

Europe

Paul Iganski



ICELAND

ATLANTIC
OCEAN

IRELAND
UNITED
KINGDOM

NORWAY

SWEDEN

DENMARK

FINLAND

ESTONIA

LATVIA

LITHUANIA

Kaliningrad
(Rus.)

POLAND

BELARUS

GERMANY

NETHERLANDS

BELGIUM

LUXEMBOURG

FRANCE

SWITZERLAND

LIECH.

AUSTRIA

SLOVAKIA

CZECH REP.

HUNGARY

MOLDOVA

SLOVENIA

CROATIA

BOSNIA
AND HERZE

SERBIA

MONTENEGRO

Kosovo

SAN MARINO

MONACO

ANDORRA

PORTUGAL

SPAIN

ITALY

ALBANIA

MACEDONIA

BULGARIA

GREECE

ROMANIA

UKRAINE

BLACK SEA

TURKEY

CYPRUS

GEORGIA

ARMENIA

AZER.

AZERBAIJAN

RUSSIA

In November 2013, in her opening speech at the European Union Fundamental Rights Agency (FRA) conference on Combating Hate Crime in the EU, Cecilia Malmström, the Commissioner of the European Commission in charge of Home Affairs, expressed concern about the 'mounting wave of harassment and violence targeting asylum seekers, immigrants, ethnic minorities and sexual minorities in many European countries'. Nevertheless, reliable data on the incidence of racist violence is hard to come by. According to an FRA brief on 'Crime motivated by hatred and prejudice in the EU' published in March 2013, few EU member states have comprehensive arrangements in place to record hate crime. Among European countries, Finland, the Netherlands, Sweden and the United Kingdom stand out as the exceptions – although still with gaps in their recording processes.

Given the different histories, migration patterns and ethnic and religious composition of European countries, as well as their varying policy responses to growing diversity, there cannot be a singular pattern of racist hate crime across the region. Particular conditions in specific countries at any given time will provide distinct contexts for racial hatred. Greece and Hungary, for example, stand out from many other European countries in that both have experienced particular economic deprivations in recent years, and in both countries far-right parties espousing anti-minority and anti-immigrant rhetoric have gained a significant foothold in national parliaments.

Much of the media attention on hate crime focuses on the activities of far-right, neo-fascist perpetrators. However, attacks by extremists do not occur in a vacuum. The attitudes and the sentiments conveyed in hate crimes against minorities are often shared and underpinned by widespread denigration of the communities that are commonly targeted: asylum seekers, migrants, Muslims and long settled minority populations such as Roma. Far more numerous than extremists, in fact, are the 'everyday' perpetrators involved in offending in the context of their ordinary lives who, while not engaging in readily identifiable activities such as far-right marches or pre-planned violent attacks, share many of the same sentiments. Opinion surveys and other studies have shown

considerable anti-migrant and generalized anti-'foreigner' sentiment across the region.

The internet and social media have provided new opportunities for venting such sentiment. Individuals from minority communities who step into the public eye in politics, media and sport, have provided new targets for hate through social media. Between 2012 and 2014 the Council of Europe is engaged in a major initiative against the problem of online hate. Its youth section is running a high-profile campaign, Young People Combating Hate Speech Online, to mobilize young people and youth organizations to recognize and act against the problem of hate speech online.

Given the paucity and poor reliability of official hate crime data, it is always hazardous to comment on trends in hate crime. Nevertheless, in many countries certain groups feature prominently as victims. In particular, as the impact of the financial crisis has been felt across Europe, hostility towards established scapegoats has been renewed – in particular, Roma communities. While this is frequently expressed in the form of street violence or individual assaults, it is also often reflected in discriminatory government policies. Jewish minorities are also the target of hate speech and violence, especially in Hungary, where anti-Semitism has been revived through myths of a Jewish economic 'conspiracy'.

The financial hardship in many countries, such as Greece, has also translated into rising levels of violence towards migrants and ethnic minorities within the country. Similar patterns of xenophobia are evident elsewhere, especially in Russia and Ukraine, where violent hate crimes against residents of Asian and African origin have been aided by the limited response of authorities with regard to prosecuting perpetrators. While these incidents often overlap with anti-Muslim sentiment, the latter is nevertheless a distinct phenomenon and on occasion has been escalated by rhetoric surrounding 'the war on terror', as well as media reports of violence inspired by religious extremism.

In some parts of Europe, tensions between neighbouring countries can also contribute to violence and discrimination against minorities. In the South Caucasus, for example, long-standing

conflict between Azerbaijan and Armenia has fuelled an increasingly exclusionary form of nationalism that has encouraged xenophobia not only towards their neighbours but also minority groups within their own countries. In October 2013, while the Council of Europe's High-Level Conference Combating Racism, Xenophobia and Intolerance in Europe was under way in Yerevan, the NGO Pink Armenia staged a protest outside. In a communiqué, the organization highlighted that 'the ruling party is sponsoring racist ideologies and spreading hate and xenophobia within their own country', and 'spreading the Aryan ideology and the importance of Armenia's supremacy over others'. Similarly, in Azerbaijan there has been an increasing emphasis on 'Azerbaijanism' over a more inclusive discourse of national diversity, with the state actively contributing to the hostility. Anti-Armenian hatred has not only been directed at Armenia and Armenian citizens but also towards Armenians living in Azerbaijan, who have at times been portrayed as disloyal towards the state. There are concerns, following Russia's annexation of Crimea in early 2014, that a similar pattern of hate crime could develop in both Ukraine and Russia against their respective Russian and Ukrainian minorities.

Hate speech has also featured in the political discourse in many countries, evidenced in Italy by the treatment received by Cécile Kyenge, the country's first black minister. In July, following highly derogatory comments from a senior right-wing senator, bananas were thrown at her in the town of Cervia while she was on stage. In September, in an incident organized by the far-right party Forza Nuova, three mannequins drenched in fake blood were left in front of a building where she was expected to give a speech. Members of the Forza Nuova and the Northern League parties name her responsible for the 'destruction of national identity'.

Many countries in Europe have relatively well-developed legislation on hate crime and hate speech, particularly within the EU where all member states have been required to translate the Race Equality Directive into national law. Nevertheless, the continued presence of violence and discriminatory language targeting minorities in different countries, at both a popular level

and in official political rhetoric, demonstrates the limitations of legal instruments and their uneven implementation in practice. However, many NGOs and civil society groups remained active during the year in addressing underlying social prejudice and seeking a stronger protection framework for ethnic and religious minorities.

France

France continued to face significant challenges in addressing the exclusion and marginalization of its minorities in 2013. In particular, the French state's promotion of secularist policies, such as the 'Charter for Secularity in School' announced by the government in September, has alienated many members of non-Christian groups, such as Sikhs and Muslims. The charter effectively reiterates the principles of the 2004 legal prohibition of 'ostentatious' religious symbols which, while not targeting any specific religious group, impacts particularly on wearers of the veil and turban. Similarly, as a result of the 2011 ban on face covering in public places, a fine or mandatory citizenship training can be imposed on anyone apprehended for wearing a full face veil, such as a *burqa* or *hijab*, in a public place. In July, a riot broke out after police stopped and charged a veiled woman. The woman accused the police of brutality during the arrest, although police unions claimed the woman's husband attacked the arresting officers.

France is also home to the second largest Roma community, after Spain, among Western European countries. France's Roma community occupy marginal positions in society, living on the outskirts of cities, with many in abandoned houses and segregated settlements. They continued to face ongoing violence and discrimination in 2013, particularly in the area of housing. In 2012, the then opposition leader François Hollande committed, in the run-up to the elections, to addressing the rights violations associated with the government's ongoing eviction of Roma settlements. However, human rights organizations estimated that over 19,000 were evicted during the year – more than double the number in 2012. Deportations of Roma also continued, with the Interior Minister Manuel Valls announcing in September that 'the Roma should return to their country and be integrated



over there', with only a 'few families' allowed to stay on. Among those deported was a 15-year-old girl, Leonarda Dibrani, who was arrested in front of fellow pupils during a school trip.

