

Nigdy Więcej and Opferperspektive (eds.)

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# **HATE CRIME MONITORING AND VICTIM ASSISTANCE**

**IN POLAND AND GERMANY**

**EXECUTIVE SUMMARY**

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Published in 2009 by  
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The Research Project „Monitoring Hate Crimes and Victim Assistance in Poland and Germany” was financed by the Foundation “Remembrance, Responsibility and Future” (Stiftung „Erinnerung, Verantwortung und Zukunft“).



The English print version of the final report was published in 2009. The English full and short versions as well a short version in Polish language can be downloaded at [www.stiftung-evz.de](http://www.stiftung-evz.de) and [www.nigdywiecej.org](http://www.nigdywiecej.org)

## **Executive Summary**

The report “Monitoring hate crimes and victim assistance in Poland and Germany” is the result of a Polish-German joint project. It was developed and coordinated by the Potsdam-based association “Opferperspektive” (“Victims’ Perspective”) and the Warsaw-based organization “Nigdy Więcej” (“Never Again”), and carried out by a mixed Polish-German research team between January and July 2008. It was made possible by the funding of the German foundation “Erinnerung, Verantwortung und Zukunft”

### **Project Partners**

The foundation “Remembrance, Responsibility and Future” is dedicated to foster projects that serve the purposes of better understanding among peoples, the interests of survivors of the National Socialist regime, youth exchange, social justice, remembrance of the threat posed by totalitarian systems and despotism, and international cooperation in humanitarian endeavors. With a wide-stretching network of correspondents and volunteers, the Polish association “Nigdy Więcej” belongs to Poland’s most important antifascist and antiracist initiatives. In its “Brown Book”, a register of racist, xenophobic and homophobic incidents, the members have documented a few thousands cases of hate crime and hate speech since the beginning of the 1990s. The association “Opferperspektive e.V.” has been offering legal, social and psychological assistance to victims of right-wing violence in the state of Brandenburg since 1998. The organization operates as a proactive outreach and monitoring centre.

### **Basic Considerations**

Poland and Germany, as two neighboring countries with a particular difficult historical relationship and enduring tensions, have a shared problem. Both have seen extreme nationalistic movements and militant right-wing organizations and parties gaining influence inside and outside the parliaments over the last years; both are challenged by a wide range of intolerance and ethnic and religious biases within the population, as indicated by various studies and public-opinion polls. While there has been a growing interest in comparing organized forms of far-right activities across Europe, comparative studies of policies and projects against right-wing and related violence and hate speech, however, are still less common. This is particularly true with regard to the experiences and perspectives of nongovernmental actors and organizations, representing the interests and demands of the groups mostly affected by hate crimes such as Roma, migrant and LGBT communities, religious minorities, or antifascist and antiracist activists. Furthermore, despite various NGO networks on the European level dedicated to counteract homophobia, racism and antisemitism, programs that could foster transnational cooperation on practical issues are most of the time difficult to implement, mainly due to a lack of resources, and often quite differing working and operational conditions as well as different political opportunity structures for civil society influence in the respective countries.

The funding of the foundation “Erinnerung, Verantwortung und Zukunft” (“Remembrance, Responsibility and Future”) created a rare opportunity to take a closer look at potential areas and forms of cooperation and mutual support between German and Polish NGOs in one particular field of human rights activities: monitoring of incidents of right-wing and related

violence and providing direct assistance to the individuals and communities targeted. This is a field, which is almost completely unexplored for Poland, and to some extent also for the Western part of Germany.

The idea for this research project is based on the shared conviction by all project partners that these two elements, monitoring and victim assistance, are crucial if broader national and international strategies to counter right-wing extremism, homophobia, racism and antisemitism should be effective. All efforts and public policies that want to address the problem of bias-motivated violence and hate speech need detailed information on the amount and circumstances of these incidents, including the perpetrators and the victim groups mostly affected, which is often not provided in a sufficient way by government institutions. Outreach and support services to the victims are not only a question of humanitarian commitment, solidarity and social justice, but can be also turned into an instrument for further networking and the empowerment of otherwise marginalized individuals, minority groups and communities. They can also provide the ground for further political interventions and changes, by challenging dominant public perceptions and discourses which often still deny the structural and social embeddedness of nationalistic, racist, antisemitic or homophobic attitudes and ideologies in mainstream society.

### **Tasks of the Study**

Our study was not set out to cover and discuss the whole spectrum of possible and applied strategies of NGOs active in countering right-wing extremism, discrimination and intolerance in both countries. Neither, were we able to address the broader historical, social and political context of hate crime incidents and respective public policies in Poland and Germany, for example the relevance of media and academic discourses, or the specific character and influence of far-right movements. Due to time limits the study had a rather limited scope. The main tasks were the following:

- To summarize relevant research findings on the problem of hate crimes in both countries.
- To outline the respective national legal frameworks.
- To summarize data on right-wing violence in both countries for the years 2005 to 2007.
- To identify German and Polish NGOs active in monitoring of right-wing violence and in assisting victims of these crimes.
- To describe their operational definitions of right-wing violence/hate crimes, their methods of data collection/presentation and victim assistance.
- To examine the identified organizations' perspectives, available resources and current embeddedness concerning transnational networks.
- To propose viable forms and fields of transnational (Polish-German) cooperation.

