the groundwork for actual hate crimes. Whenever and wherever the concept is employed, these limitations have to be taken into account.

APPENDIX

ORGANIZER

THE FOUNDATION “REMEMBRANCE, RESPONSIBILITY AND FUTURE” (FOUNDATION EVZ)

In remembrance of the victims of National Socialist injustice, the *Foundation “Remembrance, Responsibility and Future”* works to promote human rights and understanding between peoples. It also upholds its commitment to the survivors. The *Foundation* is thus an expression of the continuing political and moral responsibility of the state, industry and society for the wrongs committed in the name of National Socialism.

The *Foundation* supports international projects in the following areas:

- A critical examination of history
- Working for human rights
- Commitment to the victims of National Socialism

The *Foundation “Remembrance, Responsibility and Future”* was established in 2000, primarily to make payments to former forced labourers. The payments programmes were completed in 2007. The *Foundation’s* capital of EUR 5.2 billion was provided by the German Government and German industry. A total of EUR 358 million was set aside as *Foundation* capital in order to finance project support. The *Foundation* finances its long-term funding activities out of the income generated by this capital.

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COORDINATION OF FORM AND CONTENT

■ Timm Köhler

*Program Manager STOP HATE CRIME!,
Foundation EVZ*

In 2010 Timm Köhler joined the *Foundation EVZ* as a program manager for the STOP HATE CRIME! funding program. From 2001 to 2007 he worked for the *Mobile Counseling Team Against Right-Wing Extremism* in Berlin, and as a freelancer in civic education with an expertise in counteracting right-wing extremism. He is a co-author of the report “Hate Crime Monitoring and Victim Counseling in Poland and Germany” (edited by *Opferperspektive Potsdam* and *Never Again Warsaw*). Timm Köhler studied Russian and Eastern European Studies in Berlin and Birmingham, UK.

■ Frauke Büttner

Coordination of content

Frauke Büttner is a freelancer specialised in political education and consulting with respect to developing communal strategies against racist and right-wing extremist ideologies. She works in the field of prevention, with special focuses on women within the extreme right, right-wing extremism in Spain and anti-racist education. On behalf of the *Foundation EVZ*, she organized and coordinated the conference “Stop Hate Crime!”. Frauke Büttner holds a degree in Political Science from the *Free University Berlin*.

MAIN FACILITATORS OF THE CONFERENCE

■ Jo Töpfer

*Main Facilitator, boscop Berlin Open Space
Cooperative e.g*

Jo Töpfer is a consultant on organizational transformation and an Open Space facilitator working in Western, Central and Eastern Europe and in Central Asia and the Caucasus. He is a member of the *Future Search Network* (Philadelphia), the *East-West Institute for Non-Profit Management* (Bonn), *boscop Berlin Open Space Cooperative* (Berlin) and the *Russian Association for Organizational Development and Management Consulting* (Moscow).

■ Juliane Ade

*Main Facilitator, boscop Berlin Open Space
Cooperative e.g*

Juliane Ade is a lawyer, mediator, mediation instructor and Open Space facilitator. She supports conflict transformation, dispute resolution and decision-making processes within and between organizations and corporations in the private and public sectors. She teaches mediation, ADR and (large) group intervention skills at numerous places, including governmental institutions. Among other things, she has published works on mediation methodology and the law of mediation.

LIST OF CONTRIBUTORS

EXPERT MEETING

■ Halyna Bocheva

Social Action Center/No Borders Project, Kiev

Halyna Bocheva is the Minority Rights Lawyer of the *Social Action Center's No Borders Project* supporting victims of hate crimes who are either “visible minorities” or members of the LGBT community across Ukraine. Prior to this, she worked and interned with various human rights organizations, including the *International Seafarers Assistance Network*, the *European Human Rights Advocacy Centre*, and the *International Organization for Migration Mission in Ukraine*. She studied Law, International Relations and Human Rights Practice in Ukraine, the United Kingdom, Norway and Sweden.

■ Kay Bolick

*LOBBI Counseling Center,
Mecklenburg-Western Pomerania*

Kay Bolick is a co-founder, counsellor, public relations officer and coordinator of the association *LOBBI*. The NGO monitors racist and right-wing violence, offers support and counselling for the victims of these attacks and strengthens awareness in the community and public institutions about the situation of affected people. Kay Bolick studied Social Work and has been involved in anti-neo-Nazi activities for 20 years.