The year 2013 also saw the continued rise of the National Front, with the party winning a by-election in October. A poll by the French Institute of Public Opinion (Ifop) released the same month suggested that a quarter of French voters intended to support the far-right populist party in the May 2014 European elections, putting them for the first time in the lead in a national vote, ahead of the incumbent Socialist Party at just 19 per cent and the other main party, Union for a Popular Movement (UMP). The party's success has been credited to its strongly anti-migration platform, coupled with a hostile attitude towards Islam, reflected in the December 2010 comments of its leader, Marine Le Pen, comparing the sight of Muslims praying in the street to the Nazi occupation. In July, the European Parliament voted to strip her of immunity following a request from the prosecutor's office in Lyons, meaning she can be charged for incitement to hatred in France. Nevertheless, there is evidence that these remarks tap into widely held assumptions about Islam and migrants. According to the results of a survey by Ipsos released in January 2013, 70 per cent of respondents agreed that there were too many

foreigners in France, while 74 per cent rated Islam as 'intolerant' and 'incompatible' with French values. Similarly, in April 2014 the government's National Consultative Commission on Human Rights (CNCDH) released the survey results of its annual report for 2013, showing that 35 per cent of respondents admitted to being 'quite' or 'a little' racist – up from 29 per cent the year before.

In this context, there has been a marked rise in violent acts against minorities. According to the National Observatory for Islamophobia, attacks on Muslims and Islamic places of worship rose by 11.3 per cent during 2013 compared to the previous year. In one incident, abusive statements were sprayed on the walls of the capital's oldest mosque, the Grande Mosquée de Paris. In another incident swastikas were daubed on the walls of a mosque in the town of Lesparre-Médoc near Bordeaux. Other abusive slogans painted on the walls of mosques included 'Arabs Out!' and 'France for the French'. There was also a reported increase in physical attacks against Muslim women wearing a veil. Evidence suggests that the 2011 ban on the veil may have actively contributed to increased hostility towards Muslims. A 2013 research report, *After the Ban*, published by the Open Society Foundations, based on the testimonies of 35 Muslim women, indicated that for those women who continue to wear the veil, harassment and abuse by

Left: Muslim women in France.
William Daniels/Panos.

members of the public is commonplace. Some of the respondents in the study reported physical assaults, being spat at, and having their veil pulled off, perceiving that some of the attackers – ordinary citizens – believed that they were entitled to take the law into their own hands.

France's Roma have also been subjected to targeted violence, with attacks continuing in 2013. In one incident in June, a Molotov cocktail was thrown at a Roma settlement in Hellemes. This was only the latest in a series of attacks against the community. A report published by the European Roma Rights Centre in 2013 lists violent attacks against Roma across 2011–12 and cases of stigmatizing rhetoric on the part of public figures, politicians and the press whereby Roma are associated with criminality. In July 2013, French MP Gilles Bourdouleix was widely condemned for derogatory remarks he was alleged to have made in a confrontation with a group of Travellers, in which he allegedly referred approvingly to Adolf Hitler. The local prosecutor later confirmed that a case had been opened against Bourdouleix.

Other minority communities are also vulnerable to violence and denigration. According to the FRA survey of anti-Semitic discrimination and hate crime, the Jewish community in France was the most likely among EU member states to experience hate crime, with 21 per cent of French Jewish respondents reporting that they had personally experienced verbal insults, harassment or physical attacks on account of being Jewish in the last year. The country's sub-Saharan African population also face discrimination. In a notorious incident of hateful invective in October 2013, a photograph of the French Justice Minister Christiane Taubira was paired with a picture of a chimpanzee on a Facebook page by a local candidate for the National Front. The party subsequently suspended the candidate. The following month far-right newspaper *Minute* ran a front cover with the headline 'Cunning as a monkey'. The abuse against the Justice Minister sparked a national debate about racism: the national newspaper *Libération* ran a front cover with the headline 'Is France racist?'

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Case study by *Yuliana Metodieva*
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Rising hostility against Bulgaria's refugee population

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Minority groups in Bulgaria, such as Roma and ethnic Turks, have long suffered discrimination and marginalization – and this has also translated into hate speech and bias motivated violence. However, the arrival of thousands of refugees displaced by the conflict in Syria has provided right-wing groups and extremists with a new target. MRG discussed this troubling new trend with Yuliana Metodieva, a researcher and writer on minority issues in Bulgaria.

Do you think that hate crime and hate speech are currently on the rise in Bulgaria?

Compared to some countries in Europe, we appear not to have a very high rate of hate crime – yet this may be a bit of an illusion. In its report for 2013, the Bulgarian Helsinki Committee states that there's a huge issue with crimes against ethnic minorities that are not adequately investigated, including murder of Roma. Furthermore, the recent wave of Syrian refugees has provoked a fresh wave of hate speech and violence in Bulgaria. It has reactivated old stereotypes and led to acts such as vandalism against refugees, attacks on mosques and so on. Unfortunately, Western European states such as France, Italy, Belgium or the Netherlands have not set a good example through their own actions, especially with the recent mass expulsions of Roma.

What do you think is driving these developments?

Both the media and the government have been stoking anti-refugee fears and prejudices, demonizing people who have fled for their lives from Syria. In a recent interview,

Case study continued

the director of the Refugee Agency allowed himself to insult Syrian asylum seekers in a very humiliating manner. Added to that is the problem of impunity – this weakens protections for minorities.

A logical consequence of all these developments is the rise of ultra-nationalist parties who send out extremely dangerous and harmful messages about Syrians and other groups. More worrying is that the concrete result of all this anti-refugee rhetoric is the formation of vigilante groups who ‘protect’ the streets of Sofia with every possible means they choose. In the country, residents in towns and villages have also protested against refugee camps being built nearby.

Who do you think is benefiting from this hostility towards minorities?

It’s very easy to see the relation between the progressive pauperization of society and the rising hostility against minorities: people need a scapegoat for their problems, particularly poverty and unemployment. Historically, minorities have always been at hand for this role. Furthermore, the main political parties in Bulgaria are well aware of the benefits they can gain from exploiting this situation. With one significant exception, they either share the popular position or just use it to propagate what they call ‘a good and moderate nationalism’.

How has the internet changed the situation?

Back in 2005, I collaborated on a study of online anti-Semitism. Even then, we found a very high prevalence of racist hate speech – but since then, the potential of the internet for this purpose has expanded alarmingly, especially with Facebook. Being an open platform for everyone, allowing people to unite under whatever cause or

ideology they want, it provides racists with the opportunity to organize into hate groups against minorities.

This tendency is not surprising. As a result of the deepening economic crisis in post-communist countries like Bulgaria, many people have lost their jobs, their place in society, their chance of enjoying a decent retirement. What is now prevailing is fear, uncertainty and a strong desire to find a scapegoat for the situation. Roma, Turks and now refugees have filled this space, helped along by internet forums.

What steps need to be taken to protect minorities against hatred and prejudices in Bulgaria?

The key point, reiterated by many reports, recommendations and assessments by the European Union, is the reform of the judicial system, legislation and official policies. The problem with many cases of hate speech and hate crime is that they’re not investigated as such. As for addressing the root causes, there have been some very good practices in Bulgaria over the last six years, such as media trainings and campaigns to popularize human rights and positive attitudes towards minorities. Added to this is the increasing access of persons from minorities to professions from which they were traditionally excluded. What still needs to be done, though, is a major overhaul of the whole educational system in schools and the production of TV shows or movies with messages about tolerance and multiculturalism. This will help inform Bulgarians and provide them with a more responsible outlook on minority issues in the country. ■

Georgia

Following xenophobic and religiously intolerant rhetoric by some members of the Orthodox clergy, academics and some opposition party activists who were subsequently elected,

intolerance towards Georgia’s Muslim minority continued in 2013. Muslims have on a number of occasions been prevented from practising their faith by Orthodox Christian communities. From late May, crowds reportedly prevented Muslims

in the village of Samtatskaro from praying. In July, the human rights organization Forum 18 reported that tensions were still ongoing and highlighted the lack of an effective response from officials to the situation and similar incidents that occurred late in the previous year.

At times, discrimination against non-Christian minorities has occurred with the active involvement of the authorities. In August, a minaret was forcibly removed from a mosque in Khela in western Georgia by authorities, who claimed it lacked an import licence. The minaret was subsequently returned, although authorities did not reinstall it due to objections from Christian residents. In another incident in April, locals were abused as 'Tatars' by a number of drunk military police personnel in Adjara region and asked to prove their faith by showing their crosses. The officers were subsequently stripped of their positions and some were arrested.

Hostility towards religious minorities in Georgia has also translated into incidents of hate crime. According to data submitted by the Georgian Ministry of Justice to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for its 2013 report, 13 cases of hate crime and five prosecutions were recorded by the authorities in 2012. Despite this low number of reported cases, the US Department of State noted in its *International Religious Freedom Report* for the same year that there had been 'reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Cases reported included religious persecution, interference with the performance of religious rites, and reports of physical assault, harassment, and vandalism.'