### **Empirical Sources**

The study has a highly explorative character, since, especially for the Polish context, there is not much systematic legal or other academic research in the field of hate crime policies to build on. Most data and reports provided by official bodies and law enforcement agencies are also of rather low informative value.

Therefore, the most important empirical source of the report are qualitative face-to-face interviews with relevant NGOs. Altogether, more than 60 interviews were conducted, most of them between February and April 2008. For the Polish part of the study, 28 organizations were selected for interviews, of which many have not been directly involved in activities of monitoring and victims' assistance so far, but from which we expected a certain interest in the issues at stake, because they are either representing the interests of particular minority communities or as welfare or human rights organizations have regular contact to potential victim groups such as refugees or the Roma community. There has been a predominant focus on organizations operating in larger urban areas. Almost half of all NGOs included in the survey are based in Warsaw, while others are active primarily in the Eastern or Southern parts of Poland. In Germany 26 longer face-to-face interviews and about 20 mostly shorter telephone inquiries were conducted. The main geographic focus of the study was East Germany, due to the more well-established structures for victim assistance (with regard to right-wing violence) and monitoring in the new federal states. About 70 percent of all our interview partners represent NGOs, located either in Berlin or in the the eastern states. With regard to West Germany, we decided to concentrate on two regions: North-Rhine Westphalia and northern states such as Lower-Saxony, Hamburg and Bremen. In the German part of the study, we focussed right from the beginning on organizations already active in the respective fields, paying less attention to informal and self-help groups or general welfare or human rights associations, mainly due to time restrictions. It would be useful, however, to incorporate the latter more actively in subsequent studies and projects to find out about their views and experiences, and if and how they deal with the challenge of hate crimes.

## **Research Results**

### **General Findings with Respect to Hate Crimes**

Figures and reports on recent incidents of right-wing and related violence point to the relevance of the problem of hate crime and hate speech in both countries. Victim support organizations documented 861 cases of right-wing attacks for 2007, only for the new federal states in East Germany. In March 2008, the police had already recorded 1.311 right-wing and racially motivated offences, including 72 acts of violence, throughout Germany, which left at least 200 people injured. Whereas the Polish law enforcement institutions do not provide any up-to-date information and statistics on reported cases (12 cases of physical assaults were registered for 2006; no data is available for 2007), the Association "Nigdy Więcej" registered approximately 130 incidents of hate crime and hate speech in their "Brown Book" for Poland in 2007, including cases of severe bodily injuries.

The groups mostly affected by hate crimes in Poland are ethnic minorities such as members of the Roma community, gay people as well as alternative youth and activists of antiracist/progressive social movements. Antisemitic manifestations such as the desecration of Jewish sites and incidents of antisemitic hate speech are also reported to be quite common. In Germany, refugees, migrants and non-ethnic Germans definitely belong to the most vulnerable groups, targeted by racists, skinheads and other right-

wingers; outright antisemitic manifestations and incidents, including physical attacks, desecrations of Jewish cemeteries and verbal insults, have been on the rise since the 1990s as well. Similar to Poland, progressive political activists and left-leaning young people are also frequently the target of brutal assaults carried out by far-right extremists.

## **Government Programs and Responses to Hate Crimes**

Whereas German authorities have stepped up their efforts and have taken more proactive measures to address right-wing violence over the years, the influence of far-right politicians in previous Polish national governments has obviously stalled programs and legislation in place to counteract hate crimes and to protect the rights of certain minority groups. As has been highlighted by numerous incidents, open hostility towards the LGBT community and antisemitic attitudes could gain ground at the highest political level.

Government programs providing financial support for NGOs, active in the field of monitoring right-wing violence and assisting the victims, were introduced for the first time in Germany in 2001, following a new wave of particularly severe antisemitic and racist incidents. The federal CIVITAS program (2001-2006) allowed, amongst others, for the creation and long-term financial support of specialized hate crime victim support organizations, but only in the Eastern parts of the country. The successive government program, "Consultation Networks and Mobile Intervention Against Right-wing Extremism", however, gives much less attention to the perspectives of hate crime victims, raising questions about the longevity of some of the established projects.

In Poland, where the subject hate crime is still rarely debated in public, no specialized programs have been adopted so far, which would allow for regular government funding of NGOs involved in activities against right-wing extremism, antisemitism, and xenophobia and/or hate crime victim assistance. The "National Program for Counteracting Racial Discrimination, Xenophobia and Related Intolerance (2004-2009)", however, stipulated some measures to address the problem of hate crime and hate speech, including the consultation of antiracist and human rights organizations. Not much, however is known, about the actual implementation and the results of the projects and strategies developed under the framework of this program.