■ Dr Neil Chakraborti

University of Leicester

Dr Neil Chakraborti is a Senior Lecturer in Criminology at the Department of Criminology, *University of Leicester*. He has researched and published widely in the fields of hate crime, victimization and policing. His current work is based around vulnerability and targeted victimization, and his recent research projects include a Great Britain-wide evaluation of public authority responses to targeted violence and a review of community engagement strategies used in the policing of faith groups.

■ Joël Le Déroff

ILGA Europe, Brussels

Joël Le Déroff is a Senior Policy & Programmes Officer within *ILGA Europe*, the *European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association*. He works on the implementation of *ILGA Europe's* strategy against homophobic and transphobic violence and hate speech, and on *EU* asylum policy and the rights of LGBT asylum seekers. His tasks include monitoring the development of the agendas of the *EU*, the *Council of Europe* and other institutions in these fields, as well as the implementation of relevant legislation. He therefore works in contact with LGBT organizations addressing violence issues, European LGBT police officers' groups and other NGOs.

■ Martina Dvořáková

InIUSTITIA, Prague

Martina Dvořáková is a community worker at the Prague-based NGO *InIUSTITIA* counselling victims of bias-motivated violence. Prior to this, she supported immigrant minors, victims of trafficking and disabled children in Italy, Germany and the Czech Republic. She studied Migration and Ethnic Studies at the *University of Amsterdam* and Civil Society Studies at *Charles University Prague*.

■ Dr Matilde Fruncillo

*OSCE Office for Democratic Institutions
and Human Rights (ODIHR), Warsaw*

Since 2009, Matilde Fruncillo is the Adviser on Civil Society Relations to the department of “Tolerance and Non-Discrimination” of *ODIHR*. Prior to this, she acted as a Human Rights Protection Officer with the *UN High Commissioner for Refugees* and as a Legal Adviser at the *Constitutional Court of Bosnia and Herzegovina*. She holds a PhD in Peace Studies and Conflict Resolution.

■ **Suresh Grover**

The Monitoring Group – TMG, London

Suresh Grover is the Director of *The Monitoring Group (UK)*. He has been active in the field of civil rights for over 30 years, and is the Chairperson of the *National Civil Rights Movement*. He has coordinated the campaigns on Stephen Lawrence, Zahid Mubarek and Victoria Climbié, which led to positive changes in legislation, social policy and practices in the United Kingdom. Since the London Bombings in 2005, he has worked with the victims' families as well as black, minority and Muslim groups adversely affected by the state response.

■ **Jay Keim**

LesMigraS Lesbian Counselling Center, Berlin

Jay Keim studied Gender Studies and European Ethnology in Berlin and Santa Cruz, California. She works at *LesMigraS*, the anti-discrimination and anti-violence section of the *Lesbian Counselling Centre Berlin*. Her work areas include developing community-based strategies against violence and multiple discrimination, raising awareness around issues of violence in LGBT communities as well as counselling on issues of violence, discrimination, intimate violence and stalking.

■ **Gesa Köbberling**

Free University Berlin

Gesa Köbberling studied Psychology at *Free University Berlin*. For her PhD she is currently examining the interrelation of political and psycho-social dimensions in the counselling victims of right-wing violence. Between 2007 and 2011 she worked with the counselling service for victims of right-wing violence "*Opferperspektive*" (*Victim's Perspective*) in the German federal state of Brandenburg (Eastern Germany).

■ **Mirosława Makuchowska**

Campaign against Homophobia (KPH), Wrocław

Mirosława Makuchowska has been in the *NGO Campaign against Homophobia (KPH)* since 2006 and is the former coordinator of the Wrocław branch. She deals with the development of regional branches and anti-discrimination workshops for Wrocław NGOs. She is a sociology graduate of the University of Wrocław.

■ **Sami Nevala**

European Union Agency for Fundamental Rights (FRA), Vienna

Sami Nevala is a statistician working at the *European Union Agency for Fundamental Rights (FRA)*, where he currently manages multi-country data collection projects, e.g. on hate crime against Jewish people and on violence against women. As a leader of the Statistics team, he also has oversight of the *Agency's* surveys on the situation of Roma people and on discrimination and hate crimes against LGBT persons in the *EU*. Previously Sami was responsible for the development and analysis of the large-scale *FRA* survey on discrimination and criminal victimisation of immigrants and ethnic minorities.