Greece

Until two decades ago, Greece was a relatively homogeneous society, with an estimated 98 per cent of the population Christian Orthodox and of ethnic Greek descent. Since the early 1990s, however, Greece has received approximately 1 million people from outside the country: co-ethnic returnees from the Soviet Union, Greek Albanians from South Albania and economic migrants from Eastern European, Asian and African countries. Together these groups account for more than 10 per cent of the population

in the country. This rapid transition towards a more diverse society has been accompanied by visible hostility and resistance towards Greece's minorities in some quarters, particularly extreme right-wing groups such as Golden Dawn.

An important element in the rise of extremist organizations with a strong anti-minority focus is the deteriorating economic context in the country. Among EU member states, Greece has probably suffered most from the global financial crisis and the Eurozone debt crisis of recent years. At the end of 2013, well over half of under-25 year-olds (61 per cent) were unemployed: over twice the level of the already high overall unemployment rate of almost 28 per cent. As well as the financial burdens arising from job losses, Greeks have been straining under the burden of pay cuts, tax hikes, public sector financial retrenchment and cutbacks.

This hardship is widely seen as an important contributing factor in Golden Dawn's rising popularity. Following its election in 2012 to the Greek parliament for the first time, with a platform aiming to rid Greece of 'illegal immigrants', Golden Dawn has courted publicity through some controversial high-profile actions, such as a 'Greeks-only' blood bank drive and food handouts. They continued to be active in 2013, holding rallies and 'awakenings' at schools. However, in the beginning of May, police dispersed a 'Greeks-only' food handout by Golden Dawn members in Syntagma Square, Athens.

Golden Dawn's hostility has not been confined to targeting foreign migrants in Greece. In April 2013, during a sweep by its members of Kalamata hospital in search of migrant workers – a recurring pattern of intimidation undertaken by the organization – violence broke out between the group, including MP Dimitris Koukoutsis, and a number of Roma, who were accompanying a 22-year-old Roma man injured earlier in a racially motivated attack. The fight was broken up by hospital staff, but Koukoutsis subsequently told journalists that delinquency was 'in their DNA' and stated that Golden Dawn would not regard them as equal citizens until they ceased their criminal activities. This derogatory stereotype has also achieved wider circulation in mainstream platforms, as was evidenced by

media coverage in the country following the arrest of a Roma couple for the alleged abduction of Maria, a blonde eight-year-old girl who it later transpired had been given to the couple by the biological mother, a Roma woman who had moved to Bulgaria. The coverage of the incident, as well as the manner in which the child was forcibly removed into social care, was criticized by some commentators for reflecting negative stereotypes and public hostility towards Roma.

By contrast, the continuing segregation and marginalization that Roma communities face in Greece often go unnoticed by the wider public, even though exclusion from basic rights and services is ongoing. In May 2013, for example, the European Court of Human Rights in the case of *Lavida and Others v. Greece* ruled that the segregation of Roma children into a separate primary school in Sofades, a town in Thessaly, central Greece, constituted discrimination and a breach of the right to education. It was the third European Court ruling on discrimination against Roma pupils in Greece.

Racialized anti-migrant rhetoric has featured prominently in Greek politics, such as the denigration of migrants as 'subhuman' by Golden Dawn MP Eleni Zaroulia in the Greek Parliament in October 2012. Anti-migrant rhetoric has not been confined to the extremist political fringe in Greece, however. In August 2012, for instance, at the time of the launch of Operation Xenios Zeus, a high-profile police crackdown on irregular migrants (and oddly named after the ancient Greek god of hospitality), the Minister of Public Order and Citizen Protection Nikos Dendias reportedly stated that 'We will not allow our towns, or our country, to be occupied and become a migrant ghetto.' By February 2013, Human Rights Watch (HRW) noted that 85,000 foreign nationals had been accompanied to police stations to verify their status, but only 6 per cent had been found to be undocumented.

Given the economic austerity and the deprivations affecting many in Greece, which have fuelled anti-immigrant sentiment and support for the far right, there is a common perception that the country has experienced a rise in racist hostility and a consequent increase in racist hate crime. According to the Racist

Violence Recording Network, 166 cases of racist violence took place during 2013 – up from 154 reported incidents in 2012 – with a total of more than 320 victims. The total was particularly high as a result of an incident in April at a strawberry farm in the town of Nea Manolada, when supervisors opened fire on at least 135 protesting migrant workers, wounding 35 people. However, it is difficult to determine with certainty the exact trend in racist hate crime in Greece. Official records provide a very unreliable indicator of the problem. In its submission to the ODIHR annual hate crimes report for 2012, no information was provided about any hate crimes recorded by the police. These figures are therefore likely to be a gross underestimate of the real extent of the problem.

Little of the context to the attacks is reported in the Greek Racist Violence Recording Network report. However, it is notable that more than two-thirds of the recorded attacks occurred in the municipality of Athens. The majority reportedly involved physical attacks: many with the use of weapons such as batons, knuckledusters, broken bottles, clubs, crowbars, knives, incapacitating spray and even the use of large dogs. Almost all the recorded attacks were against migrants and refugees from beyond the EU, particularly Bangladesh and Afghanistan, and the majority of victims were Muslims. Furthermore, while in general the majority of hate crimes in Europe appear to be perpetrated by individuals rather than organized groups, in Greece a large proportion of the violence seems to have been undertaken by organized groups such as Golden Dawn. This was evidenced by the seemingly coordinated nature of many attacks by groups of offenders, sometimes dressed in black and wearing combat trousers.

In one of the attacks in the early hours of 16 January, in the Athens suburb of Petralona, Shehzad Luqman, a Pakistani migrant worker, was stabbed to death while making his way to work on his bicycle. While a police officer was reported to have told journalists that the killing followed an argument, the attack is widely believed to have been racially motivated. Thousands of migrants and human rights activists subsequently held a rally protesting the murder while Amnesty International highlighted

that Luqman's death was not an isolated incident but the 'result of the Greek authorities' continuing failure to take decisive action against racially motivated violence'. However, despite Golden Dawn leaflets and weapons similar to those used by organized militias being found in the homes of the two people who confessed to the crime, possible connections to Golden Dawn were reportedly not investigated and the authorities did not attribute the murder to racist motives. The mayor of Athens, Giorgos Kaminis, however, stated that the opening of the trial was 'the start of the political isolation of racism and xenophobia'. A trial for the murder began in December and resumed at the beginning of 2014. Activists have highlighted the organized nature of the attack and called for it to be recognized as a hate crime.

Another murder that attracted significant media coverage was the stabbing of 34-year-old Pavlos Fyssas, an anti-fascist hip-hop artist and concert promoter known as 'Killah P', on 18 September outside a bar in Athens. His attacker was an active supporter of Golden Dawn. Some witnesses alleged that motorbike policemen who had also arrived at the scene failed to intervene. The murder of Pavlos Fyssas triggered protests, some violent, in Athens and other cities. The murder was also met with condemnation from across the political spectrum, including the Greek President and Prime Minister, who both called for a united front against the threat of right-wing extremism. While Golden Dawn categorically denied any connection with the murder, it triggered a crackdown on the party with the Golden Dawn leader and three of its members of parliament arrested. The party is facing charges of operating as a criminal organization. In early 2014, it announced that it would re-emerge under the banner of 'National Dawn' if it were to be banned.

Since 2008, Greek legislation includes a provision that recognizes racist motivation as an aggravating factor and allows for judges to impose the maximum penalties on offenders. However, in practice this legislation has rarely been applied. The first known ruling in which it has been used was in November 2013, when two alleged members of Golden Dawn were sentenced by an Athens court to three years and five

months in prison for firebombing a Tanzanian man's store, although they will reportedly be able to pay a fine of around €12,500 each instead of serving these sentences. The same month, a draft anti-racism law also appeared in parliament that includes among other measures penalties for hate speech and incitement to violence. However, activists have criticized the limited focus of the law and its failure to mention related issues, such as improving victim reporting and police procedures.

At present, a large portion of hate crimes go unreported because victims, many of them undocumented or illegal residents, are afraid to present themselves to police. For victims in this group, there is no assurance that reports will be processed. In fact, unregistered migrants who file a complaint at police stations are detained automatically and may subsequently face deportation. This threat means that the majority of victims do not report crimes to the police. This contributes to a climate of impunity for perpetrators that has been reinforced by the failure of public authorities to develop an adequate response to the wave of hostility against migrants. There is even evidence of official complicity in some incidents against minorities. Police officers were reportedly involved in 31 cases during 2013 where victims reported violence or discrimination due to their religion, ethnicity, nationality or skin colour.