## **Legal Provisions and Law Enforcement**

In both countries, constitutional, criminal and civil law provisions do – to a varying extent – permit the persecution of discrimination and hate crimes based on certain alleged or real characteristics of the victims. In both countries, the respective constitutions also allow for the ban of openly anti-democratic, racist and fascist parties and organizations. Poland's Criminal Code contains two articles (Art. 118 and 119) which treat bias-motivated violence as separate offences. Further articles (Art. 256 and 257) criminalize incitement to hatred on national, ethnic, racial or religious grounds, but do not protect members of sexual minorities from hate speech. The German Criminal Code, in contrast, does not define bias-motivated crimes as distinct offences, but also prohibits incitement of violence, incitement of arbitrary discrimination as well as the violation of

people's human dignity on grounds of nationality, race, religion or ethnicity (§ 130). Both states have been repeatedly criticized by supranational bodies for not having passed legal provisions according to which penalties would be enhanced for bias-motivated offences. Victim support organization in Germany and other experts, however, have raised doubts whether the enhancement of sentences would be beneficial to solving the problem.

In general, the most important concerns expressed by NGOs and victim groups do not refer to a lack of adequate legislation, but to several flaws in the law enforcement systems. In Poland, as in other post-communist countries, it seems to be quite common to have very extensive legal provisions in place, which formally protect individuals and minority groups from civil and human rights violations, but in many regards do not correspond with dominant political ideologies and the actual implementation of laws. For Germany and Poland, worrying patterns of police brutality and misconduct, involving frequently members of minority groups (Roma, migrants, refugees etc.) have been reported, causing mistrust and doubts, whether law enforcement institutions are well equipped to protect victims of hate crimes. A second major concern is the reluctance of respective authorities to properly investigate and prosecute cases of ideologically motivated assaults and incidents of hate speech. In the case of Poland, there seems to be a particularly broad gap between legal provisions in place, and the willingness of police and public prosecutors to apply these against the perpetrators. The reason most often provided by the Polish authorities for this failure is that many of the incidents reported are either merely acts of "hooliganism", and/or cause "little social harm". In Germany, some observers and NGOs have criticized that the focus of the police is usually on those cases in which the offenders can be easily identified with extreme right-wing ideologies and organizations, and that by failing to take into account more systematically the perceptions of victims and witnesses the German law enforcement system is still underestimating the amount and severity, for example, of racist and homophobic hate crimes.

Whereas in Poland the number of convictions with regard to hate crimes is very low (35 cases of convictions in 2006), and many legal procedures are discontinued, the German jurisdiction seems to be inconsistent and strongly influenced by the stance of public prosecutors, differing from state to state. There are no up-to-date statistics available on convictions with regard to right-wing hate crimes (2.334 offenders were convicted in 2003 under different legal articles, including laws referring to propaganda delicts).

Procedural instruments enabling the active participation of crime victims and their legal representatives in lawsuits are in place in both countries (Germany: "joint action", and Poland: "subsidiary prosecution"). In the German case, the instrument of "joint action", which accords to victims the status of a "joint plaintiff" with certain legal rights (access to case files, the right to file petitions concerning the investigation, the right to question the defendant, to submit evidence etc.), has proved to be a vital tool that can safeguard the interests of hate crime victims in court procedures, prevent the premature discontinuation of investigations or make sure that the ideological background is taken into account. In Poland, where representatives of non-profit social organization are under specific circumstances also allowed to actively participate in court cases, the potential of these procedural instruments on behalf of hate crime victims needs further attention and exploration.

## **Official Monitoring Systems**

According to the assessment of the Agency for Fundamental Rights (FRA) of the European Union the criminal justice data collection systems on racist and other hate crimes in Germany and Poland are “good”, or at least “sufficient”. Compared to other states, however, particularly to those with a longer tradition of hate crime policies and legislation such as the Anglo-Saxon countries, Germany and Poland have a rather limited monitoring system in place. In both countries, hardly any information is provided by the state authorities on the characteristics of the victims affected by bias-motivated violence (religion, language, gender, sexual orientation, nationality and ethnic origin) or other circumstances of the attacks.

For Germany, though, it can be maintained that the official system of registration and data collection has been somewhat strengthened over the years due to a mix of internal and external pressures, including criticism raised by legal experts, journalists and a number of civil rights and victim support organizations over the low quantity and quality of police data on hate crimes. The most important improvement was the introduction of the category “politically motivated right-wing offences”, with its sub-categories xenophobic and antisemitic crimes, which became an integral element of the German police registration and definition system in 2001. Before, the previous registration rules stated that ideologically motivated crimes had only to be recorded by the police as such if the “perpetrator showed intentions of disturbing fundamental democratic principles of the state”.