■ **Dr Martin Salm**

Chairman of the Foundation EVZ, Berlin

In 2006, Martin Salm joined the Board of Directors of the *Foundation "Remembrance, Responsibility and Future"* in Berlin. Since July 2007 he serves as Chairman of the Board. One of his main areas of responsibility is international funding activities. In 1981 he joined the *German Caritas Association*, working in the field of international emergency and disaster aid. From 1997 onwards he was member of the management board of *Caritas Germany* and head of its aid organization, *Caritas international*.

■ **Aleksandr Verkhovsky**

SOVA Center for Information and Analysis, Moscow

Since 2002, Alexander Verkhovsky is the director of the *SOVA Center for Information and Analysis*. Since 1994 his main areas of research and publication have been political extremism, nationalism and xenophobia, religion and politics in contemporary Russia. He is also the author or co-author of a number of books and articles, as well as *SOVA* reports on the misuse of anti-extremism legislation in Russia.

■ **Jitka Votavová**

Romea, Prague

Jitka Votavová works as coordinator of the Employee Mediation Program of the Prague-based NGO *Romea*. From 2007 to 2010 she acted as a lecturer on Human Rights Education for *Amnesty International* in the Czech Republic. She studied Humanities at *Charles University Prague*.

- **Michael Whine**

Community Security Trust (CST), London

Michael Whine MBE is the Government and International Affairs Director at the *Community Security Trust*, and Defence and Group Relations Director at the *Board of Deputies of British Jews*. He also acts as a Consultant on Defence and Security to the *European Jewish Congress*. He is the CIP Advisor to the Counter Terrorism Division of the *UK Crown Prosecution Service*, and is a member of the *Ministry of Justice Hate Crime Advisory Group*, and the *Metropolitan Police Authority Hate Crime Forum*. He has been professionally involved in investigating religious and violent extremism for twenty-five years and is the author of a number of works on these subjects.

PUBLIC EVENING EVENT HATE CRIME – A CONCEPT AGAINST RACIST, HOMOPHOBIC AND ANTISEMITIC VIOLENCE IN EUROPE?

- **Iryna Fedorovych**

UNITED for Intercultural Action/Social Action Center – No Borders Project, Kiev

Iryna Fedorovych is the coordinator of the *No Borders Project* of the Kiev-based NGO *Social Action Center* providing social and legal assistance to refugees, migrants and students, as well as monitoring racism and hate speech. Prior to this, she worked as a Press Officer at *Amnesty International* in the Ukraine.

- Facilitator: **Dr Britta Grell**

Social Science Research Center Berlin

Britta Grell is a political scientist working at the *Social Science Research Center Berlin*. In 2009, she co-authored the pilot study “Hate Crime Monitoring and Victim Assistance in Poland and Germany” initiated by the *Foundation EVZ*.

- **Floriane Hohenberg**

OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw

Floriane Hohenberg has been working at *ODIHR* since 2005. She has acted as the Head of the Tolerance and Non-Discrimination Department since 2009. From 2000 until 2004 she was the Head of the Representation in Germany of the *French Commission for the Victims of Spoliation Resulting from the Anti-semitic Legislation in Force during the Occupation*.

- **Prof. Barbara John**

German Representative to the European Commission against Racism and Intolerance (ECRI), Berlin

Since 2008, Barbara John represents Germany at the *European Commission against Racism and Intolerance (ECRI)*. She is adjunct professor for European Ethnology at *Humboldt University Berlin* and chairperson of the Berlin section of *Paritätischer Wohlfahrtsverband*, an association of social movements. From 1981 to 2003 she acted as the first Commissioner of Foreigners of the *Berlin Senate*.

- **Kati Lang**

Counselling Service for Victims of Right-wing and Racist Violence, RAA Sachsen, Dresden

Kati Lang is a lawyer working at the *Counselling Service for Victims of Right-wing and Racist Violence in Saxony*. Her main areas of work are legislation against right-wing extremism, right-wing ideologies and their manifestations, and hate crimes. She is currently working on her PhD thesis on bias crime legislation and implementation in Germany at the *Dresden University of Technology*.

- **Britta Schellenberg**

Center for Applied Policy Research, Munich

Britta Schellenberg works at the *Center for Applied Policy Research* and is a lecturer at the faculty of Political Sciences at the *Ludwig-Maximilians-University Munich*. She studied Literature, Linguistics and Jewish studies. Her main areas of research and publication are the radical right, and strategies against right-wing radicalism, xenophobia and antisemitism.