Hungary

The Roma community in Hungary is by far the largest minority ethnic community in the country. As is the case for Greece, Roma in Hungary suffer profound social and economic marginalization. Rates of unemployment and poverty are far higher than for the majority population. Roma in Hungary are also a prime target of ethnically motivated attacks. Hungary's Jewish population – the largest in east central Europe, based primarily in the capital Budapest – also faces increasing levels of hostility, particularly with the rise of the far right.

But while violence and discrimination against both communities has been a long-standing problem in Hungary, in the context of a deepening economic crisis, rising unemployment and growing nationalism, Hungary's Roma have



been scapegoated and demonized in right-wing discourse. Anti-Roma rhetoric has been used by the ultra-nationalist Jobbik party in campaigning for national and European parliamentary elections. The Hungarian government shifted to the right in 2010 with the election of the centre-right Fidesz party. For the first time, Jobbik won a significant share of seats in the Hungarian parliament; its anti-Roma and anti-Semitic rhetoric brought the party further success in the April 2014 elections, with its share of the national vote rising to over 20 per cent.

Despite this climate of racist hostility in Hungary, it is difficult to ascertain the true scale of hate crime incidents in the country as many are likely to go unreported. In the most recent ODIHR annual hate crime report for the OSCE region, for example, published in late 2013, the Hungarian Ministry of Foreign Affairs noted only 36 incidents of hate crime for 2012, and 16 prosecutions. Nor was any official data on racist attacks specifically against Roma or Sinti communities in Hungary reported to ODIHR. By contrast, between them the UN refugee agency UNHCR and NGOs – the Athena Institute and the European Roma

Rights Centre – reported to ODIHR numerous cases in 2012 of threats with weapons against Roma families, physical assaults and one case of arson. Furthermore, as reflected in a number of recent incidents of bias-motivated violence and intimidation, cases that are reported to the police are often not taken seriously (see case study).

Anti-Semitism is also commonplace and is a visible element of right-wing ideology in Hungary. This was reflected in a number of violent attacks during the year against Jewish Hungarians, including the head of the Raul Wallenberg Association, Ferenc Orosz, who was assaulted at a football match after he asked nearby supporters to refrain from chanting fascist slogans in support of Mussolini. In May, shortly after the attack, the World Jewish Congress convened in Budapest. The event, which normally takes place in Jerusalem, was staged this year in Hungary as an expression of solidarity for the country's Jewish community. At the meeting, Prime Minister Viktor Orbán underlined Hungary's commitment to tackling anti-Semitism in the country.

In addition to acts of violence, extremist sentiment towards minorities in Hungary

Left: Roma take part in an anti-Jobbik protest, Hungary. *Bernadett Szabol/REUTERS.*

appears to be increasingly present in politics and the media. An *Early Warning Despatch* issued by the Athena Institute early in 2013 warned that extremist rhetoric provides an ‘enabling environment’ for violence. Following the New Year’s Eve stabbings of two Hungarian youths, allegedly by Roma perpetrators, Zsolt Bayer, a conservative commentator and founder member of the ruling Fidesz party, wrote in a column in the *Magyar Hírlap* daily newspaper that many Roma are ‘unfit for coexistence’. While the paper initially supported the columnist’s right to freedom of speech, the Hungarian Deputy Prime Minister Tibor Navracsics publicly condemned the column – reportedly the only member of the governing alliance to do so at the time. The Hungarian National Media and Infocommunications Authority subsequently fined the newspaper HUF 250,000 for publishing hate speech. The Athena Institute noted that an openly racist, xenophobic, anti-Roma, anti-Semitic and homophobic website continues to function apparently because, as the server is located in the United States, it cannot be closed down by the Hungarian authorities.

A new Hungarian Criminal Code came into force on 1 July 2013 extending provisions against hate-motivated assaults on the grounds of nationality, ethnicity or religion to include sexual orientation, gender identity and disability. Amnesty International, however, had earlier claimed that it was a ‘missed opportunity’ for greater action on hate crimes. Amnesty noted that problems with implementation of the law would continue due to a lack of appropriate police expertise and procedures in the investigation and prosecution of hate crimes. Furthermore, as hate crimes are not explicitly included in murder cases, judges can themselves decide on whether to include them in their rulings.

In August, a court in Budapest issued life sentences to three men and a 13-year sentence to a fourth over a series of targeted killings of Roma the group had conducted during 2008 and 2009. Amnesty again highlighted that, despite the sentencing, Roma are still extremely vulnerable to violence and discrimination. Other issues

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Case study by *Eszter Jovánovics*
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The unequal application of hate crime legislation in Hungary

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While the conviction, almost five years on, of four people in 2013 for the serial killing of six Roma in 2008 and 2009 is a welcome step in the fight against Hungary’s endemic hate crime, the community is still poorly protected against a rising wave of targeted violence. This is reflected in the fact that the suspected perpetrators were only arrested after their eleventh attack and the subsequent trial lasted 28 months as the court had to gather much of the evidence again to address the shortcomings in the original investigations. However, many other instances of anti-Roma hate crimes are overlooked by police and do not even reach the courts.

The resistance of the police to considering bias motivation and effectively investigating crimes reported by Roma victims was illustrated by the inadequate official response to the ethnically motivated ‘patrols’ of extremist paramilitary organizations in the village of Gyöngyöspata in 2011, where the local Roma community were subjected to weeks of abuse and intimidation by armed vigilante gangs. In one of the reported cases, for example, a woman carrying her two-year-old daughter in her arms was threatened with an axe by an extremist. Although the perpetrator was a well-known far-right activist who even boasted of his anti-Roma activities in Gyöngyöspata on the internet, the police refused to investigate racist motivation and terminated the investigation shortly afterwards without reasonable grounds. Importantly, these and other incidents would not have occurred if the authorities had recognized the racist intent of the vigilante

Case study continued

group from the outset and taken legal action to prevent them from occupying the village.

This is in contrast to the speed with which Roma have been accused of anti-Hungarian racist bias and brought to court. One of the most flagrant cases where the law was misused in this way occurred in 2009, when nine Roma men were charged for allegedly perpetrating an anti-Hungarian hate crime after they attacked a car in which they believed skinheads were sitting. The incident occurred shortly after one of the serial killings, in which a four-year-old Roma boy and his father were killed, and amid rumours that another attack was imminent. As a result, when in the middle of the night a car slowly proceeded on two separate occasions through the Roma neighbourhood of Miskolc, a number of Roma residents – determined to defend their families from the presumed racists – attacked the car with sticks. The individuals in the car, one of whom had ties with racist groups, suffered minor injuries.

Despite the lack of credible evidence and the heightened fear of the community as a result of the recent attacks against Roma, the prosecutor specifically accused the defendants of having committed a bias-motivated crime against Hungarians. The first instance court agreed with the prosecution and imposed disproportionate prison sentences on the defendants. In October

2013, however, the second instance court found the defendants guilty of disorderly conduct instead of hate crime, declaring that the existence of specific anti-Hungarian motives could not be proven. This court's decision also confirmed the Supreme Court's 2011 ruling that racist organizations such as skinhead groups cannot be protected by the hate crime provision.

While the final court decision in this case complied with international human rights standards, in another similar case the second instance court, ruling in September 2013, upheld the first instance judgment, which again sentenced a number of Roma for committing a bias-motivated crime. Even though all the evidence pointed to the defendants being motivated by anger at the openly racist group arriving in their town, the classification of the crime as specifically anti-Hungarian was again based on unsubstantiated evidence and a perverse legal reasoning. Institutionalized racism is most likely one of the main reasons for this apparent double standard in Hungary's law enforcement. The Hungarian Civil Liberties Union continues to advocate for the appropriate implementation of the hate crime provision and to address the structural discrimination within the country's criminal justice system. ■

included the lack of effective data collection on hate crime incidents against minorities, the inadequate police response to investigating reported incidents and little or no supportive care for victims. Roma communities also continue to be targeted by vigilante groups.

Violence against women is especially acute in Hungary, assisted until recently by the lack of legislation classifying domestic violence as an offence. In July 2013, a law was passed specifically criminalizing domestic violence for the first time. However, HRW and other observers have highlighted the ongoing protection gaps for women in Hungary, particularly Roma women, who are especially at risk not only as a

result of poverty and the patriarchal values of their community, but also due to their exclusion and mistrust of police and the judiciary.

Russia

Russia is relatively ethnically diverse, with a number of minorities, migrant communities and indigenous peoples within its territory. However, 2013 saw a number of developments that highlighted the country's ongoing failure to achieve inclusion for many of these groups. Political struggles in the North Caucasus have stoked hostility and conflict against North Caucasians migrating within the Russian Federation. Migrants from other minority

communities similarly face hostility, which is reinforced by nationalist rhetoric in political and public discourse drawing a divide between ethnic Russians and other ethnic groups.