Whereas today, German government and intelligence institutions report regularly on current figures and trends, the authorities in Poland provide only inconsistent and insufficient information on right-wing violence and related offences; often only upon request by supranational bodies, the media or other institutions. Furthermore, the data seems to be collected in a rather non-systematic way. The lack of reliable and up-to-date official statistics in Poland must be, therefore, considered as a major obstacle not only for research, but also for a broader public acknowledgement and awareness of the problem of bias-motivated violence and hate speech in the country. Underreporting, while being a widespread phenomenon in Poland and Germany, seems to be also more pronounced in Poland, where some NGOs estimate that up to 90 percent of all hate crime victims decide not to press criminal charges against the perpetrators.

## **Activities and Perspectives of Nongovernmental Organizations**

### **Poland**

#### *Operational definition of right-wing violence/hate crimes*

The phenomenon of right-wing violence is, in general, recognized as a problem of Polish society by most interviewed NGOs. There is also a strong conviction, that prejudices, intolerance, racism and discrimination of minorities are persistent patterns shaping Polish social and cultural life. Most of the studied organizations, however, do not operate with a clear-cut definition of the term hate crime, but rather see it as a particular severe

form of discrimination. Their notion of the problem is closely linked to the specific experiences of the communities they represent. Representatives of organizations working with or on behalf of “visible” minority groups such as refugees and migrants, occupying marginal or underprivileged positions in Polish society, groups with a long history of stigmatization in Poland (e.g. Roma, Jews), sexual minorities, or people involved in alternative or radical action for social and cultural change (e.g. antifascist activists, punk subcultures etc.) are the ones which are particularly aware of the challenge of right-wing and related violence. All of them referred to various cases of hate crime incidents, experienced either personally, or by members of their communities. Other concerns raised by the interviewees are frequent incidents of hate speech and attacks on property belonging to minority organizations, especially cemeteries and houses of prayer.

Among the organizations, included in the study, there were only four that consciously and overtly use the term hate crime, and consider the combat of it as an essential part of their political agenda: the Association for Crisis Intervention, the “Never Again” Association, the Campaign Against Homophobia, and the association Polish Humanitarian Action.

### *Monitoring Activities*

Most of the NGOs interviewed have not been involved in any systematic monitoring activities with regard to incidents of hate crimes in Poland so far. However, in many cases community leaders and activists serve as important contact points for potential target groups of hate crimes, and do collect some information on incidents of discrimination and local conflicts where members of minority groups have been mistreated and harassed by representatives of law enforcement institutions, private security guards, far-right organizations or Polish neighbors. While monitoring and the documentation of hate crimes is not the primary focus of many organizations, apart from “individualized” or occasional efforts of keeping track of incidents of victimization, we could identify a small number of NGOs quite active in the field. Four approaches can be distinguished:

1. **Locally-based monitoring** oriented towards public interventions in cases of attacks, discrimination or hate speech. These are often undertaken by informal grassroots organizations such as local antifascist collectives, whose members are frequently targeted themselves by far-right skinhead groups. Examples for this approach: Anti-nazi Group (GAN) in Piła, and an informal group in Oświęcim, being part of the national network of “Never Again” Association.
2. **In-community monitoring** mainly based on information shared by the members of particular ethnic or religious groups. Examples are the Union of Jewish Religious Communities in the Republic of Poland and its monitoring group Magen that also evaluates daily local newspapers with regard to incidents of antisemitic hate crimes and hate speech; and the Polish Roma Association, that runs a community-based, informal self-help system of monitoring and intervention in cases of local conflicts and assaults.

3. **Victimization surveys** conducted by groups representing the LGBT community. Since 2002, the Campaign Against Homophobia and the NGO Lambda Warsaw have been publishing the report “The situation of bisexual and homosexual persons in Poland”, that includes data on homophobic hate crimes, based on information collected via questionnaires distributed amongst the gay community throughout the country.
4. **Nation-wide monitoring**, carried out by the organization “**Never Again**” and its network of more than 150 volunteers throughout Poland. Since 1996, the association has been running a project called “Brunatna Księga” (“Brown Book”), which is a detailed register of hate crimes and their descriptions, including racist and xenophobic offences committed by members of neo-fascist groups and organizations as well as non-aligned groups and individuals. “The Brown Book” is published regularly in the antifascist magazine *Nigdy Wiecej*, that is distributed to thousands of readers, including many journalists, as well as on the association’s website. Since the beginning of the 1990s a few thousand incidents have been registered and documented, including more than 40 murders. The publication is the most exhaustive source of information on hate crimes and racism in Poland.

#### *Hate Crime Victims’ Assistance*

According to our enquiries, there are no NGOs in Poland specialized in providing legal, social and psychological services to victims of right-wing violence. Support to victims of hate crimes is most of the time organized spontaneously, according to existing resources. Often, this assistance is provided in a non-institutionalized and informal way, ranging from individual help to find appropriate lawyers, to accompany victims to the police and to support them in court proceedings, to community-based self-defence groups to protect targeted communities from further right-wing or racist attacks. At times, NGOs specialized in legal aid, anti-discrimination work or human rights violations, can serve as contact points for victims of hate crimes looking for help with legal questions.