PARTICIPATING ORGANIZATIONS

ORGANIZATION/INSTITUTION	COUNTRY	WEBSITE
Against Oblivion – For Democracy	Germany	www.gegen-vergessen.de
Amadeu Antonio Foundation	Germany	www.amadeu-antonio-stiftung.de
Anti-Discrimination Centre (ADC) “Memorial”	Russia	http://memorial.spb.ru
Antifascist Press-Archive and Education Center Berlin e. V. (apabiz)	Germany	www.apabiz.de
Association “Victims’ Perspective” Brandenburg e. V.	Germany	http://opferperspektive.de
Association for Probation and Mediation in Justice	Czech Republic	http://spj.cz
Association for Social Change	Turkey	www.sosyaldegisim.org
Campaign Against Homophobia (KPH)	Poland	http://world.kph.org.pl
Center for Applied Policy Research, University of Munich	Germany	www.cap-lmu.de
Civic Assistance Committee	Russia	http://refugee.memo.ru
Civic Association Europe Roma CZ	Czech Republic	www.europeromacz.estranky.cz
Civic Association Life Together	Czech Republic	www.vzajemnesouziti.estranky.cz
Civic Association Romea	Czech Republic	http://romea.cz
Congress of National Minorities of Ukraine	Ukraine	www.kngu.org
Counselling Network Within the Hessian Youth Council	Germany	www.beratungsnetzwerk-hessen.de
Counselling Service for Victims of Right-wing and Racist Violence, RAA Sachsen e. V.	Germany	www.raa-sachsen.de

ORGANIZATION/INSTITUTION	COUNTRY	WEBSITE
Counselling Centre for Citizenship, Civil and Human Rights	Czech Republic	http://poradna-prava.cz
Czech Helsinki Committee	Czech Republic	www.helcom.cz
Department of Criminology, University of Leicester	United Kingdom	www2.le.ac.uk/departments/criminology/people/nac5/nac5
European Commission Against Racism and Intolerance (ECRI)	International	www.coe.int/t/dghl/monitoring/ecri/default_en.asp
European Disability Forum	International	www.edf-feph.org
European Union Agency for Fundamental Rights (FRA)	International	http://fra.europa.eu
“Facing Facts”, CEJI – A Jewish Contribution to an Inclusive Europe	Belgium	www.ceji.org
Human Rights First	International	www.humanrightsfirst.org
In IUSTITIA o.s.	Czech Republic	www.in-ius.cz
Institute for Research on Migration	Germany	http://platform.imir.de
International Lesbian, Gay, Bisexual, Trans and Intersex Association, European Region (ILGA Europe)	International	www.ilga-europe.org
International Network Against Cyber Hate (INACH)	International	www.inach.net
Kharkiv Human Rights Protection Group	Ukraine	www.khpg.org
Kulturbüro Sachsen e. V.	Germany	www.kulturbuero-sachsen.de
Legal Intervention Society	Poland	www.interwencjaprawna.pl
LesMigraS – Lesbian Counselling Center Berlin	Germany	http://lesmigras.de

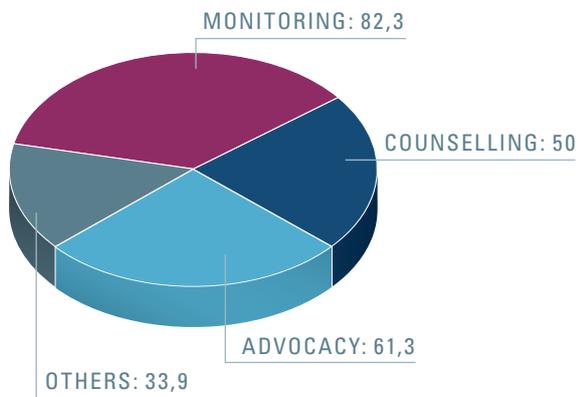
ORGANIZATION/INSTITUTION	COUNTRY	WEBSITE
LOBBI – Support and Information for Victims of Right-Wing Violence in Mecklenburg-Western Pommerania	Germany	www.lobbi-mv.de
Magenta Foundation	Netherlands	www.magenta.nl
Mobile Counselling Against Right-wing Extremism	Germany	www.mbr-berlin.de
Moscow Bureau for Human Rights	Russia	www.antirasizm.ru
Movement Against Intolerance	Spain	www.movimientocontralaintolerancia.com
Nash Mir Gay & Lesbian Center	Ukraine	www.gay.org.ua
Network for Democracy and Courage Saxony	Germany	www.netzwerk-courage.de
NGO African Center	Ukraine	www.african-center.net
Nomada Association, Sukurs projekt	Poland	http://sukurs.nomada.info.pl
Office for Democratic Institutions and Human Rights of the OSCE, Tolerance and Non-Discrimination Department (OSCE/ODIHR)	International	www.osce.org/odihr
Office of the Ombudsman in the Perm Region	Russia	http://ombudsman.perm.ru
Open Republic – Association Against Antisemitism and Xenophobia	Poland	www.otwarta.org
Open Society Foundation Bratislava	Slovakia	www.osf.sk
Open Society Fund Prague	Czech Republic	www.osf.cz
Otto-von-Guericke University	Germany	www.ovgu.de