Widespread xenophobic sentiment in Russia provides the context for racist violence. In surveys of the Russian population conducted by the Levada Center in 2013, almost three-quarters (73 per cent) of respondents agreed that migrants from the former Soviet Republics should be deported – up from 53 per cent in 2006 – while just over half of the respondents (54 per cent) thought that immigration from the Caucasus should be restricted and over two out of five (45 per cent) that restrictions should also apply to immigration from China and Central Asia. Anti-Muslim sentiment associating Muslims with terrorism is also prevalent.

As a result, as reported by the European Commission against Racism and Intolerance (ECRI) in its 2013 *ECRI Report on the Russian Federation*, there has been a ‘high incidence’ of violence targeting mainly non-Slavs, including migrants from the North Caucasus and Central Asia, as well as people of African origin. Among the victims of racist and xenophobic violence in Russia in 2013, according to the Moscow-based SOVA Center, 13 victims originating from Central Asian countries were murdered by far-right activists, with a further 45 people injured; three people originating from the Caucasus were also murdered, with 26 injured. In one murder in November 2013 a woman from Russia’s predominantly Muslim region of Dagestan was found in the stairwell of a Moscow apartment building with cross-shaped symbols slashed on her body. The SOVA Center recorded 21 people killed and 178 people injured in racist attacks during 2013. These figures compared with 19 people killed and 191 wounded in 2012.

Attacks usually escalate around the time of the 4 November National Unity Day, often associated with the annual Russian marches on the day – mass demonstrations by nationalists in a number of major cities in Russia and other countries of the former Soviet Union. In 2013 the main march involving 6,000 participants took place in the Lyublino district of Moscow. Some of the banners on display called for migrants to return to their home countries, others had

slogans such as ‘Russia for Russians’ and ‘Today mosque – tomorrow jihad’. Some demonstrators were arrested by police for shouting Nazi slogans and displaying banned symbols. While the march itself was reported to be generally peaceful, some of the participants afterwards smashed up car windows and started brawls with people who appeared to come from the Caucasus. A week after the march, Mais Kurbanov, a leader of Moscow’s migrant community, was reportedly injured in an attack with a stun gun, which was suspected to have been carried out in retaliation for his organization’s public statement against the march.

Moscow and St Petersburg are predominant sites of racist violence, but attacks also occur in other cities and regions across the Russian Federation. Some of the attacks have involved collective mob violence. In October 2013, coinciding with the Muslim festival of *Eid al-Adha*, violent protests occurred in the Biryulyovo district of Moscow, following the fatal stabbing of a local 25-year-old ethnic Russian by a man believed by residents to have been from the Caucasus or Central Asia. The violence, which resulted in the murders of an Uzbek and an Azeri who were found stabbed to death, was considered by some commentators to mark a turning point, as the participants were local residents and not just nationalist activists, indicating how xenophobic sentiment and support for racist violence are not confined to an extreme fringe. Another episode took place in December in the Nizhny Novgorod region city of Arzamas, when anti-immigrant riots erupted following a brawl in a café in which a local resident was killed. Locals blamed Armenian migrants for the death.

Following the Biryulyovo riots, Reuters and other news sources reported that police rounded up and detained over 1,600 migrants at two vegetable markets in Moscow. Similarly, earlier in the year following a brawl between Dagestani market traders and police during Moscow’s summer mayoral elections, police reportedly rounded up and detained 3,500 non-ethnic Russians mostly from Central Asia and Vietnam, with some later deported. Sweeps of minority communities have also followed terrorist incidents. Hundreds, including many



from Central Asia and the North Caucasus, were stopped and detained after the December Volgograd bombings. While according to official figures there has been a significant decline in racist violence in the Russian Federation since 2007 and 2008, sources such as the Russian Analytical Digest suggest that 2013 was a peak year for ethnically motivated violence, given the anti-migrant rhetoric prevalent in the Moscow mayoral election campaigns.

Nevertheless, the Russian authorities have taken some steps to address the ongoing problem of racist violence; measures have included the strengthening of legislative provisions. According to the SOVA Center, prosecutions led to the convictions of 59 people for racist violent crime in 2013, compared with 72 people in 2012. Four were exempted from punishment, and 12 others were given suspended sentences. The SOVA Center noted that suspended sentences add to a climate of impunity and found the high

percentage (20 per cent) in 2013 of convictions for violent racist attacks leading to suspended sentences 'alarming'. There were also convictions against 133 people on charges of xenophobic propaganda. The police have specifically targeted racist groups, and in 2013 new groups were added to the *Federal List of Extremist Organizations*. Some extremist publications have also been suppressed, with the *Federal List of Extremist Materials* expanding from 1,589 to 2,179 entries in 2013.

Despite these steps, the application of anti-extremist legislation remains uneven, and on occasion has been used against members of minority communities as well as human rights activists and political dissidents to secure prosecutions and ban publications. Anti-discrimination legislation is also applied only infrequently, while no designated bodies have yet been established to specifically target racism or discrimination. Furthermore, ECRI has

Left: Russian police detain migrant workers during a raid at a vegetable warehouse complex in the Biryulyovo district of Moscow. *Stringer Russia/REUTERS.*

highlighted the ongoing use of xenophobic and inflammatory anti-immigrant language by right-wing politicians, particularly during election campaigns, as well as regular incitement to hatred in the Russian media. ECRI has called for stronger codes of conduct and criminal sanctions to curb hate speech and denigration by public figures and media outlets, as well as the promotion of journalistic training programmes on human rights and anti-racism.

As in other European countries, social media provides a ready platform for racist and xenophobic sentiment in Russia. Social media outlets, such as Facebook, Instagram and Vkontakte, a Russian website similar to Facebook, are often used to propagate hate in Russia. In October 2013, HRW accused the radio station Vesti FM of inciting violence by publishing a map on its website that contained information about neighbourhoods where many undocumented migrants live. Another high-profile episode of hate speech occurred in April 2013 when Elmira Abdrazakova was targeted with ethnic slurs on her social media pages after being crowned 'Miss Russia'. Abdrazakova was born in Kazakhstan, and her father is Tatar. She grew up in Russia and holds Russian citizenship, but was criticized for not being Russian enough.

In recent years, some measures have been taken to reduce online hate speech – for example, a 2010 Supreme Court ruling enabling authorities to force media outlets to remove extremist or hateful material from their websites – as well as the creation of a number of centres monitoring hate speech online and in the media. During 2013, investigations were also launched against a Vkontakte user for a series of statements posted on the website encouraging targeted attacks against Jews and migrants.

Turkey

Electra Babouri

Discontent directed against the policies of the Turkish government triggered widespread protests during 2013, centring around demonstrations

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Participatory research by *Anastasia Denisova*
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The experience of Central Asian migrants in Moscow, Russia

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This research is the result of an extended participatory research study between March and April 2014, undertaken by the Civic Assistance Committee and funded by MRG with support from CAFOD.

Trapped in the margins – the challenges of being a migrant in Russia

Russia's migrant population, comprising around 11 million people, is the second largest in the world. The majority are nationals from Central Asian countries such as Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The difficult economic circumstances in their home states means that many willingly head to the Moscow region and other parts of the country in the knowledge that they may experience prejudice, ill treatment and even physical assaults. This case study, drawing on first-hand interviews with 15 migrants originating from Kyrgyzstan, Tajikistan and Uzbekistan living in the Moscow region, highlights the effects of discrimination, hate speech and hate crime on their everyday lives.

One of the main determinants of their vulnerability is the fact that many migrants lack legal status in the country. Of the estimated 1 million migrants in Moscow itself, only 200,000 are working legally. Every migrant is obliged to have an 'inviting party' to support their residence in Russia, but in reality most migrants do not have a contact in the country and, as a result, are forced to purchase the services of an intermediary to support their 'registration'.

Participatory research continued

The popular image of a labour migrant in Russia is characterized by a stereotype of illegality and, by extension, criminality too. But it is very easy for a migrant to become illegal in Russia, even if they make every effort to abide by the law. The system of registration and other processes, such as the securing of work permits, often have the effect of placing migrants under the control of their employers or pushing them, as a result of artificial quotas, into undocumented labour. Others, having worked legally in the country, may find themselves deported for minor administrative offences and barred from re-entry for a number of years – thus obliging them to cross back into the country illegally.