A crucial role, especially in the case of ethnic or immigrant minority groups, is played by the “spokespersons” of some of these communities and/or by individual committed activists. These individuals serve as the main contact points, sources of information as well as advisors on whom to contact further. They are also important as translators, “intercultural negotiators” and mediators, that can, for example, build bridges between the victims and the police. Another important aspect is their locally-based knowledge on particular “sites of tension”, for example, certain municipalities and neighborhoods particular hostile to communities of Roma or refugees, and their ability to intervene in local conflicts in order to prevent further acts of violence and harassment.

We identified three NGOs which already devote some of their institutional resources to the assistance of hate crime victims, or have particular potential to do so in the future: The Polish Roma Association already provides legal aid, combined with local mediation strategies to counter racism and discrimination on different levels. Organizations, representing the LGBT community, which offer general psychological assistance and counselling, have a number of local support groups and well-established contact to lawyers. And finally, the so called “Association for Crisis Intervention”, which is involved in anti-discrimination work and humanitarian aid, and reaches out to groups such

members of the Roma and the LGBT community, refugees, or female victims of domestic violence.

#### *Interest and Demands with Regard to Monitoring and Victims' Assistance*

There is a widespread interest among the interviewed NGOs in getting more involved in hate crime monitoring and victims' assistance, often linked to a broader interest in anti-discrimination and educational work. Even though most organizations and groups claimed that they alone lack the sufficient financial and time resources for these activities, their representatives often expressed interest in joint monitoring projects, based on networks and cooperations with other NGOs and interested local partners. A number of organizations declared their readiness to share their experiences and intellectual resources, legal contacts or office infrastructure with NGOs or groups that operate under more restricted conditions.

Some representatives of migrant and refugee groups expressed great demand for victim assistance, as racism, xenophobia and discrimination have been their permanent experience in Poland. According to our interviews, the most pressing demands and needs are information and training on hate crimes and related issues (discrimination, hate speech etc.), stronger support from more established NGOs and the Polish authorities, and more trained/competent personnel and a higher standard of services in all institutions, dealing with ethnic minorities, immigrants and refugees.

Among the major obstacles and challenges that have prevented more systematic NGO activities to address right-wing violence and related hate crimes in Poland so far, our interview partners expressed the following: the socio-cultural and political "climate" of prevailing intolerance or reluctance in some sectors of the Polish society to recognize the problem, including the media, public and law enforcement institutions; limited financial, time and staff resources of the groups and organizations themselves; as well as the widespread avoidance of individuals and communities affected by hate crimes to raise their voices and press charges against the perpetrators, due to a general mistrust towards Polish public institutions and the police.

#### *Perspectives on transnational cooperation*

Almost all organizations whose representatives were interviewed expressed interest in various forms of cooperation within the non-governmental sector in Poland and other countries. Despite varying degrees of experience with international networking and joint projects, many groups identified the need to exchange information on how best to counteract right-wing extremism, racism and other forms of discrimination and intolerance.

Several interviewees mentioned their existing contacts with international networks such as "UNITED for Intercultural Action – European Network Against Nationalism, Racism, Fascism and in Support of Migrants and Refugees", and ENAR (European Network Against Racism). NGOS, representing the LGBT community, are particularly well connected to similar organizations in other European countries, including France and Germany. Other international contacts and affiliations were mentioned, for example to the "Anna Lindt Foundation Network", to NGOs from the Netherlands and Spain, as well

as the German association Xenion, specialized in psychological assistance for political refugees.

Among the major expectations voiced by the interviewees, or benefits that they see coming from transnational cooperation, are:

- intellectual and political support from more experienced NGOs;
- direct financial help or assistance in obtaining funds from international sources/institutions (most notably the European Union);
- exchange of information and training in the fields of hate crime policies and anti-discrimination work.

## **Germany**

### *Operational Definition of Right-wing Violence/Hate Crimes*

Organizations representing the LGBT community in Germany are, similar to their counterparts in Poland, amongst the NGOs which consciously and overtly use and promote the terminology hate crime, and a victim centered perspective on various forms of violence. The victim support organizations, originally set up under the CIVITAS program in the Eastern parts of the country, belong to the group of NGOs which also operate with a rather broad and reflected understanding of hate crimes in the German context, even if the term as such is hardly used by them. Due to the context of their formation and their assigned tasks by government programs their main focus is on “right-wing acts of violence”. They have developed in a longtime quality development and harmonization process a set of definitions and standards in order to improve the quality and comparability of data collected on these incidents in East Germany, focussing on the “motivation of the offence”, a criterion also used by the police today, when assessings attacks and offences as rightwing or xenophobic/antisemitic.