ORGANIZATION/INSTITUTION	COUNTRY	WEBSITE
People Against Racism	Slovakia	www.rasizmus.sk
Public Action Against Impunity	Spain	http://accio-popular.org
ReachOut – Counselling for Victims of Right-Wing, Racist and Antisemitic Violence	Germany	www.reachoutberlin.de
Roma Women Fund Chirikli	Ukraine	www.xenodocuments.org.ua/partners/chiricli-eng
Russian LGBT Network	Russia	www.lgbtnet.ru
Social Action Centre – “No Borders” Project	Ukraine	http://noborders.org.ua
SOS Racisme France	France	www.sos-racisme.org
SOVA Center for Information and Analysis	Russia	www.sova-center.ru
The Community Security Trust (CST)	United Kingdom	www.thecst.org.uk
The Monitoring Group	United Kingdom	www.tmg-uk.org
Transgender Europe	International	www.tgeu.net
UNITED for Intercultural Action – European Network Against Nationalism, Racism, Fascism and in Support of Migrants and Refugees	International	www.unitedagainstracism.org
Youth Human Rights Group Karelia	Russia	http://right.karelia.ru
Youth Human Rights Movement (YHRM)	Russia	http://yhrm.org
ZARA – Civil Courage and Anti-Racism Work	Austria	www.zara.or.at

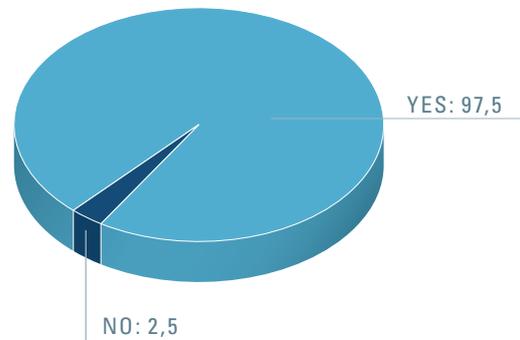
RESULTS OF THE ONLINE SURVEY

The survey was conducted among participants in the run-up to the conference to identify relevant topics and specific interests. 60 organizations participated.

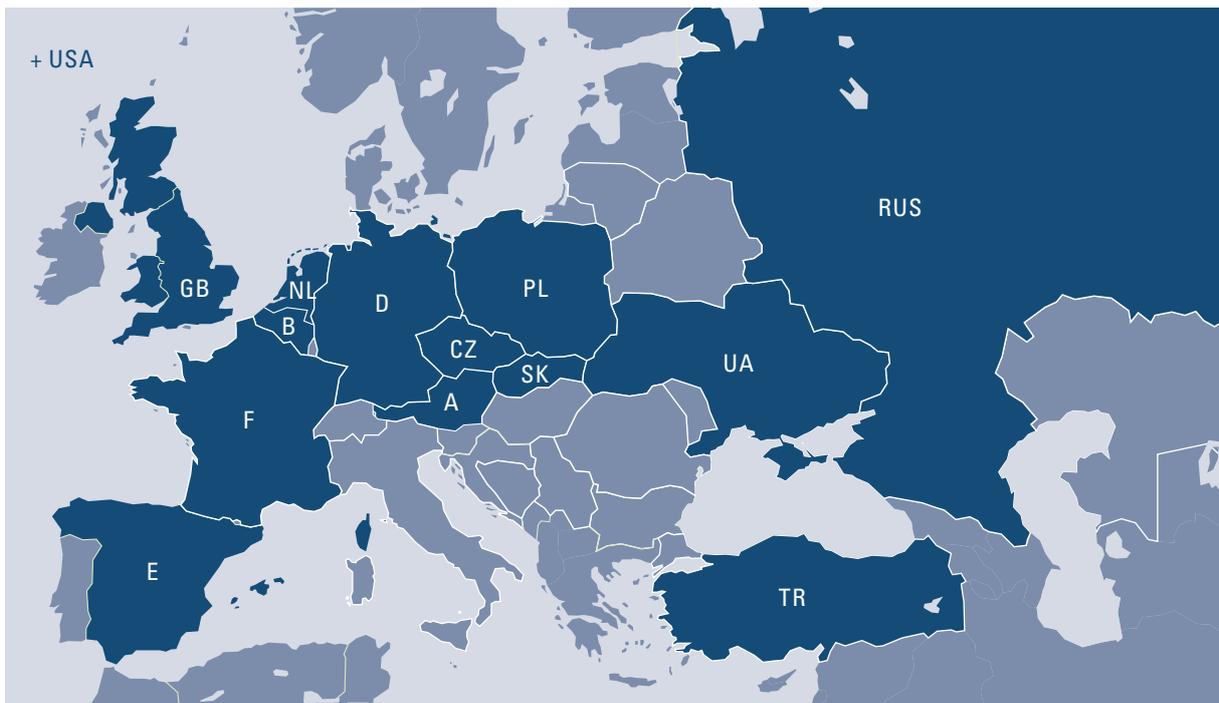
1. WHICH TOPICS ARE ESPECIALLY IMPORTANT FOR YOUR EVERYDAY WORK?