Migrants often find themselves regularly exposed to discrimination or humiliation due to their status as second-class citizens. Migrants face many obstacles when looking to rent an apartment, applying for employment and even when sending their children to schools. One Uzbek man, a vet, described how his daughter had not been accepted by a school until he lodged a complaint:

'Later the head advised to simplify her Uzbek name for a Russian ear and we had to agree. And when looking for a flat for rent you mention that you came from Uzbekistan, they hang up. They even write in the ads "for Slavs only". It is unpleasant of course.' Uzbek vet, male

Frequent police passport checks in the street and at apartments have also become an integral part of daily life for Central Asian migrants in Moscow. One Uzbek journalist said that he lived in constant fear for his wife, because neighbours are complaining about migrants living in the building.

'My wife and child sit at home all day long. She even asks me to lock the door from the outside.' Uzbek journalist, male

Another migrant mentioned that he had to make efforts not to look like a migrant to prevent police checks:

'I try to look like a student, and when it is cold, I always wear hats not to show my dark hair colour. It helps.' Uzbek student, male

The invisibility of targeted violence against migrants

The reality of living illicitly in Russia frequently places migrants in exploitative, dangerous or even slave-like working conditions. However, their lack of legal status also contributes to another dimension of their lives – their acute vulnerability to hate crime. In the absence of official statistics, the true extent of the frequency and severity of targeted attacks against migrants is unknown. However, according to the SOVA Center for Information and Analysis, the most credible source monitoring hate crimes in Russia, the relative decline in incidents between 2009 and 2012 was reversed in 2013. During the year, people of Central Asian origin were subjected to continued stigmatization and harassment from both organized and spontaneous attacks: 13 Central Asians were killed and 45 injured in 2013 – a significant rise, compared to seven killed and 36 injured the previous year.

Furthermore, it is worth noting that this is only a fraction of the incidents that have actually taken place. While the SOVA Center documents publicly recorded cases, many more go unreported out of fear or lack of faith in the authorities. For instance, the Civic Assistance Committee (CAC) found that out of 91 hate crime cases it worked on during 2012-13, only 14 were reported by victims themselves and a further five by CAC lawyers on their behalf. Of the remainder, only 10 became known to the police as a result of an officer being present at the scene or another witness reporting it. This suggests that many attacks are never recorded, such as the incident described by one respondent, a cook originating from Kyrgyzstan, on the Moscow underground in December 2013:

'I did not notice them at first. They came up and asked for my mobile. But it was a pretext. They started to beat me, mainly on my head. Called names, said that I am not Russian and "ponayekhal". All the people nearby remained seated. One of the passengers even put out his foot

so that I tripped over. It was done on purpose. I was shocked. There were seven of them. The train stopped and I ran away. I did not report to the police. No chance.’ Kyrgyz cook, male

The problem of impunity

One of the challenges confronting migrants is that the police are often more concerned with controlling them than protecting them. At the end of July, for instance, following an attack on a Moscow policeman at an open market, authorities in Moscow launched a concerted sweep of migrants in markets and construction sites across the city. One of the crackdowns was described by a journalist from Uzbekistan, who filmed a raid as it happened and was subsequently detained for his non-Slav appearance. He then protested that he had a Russian passport and urged the policemen to stop beating other migrants in their custody:

‘They replied, they are the same Russian citizens as you. Later, a higher rank officer came up, apologized for his colleagues and said that they were simply tired of cleaning the city from rubbish.’ Uzbek journalist, male

Hundreds of migrants were subsequently detained, in degrading conditions and in violation of their rights, in holding centres and improvised camps. Many of those awaiting deportation were asylum seekers or legally registered. Staff from the Civic Assistance Committee, who represented some of the detained migrants, were present at many hearings and saw repeated procedural flaws in court. The mayoral elections in Moscow, scheduled for the month after the crackdown, played an important role in encouraging the police response. In the weeks and months before, politicians from different parties resorted to anti-migrant discourse in order to appeal to the Moscow population. For example, both the victor Sergey Sobyenin, of the United Russia party, and the opposition candidate Alexey Navalny, blamed illegal migrants for crime in the city.

When anti-migrant riots again broke out in Biryulevo district in October, police launched another series of raids and rounded up more

than 1,000 alleged migrant workers. One Uzbek respondent described the aftermath of the violence and the impact it had on his life:

‘My friends and I were kicked out of the flat after Biryulevo. The neighbours were worried that different unknown people were visiting our flat. The policeman came and made everyone leave the flat, including a 10-year-old girl.’ Uzbek student, male

This has helped provide right-wing and xenophobic groups with an apparent justification for their own activities, including raids on migrant camps and housing that often involved humiliation and intimidation of their inhabitants. Racist groups such as Shield of Moscow had undertaken these actions with few apparent repercussions until a criminal case was opened against one of the organizers in the fall of 2013.

Living in the shadow of violence – the impact of hate crime on everyday life

The daily threat of verbal or physical abuse defines the lives of migrants. Travel, in particular, can be a high-risk undertaking. One disturbing trend occurring during 2013 is the practice known as ‘white wagon’ – where groups of youths beat up all the non-white passengers in train carriages. In October, similar attacks occurred on passengers on trains departing from Moscow for Tajikistan. One Kyrgyz student described how it was not safe to travel by regional railways at night:

‘My group-mate, who also came from Bishkek, saw that a group of people started to count non-Slavs in the train car out loud. She left the car with her friends immediately.’ Kyrgyz student, female

Hate symbols and slogans are common in the Moscow region, especially along the routes of regional railways, against migrants from Central Asia. Many of these are not readily decipherable to migrants, but these symbols also play another role – they indicate to other right-wing sympathizers that they have supporters in these very districts, thus providing grounds for further activities. One Uzbek respondent described how he saw a picture of a poster in the underground

Participatory research continued

which said ‘Stop the death’ beside a picture of a group of Central Asians. Respondents also described the continued abuse they experienced from passers-by and fellow passengers:

‘We have got used to insults. We just need work. Some time ago I detested using [the] metro. You get in and people start stepping aside from you, as if you are ill.’ Kyrgyz farmer, male

‘Old ladies and young people tend to abuse migrants verbally more often than anyone else. For example, I was standing on the railway platform in Dmitrov city [Moscow region] and an old woman said, “Just churki [a derogatory term for Asians] here.”’ Uzbek student, male

‘Many old ladies call names because of my appearance. One old woman shouted at me at the metro “You are guests here for too long, Chinese. Go home. I am sick of you.”’ Kyrgyz journalist, male

As a result many migrants, when even a short train ride is a risk, choose to base themselves as near their work as possible:

‘Many migrants are looking for a flat near their working place simply in order not to walk along the streets.’ Construction worker, male

The effects of discrimination and violence for Central Asian migrants therefore go far beyond the immediate impacts, significant though these are. Discrimination and violence permeate every aspect of their lives, from their choice of accommodation to their livelihood options. Until the government and media take active steps to improve their status and representation, it is likely they will remain trapped in this situation. ■

in Istanbul’s Gezi Park. The protests, while triggered initially by plans to redevelop the park, soon broadened into a larger movement against the perceived rise of authoritarianism in the country. In September, Prime Minister Recep Tayyip Erdoğan presented a democratization package containing a variety of proposed reforms which nevertheless received mixed reviews, including from Kurds, who claimed not to have been consulted during its preparation.

Nevertheless, the democratization package contains a number of positive provisions, including a lower election threshold which, if implemented, would enable better representation of minority groups in parliament. It also allows small political parties to secure state funding without requiring local chapters and permits political campaigning in other languages and dialects besides Turkish. However, critics have pointed to a range of gaps and shortcomings, such as its failure to recognize Alevi *cemevis* as places of worship. The package also did not propose any amendments to Turkey’s existing anti-terrorism laws. This legislation has increasingly been used against minority groups such as the Kurds, long marginalized within Turkey, to penalize activities such as demonstrations and meetings.

After some of the heaviest fighting in recent years between the government and the Kurdish Workers’ Party (PKK), in March 2013 the imprisoned PKK leader Abdullah Öcalan called for a ceasefire. This was seen as an important step towards negotiating an end to the conflict, which has spanned three decades and resulted in thousands of deaths and widespread torture, injury and displacement. Following the ceasefire, PKK troops began withdrawing in May. As peace talks continue, however, Turkish security forces have installed new checkpoints and military fortifications to block smuggling routes and enhance security. As part of this process, in November Turkish authorities reportedly began erecting a wall between Nusaybin in Turkey and Qamishli in north-eastern Syria. The predominantly Kurdish local population, who were not consulted, viewed this as an attempt to divide the Kurdish communities on either side of the border, with many fearing that other walls may follow. This has led to protests and hunger strikes.