Most of the other NGOs, included in our sample, do not operate with clear-cut definitions of the term hate crime, but often, similar to some of the Polish counterparts, consider bias-motivated attacks as a specific violent and severe form of discrimination. Some groups addressed in our interviews the ongoing challenge of developing a more unified understanding of and response to the problem of hate crimes, expressing the need for intensified cooperation and networking, and reach-out activities to victim and minority groups which so far have received less attention in the debate of right-wing violence such as the disabled, the homeless or other socially and politically marginalized parts of the population.

### *Monitoring Activities*

We identified three methods/approaches to the monitoring of hate crimes in Germany: victimization surveys carried out by organizations representing particular minority or victim groups, documentations mainly based on media evaluation, and monitoring by specialized and professional victim support organizations.

1. **Victimization surveys**, which are trying to fill the data gap on hate crimes directed against members of particular target groups, have been conducted, amongst others, by the Central Council of Roma and Sinti in Germany, and organizations representing the LGBT community, namely the Berlin-based NGO MANEO and “Broken Rainbow”, a national federation representing mainly lesbian associations active in anti-violent programs.
2. **Documentations on hate crimes mainly based on media surveys.** We can distinguish between local and national monitoring projects/programs. Examples for important initiatives, covering incidents throughout Germany, are the “Antifaschistisches Pressearchiv und Bildungszentrum Berlin” (apabiz), that has been systematically collecting and publishing information on antisemitic crimes and incidents since 1992, in close cooperation with other groups/institutions such as the Jewish online magazine *haGalil*, the victim support organisation ReachOut (Berlin), the educational association “tacheles reden!” (Berlin) and the Moses Mendelssohn Center for European-Jewish Studies (University of Potsdam). Based on month-long joint investigations by journalists of the newspapers *Frankfurter Rundschau* and *Der Tagesspiegel*, and later on by the artist Rebecca Forner and a small research team, is the documentation/exhibition on victims of right-wing hate crimes in Germany (2000-2005), that was first published in 2000, and lists in the meanwhile 136 cases of violent deaths.
3. **Monitoring by specialized victim support organizations.** The regular publications and statistics, provided by specialized victim support organizations, active in the states of Berlin, Brandenburg, Mecklenburg-Western Pomerania, Saxony-Anhalt, Saxony, Thuringia, are the most exhaustive sources of information on right-wing and related violence in East Germany. They have no counterparts in the old federal states of Germany. Their information comes from various activities: Through their counselling and outreach work they have direct contact with victims of hate crimes. They do active research, including regular evaluation of local and regional press, relevant internet sources, newsletters and mailing lists, as well as reports and data released by the police and public prosecutors. They initiate and evaluate parliamentary inquiries. They are well connected and linked to various regional and local networks, comprising of other NGOs, antifascist groups, youth centers, unions, church groups, local politicians, committed individuals and journalists, from which they receive relevant information. All victim support organizations publish at least once a year aggregated information on hate crimes, compiled for their region, divided into “consultation cases” (how many victims were contacted and advised), and “research cases” (how many incidents they learnt of from the sources listed above).

#### *Hate Crime Victims' Assistance*

Organizations of the LGBT communities were the first ones to set up specialized emergency hotlines and counselling centres to assist victims of hate crimes, usually with the help of local government programs. They had also a pioneering role in introducing the principle of a victim centered approach in defining and addressing the problem of structural violence and hate crimes. In metropolitan regions the infrastructure with

regard to victim assistance (legal aid, psycho-social counselling etc.) is comparatively well established with a large amount of expertise and experiences.

The geographic distribution of support organizations with a focus on victims of right-wing violence is rather uneven, mainly due to specific federal and state government funding schemes. The approach of the eight victim support organizations, created under the CIVITAS program and operating in East Germany with teams of trained and paid staff, must be considered as the most comprehensive model in the respective field. They have all adopted a human rights approach, and take the perspective and interests of the victims as the guiding principle for all their activities. Central to their approach are low-threshold services and an outreach concept when consulting victims. Their core services offered comprise individual psycho-social counselling, crisis intervention, help in procuring therapy and rehabilitation in cases of trauma, escort services to the police, and other institutions, advice and guidance through legal proceedings, and assistance with filing applications for victim compensation and other monetary support.

No similar initiatives could be identified in West Germany. Under the auspices of the new federal program (Competent for Democracy – Consultation Networks and Mobile Intervention Against Right-Wing Extremism), which started in 2007, provisions to help victims of hate crimes seem to be still very much underdeveloped. In some cities in the old federal states anti-discrimination offices, mainly established in the late 1990s and run by NGOs, may and do already serve as contact points for victims of hate crimes and provide a range of support services, including legal aid and psycho-social assistance. The financial situation of these projects, however, has remained rather weak and precarious in most cases. In other locations without such offices, so called “general crime victim counselling organizations” (Allgemeine Opferhilfen), might be also qualified institutions to consult for victims of hate crimes. Experts interviewed, however, were rather sceptical whether they really can be a substitute for specialized NGOs, since the political dimension of hate crimes might not only require specific knowledge of the ideologies in question, but also a special commitment of counsellors, independence from state institutions, and an active outreach approach.