2. WOULD YOU LIKE TO COOPERATE INTERNATIONALLY WITH OTHER ORGANIZATIONS?



3. WHERE ARE YOU FROM?



4. WHICH THEORETICAL QUESTIONS AND PRACTICAL ISSUES WOULD YOU LIKE TO DISCUSS?

The tag clouds summarize topics specific to monitoring, counselling, and advocacy mentioned by at least two participants in the survey. General issues, including the often voiced call for an integration of sexual

orientation and gender identity into NGO activities and hate crime legislation, were not integrated into the graphs.



OPEN SPACE:

Participants' issues

15.45

- How to fight racism in a racist society? (Who is your partner? Who gives you money? Who listens to you?)
- Do you have any ideas/examples of how to react if a local community supports/agrees with the "hate"?
- Does the naming of groups of people vulnerable due to personal characteristics give ideas to (possible) perpetrators?
- We are looking for inspiration for:
 - 1) prevention programs in the community (our main interest is prevention of hate against Roma people);
 - 2) restorative programs for perpetrators
- How to face specific challenges of monitoring homophobic hate crimes in Europe? (Challenges: hidden/weakly organized community; scarce funding; not established legal term)
- What are effective methods of counselling hate crime victims?

16.30

- Monitoring hate crime – Do you want training?
- What is the role of religious institutions in dealing with hate crimes?
- Forms of NGO-donor dialogue
- How to counter the spread of rumours

17.15

- How do you force a (national or local) government to deliver on commitments?
- Can this conference adopt a resolution against the homophobic bill in St. Petersburg, Russia?
- What can you do to support international pressure on the German public/government to establish an independent enquiry commission on the serial killings motivated by hate in Germany?
- Thoughts on symbols of one-ness?
- What does one do to get the government or law enforcement authorities to bring perpetrators of hate crimes to justice?

OPEN SPACE:

Results of the discussion groups

MY/OUR ISSUES AND OPPORTUNITIES FOR COMBATING HATE CRIMES

ISSUE 01: How to face challenges in monitoring transphobic hate crimes?

What happened?

Challenges:

- Weakly organized, hidden, invisible community
- Legal term not established
- Scarce funding

Issues discussed:

- Similarities between T. community and LGB(T) people in sports
- Educating T. community about the positive side of reporting
- National police statistics in Sweden & Finland on transphobic hate crimes
- FRA studies in relation to LGBT
- Difficulties of bringing hate crimes to the attention of governments with a focus on Russia

ISSUE 02: How to fight racism in a racist society?

What happened?

- Influence the decision making
- Switching the discussion
 - ▶ Changes in the society

Concerns:

- Politicians using hate speech and people voting for them
- Hate speech legitimizes and produces hate crime

ISSUE 03: Combating rumours

What happened?

Media

- Misleading and wrong titles/accountability
- Training of reporters by famous media personalities (sensitizing)
- Present positive stories
- Negative, stereotypical news titles bring in money for newspapers

State institutions

- Employ persons from minorities and train them

Political leaders and people of influence do not want to openly stand up for the minorities in times of threats and fear. They also do not support positive events.

Campaign to inform society about the “blood money” made by media by manufacturing negative stories – negative titles attract more visits and hence more earnings.