Language is one of the areas where Kurds

have faced acute discrimination in Turkey. Until recently, the use of minority languages in people's names was forbidden by law and even though some of these restrictions were lifted in 2003, names containing a *q*, *w* or *h* – all common letters in Kurdish – have been prohibited. The democratization package proposed lifting this ban and other discriminatory practices, such as the student oath in which children – regardless of their ethnicity – have to pledge each day in schools to be 'a Turk, honest, hard-working'. It was also proposed that the original place names for Kurdish villages in the south-east of the country could be used again, rather than the Turkish names put in place in the 1980s, but larger cities were not included (although the government stated that these could be considered).

Other positive measures included the announcement, in February, that sermons in Turkish, Kurdish or Arabic would be permitted in mosques depending on the language spoken by the majority of attendees. On a number of official occasions during the year public representatives also spoke in Kurdish, and the Religious Affairs Office (*Diyamet*) began preparing a Kurdish version of the *Qur'an*. Early in the year, Article 202 of Turkey's Criminal Procedure Code was amended to allow individuals to carry out their defence in their chosen language during certain judicial proceedings. In February, a Constitutional Court ruling entered into force, whereby the use of Kurdish in political party signs, posters and statements is no longer a prosecutable offence. However, discrimination against minority languages remains an ongoing challenge in the country's legislation, including the Constitution.

The year 2013 also saw a number of improvements in education, another area where Turkey's minorities have long suffered marginalization and exclusion. In September, after nearly 50 years of being closed, a Greek school on the Gökçeada (Imvros) Island was permitted to reopen and classes for a handful of children began. The same month, the Syriac community formally applied to open an elementary school following a court ruling in their favour the month before. This overturned the Ministry of Education refusal in 2012 to authorize a Syriac kindergarten on the grounds that the community were not specified as a minority in the Constitution.

History textbooks were also amended in response to complaints that they contained discriminatory rhetoric against the Syriac community. However, Alevi groups remain critical of their representation in other school textbooks. The democratization package has proposed further measures, including the establishment of a Roma language and culture institute, although it has also attracted criticism for a number of inconsistencies. In particular, it extends minority language education only to private institutions, meaning that Kurds and other groups will continue to be sidelined in public schools.

Minority individuals and institutions, including Syriacs, Greek nationals and the Roman Catholic Church, continued to face obstacles to land access and property rights during the year. Nevertheless, there were some positive signs of progress. These included, in September, the first baptism in nearly a century at the 1,100-year-old Church of the Holy Cross on Aghtamar Island in eastern Turkey, which, after years of vandalism and disuse, was restored by the Turkish government. Malatya's Armenian cemetery, having been accidentally demolished in 2012, was rebuilt by authorities and opened again in June 2013. The democratization package also proposed that new housing would be built for Roma and in October Mor Gabriel Monastery's land was returned to the Syriac community. However, there were no plans announced to restore the Greek Orthodox monastery at Halki, near Istanbul, to its church owners.

Minorities remain vulnerable to targeted violence. In September, a Roma man and his son were arrested in Iznik, in the west of the country, accused of shooting a 26-year-old man. Following this, 2,000 people reportedly raided Roma shops and vandalized property before police were able to restore calm, but small-scale hate incidents continued in the weeks that followed. Twenty-two men were later arrested in connection with these attacks, but no criminal charges were brought and they were all released. After the violence, the region's governor visited Iznik but not the affected Roma communities. His office subsequently published a highly discriminatory and sweeping statement about Roma.

In December, 13 Alevi homes were defaced with red marks in Adiyaman province. Other

cases had been recorded in different locations across the country since the previous year. These events have raised concern within the country's Alevi population, as similar incidents in the past have escalated to violent attacks, including the killing of more than a hundred Alevis in Kahramanmaraş province in 1978.

In spite of events such as these, Turkey lacks comprehensive legislation on hate speech and hate crime, meaning that racist motives are not considered as an aggravating circumstance when people are sentenced for severe offences, such as killing or injuring people, and destroying property. Thus, hate crimes not only are not prosecuted as such and commonly remain unpunished, but are also directed at individuals belonging to a plethora of minority groups, ranging from Christian clergymen to Kurdish students.

Article 216 of the 2004 Turkish Penal Code criminalizes inciting people to hatred and enmity on the grounds of 'different social class, religion, race, sect' but excludes a number of other areas, including ethnicity. Professor Yasemin İnceoğlu, a member of a coalition of Turkish civil society organizations campaigning for hate crime legislation, said this Article 'covers hate speech rather than hate crime and could even be described as falling short of criminalizing hate speech, as it is not usually used by prosecutors in support of minority groups'. The Hrant Dink Foundation's Media Watch on Hate Speech reports in 2013 highlight that hate speech towards ethnic and religious minorities is still prevalent in Turkey's print media. Their May–August 2013 report noted that, while there appeared to have been a slight drop in frequency compared to the previous period, the number of groups denigrated had expanded. In addition to Armenians, Jews, Christians and Greeks, who were regularly vilified, new categories also gained prominence, such as Syrian refugees.

Still, the 2013 democratization package proposed some amendments to the Penal Code that could provide the country with specific hate crime legislation for the first time. However, even though Turkey's Justice Minister had stated that the laws would be modelled on the principles of the OSCE, the draft defined hate and prejudice crimes as those 'committed based on someone's

or some group's language, race, nationality, skin colour, gender, disability, political views, philosophical beliefs or religion', excluding those based on ethnicity and sexual orientation – both areas covered by the OSCE. This means that, despite their vulnerability to bias-motivated violence, Kurdish victims of violence could not qualify within this definition. Furthermore the code, as agreed in March 2014 by parliament, punishes hate speech or hate crime with a penalty of up to three years. This means that more serious crimes, such as bias-motivated murder, fall outside its remit.

Ukraine

Ukraine's location between Russia and the European Union has had a profound impact on its internal politics, in particular relations between the ethnic Ukrainian majority and the country's ethnic Russians, who at around 17 per cent of the population comprise its largest minority group. However, an additional 15 per cent of ethnic Ukrainians consider Russian their first language. Since independence, Ukraine's politics have been strongly divided along these ethnic and linguistic lines. The implications of this divide became especially apparent following the spread of protests against the government of President Viktor Yanukovich following his abandonment of a planned EU trade deal in favour of closer ties with Russia. Following mass demonstrations in Kiev, tensions rose between the government and protesters, which led to sustained violence in early 2014, with hundreds killed or injured. On 21 February 2014, Yanukovich was removed from office.

While the primary factors behind the uprising were not ethnic but focused on the corruption of the incumbent government and its close relationship with Russian President Vladimir Putin, the fault lines within the country reflect entrenched political divisions that are strongly associated with ethnicity. This aspect was sharpened in late February 2014 when pro-Russian militia seized buildings in Crimea, allegedly with Russian support. In March, following a controversial referendum in the region, Crimea was formally annexed as Russian territory. In the run-up to the referendum, Crimean Tatars became increasingly exposed to

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Case study by Irene Fedorovych
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Ukraine fails to address hate crime against migrants and other groups

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The Ukrainian state has been slow to recognize the reality of hate crime in the country. Even now, there continues to be a clear gap between the small number of cases officially reported each year and the much larger number of incidents recorded by NGOs and rights groups. Furthermore, until recently, while Ukraine had legal provisions (Article 161 of the Criminal Code) criminalizing ethnic or religious hatred or hostility, this legislation was very difficult to apply. This was one of the reasons why many cases were not investigated properly and perpetrators were instead convicted for hooliganism or ‘plain’ crimes, without particular mention of hate crime or other aggravating circumstances. However, in 2009 the Criminal Code was amended, and in 2012 a new Criminal Code came into force. While civil society organizations were initially hopeful that this would help create a stronger framework for investigating and prosecuting hate crimes, in practice both police and the judiciary have shown little commitment to improving their work.

Ukraine’s inadequate response to hate crimes against migrants, African students and other foreigners has attracted international criticism. In September 2012, following the failure of authorities to prosecute the arson of Roma houses in 2001 as a hate crime, Ukraine lost a case in the European Court of Human Rights (in *Fedorchenko and Lozenko v. Ukraine*) and was condemned for its inaction in the ruling:

‘There is no evidence that the authorities have conducted any investigation into the possible racist

motives of this crime.... The Court considers it unacceptable that in such circumstances an investigation, lasting over eleven years, did not give rise to any serious action with a view to identifying or prosecuting the perpetrators.’