In the course of our enquiries, we could not solve the “puzzle” where migrants and refugees experiencing incidents of attacks and harassment in the Western states usually turn to in need of psychosocial and legal help. The same is true for young antifacist activists and members of other left-leaning youth scenes who constitute the second largest target group of right-wing extremist aggressions and assaults in Germany. Since police statistics and media reports provide clear evidence that the problem of right-wing violence is not restricted to particular regions in East Germany, this is one of our most striking research results which needs further attention and investigation.

#### *Perspectives on Transnational Cooperation*

The overwhelming majority of German organizations interviewed showed a general interest in learning more about the situation in Poland with respect to hate crimes, and particularly about Polish NGOs involved in antiracist and antifacist activities. A few groups have already established long-standing forms of formal and informal transnational cooperation, the most relevant one with regard to Polish-German

cooperation is the European network of gay organizations active in the support of victims of homophobic attacks (MANEO/Germany, "SOS Homophobie"/France, Lambda and the Campaign against Homophobia/Poland). Others NGOs interviewed are also members of the European network UNITED; some have close contacts to monitoring groups from France and Great Britain; others were part of international research and educational projects, for example, the LidiceHaus in Bremen which was involved in the training of street workers from Hungary, and is working with Dutch NGOs active in anti-discrimination work.

Most NGOs, included in our sample, however, declared that the maintenance and further development of their local and regional networks which is already very time consuming remains a priority for the near future. Furthermore, some attempts to build up contacts to NGOs in Poland and other countries in the past have been portrayed as not very successful, since they did not lead to longer-lasting relationships and concrete joint projects. A couple of organizations, however, have declared their interest and willingness to share and exchange information with regard to various fields of activities, ranging from monitoring techniques, active consultation and counselling of hate crime victims, and other strategies, for example, to support of refugees, based on the needs and particular focus of Polish organizations. Some interview partners also expressed interest in the exchange of experiences with different legal systems and respective litigation strategies on behalf of hate crime victims.

Efforts to build up networks of Polish-German antiracist and antifacist NGOs in the border region were considered by many amongst the most important task. Especially in Mecklenburg-Western Pomerania, anti-Polish activities and sentiments (racist graffiti, damage to property of Polish residents) have increased over the last two years, and need some response which could be facilitated by the cooperation between German and Polish NGOs. Some groups as the "Opferperspektive" in Brandenburg or the "Kulturbüro Sachsen" are also concerned about increasing cross-border activities of Polish and German hooligans and other right-wing activities in the border region which should be more closely monitored by NGOs.

## **Recommendations**

Our research findings have highlighted major challenges with regard to the problem of right-wing and related violence, which require the development of more comprehensive and effective hate crime policies in both countries. These challenges are, of course, not restricted to the fields we have explored such as the legal frameworks, the official monitoring systems or the outlined counter-measures of NGOs, but refer to a number of other areas (media and academic discourses, educational systems, the protection of minority groups and refugees, anti-discrimination policies etc.) which have been not discussed in this report. One of the most pressing tasks in both countries is definitely to raise the general awareness on right-wing extremism, racism, antisemitism and homophobia as structural problems, which seems to be still very underdeveloped, not only in Poland but also in large segments of German society. These ideologies need to be countered, not only by focussing on violent manifestations, but also

by recognizing the more subtle forms, embodied, for example, in administrative structures and everyday practices.

In the following recommendations, however, we have tried to identify some feasible activities, measures and forms of cooperation, which could be meaningful for the advancement of already existing structures and networks of NGOs active or interested in the monitoring of hate crimes and/or victims' assistance. Most of them are based on issues, considerations and concerns brought up by our interview partners. In the best case, the recommendations could provide suggestions for further project, funding and research activities.