- Create an alliance of NGOs for media shots
- Proposal to involve personalities in a “shocking” campaign on prejudices and media reports that support public prejudices (e.g. sports personalities). The campaign should be directed at the broad public (fight hysteria).

ISSUE 04: How can you force governments to implement existing commitments?

What happened?

- Engagement with relevant government agencies to make sure they know about commitments made at the European/international level (EU, CoE, OSCE, UN, etc.). Provide them with NGO expertise.
- Create political pressure. Work on awareness and action supported by the general public – Need for the issue to be visible.

- Strategies can include national/regional/European/international officials presenting existing commitments (even non-legally binding recommendations).
- Success rate of such strategies varies depending on the country, but it is worth trying. It can also be worth being aware of counterproductive consequences in other countries.
- Key element for NGOs: articulate actions and knowledge/expertise in international/EU fora and at the national/local level. Otherwise no awareness raising and no efficient campaigning can happen.

ISSUE 05: Forms of NGO-donor dialogue

What happened?

Donor-grantee dialogue:

- Trust the NGOs
- Accept their approach/“take it or leave it”
- Clear priorities and requirements of donors
- Do country visits!! (Direct dialogue)
- Horizontal relationship: NGOs can choose donors?!

NGOs & donors vs. the state

- Joint approach?
- Fake dialogue with state?!
- Donors to provide resources for lobbying & capacity building

Discussing strategies (Donors & NGOs)

- Competition among NGOs ► no open dialogue
- Lack of long-term support by donors
- Invite “outsiders”/non-competing experts (academics)
- Long-term support/security for NGOs to support dialogue

ISSUE 06: Can this conference adopt a resolution against the homophobic bill in St. Petersburg, Russia?

What happened?

We plan to propose the text of a petition from the conference tomorrow morning. We cannot stay silent when hate crimes are happening. We think that the conference can propose to pass the law against discrimination including SOGi.

ISSUE 07: What are efficient methods of psychological counselling?

What happened?

- Group meeting – support, community – empowering
- Tricks on how to facilitate contact with psychologists
- Counselling time depends on the victim
- Standards of documentation
- Documentation: sometimes is enough
- Attempt to understand how we can help: legal, Ψ, clothing, contact with employer...
- Redirecting to monitoring and anti-trafficking NGOs
- The question of publicity
- Dealing with the media can sometimes hurt the victim: creating false stories ► you have to be prepared
- Some victims are eager to go public, they feel that their picture is well-known and recognized
- Media creates pressure
- Dealing with refugees traumatized by resettlement: diagnostics, number of meetings depends on if the person needs a series of 1-on-1 consultations, support groups
- The longer time you spend – the more the person wants to accept services

ISSUE 08: Inspiration for: 1) prevention programs in the community (concerning Roma minority); 2) restorative programs for perpetrators

What happened?

SPJ implements Roma mentoring in the Czech Republic

- Roma mentors are intercultural mediators. Bridge between minority and majority.

In Germany:

- Roma Mentoring Project – RAA Berlin
- Freudenberg Foundation

Tool for working with perpetrators

- Victim-offender mediation (mobile)
- European Peer Training Organization (EPT)
- Hotline for parents of young perpetrators



RESOLUTION AGAINST HOMOPHOBIC LEGISLATION IN ST. PETERSBURG, RUSSIA

Resolution by participants of the International Conference “Stop Hate Crime! NGO Approaches to Victim Assistance and Monitoring in Europe” concerning efforts in the St Petersburg City Legislative Assembly to introduce prohibition of the so-called “propaganda of sodomy, lesbianism, bisexualism, transgenderism to minors”

22–25 November 2011, Berlin

Vadim Tulpanov (Chair of St Petersburg Legislative Assembly); Georgy Poltavchenko (Governor of St Petersburg); Alexei Kozyrev (Ombudsman for Human Rights, St. Petersburg); Vladimir Lukin (Ombudsman for Human Rights, Russian Federation).

1. We the undersigned are shocked by the introduction by legislative assembly members of the “United Russia” party to introduce legal measures to prohibit the so-called “propaganda of sodomy, lesbianism, bisexualism, transgenderism to minors” and “pedophilia”, respectively.
2. We believe that the association of two articles (7.1 and 7.2) with the same penalties and sanctions equates “homosexuals, lesbians, bisexuals and transgender people” with the perpetration of illegal and immoral and criminal sexual offences against children is a slur and propaganda against LGBT people. We, the undersigned are utterly opposed to sexual offences against children.
3. This association of “homosexuals” with sexual offences against children is another part of propaganda against lesbians, gays, bisexuals and transgender (LGBT) people which will spread misinformation and generate negative attitudes and “hate crime” including violence against

LGBT people within St Petersburg and beyond. This is consistent with the experience in other countries around the world. Moreover, the ban of disseminating information on sexual orientation and gender identity may also hamper advocacy for effective investigation of hate crime against LGBT people.