However, even more troubling than the failure of the authorities to punish the perpetrators of hate crime is the prosecution of minority members who have themselves been victims of violence. While a number of cases have been documented, one of the most notorious instances is the case brought against Olaolu Femi, a Nigerian student who arrived in the country in 2007 to study medicine. On 5 November 2011, however, his life changed completely after he was subjected to an unprovoked assault by a local gang. In the ensuing moments, Femi defended himself and his friend against his attackers with a broken bottle. When police arrived shortly afterwards, however, it was not the assailants who were arrested but Femi himself on charges of attempted murder.

The subsequent investigation and trial have been marked by numerous procedural flaws that reflect the continued imbalances in Ukraine’s judicial response. After spending 18 months in custody, Femi was released on bail in April 2013 only after the Ombudsman for Human Rights supported a petition from a number of civil society organizations in his support. A year later, despite these irregularities and insubstantial evidence against him, on 1 April 2014 Olaolu Femi received a suspended sentence of five years with a three-year probation period. The sentence attracted widespread criticism from rights groups, with Femi announcing that he would be challenging the verdict. However, the prosecution also announced its intention to appeal for a harsher sentence. Meanwhile, the authorities are doing far too little to address the continued vulnerabilities of sub-Saharan migrants in Ukraine. ■



threats and physical aggression, including from paramilitary organizations. This vulnerability is reinforced by their long-standing marginalization in the country and the uncertain legal status of many Tatars as Formerly Deported People (FDP, referring to the mass deportations in the 1940s by the Soviet government under Joseph Stalin).

Ukraine's status as a major migration hub has also resulted in rising xenophobia against migrants. Asians, Africans and Caucasians are especially vulnerable to bias-motivated attacks. Roma communities have also been targeted with violence, including an arson attack on a settlement in the Darnitskii area of Kiev on 13 June 2013, resulting in 40 people being made homeless.

Just three cases of hate crime were recorded by the police in Ukraine, along with two prosecutions in 2012, according to a 2013 ODIHR report. However, civil society organizations recorded many more incidents involving cases of physical assault, a number

resulting in serious injury, stabbings and the use of other weapons. The majority of victims were of African descent. A number of physical assaults against Jewish victims were also reported, one in which a rabbi was attacked with a pepper spray, along with some arson attacks – one attempted against a synagogue – and graffiti, damage and desecration of gravestones and Holocaust memorials. While no official data on anti-Muslim crimes was reported to ODIHR, civil society organizations reported a case of grave desecration and an arson attack against a mosque.

Despite official recognition of hate crime as a serious issue that needs special attention at the ministerial level, at the level of policing victims still face discrimination, harassment and obstruction in opening criminal investigation. Another problem with hate crime investigations in Ukraine has been the prosecution of victims for self-defence. In at least three cases since 2008, people who were pushed to use force against perpetrators ended up facing criminal charges

Left: Tatar people wave Ukrainian flags at a rally in Simferopol against the 16 March referendum in Crimea. *Jeroen Oerlemans/Panos.*

when the offenders were set free.

It is also clear that in some cases the authorities have failed to respond adequately to hate crimes. The majority of reported cases are investigated and forwarded to courts as ordinary crimes without specific mention of the bias motivation. Inadequacies in the investigation of racist hate crime were illuminated by the European Court of Human Rights 2012 ruling in *Fedorchenko and Lozenko v. Ukraine*. The case involved an arson attack against a Roma family in 2001 which claimed the lives of five of the family members, and in which it was alleged that a police major participated. The Court rebuked the Ukrainian authorities for their failure to investigate the racist motives of the crime (see case study).

The effects of Ukraine's recent political instability could have troubling implications for its minorities. In February 2014, one of the first acts of the new parliament was to vote to annul the 2012 law on minority languages, which allowed Russian to be treated as an official second language in parts of the country with a significant Russian-speaking population. This also had implications for other linguistic minorities and indigenous peoples in the country, such as Crimean Tatars, whose language has been classified by UNESCO as severely endangered, as well as Krymchak, Karaites, Bulgarian, Hungarian and Romanian minorities in the country. The recently appointed interim President, Aleksandr Turchinov, subsequently stated that he would not enact the annulment. In the context of rising tensions between Ukraine and its Russian neighbour, the importance of curbing hate speech and hate crime against minorities – already a serious and poorly recognized challenge – could become even more pressing in 2014. ■

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Case study by Peter Grant
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Tackling Islamophobia in the United Kingdom

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In the United Kingdom, extremist organizations such as the English Defence League have launched vocal attacks against the Muslim minority. However, while these groups remain at the fringe politically, their activities comprise only a small fraction of the true extent of Islamophobic hate speech and violence. Fiyaz Mughal, director of the charity Faith Matters, discusses the challenges with MRG and how his organization's Tell MAMA (Measuring Anti-Muslim Attacks) project is supporting efforts to address them.

The UK has one of the better developed reporting mechanisms in Europe on hate crime, but Tell MAMA has highlighted that only a fraction of incidents against Muslims are actually reported. What is contributing to this lack of visibility?

There is a lack of trust, a lack of awareness in Muslim communities of what hate incidents and hate crimes are, and also a desire to let things go and not create 'trouble' as it is perceived – these all play a role. Many people have a reluctance to report hate incidents for fear that they may have to confront the accused or end up in court giving evidence. Some are intimidated by this process and so it is about treating victims with dignity, respect, and giving them all of the relevant information that they need. Also, our experience shows that if victims are supported at the beginning, they are more likely to want to go through the process.

We have also found that at a street level,

Case study continued

visible Muslim females are the ones that are more likely to suffer anti-Muslim hate and intolerance. Many of them are not aware of the processes and many of them also lack confidence or feel that if they do report in, their husbands and their sons may feel that they must do the duties and functions that she previously did to reduce her risk, further disempowering the mother and the female in the family. So many just bear the abuse and get on with another day.

Do you think that sections of the British media are contributing to the problem?

Sadly, some media outlets in the UK produce a daily diet of caricatured stories and inflammatory headlines about Muslims, and this doesn't help improve mainstream thinking around anti-Muslim hate. Some press sources have been churning this out for years, and there is an impact in the way these stories are then circulated by others as fact.

How can police enhance their own procedures to improve the rate of reporting?

Well, we have made clear that police training on understanding the language of anti-Muslim hate is key and this also goes for practitioners in the Criminal Justice system. In fact, this is urgently needed if headway is to be made on tackling of anti-Muslim hate – otherwise, actions will miss out one vital component.

In this regard, forces need training for front-line officers and evidence from Tell MAMA shows that racist and anti-Muslim rhetoric is, on many occasions, mixed together, and we strongly believe that front-line police officers who come out and see victims classify the cases as racist without much digging and the asking of relevant questions. Ensuring that the classification of cases takes place is essential to get a grip and handle on the scale of the problem, as well as provide the right kind of support to the victim. Wrongly classifying a case can also affect its outcome since the Crown



Prosecution Service may take a wrong train of enquiry in the end.

Finally, how can members of the general public contribute to supporting victims of hate crime?

Members of the public can support hate crime work by promoting and publicizing it, and volunteering for it. Also, ensuring that rhetoric is challenged, whether through the press or through other sources, is key. Furthermore, where there has been proactive community engagement from police forces, we have seen interesting initiatives like training for community activists on understanding hate crime, with police forces actively involved. This partnership can and does reap rewards for the long term and it is something that we would always advocate. ■

Below: Young Muslim women in the UK.
Jenny Matthews/Panos.



Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities.

Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from nine different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), observer status with the African Commission on Human and People's Rights, and is registered with the Organization of American States.

MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

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MRG website

Visit our website for news, publications and more information about MRG's work:
www.minorityrights.org

Minority Voices Newsroom

An online news portal that allows minority and indigenous communities to upload multimedia content and share their stories:
www.minorityvoices.org

Peoples under Threat

MRG's annual ranking showing countries most at risk of mass killing is now available as an online map:
www.peoplesunderthreat.org

World Directory of Minorities and Indigenous Peoples

The internet's leading information resource on minorities around the globe:
www.minorityrights.org/Directory

State of the World's Minorities and Indigenous Peoples 2014

Events of 2013

Across the world, minorities and indigenous peoples are disproportionately exposed to hatred. From intimidation and verbal abuse to targeted violence and mass killing, this hatred often reflects and reinforces existing patterns of exclusion. The impacts also extend beyond the immediate effects on individual victims to affect entire communities – in the process further marginalizing them from basic services, participation and other rights. This year's edition of *State of the World's Minorities and Indigenous Peoples* highlights how hate speech and hate crime, though frequently unreported or unacknowledged, continue to impact on every aspect of their lives. The volume also documents many of the initiatives being taken to promote positive change and the different ways that governments, civil society and communities can strengthen protections for minorities and indigenous peoples.