## **Transnational cooperation**

- **Cooperation of NGOs in the German-Polish border region**, especially in Mecklenburg-Western Pomerania, where right-wing attacks on Polish residents and anti-Polish sentiments in general have increased. Polish NGOs could support German victim support organizations in building contacts to individuals and communities directly affected and help with enquiries. Cooperation could take the form of staff exchanges or joint evaluations of and local interventions in specific cases (such as Löcknitz, close to Szczeczin). German and Polish NGOs could also develop joint monitoring projects with regard to other activities of far-right organizations in the border region.
- **Share and adapt expert knowledge on victim counselling.** Experience and working/educational material can be shared and reflected concerning the transferability of certain approaches and methods in the areas of 'monitoring techniques' (documentation, data bases etc.) and 'psycho-social victim assistance' (counselling approaches, outreach methods, information on traumatisation) and 'building community support' (empowerment strategies).
- **Exchange and reflect information and experiences with regard to assistance to specific target groups** such as members of the LGB community, refugees and migrants, other ethnic and religious minority groups, and alternative/left-wing youth; addressing questions of cooperation and networking between groups of volunteers and professional organizations, how to prevent or deal with attacks on the infrastructure of religious and ethnic minorities (cemeteries, houses of prayer etc.), as well as the potential and limits of cooperation between NGOs and local public authorities in dealing with "sites of tensions".
- **Initiate exchange between municipalities confronted with hate crimes.** Municipalities in both countries have different experiences in dealing with hate crimes. Whereas some have recognized and addressed the problem, others are still reluctant to take up this complex issue. Exchanges between representatives of local governments, local institutions and civil society organizations can provide a space for actors "who speak the same language", and to exchange first-hand experience about possible options and strategies for change.
- **Make "The Brown Book" and other important data/information sources and reports available to NGOs in other countries by translating them into English.** Projects of transnational cooperation, exchanges and joint campaigns can be better

grounded on factual knowledge on the situation in Poland with respect to right-wing activities and hate crimes. This information can also serve as a base for political analysis, comparison and case-related discussions.

### **Capacity building for Polish NGOs and networks**

- **Strengthen contacts and exchange with actors within the field of anti-discrimination activities.** Anti-discrimination work seems to have already some tradition, structural resources and public attention in Poland. Even if the nature of structural discrimination in public life and in the labour market may be different from the causes underlying hate crimes, the actual target groups (such as ethnic minorities, migrants, gay people or persons with handicaps) overlap to a great extent. Both, anti-discrimination work and hate crime victim assistance employ counselling methods.
- **Intensify monitoring activities.** This report highlighted a variety of already existing forms and methods of monitoring hate crimes in Poland. The existing monitoring structures and networks, especially the one of “Nigdy Więcej”, have proved indispensable and should, therefore, be strengthened. The numerous monitoring efforts by local organizations could be supported by collecting their information in a nation-wide data base, thereby providing more insight for the situation of minority groups.
- **Provide training in victim assistance.** Prepare and provide relevant information and training activities/programs on hate crimes, victim support, minority rights etc. for leaders and activists of minority organizations, and alternative youth groups; work out training material on victim assistance (also in minority languages); provide legal trainings or assistance to refugee organizations.
- **Develop ideas and strategies for outreach activities across Poland.** Most organizations representing or assisting hate crime victims are concentrated in Warsaw, or in other Polish urban regions. Sites of hate crimes and far-right activities, however, are found across the country. Developing viable forms of outreach activities and victim support across a wide-stretching geographical area, including rural or remote regions, is, therefore, a major challenge.
- **Profiling and procurement of expert assistance.** Assistance for hate crime victims requires support of experts which have an understanding of hate crimes and are aware of the particular needs of the victims. Legal, psychological and other experts have to be identified and possibly trained in specific hate crime-related aspects. Solutions have to be found for victims who can not pay for expert services.
- **Establish a resource centre for the combat of hate crimes in Poland.** Most of the activities, recommended above, could be facilitated by the creation of a specialized resource centre. Whereas the aforementioned tasks can be only fulfilled by joint efforts of many actors, one of the NGOs already active in the respective field could take over a coordinating function. A resource centre would facilitate the coordination of steps that need to be taken for an improved system of monitoring and victim assistance; it could also

contribute to a more sustainable networking process and to a broader public awareness of the problem of hate crimes in Poland, by serving as a contact point for other NGOs, for journalists, academics, and, of course, for the victims affected.

## Research

Adequate hate crime policies by NGOs and authorities in Poland and Germany can be also facilitated, amongst other things, by more research efforts and expertise in various fields.

- In Germany and Poland more attention should be paid to the question **how public prosecutors and the jurisdiction in general deal with hate crime dimensions in criminal proceedings**. This could be important for the development of more sophisticated litigation strategies. For Polish NGOs interested in providing legal aid and support in court proceedings, it could be helpful to learn more about the application of existing legal provisions and procedural instruments, especially the provision of ‘subsidiary prosecution’.
- More information on the extent and nature of hate crimes in Poland could be obtained by the conduction of further **victimization surveys** on specific target groups (for example alternative youth, “visible” minority groups), similar to the ones already carried out by NGOs representing the LGBT community, which could be used for awareness raising and public campaigns.
- **Coping strategies of hate crime victims** and the actual impact of victim counselling need more research and consideration in order to develop adequate approaches and/or to improve existing services.
- **The relationship between hate speech and hate crimes** seems to be completely underexplored, especially the impact on hate speech and incitement to hatred in the Internet. Multidisciplinary research projects could address this question, considering also the influence of media discourses.

Research and enquiry could be conducted and supported at various levels, ranging from expert workshops, funding stipends for relevant PhD projects, or project-based cooperation between NGOs and academic institutions.