4. We are concerned that similar laws have been passed in Ryazan and Archangelsk and that members of the Legislative Assembly have suggested a Federal law, which will extend such tragic consequences across the whole of the Russian Federation and lead to the further isolation and suffering of lesbian, gay, bisexual and transgender people.
5. We believe that such laws that prohibit open discussion on any subject are a denial of freedom of speech and therefore of democracy and are inconsistent with the UN International Bill of Human Rights, the European Convention for Human Rights, and place Russia in breach of her international treaty obligations.
6. Sexual orientation and gender identity are fundamental characteristics, and no one should be discriminated against on any ground.
7. We call on the Saint Petersburg Legislative Assembly to dismiss the proposed bill and instead focus its energies on adopting comprehensive antidiscrimination legislation that includes sexual orientation and gender identity among the protected categories. This law must also be replicated on a federal level.



EXHIBITION DURING THE INTERNATIONAL HATE CRIME CONFERENCE, NOVEMBER 2011

Victims of right-wing violence in Germany since 1990

Rebecca Forner, 2010

On September 14th, 2000, the daily newspapers *Frankfurter Rundschau* and *Der Tagesspiegel* published a chronicle listing 93 people who have been killed since 1990 due to right-wing violence. Both newspapers updated this list on October 5th, 2001, and again on March 6th, 2003. The most recently updated version of the chronicle was published on September 16th, 2010 in *Der Tagesspiegel* and in the weekly newspaper *Die Zeit*. It documented 137 people killed due to right-wing violence since the German reunification. The chronicle considered an additional 14 acts of violence to be likely linked to right-wing violence; they manifested plausible indications of right-wing motives for the crimes, but it was not possible to prove this beyond a doubt.

At the time of the chronicle's publication in 2000, the German federal government recognized only 24 of the listed cases as victims of right-wing violence. In 2001, the federal and state ministers of the interior changed the criteria for recording right-wing offences: They replaced the definition of "extremism" – which applies to attacks on the "free and democratic constitutional order" – with the definition "politically motivated crime". Now, police officers are to assess criminal offences as right-wing "if one can conclude from the crime's details or from the perpetrator's opinions that the deed is directed against a person due to that person's political opinions, nationality, ethnicity, race, skin colour, religion, personal philosophy, origins, sexual orientation, disability, outward appearance or social status" (*Bundesamt für Verfassungsschutz [Federal Office for the Protection of the Constitution]* 2010).

However, the practice of recognition only changed slightly after the new definition was established. Also, the announced reassessment of cases dating back to the 1990s was never completed. The authorized police stations decide if an attack is assessed as right-wing,

and the *Bundeskriminalamt* (*Federal Criminal Police Office*) no longer questions the police stations' assessments. As this exhibition is launched, the *Bundeskriminalamt* is assessing 47 of the cases that are documented here as being acts of right-wing violence.

The following work is based on the chronicles published by the *Frankfurter Rundschau*, *Der Tagesspiegel* and *Die Zeit*, as well as on research by Julia Stegmann. However, neither this chronicle nor any other lists are exhaustive. There are many cases of doubt and the actual number of victims is most likely much higher.

This is the exhibition's fourth edition. It was reviewed and revised in cooperation with the staff of *Opferperspektive e. V. (Victim's Perspective)*. We included murder cases where witnesses or police ascribed a right-wing motive and where the crime's details clearly suggested that hostility against a defined social group played a determining or escalating role. Proof of a right-wing motive was of key importance to the creators of the exhibition.

The exhibition documents 156 cases occurring between 1990 and 2010.

This touring exhibition has been supervised by *Opferperspektive e. V.* since May 2004. It was supported by the *Fonds Soziokultur*, the *Dr. Hildegard Hansche Foundation*, the *Verein 2002* and the *Brandenburgische Landeszentrale für politische Bildung (Brandenburg Central Office for Political Education)*. We would like to express our special gratitude to the *Friedrich Ebert Foundation*, which enabled us to complete this fourth version.

Further information on the exhibition is available at: www.opfer-rechter-gewalt.de

